

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 14, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 14, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 518 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Approve approve the minutes of the previous meeting dated December 7, Minutes 1993. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

THE LA COURT FAMILY, SELBYVILLE.
RE: Appreciation for flowers sent in sympathy of the death of Vince La Court.

DELMAR JUNIOR-SENIOR BAND, DELMAR.
RE: Appreciation for donation.

CASA SAN FRANCISCO, MILTON.
RE: Appreciation for Human Service Grant.

LAUREL LIONS CLUB, LAUREL.
RE: Appreciation for Human Service Grant.

MARCH OF DIMES, NEWARK.
RE: Appreciation for Human Service Grant.

CONTACT DELAWARE, MILFORD.
RE: Appreciation for Human Service Grant.

SUSSEX CRISIS PREGNANCY CENTER, GEORGETOWN.
RE: Appreciation for Human Service Grant.

POSSUM POINT PLAYERS, GEORGETOWN.
RE: Appreciation for Human Service Grant.

DELAWARE AGRICULTURAL MUSEUM & VILLAGE, DOVER.
RE: Appreciation for Human Service Grant.

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Corre- DELAWAREANS UNITED TO PREVENT CHILD ABUSE, GEORGETOWN.
spondence RE: Appreciation for Human Service Grant.
(con't)

KENT-SUSSEX INDUSTRIES, INC., MILFORD.
RE: Appreciation for Human Service Grant.

DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO
ANIMALS (SPCA), GEORGETOWN.
RE: Appreciation for Human Service Grant.

AMERICAN CANCER SOCIETY, GEORGETOWN.
RE: Appreciation for Human Service Grant.

BIG BROTHERS/BIG SISTERS OF DELAWARE, INC., WILMINGTON.
RE: Appreciation for Human Service Grant.

COLONEL DAVID HALL CHAPTER, DAR, LEWES.
RE: Appreciation for Human Service Grant.

DELAWARE NATURE SOCIETY, MILFORD.
RE: Appreciation for Human Service Grant.

HULING COVE CHEER SENIOR CENTER, LEWES.
RE: Appreciation for Human Service Grant.

NATIONAL MULTIPLE SCLEROSIS SOCIETY - DELAWARE CHAPTER,
WILMINGTON.
RE: Appreciation for Human Service Grant.

DELAWARE HOSPICE, GEORGETOWN.
RE: Appreciation for Human Service Grant.

AMERICAN RED CROSS, GEORGETOWN.
RE: Appreciation for Human Service Grant.

1993
Private
Activity
Bond
Volume
Cap

Mr. Stickels, County Administrator, reported that a letter has been received from Sarah Jackson, Secretary of Finance, State of Delaware, dated December 6, 1993, regarding reassignment of any remaining 1993 volume cap allocation. In order to maximize usage of its Private Activity Bond Volume Cap for 1993, the State is requesting that any portion of the Volume Cap assigned to Sussex County which will not be allocated either to a qualified project prior to year-end or identified as eligible for carry forward be reassigned to the Delaware State Housing Authority for the purpose of issuing single-family mortgage bonds at future date. The State assigned \$15,000,000 to Sussex County for Industrial Revenue Bonds in 1993 and a balance remains in the same amount, \$15,000,000, due to the fact that the County did not issue any qualifying Industrial Revenue Bonds in 1993.

M 519 93
Reassign
1993
Bond
Volume
Cap

A Motion was made by Mr. Benson, seconded by Mr. Collins, that the Sussex County Council authorizes the reassignment of \$15,000,000 of the 1993 Volume Cap Allocation, as requested by the State of Delaware Secretary of Finance; and be it further moved that the unused volume cap be carried forward for the purpose of issuing solid waste disposal bonds at a future date by the Delaware Economic Development Authority.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Adminis-
trator's
Report

Mr. Stickels, County Administrator, reviewed the following information in his County Administrator's Report:

1. Council Meeting Schedule

A reminder that there will not be a Council meeting on Tuesday, December 28, 1993. The last Council meeting for calendar year 1993 will be held on Tuesday, December 21, 1993. The first meeting of the new year will be Tuesday, January 4, 1994.

2. Community Development Block Grant (CDBG)

Mr. William Lecates, Director, Community Development and Housing Division, has been notified by the following towns that they wish to participate in CDBG application for FY '94: Blades, Bridgeville, Ocean View, Laurel, Ellendale, Millsboro, Dagsboro, Milton, Frankford, and Greenwood.

The deadline for any town wishing to receive County assistance is the close of business on Friday, December 17, 1993.

3. Carolling on The Circle

I am pleased to inform Council that Carolling on The Circle was a huge success. Approximately 3,500 items of nonperishable food was donated for the evening's festivities. Georgetown Elementary School donated the largest contribution with 823 items. Laurel Senior High School donated 450 items, the largest contribution at the high school level.

I would like to publicly thank the over 100 volunteers and County employees who helped make this evening a success.

1994
B.A.S.S.
Federation
Eastern
Divisional
Tournament

Mr. Masten, Assistant Director of Economic Development, and Mr. Moore, representing Delaware B.A.S.S., discussed the 1994 B.A.S.S. Federation Eastern Divisional Tournament to be held in Sussex County from September 17th through September 23rd. This fishing tournament is a competitive catch and release tournament between thirteen eastern states. The County Council was asked to be the host of the Tournament at a maximum cost of \$7,902.00. The Tournament will have an economic impact on the County as well as promote tourism to the County. Financial assistance, which will reduce the County's share, will be solicited from the Delaware Development Office, Delaware Tourism, individual Chambers of Commerce and area businesses.

M 520 93
Host
B.A.S.S.
Federation
Eastern
Divisional
Tournament

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the Sussex County Council President to execute an Agreement between Sussex County, a political subdivision of the State of Delaware, and B.A.S.S., Inc., to host the 1994 B.A.S.S. Federation Eastern Divisional Championship.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Hudson
Pond
Acres
Street
Lighting
District

Mr. Archut, Director of Planning and Permits, discussed a street lighting district request for the Hudson Pond Acres development. In August, Council authorized the preparation and distribution of a petition form. Mr. Archut advised that fourteen valid signatures have been received. The next step in this process is to prepare estimates of the costs of installation, operation, and maintenance of appropriate lighting facilities and the estimated charge to the property owners.

M 521 93
Prepare
Estimates
Hudson
Pond
Acres
Street
Lighting
District

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council hereby directs the County Engineer to prepare estimates of the costs of installation, operation, and maintenance of appropriate lighting facilities and the estimated charge to the property owners of Hudson Pond Acres.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

White's
Creek
Manor
Proposed
Sewer
District
Table
Top
Study

Mr. Archut, Director of Planning and Permits, discussed White's Creek Manor's request for a new sewer district. This request was made in November, 1992, and was made on behalf of some of the residents of White's Creek Manor. In November, 1992, the Sussex County Council approved the preparation and circulation of petitions, and in April, 1993, 53 petitions were determined to be valid. On May 4, 1993, the Sussex County Council authorized the Sussex County Engineering Department to prepare a table top study to estimate the cost of providing sanitary sewer service to White's Creek Manor. Mr. Archut reviewed the table top study including the following: major assumptions in preparing the estimates, funding scenarios, and estimated costs. Mr. Archut advised that an addendum was made to the study when, on August 4, 1993, a letter was received requesting the Engineering Department to consider the inclusion of Creekside development in preparing estimates for the White's Creek Manor sewer project. Mr. Archut further advised that including Creekside in the sewer project would be the least costly alternative with an annual bill of approximately \$953.00. The annual bill without incorporating Creekside into the project would be approximately \$1,130.00. A community meeting will be scheduled for the purpose of reviewing the cost estimates with the residents. No action was required by Council.

Update
C/U
No. 1034
Tunnell
Propert-
ties

Mr. Lank, Director of Planning and Zoning, was present to update Council on information that has been provided regarding Conditional Use No. 1034, filed on behalf of Tunnell Properties, L.P. A Public Hearing was held on this application on May 4, 1993, at which time action was deferred. One reason action was deferred was to obtain more information regarding the Sea-Level Fen which has been found in the proposed development. Council has been advised that the proposed development, the Greens of Pot-Nets, would adversely impact the Sea-Level Fen. Mr. John Schneider, representing the State of Delaware, Department of Natural Resources and Environmental Control, was in attendance to discuss the protection and conservation of the Sea-Level Fen found in the proposed development. The Department of Natural Resources and Environmental Control has been working with Tunnell Properties regarding the monitoring of the Sea-Level Fen. In a letter from Secretary Tulou of the Department of Natural Resources and Environmental Control, dated December 13, 1993, Mr. Tulou asks if the Council would consider adding a stipulation to the approval of the development, should the Council decide to endorse the project. The stipulation would call for environmental monitoring in the vicinity of the Guinea Creek Sea-Level Fen and, further; the stipulation should call for Tunnell Properties, the County, and the Department of Natural Resources and Environmental Control to evaluate data on a regular basis. In the letter, Mr. Tulou states that Tunnell Properties is willing to make changes in the operation and

Update (con't) maintenance of the site should the data from the evaluations indicate that negative impacts are occurring. Mr. Tulou proposes that a small committee be established to oversee the monitoring, evaluate results, and recommend remedial actions. No action was taken on this matter.

Bahamas Beach Cottages Mr. Green, Director of Utility Construction, discussed Conditional Acceptance for the wastewater facilities constructed in Bahamas Beach Cottages located in the South Bethany Sanitary Sewer District.

M 522 93 Grant Conditional Acceptance Bahamas Beach Cottages A Motion was made by Mr. Cole, seconded by Mr. Collins, that based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the Wastewater Facilities constructed in Bahamas Beach Cottages, Agreements 95 and 95A, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Yea; Mr. Dukes, Yea

Bid Results Project No. 93-04 Mr. Izzo, Public Works Division Director, reviewed bid results for Sussex County Project No. 93-04, entitled "Submersible Pump Contract":

	<u>BIDDER</u>	<u>AMOUNT</u>
	Riordan Materials Corporation Blue Bell, PA	\$59,376.00
	Pump and Power Equipment, Inc. Jessup, MD	\$64,290.00
	Siegfried Machine and Supply, Inc. Milton, DE	\$80,866.00

Mr. Izzo recommended that the bid be awarded to the low bidder, Riordan Materials Corporation.

M 523 93 Award Project No. 93-04 A Motion was made by Mr. Cole, seconded by Mr. Collins, that based upon the recommendation of the Sussex County Engineering Department that Sussex County Project No. 93-04, entitled "Submersible Pump Contract", be awarded to the low bidder, Riordan Materials Corporation of Blue Bell, PA, in the amount of \$59,376.00, and that the President of the Sussex County Council be authorized to execute the contract when the appropriate documents have been submitted by the supplier.

M 523 93 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Ordinance 115, THE CODE OF SUSSEX COUNTY, RELATING TO SITE PLAN REQUIREMENTS" was discussed. A Public Hearing was held on this Proposed Ordinance on August 31, 1993, at which time action was deferred. A revised Proposed Ordinance has since been recommended for approval by the Planning and Zoning Commission, with the following revision:

Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer and all drawings shall be on sheets no larger than twenty-four by thirty-six (24 x 36) inches and at a scale of not more than one hundred (100) feet to one (1) inch.

M 524 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 942 entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO SITE PLAN REQUIREMENTS", No. 942 as amended.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 525 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give Councilmanic Grant \$400.00 (\$200.00 to Sara Zee and \$200.00 to Chris Radcliffe) from Mr. Cole's Councilmanic Account to the Long Neck United Methodist Church to help with expenses for the Mission of Peace.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 526 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Councilmanic Grant to give \$150.00 from Mr. Collins' Councilmanic Account to the Delmar High School England Tour to help with expenses of the Holiday Sports Card Show fund-raiser.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 527 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, Executive Session that the Sussex County Council authorizes the scheduling of an Executive Session on Tuesday, December 21, 1993, at 9:00 a.m., in the Sussex County Council Chambers, in the Courthouse, The Circle, Georgetown, Delaware, for the purpose of discussing land acquisition.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 528 93 At 11:33 a.m., a Motion was made by Mr. Benson, seconded by Recess Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled (C/U #1059) "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A YARDSALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.71 ACRES, MORE OR LESS" (C/U #1059) filed on behalf of Gerlinde Voegelé. The Public Hearing was closed.

M 529 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Adopt Ordinance No. 943 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A YARDSALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.71 ACRES, MORE OR LESS" (C/U #1059) filed on behalf of Gerlinde Voegelé, with the following conditions:

1. Ingress/egress to the site shall be from Sussex Avenue.
2. No parking shall be permitted along Route 13. "No Parking" signs shall be placed along Route 13 at the site if required by DeldOT.
3. One unlighted ground sign, not exceeding 32 square feet per side or facing, may be permitted.
4. All display of items for sale shall conform to required building setbacks.
5. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
6. Sales to take place Friday, Saturday, and Sunday only.

M 529 93
(con't)

7. No outside tables shall be used after the building has been completed.
8. All tables must be removed from site by close of business on Sunday or stored inside a shed or other structure.
9. Ample off-street parking shall be provided, per site plan approved by the Planning and Zoning Commission.
10. The Conditional Use shall expire one year from approval if the building is not constructed.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will serve public convenience and will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The applicant established that the proposed use conforms to the purpose and goals of the Western Sussex Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
#1060)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CINEMA AND AN ICE SKATING RINK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.19 ACRES, MORE OR LESS" (C/U #1060) filed on behalf of Gulf Stream Design Group. The Public Hearing was closed.

M 530 93
Adopt
Ordinance
No. 944
(C/U
#1060)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 944 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CINEMA AND AN ICE SKATING RINK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.19 ACRES, MORE OR LESS" (C/U #1060) filed on behalf of Gulf Stream Design Group.

Motion Adopted: 5 Yea.

M 530 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings The Council found that the conditional use was appropriate
of Fact legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is ancillary to development of property already zoned C-1 General Commercial.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
(C/Z COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1
#1214) GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING
2.25 ACRES, MORE OR LESS" (C/Z #1214) filed on behalf of Tony
Hudson. The Public Hearing was closed and action was deferred
pending site inspection by members of Council.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX
Permitted COUNTY, DELAWARE, BY AMENDING ARTICLES XI AND XXVII, WHICH
Uses of MAKE REFERENCE TO REGULATIONS AND PERMITTED USES OF SIGNS".
Signs The Public Hearing was closed.

M 531 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Adopt Adopt Ordinance No. 945 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY
No. 945 AMENDING ARTICLES XI AND XXVII, WHICH MAKE REFERENCE TO
REGULATIONS AND PERMITTED USES OF SIGNS".

Motion Adopted: 3 Yea, 2 Nay.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Nay; Mr. Stevenson, Nay;
Mr. Dukes, Yea

Presiding Mr. Dukes turned the meeting over to Mr. Collins and Mr.
Collins presided for the remainder of the meeting.

M 532 93 A Motion was made by Mr. Cole, seconded by Mr. Dukes, to
Lift lift the moratorium affecting billboards.

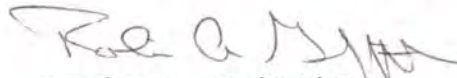
Mora- Motion Adopted: 4 Yea, 1 Nay.
torium

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M 532 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Nay;
Mr. Dukes, Yea

M 533 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adjourn adjourn at 2:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council