

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE, JANUARY 7, 1992

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, January 7, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 001 92  
Approval of  
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

M 002 92  
President  
for 1992

A Motion was made by Mr. Benson, seconded by Mr. Collins, that Dale R. Dukes be elected to serve as President of the Sussex County Council for 1992. Motion Adopted: 5 Yea.

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

M 003 92  
Vice-  
President  
for 1992

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that Ralph E. Benson be elected to serve as Vice President of the Sussex County Council for 1992. Motion Adopted: 5 Yea.

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

President's  
Statement

President Dukes expressed his appreciation for the cooperation of the Council over the past year.

Corre-  
spondence

No correspondence was received other than relating to issues scheduled later on the Agenda and reading of said correspondence was deferred until such time.

Bank  
Resolutions

Mr. Baker, Finance Director, had Bank Resolutions listing the accounts of Sussex County to be read by the County Attorney.

M 004 92  
Adopt  
Resolutions  
R 001 92,  
R 002 92,  
R 003 92,  
R 004 92,  
R 005 92,  
R 006 92

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt the following Resolutions:

No. R 001 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL";

Resolution No. R 002 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL";

Resolution R 003 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL";

Resolution No. R 004 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL";

Resolution No. R 005 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL";

Resolution No. R 006 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR".

Motion Adopted: 5 Yea.

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

Building  
Code Report

Mr. Stickels, County Administrator, updated the Council on the progress and procedures in condemning houses and bringing them up to housing standards under the Housing Code.

Abandoned  
Buildings  
Frankford

Mr. O'Day, Director of Building Inspections, reported on his attendance at the Frankford Town Council Meeting regarding the abandoned buildings in Frankford. The County cannot proceed until investigations have been completed and findings reported by the Historical Society. Mr. Collins thanked Mr. O'Day for attending the Frankford Town Council Meeting.

CDBG  
Funding

Mr. Lecates, Director of Community Development, explained the Community Development Block Grant funding. A Public Hearing will be held on January 28, 1992, on Community Development Block Grant applications.

Request  
Bayville  
Shore  
Development  
Corp.  
C/Z 1114  
C/Z 1115

Mr. Stickels, County Administrator, discussed a request from Bayville Shore Development Corp. regarding Rezoning Application Nos. C/Z 1114 and C/Z 1115. A Public Hearing was conducted on March 26, 1991, at which time the record remained open for thirty days. The applicant is requesting that the public be notified that other written information has been received and further, that the public be given the right to comment in writing. Mr. Stickels, County Administrator, read letters from John A. Sergovic, Jr., attorney for the applicant, and Dennis L. Schrader, Assistant County Attorney, regarding this issue. It was the consensus of Council that the applicant withdraw the applications and be permitted to reapply immediately.

Admin-  
istrator's  
Report

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

1. County Recycling Program

Mr. Donald A. Goetz, of Millsboro, Delaware, and Ms. Patricia Marshall, of Milford, Delaware, were the recipients of the two \$50 U.S. Savings Bonds for participating in the County's Recycling Program during the month of December, 1991. Nine hundred thirty-eight (938) residents participated in the program this past December compared to 1,404 for December, 1990.

2. Storm Report

The coastal areas of Sussex County received heavy damage as a result of the storm that moved into the area during the morning of Saturday, January 4, 1992. A brief recap of the damage resulting from the storm is as follows:

Admin-  
istrator's  
Report  
(cont.)

Rehoboth Beach - One-third of the boardwalk was heavily damaged. Stores received some flooding. Surf Avenue at the north end of the boardwalk suffered damage, as well as the parking lot of the Henlopen Hotel.

Dewey Beach - Roads terminating at the beach have eroded as far back as 100 feet in some areas. Sewer and water lines were broken. At this time, approximately 24 living units are without water and sewer service. Service to these properties will be restored as soon as the State Highway Department repairs the roadbed.

Bethany Beach - Approximately 50 percent of Bethany Beach's boardwalk has been washed away. The remaining boardwalk is heavily damaged. Sewer lines remain intact.

South Bethany - South Bethany received the most damage. Approximately 75 homes received damage. Sewer service at this time is not available to homes fronting the beach. This area may take the longest to have services restored. The County will not be able to repair sewer lines until the town has made decisions on the replacement of Ocean Drive. Numerous streets between Route One and Ocean Drive have also received extensive damage.

Fenwick Island - Several homes in this community received water damage. Damage to sewer services were minimal.

It is anticipated that service to all areas should be restored by Friday with the exception of homes at the end of streets in Dewey Beach where the road has not yet been repaired and at the homes east of Ocean Drive in South Bethany.

The State Highway Department has assigned the following equipment to each community:

- One Front End Loader
- One 10-Wheel Truck
- Six 6-Wheel Trucks
- One Broom Tractor
- Two Graders
- Two Arrow Boards
- Fifteen Operators

The County is being provided with a backhoe crew and a pipe flushing crew from the State.

Because of the cooperation from the Delaware State Police, Delaware National Guard, Department of Natural Resources, State Highway Department, local communities, and County employees, damages have been kept to a minimum after the initial damage from the storm. Because of this joint cooperation, there has been no loss of life or major injuries.

Admin-  
istrator's  
Report  
(cont.)

This is the fourth storm that has hit the coastal areas since Hurricane Bob in August. At this time, all areas are very vulnerable.

On Sunday, January 5, 1992, Governor Michael Castle declared a State of Emergency allowing for all communities to apply for Federal assistance. A dollar figure is anticipated on Wednesday, January 8, 1992.

Video  
Tape

Council viewed a video tape of the coastal areas of Sussex County showing the heavy damage as a result of the storm.

Agenda  
Item  
Stricken

The Agenda item entitled "Long Neck Sanitary Sewer District, Contract Administration Amendment No. 3" was tabled until the next Council meeting.

Proposed  
Ordinance

Mr. Lank, Director of Planning and Zoning, reviewed and Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES XXV AND XXVIII, RELATING TO FLOOD PRONE DISTRICTS". The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RETAIL SALES OF HUNTING, FISHING, AND LAW ENFORCEMENT SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.59 ACRES, MORE OR LESS" (C/U #995) filed on behalf of Rodney Allen Baker. The Proposed Ordinance will be advertised for Public Hearing.

Recess

President Dukes declared a five minute recess at 11:14 a.m.

Reconvene

President Dukes called the Council back into session at 11:20 a.m.

Public  
Hearing  
Sussex  
Shooters

A Public Hearing was held for the Sussex Shooters Club. The Club has expressed interest in leasing a portion of the Roxana Transfer Station property, owned by the Sussex County Council, for a shooting range. The Public Hearing was closed.

Recess President Dukes declared a recess at 1:30 p.m.

Reconvene President Dukes called the Council back into session at 2:05 p.m.

Public Hearing C/U #991 A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE MANUFACTURE AND SALE OF CRAFTS, GIFTS, AND ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.003 ACRES, MORE OR LESS" (C/U #991) filed on behalf of James R. and Barbara C. DeBastiani. The Public Hearing was closed.

M 005 92 Adopt Ordinance No. 808 (C/U #991) A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 808 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE MANUFACTURE AND SALE OF CRAFTS, GIFTS, AND ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.003 ACRES, MORE OR LESS" (C/U #991) filed on behalf of James R. and Barbara C. DeBastiani, with the following stipulations:

1. No outside display of items for sale shall be permitted.
2. On-site unlit advertising signage shall not exceed 32 square feet per side or facing. A directional sign shall be placed at the entrance to provide direction to the parking area.
3. 'No stopping, standing, or parking' signs shall be placed along Route 9 in front of the property if approved by DelDOT.
4. The existing shed shall be removed from the premises.
5. The final site plan shall require review and approval of the Planning and Zoning Commission.

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 Facts  
(C/U #991)

The Findings of Facts and the recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the conditional use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare. The County Council found that the proposed use was compatible with the surrounding area. The County Council approved the requested conditional use, and imposed the conditions drafted by the Planning and Zoning Commission, with the exception that condition two was amended to require unlit signage.

Public  
Hearing  
C/U #992

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.12 ACRES, MORE OR LESS" (C/U #992) filed on behalf of The Department of Transportation. The Public Hearing was closed.

M 006 92  
Adopt  
Ordinance  
No. 809  
(C/U #992)

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 809 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.12 ACRES, MORE OR LESS" (C/U #992) filed on behalf of The Department of Transportation, with the following stipulations.

1. The borrow pit shall only be utilized by the State Highway Department.
2. All handling and hauling will be performed on weekdays, during daytime hours, unless there is an emergency.
3. Dust control shall be implemented when needed.
4. The State will maintain the roadway serving the site from Route 70.
5. Some material may be stockpiled on the site.
6. As digging is completed in an area, that area will be reclaimed.
7. The first area to be dug will be the rear portion of the site.
8. No materials will be stored on any access roads or buffer areas.
9. Markers will be placed at all borrow pit corners.
10. No fuel shall be stored on-site.

(Con't)  
M 006 92  
Adopt  
Ordinance  
No. 809  
(C/U #992)

11. No stumps, branches, or debris will be buried on-site.
12. No dredging of materials will be allowed.
13. All materials will be removed by drag line or crane.
14. The pit shall not exceed ten feet in depth below the water line.
15. Four life preservers shall be stored on-site.
16. Dry fire hydrants shall be installed.
17. Site shall be fenced; type and style at the discretion of the State Highway Department.
18. Materials removed from site shall be utilized only in Sussex County.
19. The Planning & Zoning Commission shall review, comment, and approve or disapprove site plan.
20. Conditional Use shall terminate ten years from date of site plan approval.

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 Facts  
(C/U #992)

The Findings of Facts and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the requested conditional use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare. The County Council found that there was a need for the requested borrow pit. The County Council found that property owners in the area are in favor of the borrow pit. The County Council imposed the aforementioned twenty conditions, which are intended to protect the surrounding area.

Public  
Hearing  
C/U #993

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES AND GENERAL BUSINESS USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.37 ACRE, MORE OR LESS" (C/U #993) filed on behalf of John W. Cooper and/or assigns. The Public Hearing was closed and action was deferred for one week.

- Recess President Dukes declared a recess at 3:30 p.m.
- Reconvene President Dukes called the Council back into session at 3:37 p.m.
- Public Hearing (C/Z #1146) A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.75 ACRES, MORE OR LESS" (C/Z #1146) filed on behalf of Joseph Galvagna, Sr. and Steve Galvagna. The Public Hearing was closed.
- M 007 92 Adopt Ordinance No. 810 (C/Z #1146) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 810 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.75 ACRES, MORE OR LESS" (C/Z #1146) filed on behalf of Joseph Galvagna, Sr. and Steve Galvagna. 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 (C/Z #1146) The Findings of Fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the change of zone was in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the property has historically been used for commercial purposes and that a commercial use of the property is compatible with surrounding and nearby property uses.
- Public Hearing (C/Z #1147) A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.95 ACRES, MORE OR LESS" (C/Z #1147) filed on behalf of Glenn M. Gray, executor of the estate of Madison M. Gray. The Public Hearing was closed and action was deferred.

Transfer  
Station  
Fees

President Dukes discussed the permit fees for access to transfer stations as they relate to replacement permit stickers for individuals who sell their vehicles prior to the expiration of the permit.

M 008 92  
Transfer  
Station  
Fees

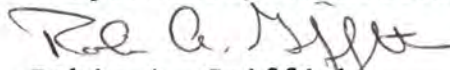
A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that people who trade their vehicle be given a replacement sticker for the remainder of the term of the permit.  
Motion Adopted: 4 Yea, 1 Not Voting.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Not Voting;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 009 92  
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 4:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council