

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 9, 2001

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 9, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 023 01 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve
Approve the Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Rogers, Yea; Mr. Jones, Yea;
 Mr. Dukes, Yea

M 024 01 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve
Approve the minutes of the December 19, 2000 meeting, as distributed.
Minutes

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Rogers, Yea; Mr. Jones, Yea;
 Mr. Dukes, Yea

Corre- Mr. Bayard read the following correspondence:
spondence

AIR QUALITY MANAGEMENT, DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
DOVER, DELAWARE.

RE: Legal Notice regarding the State Implementation Plan.

Corre-
spondence
(continued)

KIM TEPHABOCK, SENIOR PASTOR, DAGSBORO CHURCH OF GOD, DAGSBORO, DELAWARE.

RE: Letter in appreciation of Council's grant for "Thanksgiving 10,000".

PATRICK MILLER, PRESIDENT, INDIAN RIVER VOLUNTEER FIRE COMPANY, INC., MILLSBORO, DELAWARE.

RE: Letter in appreciation of the services of Sussex County Emergency Operations Mobile Command Center during the house fire on County Road #312A on Wednesday, January 3, 2001.

Recognition/
Meehris
McGlauglin

Mr. Thomas, Director of Emergency Operations, was in attendance to accept a plaque on behalf of Meehris McGlauglin for her devotion, loyalty and excellence in serving Sussex County as an Emergency Operations Dispatcher from November 16, 1964 to January 5, 2001. Ms. McGlauglin was ill and unable to attend the Council meeting. Mr. Stickels stated that Ms. McGlauglin was the County's longest-employed employee and the County's first emergency dispatcher. Mr. Thomas will present the plaque to Ms. McGlauglin on the Council's behalf.

Surplus
County
Vehicle

Mr. Stickels advised that a 1974 GMC modified hoist truck with over 200,000 miles has been turned over to the Maintenance Department for parts or disposal. Mr. Stickels requested Council's permission to remove the surplus vehicle from the County's inventory. Mr. Webb, Facilities Manager, will seek the best price from several area salvage yards.

M 025 01
Authorize
Removal
of Vehicle
from
County's
Inventory

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to authorize the removal of the 1974 GMC modified hoist truck from the County's inventory.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

New
County
Employees

Two new employees were introduced to the Council – a new Director of Emergency Medical Services and a new professional engineer.

Mr. Glenn Luedtke was hired as Director of Sussex County Emergency Medical Services after being selected through a nationwide search that began following the departure of the previous Sussex County Emergency Medical Services Director, George Torbert. Bob Stuart has been Acting Director since Mr. Torbert's departure and Mr. Stuart will remain as Acting Deputy Director during the transition. Mr. Luedtke has 10 years experience as Executive Director of the Cape and Islands Emergency Medical Services System in Hyannis, Massachusetts, and the Southeastern Massachusetts EMS Council.

New
County
Employees
(continued)

Mr. Douglas C. Stewart, P.E. was hired as Project Engineer for the Sussex County Engineering Department. Mr. Stewart holds two Professional Engineer licenses and possesses a Masters Degree in Civil Engineering. He brings to the County over 30 years experience in the engineering field.

DeIDOT's
5-Year
Capital
Improvement
Program

Mr. Stickels reviewed the Proposed Capital Transportation Improvement Program for Fiscal Years 2002 –2007, dated December 15, 2000, that has been released by the Delaware Department of Transportation. Mr. Stickels noted that the first 11 projects are bridge projects, which he believes should be placed in the Department's maintenance and operations budget. Mr. Stickels reviewed the projects that were not funded in the proposed draft: (1) on the east-west corridor, they are looking at 24, 26 and 54; the County has asked them to consider 36, 16, and 404, (2) Route 30 and Route 5 going from Pot Nets/Long Neck to Route 1; the only improvements funded is for the truck traffic going around Milton; the County wants them to tie those two roads in, eliminating key intersections, paving shoulders, right hand turn lanes, etc., (3) upgrading Route 352, (4) storm drainage problems existing in South Bethany as a result of the storm water coming in off of Route 1 going into the 12 canals, and (5) feasibility study for a north-south road. The capital authorization for Fiscal Years 2002 – 2007 proposed for Sussex County is \$116,104,000; the capital authorization for Fiscal Years 2001 – 2006 was \$124,374,000. Mr. Stickels asked Councilmembers to review the report prior to the scheduled public meeting to be held on Thursday evening, January 11, 2001. Mr. Stickels stated that at this meeting, he is going to ask DeIDOT to include the necessary resources in Program Development to do a needs assessment for the north-south road.

MOA/
DeIDOT
and
Sussex
County

The Memorandum of Agreement between Sussex County Council and the Delaware Department of Transportation was discussed. Councilmembers were asked to address their concerns in writing and submit them to Mr. Stickels prior to Friday, January 12th, for discussion at the January 16th Council meeting.

Adminis-
trator's
Report

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

1. National Flood Insurance Program

Included with this report is a copy of a letter that has been sent to select property owners in Sussex County who have suffered multiple flooding incidents to their property. I have been notified by the Delaware Emergency Management Agency that if enough property owners show interest, Sussex County may be eligible for additional funding to assist with this program. Interested property owners should contact Mr. Michael Powell at (302) 739-4411 or Mr. Lloyd Stoebner at (302) 659-2246.

Adminis-
trator's
Report
(continued)

2. Delaware Department of Transportation Public Workshop

The Delaware Department of Transportation is holding a second public workshop to present facts and solicit public comments regarding proposed sidewalk improvements along State Route 1 (SR-1), from Dewey Beach to the Lewes and Rehoboth Canal. The meeting will be held on Wednesday, January 17, 2001, in the Rehoboth Elementary School, Cafeteria, 500 Stockley Street, Rehoboth Beach, Delaware. The public is invited to attend anytime between 4:00 and 8:00 p.m.

The public workshop will focus primarily on issues that were identified during the first public workshop which was held on July 13, 2000. The project will consist of the addition of sidewalks on both sides of SR-1, median modifications, pavement and drainage improvements, and intersection improvements including the installation of a pedestrian signal.

3. Troop 4 Status Report

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, during the month of October, 2000:

Total Hours On Duty	4,725
Hours Assisted Other Agencies	37.50
Total Traffic Arrests	1,366
Total DUI Arrests	30
Accident Reports:	
Property Damage	69
Personal Injury	<u>22</u>
Total Accident Reports	91
Criminal Arrests:	
Felony	10
Misdemeanor	<u>71</u>
Total Criminal Arrests	81
Total 10-29 P's (wanted persons)	44
Total Number of Complaints	609

Additional activities for the Troop included the Student Police Academy at Cape Henlopen High School and Strong Communities Initiative monthly meeting.

Adminis-
trator's
Report
(continued)

4. Milton Library

I am pleased to inform the Council that the Friends of the Milton Library have continued with their success in their capital campaign for the library expansion. On December 19, 2000, the Friends received a contribution of \$1,000 from the Wilmington Trust Company. On December 22, 2000, the Friends received a contribution of \$50,000 from the Trustees of Welfare Foundation. To date, the Friends have raised \$410,151. At the current time, the budget for the project is \$1.3 million.

5. Seashore Enterprises, Inc.

Mr. Lawrence Lank, Director of Planning and Zoning, has received notice from the applicant of Seashore Enterprises, Inc., that they are withdrawing their request to subdivide their property. Seashore Enterprises, Inc., requested to subdivide 4.4 acres into three lots. The property is located south of Bay Reach, west of Back Bay, streets within Country Manor, Pine Bay Section, and southwest of Route 1, north of Rehoboth Bay. The applicant stated in his letter of January 4, 2001, that due to potentially conflicting technical information which came to light at the public hearing considering the current submission of Seashore Enterprises, Inc., subdivision, they wish to withdraw the current application. This withdrawal will allow the applicant's engineering and environmental consultants to more fully develop engineered solutions which are available to support the conceptual land use as proposed. The applicant may reapply at any time.

Draft
Ordinance/
General
Obligation
Bonds

Mr. Baker discussed a draft ordinance pertaining to the defeasance of tax supported debt. Mr. Baker reported that this year's budget includes over \$3 million to pay off tax supported debt. The County is proposing to establish an escrow fund for the deposit of these funds to pay the principal and interest on the non- sewer and water district bonds that are outstanding.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE DEFEASANCE AND REDEMPTION PRIOR TO MATURITY OF A PORTION OF SUSSEX COUNTY, DELAWARE, GENERAL OBLIGATION REFUNDING BONDS, SERIES 1993, FOR THE PURPOSE OF REDUCING CERTAIN EXISTING DEBT OF THE COUNTY AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

Old
Business

Conditional Use No. 1370 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF SHEDS,

Old
Business
(C/U
No. 1370)

PLAYGROUND EQUIPMENT AND YARD FURNITURE; SEASONAL SALES OF CHRISTMAS TREES, PUMPKINS, AND VEGETABLES; OPEN PIT COOKING; AND A CORN MAZE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81 ACRES, MORE OR LESS” filed on behalf of Jay Beach was discussed. The Planning and Zoning Commission held a Public Hearing on this application on November 30, 2000, and recommended that the application be approved with stipulations, as outlined in the minutes of the December 19, 2000 Council meeting.

The Sussex County Council held a Public Hearing on this application on December 19, 2000, at which time Mr. Cole recommended that the title of the ordinance be amended eliminating retails sales of sheds, playground equipment and yard furniture, and open pit cooking. Mr. Cole noted that this would keep the uses farm-related to conform with the AR-1 Agricultural Residential District zoning. Action was deferred.

On this date, Council members discussed the activities permitted as listed in the title of the ordinance and conditions proposed by the Planning and Zoning Commission and those prepared by Mr. Stickels and Mr. Lank, Director of Planning and Zoning.

M 026 01
Amend
Title of
Conditional
Use No.
1370

A Motion was made by Mr. Cole, seconded by Mr. Jones, to amend the title of Conditional Use No. 1370 filed on behalf of Jay Beach, as follows “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF SHEDS; SEASONAL SALES OF CHRISTMAS TREES, PUMPKINS, AND VEGETABLES; AND A CORN MAZE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 027 01
Adopt
Ordinance
No. 1427
(C/U
No. 1370)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1427 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF SHEDS; SEASONAL SALES OF CHRISTMAS TREES, PUMPKINS, AND VEGETABLES; AND A CORN MAZE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81

M 027 01
(continued)

ACRES, MORE OR LESS” (Conditional Use No. 1370) filed on behalf of Jay Beach, as amended, with the following conditions:

1. A landscaped buffer, with a minimum width of 20 feet, shall be provided along lots 44, 45, and 46 of Briarwood. The buffer shall be planted with at least two staggered rows of Leyland Cypress. The plants shall be spaced 10-feet apart and shall be at least 3 feet high when planted.
2. The existing wetlands shall not be disturbed, except for removal of fallen trees, stumps, branches, and clean-out of any storm drains.
3. Portable toilet facilities and waste receptacles shall be provided and shall be screened from Route 24 and shall not be placed along adjoining property lines.
4. Security lighting shall be directed into the site so as not to impact adjoining properties or traveling motorists.
5. One on-premise ground sign, not exceeding 32 square feet per side or facing, may be permitted to list all of the uses related to this conditional use.
6. No parking signs shall be placed along Route 24 if approved by DelDOT.
7. Produce market sales shall be limited to the sale of Christmas trees and wreaths, pumpkins, fruits and vegetables, baked goods, jams and jellies, and related produce items.
8. The corn maze and related parking shall be at the rear of the property at a location approved by the Planning and Zoning Commission.
9. The corn maze activity shall be limited to the months of August to November with hours from 10:00 a.m. to 6:00 p.m. with the flashlight activity on weekends closing at 9:00 p.m.
10. The area of retail set aside for the display of sheds shall not exceed 300 feet by 250 feet.
11. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Findings
of Fact

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

1. The applicant established by substantial evidence that the proposed conditional use, with its reduced scope, and with the protections provided by conditions attached to this approval, will have no adverse impact of any sort, while promoting the preservation of prime farmland and developing additional agricultural opportunities without negative effect upon neighboring residential development, consistent with the purposes and goals of the Comprehensive Development Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Proposed
Miller
Creek
Sanitary
Sewer
District

Mr. Archut, Assistant County Engineer, reported on the receipt of petitions submitted for the creation of the Proposed Miller Creek Sanitary Sewer District. On November 6, 2000, 107 petitions were received, 99 of which have been determined valid. Based on these results, Mr. Archut recommended that a date, time, and place for a Public Hearing be established.

M 028 01
Set
Public
Hearing/
Proposed
Miller
Creek
Sanitary
Sewer
District

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based on the receipt of petitions submitted pursuant to 9 Del. C. § 6503, the Sussex County Council hereby sets a date and time of July 21, 2001 at 9:30 a.m. for a public hearing on the boundaries of the Proposed Miller Creek Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (34 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.11 ACRES, MORE OR LESS" (Conditional Use No. 1385) filed on behalf of Bayside Development Group, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF

Proposed Ordinance (continued) LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS” (Conditional Use No. 1389) filed on behalf of William H. Groton III. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPA AND POOL RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18,109 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1390) filed on behalf of Stephen L. Wallo. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (85 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.61 ACRES, MORE OR LESS” (Conditional Use No. 1391) filed on behalf of Balsamo Norino Properties, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS” (Change of Zone No. 1426) filed on behalf of Walter Wilson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.61 ACRES, MORE OR LESS, OF A 22.02 ACRE TRACT” (Change of Zone No. 1427) filed on behalf of Balsamo Norino Properties, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL

Proposed Ordinance (continued)

DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19,410 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1428) filed on behalf of Patricia McDaniel. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.48 ACRE, MORE OR LESS” (Change of Zone No. 1429) filed on behalf of Parker Block Co., Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 029 01
Human Service Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to allocate \$1,200 from Human Service Grants for the purchase of smoke detectors and batteries for distribution to the public on a first-come first-serve basis with one detector being distributed per level.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 030 01
Councilmanic Grant

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$170.00, \$85.00 each from Mr. Jones’ and Mr. Rogers’ Councilmanic Accounts, to the YMCA for Chris Tinsman to participate in the Youth in Government program.

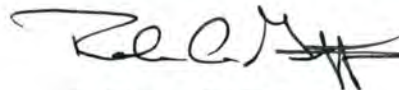
Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 031 01
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Cole, to adjourn at 11:40 a.m. Motion adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council