

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 10, 1995

Executive Session An Executive Session of the Sussex County Council was held Tuesday, January 10, 1995, at 9:10 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition and pending litigation. The Executive Session concluded at 9:45 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 10, 1995, 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 017 95 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated January 3, 1995. Motion Adopted by Voice Vote.

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

FRANK J. McINTOSH, PRESIDENT, JUNIOR ACHIEVEMENT OF DELAWARE, INC., DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

ANTIONETTE HANDY, DIRECTOR, REHOBOTH DAY CARE CENTER, INC., REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

KATHARINE EVANS, DIRECTOR, SELBYVILLE PUBLIC LIBRARY, SELBYVILLE, DELAWARE.
RE: Letter in appreciation of Council's donation of the book Schroeder: A Man and His Art.

MRS. CHARLES HOOPER, SUSSEX COUNCIL LEAGUE OF WOMEN VOTERS, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Council's funding of the League's informational voter hand-out.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: A notice to solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit. (Applicant: Amy S. Antonelli. Waterway: Lewes and Rehoboth Canal.)

Proposed Proclamation Honoring Ashley Workman Mr. Stickels, County Administrator, introduced Ashley Workman, a third grader at Seaford Christian Academy. Ashley has won first place in the Sussex County Fire Prevention Poster Contest and first place in the State of Delaware Fire Prevention Poster Contest. Mr. Stickels read a Proposed Proclamation entitled "PROCLAIMING TUESDAY, JANUARY 10, 1995, AS A DAY TO HONOR ASHLEY WORKMAN".

M 018 95 Adopt Proclamation Honoring Ashley Workman A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, JANUARY 10, 1995, AS A DAY TO HONOR ASHLEY WORKMAN".

Motion Adopted: 5 Yea.

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

Proposed Proclamation 75th Anniversary of Women's Suffrage Mr. Stickels, County Administrator, informed Council that on Thursday, January 19, 1995, at 6:00 p.m., the State of Delaware and its citizens will kick off a year-long celebration commemorating the 75th anniversary of Women's Suffrage by holding a proclamation reading and reception in the foyer of Legislative Hall in Dover. Mr. Stickels read a Proposed Proclamation entitled "RECOGNIZING THE 75TH ANNIVERSARY YEAR OF WOMEN'S SUFFRAGE".

M 019 95 Adopt Proclamation 75th Anniversary of Women's Suffrage A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "RECOGNIZING THE 75TH ANNIVERSARY YEAR OF WOMEN'S SUFFRAGE".

Motion Adopted: 5 Yea.

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

DelDOT's Five Year Capital Improvement Plan Mr. Stickels, County Administrator, advised that the Delaware Department of Transportation will hold a public hearing on January 26, 1995, for the purpose of receiving public input on the Department's Five Year Capital Improvement Plan. Mr. Stickels recommended that the following be presented to DelDOT to be considered for inclusion in the Plan:

- o Upgrade road and maintain capacity for Route 9 from Georgetown east to Route 1.
- o Upgrade road and maintain capacity for Route 1 south from Kent County to Fenwick Island.

DelDOT's
Five
Year
Capital
Improve-
ment
Plan
(con't)

- o Upgrade road and maintain capacity of Route 26 east to Bethany Beach.
- o Upgrade road and maintain capacity of Route 54 east from Selbyville to Fenwick Island.
- o Upgrade road and maintain capacity of Route 24 east to Route 1.
- o Upgrade road and maintain capacity of Route 13 south from Kent County to Maryland.
- o Expand the park-and-ride program to include the Georgetown area.

M 020 95
Council's
Recommendations
for
DelDOT's
Five
Year
Capital
Improve-
ment
Plan

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the Sussex County Council, having met in public session, respectfully requests that the Department of Transportation upgrade the road and maintain capacity for Route 9 from Georgetown east to Route 1, Route 1 south from Kent County to Fenwick Island, Route 26 east to Bethany Beach, Route 54 east from Selbyville to Fenwick Island, Route 24 east to Route 1, and Route 13 south from Kent County to Maryland; and be it further moved that the Sussex County Council would encourage the Department of Transportation to explore the potential of a park-and-ride facility in the Georgetown area to compliment the existing park-and-ride program in coastal Sussex County.

Motion Adopted: 5 Yea.

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

County
Adminis-
trator's
Report

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

1. Sussex County Volunteer Firemen's Association Monthly Dinner Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday, January 24, 1995. The meeting will start at 7:30 p.m. and is being hosted by the Sussex County Ambulance Association. The meeting will take place at Grace United Methodist Church on East Market Street, Georgetown, Delaware.

County
Adminis-
trator's
Report
(con't)

2. Library Grant

Sussex County Department of Libraries Administration has been awarded a grant in the amount of \$650 by the directors of the Arthur W. Perdue Foundation. Mr. Arthur W. Perdue founded Perdue Farms in 1920 in Salisbury, Maryland. Mr. Perdue had strong beliefs in self-education and the importance of pursuing knowledge throughout one's life. Mr. Perdue died at the age of 91, still an avid reader. The Foundation was established to help sustain Mr. Perdue's beliefs in self-education.

3. 120 Year Celebration of Public Library Service in Milton

1995 will reflect fifteen years of County owned and operated library services to the people of Milton and the surrounding community. It will also mean that there has been library service for the Milton community since January 1875. A celebration will take place at the Milton Library on January 30, 1995, from 6:00 to 8:00 p.m. to celebrate 120 years of service. Additionally, programs will be scheduled throughout the year to celebrate this anniversary.

4. Building Code Seminar

The Sussex County Council will host a Building Code Seminar on Saturday, February 4, 1995. The seminar will take place at the Delaware Technical and Community College Higher Education Building starting at 8:00 a.m. and terminating at 2:00 p.m. There is no charge for participating in this workshop.

The purpose of the workshop will be to discuss recurring violations of the Code. Additionally, the County will allow contractors to suggest recommendations and amendments to the Building Code.

Contractors wishing to participate in the workshop should contact the Building Code Department at 855-7860 by the close of business on January 23, 1995.

5. State Assistance for Septic Systems

Included with this report is a copy of the Department of Natural Resources and Environmental Control Program for low-interest loans available to help with the repair of on-site septic systems. The fact sheet includes the income levels to qualify for assistance.

County
Adminis-
trator's
Report
(con't)

6. Division of Historical and Cultural Affairs

Portraits of past governors displayed in the County Courthouse since 1976 have been transferred back to Delaware State Museums, Division of Historical and Cultural Affairs. The portraits of Governors William Thorp, Joshua H. Marvil, Charles Polk, William T. Watson, David Hazzard, Charles C. Stockley, John G. Townsend, and Ebe W. Tunnell have been transferred to Delaware State Museums, Division of Historical and Cultural Affairs, to be relocated in the recently renovated addition to Legislative Hall. Delaware State Museums requested these portraits be returned because of their concern for the potential of vandalism to the portraits.

7. Road Naming

A public meeting will be held at the Indian River Fire Company in Oak Orchard on Wednesday, January 18, 1995, at 7:00 p.m. for the purpose of giving public input on the road names for the Indian River Fire District. The public is encouraged to attend this meeting.

Project
No.
94-09
Pole
Shed

Mr. Izzo, Director of Public Works, advised that Sussex County Project No. 94-09, the construction of a pole shed at the South Coastal Regional Wastewater Facility, is now complete. Mr. Izzo recommended that Substantial Completion be given effective December 22, 1994.

M 021 95
Grant
Substan-
tial
Comple-
tion
for
Project
No.
94-09

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 94-09, entitled "Materials for the Construction of a Pole Shed" be granted Substantial Completion effective December 22, 1994.

Motion Adopted: 5 Yea.

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

EPA's
Record
of
Decision
for
Sussex
County
Landfill
No. 5

Mr. Izzo, Director of Public Works, discussed the Environmental Protection Agency's final Record of Decision for Sussex County Landfill No. 5 - Laurel, dated December 29, 1994. The Record of Decision outlines the EPA's "No Action" decision; the County will not be required to perform a federal clean-up of the landfill site. The EPA has made this decision because very low levels of contamination exist in the ground water at the site; consequently, the site poses low risks to human health and the environment. Resi-

EPA's
Record
of
Decision
(con't)

dents with wells near the contaminated ground water will be protected by installing a public water supply line. The line will be constructed by Sussex County under an agreement with the State of Delaware. Future well installation near the landfill will be limited by institutional restrictions. Sussex County will monitor existing residential, monitoring and irrigation wells for at least five years. EPA will review all monitoring data. EPA may evaluate and begin other plans of action if future data shows that contaminants are posing a threat. EPA will conduct a review of the site after five years.

Agree-
ment
with
Steward's
Watch

Mr. Green, Director of Utility Construction, discussed the execution of an Agreement between Sussex County Council and Steward's Watch Limited Partnership for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Stewards Watch, Phase IIB, located in the Bethany Beach Sanitary Sewer District.

M 022 95
Execute
Agree-
ment
with
Steward's
Watch

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council execute an Agreement between Sussex County Council and Steward's Watch Limited Partnership for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Steward's Watch, Phase IIB, located in the Bethany Beach 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

Proposed
Ordinance

Mr. Collins 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26.446 ACRES, MORE OR LESS" (Change of Zone No. 1251) filed on behalf of Pine Acres, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Collins 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 (23 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26.446 ACRES, MORE OR LESS" (Conditional Use No. 1103) filed on behalf of Pine Acres, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Stevenson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT BY AMENDING CONDITIONAL USE NO. 978 FOR A USED CAR SALES FACILITY BY DELETION OF THE STIPULATION THAT 'THE MAXIMUM NUMBER OF VEHICLES TO BE DISPLAYED SHALL BE TEN', TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.37 ACRES, MORE OR LESS" (Conditional Use No. 1102) filed on behalf of Charles Daisey. 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 EXPANSION TO AN EXISTING MANUFACTURED HOME AND RECREATIONAL PARK BY ADDING 81 RECREATIONAL SITES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.27 ACRES, MORE OR LESS" (Conditional Use No. 1104) filed on behalf of Eileen P. McCafferty. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCKING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" (Conditional Use No. 1105) filed on behalf of Donald W. O'Neal. 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 OUTSIDE BOAT STORAGE, BOAT AND BOATING SUPPLIES SALES, MARINE ENGINE REPAIR AND BOAT PAINTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS" (Conditional Use No. 1106) filed on behalf of Eric H. Ritter. The Proposed Ordinance will be advertised for Public Hearing.

M 023 95 Council-
manic
Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth Art League, Inc. for the 22nd Members' Fine Craft Exhibit to be held from June 2 - July 13, 1995.

Motion Adopted: 5 Yea.

M 023 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 024 95 A Motion was made by Mr. Stevenson, seconded by Mr. Cole,
Council- to give \$700.00, \$200.00 from Mr. Stevenson's Councilmanic
manic Account and \$500.00 from Mr. Dukes' Councilmanic Account,
Grant to the Seaford School District for the Seaford Festival for
Youth.

Motion Adopted: 5 Yea.

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

M 025 95 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Council- to give \$250.00 from Mr. Dukes' Councilmanic Account to the
manic City of Seaford, Parks and Recreation Department, for the
Grant purchase of equipment for the indoor soccer league.

Motion Adopted: 5 Yea.

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

M 026 95 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Council- to give \$300.00 from Mr. Dukes' Councilmanic Account to the
manic Neighborhood Watch Committee of Beaver Dam Heights in Seaford
Grant for the purchase of supplies for the Neighborhood Watch program.

Motion Adopted: 5 Yea.

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

M 027 95 At 11:00 a.m., a Motion was made by Mr. Cole, seconded by Mr.
Recess Benson, 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 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
No. 1247 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CON-

Public Hearing (con't) TAINING 31,355 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1247) filed on behalf of Elton Ray Beauchamp. The Public Hearing was closed.

M 028 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Adopt Ordinance No. 1005 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31,355 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1247) filed on behalf of Elton Ray Beauchamp.

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 Change of Zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the change of zone will be consistent with the character of development in the vicinity and will serve an area need for additional commercial space.
2. The applicant established by substantial evidence that the change of zone will have no adverse impact on the neighboring community, traffic and the environment in the area.
3. The change of zone meets the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/Z No. 1248 and C/U No. 1097 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.65 ACRES, MORE OR LESS" (Change of Zone No. 1248) filed on behalf of Charles P. Moore and the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIR AND TOWING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH

Public Hearing (con't) HUNDRED, SUSSEX COUNTY, CONTAINING 2.65 ACRES, MORE OR LESS" (Conditional Use No. 1097) filed on behalf of Charles P. Moore. The Public Hearing was closed.

M 029 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1006 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING 1248) IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.65 and Ordinance No. 1007 "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN (C/U No. 1097) AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIR AND TOWING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.65 ACRES, MORE OR LESS" (Conditional Use No. 1097) filed on behalf of Charles P. Moore, subject to the following conditions:

1. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.
2. The impound lot shall be fenced and adequate security lighting shall be provided.

Motion Adopted: 5 Yea.

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

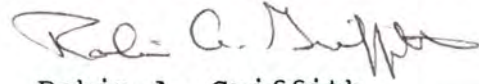
Findings of Fact The Council found that the Change of Zone and the Conditional Use were appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the Change of Zone will bring the site into zoning conformity with its historic use.
2. The applicant established by substantial evidence that the Change of Zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The Change of Zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

January 10, 1995 - Page 11

M 030 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adjourn adjourn at 2:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council