

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 27, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 27, 1998, 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
George J. Collins	Member
Lynn J. Rogers	Member

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

M 034 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 035 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated January 20, 1998.

Motion Adopted: 5 Yea.

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

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Newsletter entitled "Water Snapshot '98".

LAUREL CHAMBER OF COMMERCE, LAUREL, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

JO CRAEMER, SECRETARY, WILDLIFE HABITAT, INC., GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

LILLIAN MITCHELL, DAGSBORO, DELAWARE.
RE: Letter in appreciation of the Community Development and Housing Division's assistance with house repairs.

HAROLD S. WHITE, GEORGETOWN, DELAWARE.
RE: Letter commending Sussex County Paramedic Jay Myers.

Corre- BEVERLY C. WILLIAMS, EXECUTIVE DIRECTOR, AID IN DOVER, INC.,
spondence DOVER, DELAWARE.
(con't) RE: Letter in appreciation of Human Service Grant.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing on
applications for approval, none of which are located in Sussex
County.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRON-
MENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER,
DELAWARE.

RE: Legal Notices regarding: the adoption of Delaware's 1999
Rate-of-Progress Plan, the adoption of the State of Delaware
"Regulations Governing the Control of Air Pollution", Public
Workshops on Regulation 38 - "Emission Standards for Hazardous
Air Pollutants in Sources Categories", and Public Hearing on
Regulation No. 32 - "Transportation Conformity".

JOHN M. BURRIS, DELAWARE STATE CHAMBER OF COMMERCE, WILMINGTON,
DELAWARE.

RE: Letter thanking Council for their attendance at the Delaware
State Chamber of Commerce Annual Dinner.

GOOD SAMARITAN AID ORGANIZATION, LAUREL, DELAWARE.

RE: Letter in appreciation of assistance received in 1997.

THE HONORABLE THOMAS R. CARPER, GOVERNOR OF THE STATE OF
DELAWARE, DOVER, DELAWARE.

RE: Letter to Robert Maxwell regarding continued funding for
local governments.

Southern
Delaware
Health
Care
Summit

Mr. Jeffrey Fried, Executive Director, Beebe Medical Center;
Mr. Dennis Klima, Executive Director, BayHealth Medical Center;
and Mr. Edward Hancock, Executive Director, Nanticoke Memorial
Hospital, were in attendance to seek Council's support of an
initiative to improve the overall health status of Southern
Delaware. The healthcare executives proposed a Southern
Delaware Health Summit to be held in the spring, during which
a broad spectrum of community representatives would engage in
a process to develop programs that respond to the health
priorities facing local communities. The Health Summit would
involve county, state, and federal officials, as well as health-
care organizations, school districts, private industry, and
other interested community groups. It's purpose is to be in-
clusive of all aspects of the community. The focus will be on
the broad determinants of health, including, but not limited
to, such issues as shelter, access to care, quality of life,
and epidemiology. Mr. Stickels, County Administrator, dis-
cussed several other issues that he recommended be covered
during the summit: education (prevention and early detection),
accessibility (transportation), and affordability (health
benefits provided by employers).

M 036 98
Support
Southern
Delaware
Health
Care
Summit

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council wishes to go on record in support of the Southern Delaware Health Summit.

Motion Adopted: 5 Yea.

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

Land
Use
Plan
Advisory
Com-
mittees

Mr. Stickels, County Administrator, advised that legal counsel is in the process of finalizing four draft ordinances for the enforcement of the Land Use Plan. Mr. Stickels further advised that in conjunction with the recent adoption of the Land Use Plan, three committees need to be established to scrutinize (1) Farmland Preservation, (2) Transfer of Development Rights (1 member from each Councilmanic District), and (3) Oversight of Comprehensive Land Use Plan (2 members from each Councilmanic District). Mr. Stickels noted that a fourth committee on Intergovernmental Coordination will be handled by the Sussex County Association of Towns. It was the consensus of Council that the duties of the Farmland Preservation Committee be performed by the Sussex County Farmland Preservation Advisory Board. Recommendations for appointments to the two remaining committees will be submitted at the February 3, 1998, Council meeting.

Adminis-
trator's
Report

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

1. Extended Hours

The Clerk of the Peace Office issued four wedding licenses on Wednesday, January 21, 1998, from 4:30 to 6:00 p.m.; Assessment/Planning and Zoning issued one building permit. No other activities took place in any of the other offices.

2. Town of Milton - Long-Range Water Facility Plan

I have received notice from the Mayor of Milton, John F. Bushey, that the Town will be conducting a Long-Range Water and Wastewater Facility Plan. It is the intention of the Town to coordinate the Town's wastewater and water planning process with the County's. Russell Archut, Assistant County Engineer, will be the coordinator for the County on this project.

3. County's Enhanced (E911) Project

On February 2, 1998, activities will begin with the field work for the County's Enhanced 911 Project. All County residents should be aware that contractors for the County

Adminis-
trator's
Report
(con't)

will be going door-to-door throughout the County collecting vital information for the new E911 system. We are requesting that residents cooperate by answering questions or returning questionnaires that are left at their door. This project will significantly upgrade the County's ability to respond quickly to County residents in case of emergency. All County representatives will have proper identification and will be driving vehicles marked "Sussex County 911 Addressing". Cooperation from the general public will allow for this project to be completed in a timely manner.

Anyone having questions or requiring additional information may call the E911 information line at 302-855-1176 beginning February 2, 1998, between 8:30 a.m. and 5:00 p.m.

4. Community Development Block Grant (CDBG) Applications

William C. Lecates, Director, Sussex County Community Development and Housing Division, submitted 14 CDBG applications to the Delaware State Housing Authority on Friday, January 23, 1998. The applications totaled \$1,991,100. These 14 applications will be in competition with applications from Kent County. Unfortunately, there is only \$1.8 million available for both Kent and Sussex.

Listed below for your information are the communities and the amounts that were applied for:

Sussex County (Rural)	\$ 700,000
Blades	50,000
Bridgeville	75,000
Dagsboro	45,000
Frankford	75,000
Georgetown	35,000
Greenwood	369,600
Laurel	135,000
Milford	130,000
Millsboro	48,000
Milton	80,000
Rehoboth Beach	65,500
Seaford	135,000
Selbyville	48,000

5. Airport Equipment

Ray W. Webb, Facilities Manager, took receipt of a new 4-Wheel Drive Chevrolet Truck with snowplow on Friday, January 23, 1998. This equipment will be used at the Airport. The cost of the truck and snowplow was \$26,183. The Federal and State governments paid 95 percent of the cost. The County Council's contribution was \$1,309.15.

Adminis-
trator's
Report
(con't)

6. Emergency Operations Center - Rededication/Open House

The Sussex County Council will be hosting a Rededication/Open House at the Sussex County Emergency Operations Center located at 100 Airport Road, Georgetown, Delaware, on Tuesday, February 3, 1998. Federal, State, County, and local officials have been invited to attend the Ribbon Cutting Ceremony to be held at 12:00 noon. The media is encouraged to attend.

An Open House for the general public will be held the same day from 2:00 to 6:00 p.m.

South
Coastal
Planning
Area/
Con-
sultant
Agree-
ment/
Whitman,
Requardt
& Assoc.

Mr. Izzo, County Engineer, was present to seek approval of a Consultant Agreement with Whitman, Requardt & Associates, LLP for engineering services for the Holts Landing, Cedar Neck and Ocean View sewer projects. Because of the close proximity of these three projects, Mr. Izzo proposed that one common planning study be performed for the three projects; thereafter, separate design contracts will be submitted for each project. Mr. Avirett and Mr. Hasson of Whitman, Requardt & Associates discussed the firm's approach to the project. Mr. Avirett and Mr. Hasson highlighted and discussed three principal objectives relating to this project: meet schedules, utilize existing infrastructure, and minimize costs.

M 037 98
Approve
Con-
sultant
Agree-
ment/
Whitman,
Requardt
& Assoc.

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the Consultant Agreement with Whitman, Requardt and Associates be approved which references the performance of work pertaining to the planning phase for the Holt's Landing, Ocean View, and Cedar Neck Sewer Projects.

Motion Adopted: 5 Yea.

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

Change
Order/
Six T-
Hangars/
Airport

Mr. Sapp, Project Manager, discussed Change Order No. 2 to Sussex County Project No. 97-02 - Six T-Hangars at Sussex County Airport. The change order, in the amount of \$3,138.32, is a result of cost overruns/under-runs in the quantities of crusher run and hot mix.

M 038 98
Approve
Change
Order/
Six T-
Hangars/
Airport

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Engineering Department, that Sussex County Council approves Change Order No. 2 for Sussex County Project No. 97-02, Six T-Hangars at Sussex County Airport, in the amount of \$3,138.32, resulting from quantity adjustments, contingent upon approval from the Rural Development Association.

Motion Adopted: 5 Yea.

M 038 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 039 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give
Council- \$500.00 from Mr. Cole's Councilmanic Account to the Angola Beach
manic and Estates Town Watch Association for equipment costs.
Grant

Motion Adopted: 5 Yea.

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

M 040 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Council- give \$1,000.00 from Mr. Collins' Councilmanic Account to the
manic Greater Millsboro Chamber of Commerce for the 50th Anniversary
Grant Delmarva Chicken Festival.

Motion Adopted: 5 Yea.

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

M 041 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Council- give \$400.00 from Mr. Collins' Councilmanic Account to The
manic Greater Delmar Chamber of Commerce for Christmas lights.
Grant

Motion Adopted: 5 Yea.

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

M 042 98 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Council- give \$300.00, \$150.00 each from Mr. Collins' and Mr. Dukes'
manic Councilmanic Accounts, to the Laurel Little League for improve-
Grant ments to the Clifford F. Lee Memorial Ball Park.

Motion Adopted: 5 Yea.

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

M 043 98 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Extend extend a three-year contract to Department Heads that are
Contract non-merit employees.
(Denied)

Motion Denied: 4 Nay, 1 Yea.

M 043 98 Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Nay;
(con't) Mr. Jones, Nay; Mr. Collins, Yea;
Mr. Dukes, Nay

M 044 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$250.00 from Mr. Jones' Councilmanic Account to the
manic Georgetown Historical Society for the ongoing project of
Grant restoration and preservation of the historical memorabilia
at the Nutter Marvel Carriage Museum complex and the
furnishing of the Welcome Center.

Motion Adopted: 5 Yea.

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

Tax Mr. Jones advised that discussion at a recent Soil Conser-
Ditches vation meeting centered around tax ditch permits and related
difficulties experienced with the Corp of Engineers.

M 045 98 At 11:18 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Luncheon Council members attended a luncheon and graduation ceremony
at the PATS location at the Industrial Airpark.

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 GRANT A CONDITIONAL USE OF LAND IN AN AR-1
C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR BOAT STORAGE
No. 1219 FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.99
ACRES, MORE OR LESS" (Conditional Use No. 1219) filed on behalf
of W. Donald Clifton for Clifton Canning Co., Inc. There were
no public comments and the Public Hearing was closed.

M 046 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Adopt Adopt Ordinance No. 1206 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1206 DISTRICT FOR AN INDOOR BOAT STORAGE FACILITY TO BE LOCATED ON
(C/U A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUN-
No. 1219) DRED, SUSSEX COUNTY, CONTAINING 4.99 ACRES, MORE OR LESS"
(Conditional Use No. 1219) filed on behalf of W. Donald
Clifton for Clifton Canning Co., Inc., with the following
stipulations:

1. The site plan shall be subject to review and approval by
the Planning and Zoning Commission.

M 046 98 2. Signage may be subject to the B-1 Neighborhood Business
(con't) District restrictions.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, 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 application makes use of an existing vacated manufacturing building.
2. The applicant established by substantial evidence that the conditional use will have less impact on the character of the neighborhood in comparison to the previous use.
3. The applicant established by substantial evidence that a clear need exists for the services offered.
4. The conditional use is in accordance with the Comprehensive Land Use Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Public Hearing C/U No. 1220 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.8699 ACRES, MORE OR LESS" (Conditional Use No. 1220) filed on behalf of Country Trails Land Co. There were no public comments and the public hearing was closed.

M 047 98 Adopt Ordinance No. 1207 (C/U No. 1220) A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1207 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.8699 ACRES, MORE OR LESS" (Conditional Use No. 1220) filed on behalf of Country Trails Land Co., with the following stipulations:

1. The site plan shall be subject to the review and approval by the Planning and Zoning Commission.
2. The entrance shall be restricted to Truck Route 9 (Road 321).

Motion Adopted: 4 Yea, 1 Abstention.

M 047 98 Vote by Roll Call: Mr. Cole, Abstained; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Conflict Mr. Cole did not participate in the vote due to a possible
conflict of interest.

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

1. The applicant established by substantial evidence that the conditional use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The conditional use is in accordance with the Comprehensive Land Use Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
No. 1328 COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL 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 2.1258 ACRES, MORE OR LESS" (Change of
Zone No. 1328) filed on behalf of Salvatore J. Gallo and
Betty Gallo. There were no public comments and the Public
Hearing was closed.

M 048 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt Adopt Ordinance No. 1208 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
No. 1208 CULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS
(C/Z DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1328) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.1258
ACRES, MORE OR LESS" (Change of Zone No. 1328) filed on behalf
of Salvatore J. Gallo and Betty Gallo.

Motion Adopted: 5 Yea.

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

Findings The Council found that the change of zone was appropriate
of Fact legislative action based on the following findings of fact:

1. The applicant established that the site is located within a Development District in the Comprehensive Land Use Plan.
2. The applicant established that the use is an extension to an existing commercial use; established that the zoning

Findings
(con't)

is an extension of commercial zoning on adjacent lands; and established that the zoning and use will conform to the general use of the area.

3. The change of zone is in accordance with the Comprehensive Land Use Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Public
Hearing
C/Z
No. 1329

A Public Hearing was held on 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.71 ACRES, MORE OR LESS, EXCEPTING THEREFROM A PORTION ALREADY ZONED C-1 GENERAL COMMERCIAL" (Change of Zone No. 1329) filed on behalf of Edward J. Timmons, Sr. There were no public comments and the Public Hearing was closed.

M 049 98
Adopt
Ordinance
No. 1209
(C/Z
No. 1329)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1209 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.71 ACRES, MORE OR LESS, EXCEPTING THEREFROM A PORTION ALREADY ZONED C-1 GENERAL COMMERCIAL" (Change of Zone No. 1329) filed on behalf of Edward J. Timmons, Sr.

Motion Adopted: 5 Yea.

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

Findings
of Fact

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

1. The applicant established that the zoning is an extension of commercial zoning on adjacent lands.
2. The change of zone is in accordance with the Comprehensive Land Use Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

M 050 98
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to adjourn at 3:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council