

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 30, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 30, 1996, 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
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 037 96 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Amend Agenda to amend the Agenda to include "Certificate of Appreciation - Walter E. McFall". Motion Adopted by Voice Vote.

M 038 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated January 23, 1996. Motion Adopted by Voice Vote.

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

RAYMOND L. STARR, MEMBERSHIP CHAIRMAN, OLD CHRIST CHURCH LEAGUE, LAUREL, DELAWARE.

RE: Letter to Mr. Dukes in appreciation of his Councilmanic Grant.

RHONDA TUMAN, ALUMNI COORDINATOR, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

RE: Invitation to International Women's Day Dinner on March 6, at Sussex Pines Country Club and request for funding in the amount of \$500.00 for the event.

KATHLEEN A. KEUSKI, EXECUTIVE DIRECTOR, MEALS ON WHEELS OF LEWES & REHOBOTH, INC., LEWES, DELAWARE.

RE: Letter to Council in appreciation of their \$6,000.00 Grant.

DIVISION OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR RESOURCES SECTION, DOVER, DELAWARE.

RE: Public Notice regarding Air Quality Management Section, Title V State Operating Permit Program.

AGNES M. STEVENSON, REHOBOTH BEACH, DELAWARE.

RE: West Rehoboth sewer fees.

LOUANNE ROGERS, TREASURER, SUSSEX CENTRAL WRESTLING CLUB, GEORGETOWN, DELAWARE.

RE: Letter to Mr. Stevenson in appreciation of his Councilmanic Grant.

Certificate Mr. Dukes presented Walter E. McFall with a Certificate of Appreciation for devotion, loyalty and excellence in serving Sussex County from January 17, 1977 to January 31, 1996.

Proposed Ordinance Regarding Highway Corridor Overlay Zone The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ADD A NEW SECTION CREATING A HIGHWAY CORRIDOR OVERLAY ZONE" was discussed. A Public Hearing was held on this Proposed Ordinance on December 5, 1995, at which time action was deferred for the solicitation of additional comments and input. Mr. Stickels reviewed changes incorporated in the second draft. As initially proposed, the restrictions included in the Ordinance would have been imposed throughout the County's jurisdiction along U.S. 13, U.S. 113, U.S. 1, S.R. 404/18 and U.S. 9. In the second draft of the Ordinance, the restrictions would affect the Route 1 corridor only.

M 039 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1072 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ADD A NEW SECTION No. 1072 CREATING A HIGHWAY CORRIDOR OVERLAY ZONE".

Motion Adopted: 4 Yea, 1 Absent.

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

Committee Vacancy Mr. Stickels, County Administrator, advised Council of a vacancy on the Board of Assessment Review.

M 040 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Appoint-ment/ Board of Assess-ment Review appoint John J. McQuaid to the Board of Assessment Review for a term of five years.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. Delaware Emergency Management Agency (DEMA)

There will be a briefing for State, County, and local governments for the Blizzard of '96 disaster on Thursday, February 1, 1996, at 2:00 p.m. at the Milford Fire Hall, Milford, Delaware. Currently, the Blizzard of '96 event has been designated by the Federal Emergency Management Agency (FEMA) as a limited major disaster, with only snow

Adminis-
trator's
Report
(con't)

removal being reimbursable. However, DEMA has applied to include other categories and is awaiting a response from FEMA. While they are waiting for a response, DEMA would

like to have all potential applicants attend and fill out a Notice of Interest. Mr. Stickels encourages towns, as well as the fire companies, to have a representative at this meeting.

2. Quarterly State Police Report for Sussex County

The following hours of duty were compiled by the State Police in Sussex County during the fourth quarter of calendar year 1995:

	<u>Troop 4</u>	<u>Troop 5</u>	<u>Troop 7</u>
Total Hours on Duty	9,704.5	12,573.5	13,730.5
Hours Assisted Other Agencies	156.5	97.5	110.5
Total Traffic Arrests	2,416	2,430	2,034
Total DUI's	75	90	105
Accident Reports:			
Property Damage	192	282	284
Personal Injury	<u>50</u>	<u>81</u>	<u>72</u>
Total Accident Reports	242	363	356
Criminal Arrests:			
Felony	62	66	86
Misdemeanor	<u>232</u>	<u>294</u>	<u>439</u>
Total Criminal Arrests	294	360	525
Total 10-29 P's (wanted persons)	133	134	103
Total Number of Complaints	1,809	2,564	3,401

Over 1,000 criminal arrests were made during the fourth quarter in Sussex County.

New
State
Energy
Code
Require-
ments

Mr. Milligan, Building Code Supervisor, discussed the State's new Energy Code requirements, as follows:

"No county or municipal building or plumbing code shall contain any provision which shall be materially at variance with the Council of American Building Officials, Model Energy Code (MEC), 1993 Edition.

In, effect, the Model Energy Code, 1993 Edition, shall be the referenced energy code

New
State
Energy
Code
Require-
ments
(con't)

for all new detached one and two story family dwellings and all other new residential buildings, three stories or less in height.

Energy standards for all other new buildings, to include high rise residential, will be established in accordance with Chapter 7 of the 1993 MEC to reference the American Society of Heating, Refrigerating and Air Conditioning Engineers/Illuminating Engineering Society of North America (ASHRAE/IES) Standard 90.1."

Mr. Milligan advised that the State requires all commercial building plans to be drawn up, approved, and sealed by an architect. The new energy code requirements will be incorporated within the architect's seal. As of March 1, 1996, the County will enforce the new commercial and residential energy standards and will require an architect's seal on commercial plans.

M 041 96
Amend
Agenda

A Motion was made by Mr. Cole, seconded by Mr. Collins, to amend the agenda by deleting the item entitled "Pension Report". Motion Adopted by Voice Vote.

Visit/
Jill
Long
Thompson,
Under
Secretary
of Agri-
culture
for
RECD

Mr. Stickels, County Administrator, and the County Council welcomed to the meeting Jill Long Thompson, Under Secretary of Agriculture for Rural Economic and Community Development (RECD). Ms. Thompson was visiting Sussex County to look at programs/projects that fall under her office's responsibility. Under Secretary Thompson was briefed on projects that are currently in need of funding and projects that have received funding (grants and loans) from the RECD: the County's many sewer districts, the new County Administrative Office Building, single and multi-family housing, and rural rental housing projects. Also attending the Council meeting was Jack Walls, Director of Delaware Rural Economic and Community Development, and other dignitaries.

M 042 96
Amend
Agenda

A Motion was made by Mr. Cole, seconded by Mr. Collins, to amend the agenda by adding the item entitled "Pension Report". Motion Adopted by Voice Vote.

Pension
Report

Mr. Baker, Finance Director, and Mr. Berry, Vice President, Wilmington Trust Company, reported on the status of the Sussex County Council Pension Fund as of January 30, 1996. Following a review of the investment performance of bonds during 1995, Mr. Baker noted that overall, 1995 was a good year for the pension fund - the County experienced a return of

Pension
Report
(con't)

18.9 percent. The Stock/Equity Funds at Wilmington Trust Company earned 32 1/2 percent; the bonds earned 10.2 percent. The 18.9 performance percentage compares favorably to the Actuaries' assumption of 8 percent. As of December 31, 1995, the pension fund was valued at \$7.8 Million, a \$2 Million increase over last year. Out of the \$2 Million increase, approximately \$1.2 Million was due to the Fiscal 1996 pension contribution. The net increase in the pension fund value due to the increase in the value of the County's investments was over \$800,000. The net increase of \$800,000 does not include the \$300,000 that was reimbursed to the General Fund to pay pensioners. Mr. Baker advised that this information has been submitted to the County's Actuaries; they will prepare an actuarial report as of January 1, 1996.

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 MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.92 ACRES, MORE OR LESS" (Conditional Use No. 1150) filed on behalf of John E. Spieker, M.D. 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 FOR A USED CAR STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 10.00 ACRES, MORE OR LESS" (Conditional Use No. 1151) filed on behalf of William Blatt. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Dukes 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.92 ACRES, MORE OR LESS" (Change of Zone No. 1277) filed on behalf of Steven Seipp. The Proposed Ordinance will be advertised for Public Hearing.

M 043 96
Recess

At 11:52 a.m., a Motion was made by Mr. Collins, seconded by Mr. Stevenson, 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
(C/U
No. 1140)

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 EXPANSION TO CONDITIONAL USE NO. 8 TO PERMIT A RESTAURANT TO BE LOCATED ON A

Public Hearing (con't)

CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRES, MORE OR LESS" (C/U No. 1140) filed on behalf of William R. and Lenore J. Hickman. Numerous public comments were heard in opposition to this application. The Public Hearing was closed and action was deferred. Proposed conditions will be drawn up for Council's consideration.

Public Hearing (C/U No. 1141)

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 A MEETING PLACE FOR THE FRATERNAL ORDER OF POLICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 40,500 SQUARE FEET, MORE OR LESS" (C/U No. 1141) filed on behalf of the Fraternal Order of Police, Sussex County Lodge No. 2, Inc. There were no public comments and the Public Hearing was closed.

M 044 96 Adopt Ordinance No. 1073 (C/U No. 1141)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1073 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEETING PLACE FOR THE FRATERNAL ORDER OF POLICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 40,500 SQUARE FEET, MORE OR LESS" (C/U No. 1141) filed on behalf of the Fraternal Order of Police, Sussex County Lodge No. 2, with the following conditions:

1. The property shall be used solely for FOP Lodge 2 functions and activities.
2. Leasing to or use of the property for or by any person, organization or other party shall be prohibited.
3. All lodge meetings or functions shall end by 12:00 midnight.
4. There shall be no outside open storage of any personal property.
5. There shall be no lighted signs on site.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested conditional use, finding that the proposed use is 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.

Public Hearing (C/U No. 1142) 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 A COMMERCIAL/BUSINESS STORAGE AND RENTAL WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 36,030 SQUARE FEET, MORE OR LESS" (C/U No. 1142) filed on behalf of Richard E. Tucker. There were no public comments and the Public Hearing was closed.

M 045 96 Adopt Ordinance No. 1074 (C/U No. 1142) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1074 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL/BUSINESS STORAGE AND RENTAL WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 36,030 SQUARE FEET, MORE OR LESS" (C/U No. 1142) filed on behalf of Richard E. Tucker, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. No outside storage of materials shall be permitted.
3. The property is not to be the site of any general business activity other than the proposed use as a storage facility.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested conditional use, finding that the proposed conditional use is 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 Council also found that the proposed use is compatible with the area and will have no adverse impact on traffic in the area.

Recess Mr. Dukes declared a recess at 3:00 p.m.

Reconvene Mr. Dukes called Council back into session at 3:07 p.m.

Public Hearing (C/U 1270) 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (C/Z No. 1270) filed on behalf of Luis F. and Lucille Tiro. There were no public comments and the Public Hearing was closed.

M 046 96 Adopt Ordinance No. 1075 (C/Z No. 1270) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1075 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (C/Z No. 1270) filed on behalf of Luis F. and Lucille Tiro.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested change of zone, finding that the proposed change of zone is 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 Council also found that the proposed use is compatible with the surrounding area and would have minimal impact on traffic.

Public Hearing (C/Z No. 1271) 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.50 ACRES, MORE OR LESS" (C/Z No. 1271) filed on behalf of New Development Corp. There were no public comments and the Public Hearing was closed. It was noted that the Planning and Zoning Commission recommended denial of this application due to the lack of a representative at the Public Hearing.

M 047 96 Adopt Ordinance No. 1076 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Ordinance No. 1076 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

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Adopt Ordinance No. 1076 (con't) NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.50 ACRES, MORE OR LESS" (C/Z No. 1271) filed on behalf of New Development Corp.

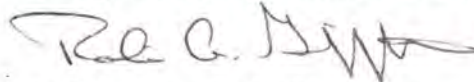
Motion Adopted: 3 Yea, 1 Absent, 1 Abstained.

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested change of zone, finding that the proposed change of zone is 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 Council also found that the change of zone will have minimal impact on traffic.

M 048 96 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 3:58 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council