

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 31, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 31, 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 050 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated January 24, 1995. Motion Adopted by Voice Vote.

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

GEORGE H. BUNTING, JR., HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, DOVER, DELAWARE.
RE: Letter to Secretary Anne P. Canby, Department of Transportation, requesting help with the overcrowding problem at the Division of Motor Vehicles in Georgetown.

Recogni- Mr. Stickels, County Administrator, recognized four local tion of schools for their participation in the "Carolling on The Local Circle" Food Drive. Lord Baltimore Elementary School donated Schools 911 items; Georgetown Elementary School donated 900 items; Sussex Central Senior High School donated 617 items; and Sussex Central Middle School donated 605 items. A representative(s) was present from each school to accept a Certificate of Appreciation from the Sussex County Council.

Recogni- Mr. Stickels, County Administrator, and Mr. Baker, Finance tion of Director, recognized Mr. Townsend, Internal Auditor, for an County Employee outstanding job in implementing a change in the County's long distance telephone service. The County now takes advantage of the State Contract for long distance telephone services. In addition, the County has improved control over long distance charges. This change resulted in a savings of approximately \$15,000 per year. Mr. Townsend was presented a Certificate of Appreciation from the County Council recognizing his time and effort in this project.

Request Ms. Tuman, Alumni Coordinator for Delaware Technical & Commu- for nity College, was present to solicit a donation in the amount of Donation \$1,500.00 to help defray the expenses of a luncheon to be held Int'l on March 8, 1995, International Women's Day. Ms. Tuman advised Women's that this will be one of the many events scheduled in Sussex Day County during the year-long celebration of the 75th Anniversary Luncheon of the victory of Women's Suffrage.

M 051 95 Grant - Programs and Projects A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$1,500.00 from Programs and Projects to the Delaware Tech Alumni Association to help defray the expenses of a luncheon to be held on March 8, 1995, International Women's Day.

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 Capital Improvement Program Mr. Stickels, County Administrator, advised that he attended a Public Meeting regarding the preparation of DelDOT's Capital Improvement Program. At that meeting, Mr. Stickels informed DelDOT officials of the County Council's priorities for inclusion in the Plan, as discussed at the Council meeting on January 10, 1995. Mr. Stickels distributed to the Council members, for their information, a list of the proposed Sussex County capital improvements included in DelDOT's "Proposed CIP Draft for F.Y. 1996-2001", as follows:

System Preservation

BR150N and BR150S on SR 1 over Canal, Sidewalks
BR161, S28A over Broad Creek, Poplar Street
BR164 on SR 36 (S36) over Cedar Creek, Slaughter Beach
BR253N/S, BR254N/S US 13 over Nanticoke River, Seaford
BR257, Tull's Crossing, Seaford
BR491, on S394A over Perch Creek Ditch
Lewes Swing Bridge over Lewes/Rehoboth Canal
S5, US 13 to US 13
S331, S334 to S24 Eastbound
SR 20, S 62 to S432
Sussex County Airport Runway
US 9, SR 20 to US 113

System Management

Georgetown, South Bedford Street
SR 26, Assawoman Canal to SR 1, Bethany Beach
SR 54 (S 58C) to SR 1, West of Fenwick Island
S 84 and S349A, Oceanview Intersection Improvement
Sussex County Airport - Taxiway Lights and Guidance Signs
US 13 at Seaford S534

System Expansion

Sussex Corridor Improvements
Sussex County Airport Taxiway

Mr. Stickels discussed several concerns he has with the proposed improvements for Sussex County:

DelDOT's
Capital
Improvement
Program
(con't)

- 1) There are eighteen proposed projects in Sussex County compared to sixty-eight proposed projects in New Castle County.
- 2) Only one project is proposed to take place in Sussex County after FY '96.
- 3) Some of the projects included in the Capital Improvement Program should be considered maintenance and operations instead of capital improvements.

Adminis-
trator's
Report

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

1. Public Hearing

The Delaware State Housing Authority, in conjunction with the Sussex County Community Development and Housing Division, will be conducting a public hearing in the County Council Chambers on Tuesday, February 7, 1995, from 6:30 p.m. to 9:00 p.m. The purpose of the hearing is to receive public input to allow for the formulation of rules and regulations regarding the Community Development Block Grant Program.

2. South Coastal Regional Wastewater Facility

The State of Delaware Department of Natural Resources and Environmental Control conducted a compliance inspection at the South Coastal Regional Wastewater Facility on December 6, 1994. The facility was evaluated as satisfactory in all areas. A sampling of the effluent indicated that the biochemical oxygen demand was 8.6 mg/l; the permit limit is 15 mg/l. The total suspended solids were less than 1.0 mg/l; the permit allows 23 mg/l. The fecal coliform bacteria sample had 30 colonies per 100 milliliters; the permit allows an average of 200 colonies per 100 milliliters.

Mr. Stickels believes that the South Coastal Regional Wastewater Facility would not have such consistently high quality effluent or receive satisfactory inspections without the hardworking, conscientious operating staff. The County Council wishes to publicly commend Rex Powell, Gary Hickman, Kenny Stevenson, Dennis Johnson, Charles Parsons, and Jerry Gray.

3. Building Code Workshop

One hundred fifty individuals have enrolled in the Building Code Workshop to be held on Saturday, February 4, 1995. The workshop will start at 8:00 a.m. at the Delaware Technical and Community College Higher Education Building

Adminis-
trator's
Report
(con't)

and will last until approximately 2:00 p.m. A presentation will be made regarding frequent violations. Those participating in the workshop will also be allowed to make recommendations regarding changes they would like to see in the Code and County Ordinance.

4. Road Naming

A public meeting will be held on Wednesday, February 15, 1995, for the purpose of receiving public input on roads in the unincorporated area of the Lewes Fire District. The meeting will take place at the Lewes Fire Hall starting at 7:00 p.m. Residents in the Lewes Fire District are encouraged to attend this meeting.

With the completion of the Lewes Fire District, the County will have completed fifteen of the twenty-one public meetings necessary before finalizing the road naming process.

Proposed
South
Ocean
View
Sanitary
Sewer
District

Mr. Archut, Director of Planning and Permits, discussed the Proposed South Ocean View Sanitary Sewer District. A Public Meeting was held on November 5, 1994, for the Proposed District and Study Area. Since that time, additional letters and petitions have been received. Mr. Archut advised Council that it has been determined that it will be necessary to hold a Public Hearing on the boundaries of the Proposed South Ocean View Sanitary Sewer District due to the fact that over fifty-one letters have been received. Mr. Archut recommended postponing the scheduling of the Public Hearing until more firm estimates of the cost of the project can be obtained. Mr. Archut suggested that a pre-application be submitted to the Rural Economic and Community Development (RECD/USDA) for funding assistance for the Proposed District and further, that the County also check with DNREC to determine if there are any programs available for funding assistance.

M 052 95
Prepare
Pre-
applica-
tion to
RECD/
USDA for
Proposed
South
Ocean
View
SSD

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Engineering Department is directed to prepare a pre-application to the Rural Economic and Community Development (RECD/USDA) for funding assistance for the Proposed South Ocean View Sanitary Sewer District and to review other funding options available through the SRF (DNREC) and to hold a Public Hearing on the boundaries of the Proposed District at a date to be determined after responses from the RECD and DNREC are received.

Motion Adopted: 5 Yea.

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

Agenda
Item

The agenda item entitled "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District - Holding Tanks" was tabled.

Design Contract Modification for West Rehoboth Mr. Wood, County Engineer, discussed Design Contract Modification No. 3 to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The Contract Modification would increase the Base Contract for George, Miles & Buhr in the amount of \$38,500.00 for the purpose of obtaining additional easements through subcontractor agreements.

M 053 95 Authorize Contract Modification No. 3 for West Rehoboth A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the County Engineering Department, that the County Council authorizes the Council President to enter into a Contract with George, Miles & Buhr, the Consulting Engineers on the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, to increase their Base Contract by Modification No. 3 in the amount of \$38,500.00 for the purpose of obtaining additional easements through their subcontractor agreements, increasing the Base Contract to \$5,564,430.00, contingent on obtaining the necessary approvals from the funding agencies: Department of Natural Resources and Environmental Control and Rural Economic and Community Development.

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. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE AS AN ACCESSORY USE TO THE DWELLING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31,654 SQUARE FEET, MORE OR LESS" (C/U No. 1107) filed on behalf of Jerry K. and Victoria A. Leiby. 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 C-1 GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 1066 FOR AN ADDITIONAL GO-CART TRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3,527 SQUARE FEET, MORE OR LESS" (C/U No. 1108) filed on behalf of Fun Sport, Inc. 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 2.09 ACRES, MORE OR LESS" (C/Z No. 1252) filed on behalf of RML Enterprises, Inc. 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 30.97 ACRES, MORE OR LESS" (C/Z No. 1253) filed on behalf of RML Enterprises, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 054 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$200.00, \$100.00 from Mr. Cole's Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Indian River Band Boosters for the purchase of flags for the band front.

Motion Adopted: 5 Yea.

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

M 055 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$400.00, \$200.00 from Mr. Stevenson's Councilmanic Account and \$200.00 from Mr. Benson's Councilmanic Account, to the Downtown Milford Revitalization Committee for office operating expenses.

Motion Adopted: 5 Yea.

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

Recess At 11:07 a.m., Mr. Dukes declared a recess until 11:30 a.m.

Reconvene Mr. Dukes called Council back into session at 11:30 a.m.

Public Hearing FHA/HPG Program A Public Hearing was held to give all citizens an opportunity to participate in the development of a preapplication to the United States Department of Agriculture, Farmers Home Administration, for a grant under Section 533 of the Housing Act of 1949, 42 U.S.C. 1490(M), as amended, and known as the Housing Preservation Grant Program (HPG).

The primary objective of the HPG Program is the development of viable rural communities, including decent housing and a suitable living environment, principally for persons of low and very low income. It is also a primary objective to alleviate or remove health or safety hazards of homes to meet applicable development standards or make needed repairs to improve the general living conditions of the resident(s), including improved accessibility by handicapped persons.

Public
Hearing
(con't)

The application will be filed for \$95,660.00. The Statement of Activity was introduced; it is proposed that the (HPG) funds be utilized to improve the substandard conditions of approximately thirteen needy households; eleven very low income and two low income. The program funds will be used to underwrite the costs of materials and labor from licensed contractors. All prospective grantees would have to meet Section 8 income guidelines.

There were no public comments and the Public Hearing was closed. The record was held open and written comments will be accepted until February 3, 1995.

M 056 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Adopt to Adopt Resolution No. R 007 95 entitled "ENDORISING PROJECT
Resolu- TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICUL-
tion No. TURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHORIZING
R 007 95 ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PRE-
APPLICATION".

Motion Adopted: 5 Yea.

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

Recess At 11:40 a.m., a Motion was made by Mr. Collins, seconded by
Mr. Stevenson, to recess until 1:30 p.m.

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 A 46 LOT ADDITION TO
No. 1098) AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX
COUNTY, CONTAINING 25.0563 ACRES, MORE OR LESS" (Conditional
Use No. 1098) filed on behalf of Layton's Riviera, Inc. The
Public Hearing was closed.

M 057 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 1009 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1009 DISTRICT FOR A 46 LOT ADDITION TO AN EXISTING MANUFACTURED
(C/U HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
No. 1098) AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING
25.0563 ACRES, MORE OR LESS" (Conditional Use No. 1098)
filed on behalf of Layton's Riviera, Inc., with the following
conditions:

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

M 057 95
(con't)

2. All streets providing access to the site shall conform to the terms of the Subdivision Ordinance.
3. Lot size in the Conservation Zone shall conform with the requirements of the Western Sussex Land Use Plan.

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 Conditional Use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the pre-existing non-conforming manufactured home park has been fully occupied for a number of years and that a clear need exists for additional manufactured home sites within a park to serve the Western Sussex community.
2. The applicant established by substantial evidence that the proposed use is an extension of an existing residential park and adjoins in large part lands owned by persons within the family of the applicant.
3. The applicant established by substantial evidence that the proposed use will have no substantial adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
4. The proposed use will conform with the purposes and goals of the Western Sussex Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1099)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK TRACTOR AND TRAILER STORAGE AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS" (Conditional Use No. 1099) filed on behalf of Albert Delio, Jr. The Public Hearing was closed and action was deferred.

Public
Hearing
(C/Z
No. 1249)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9,506 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1249) filed on behalf of Braven O. Duffie. The Public Hearing was closed.

M 058 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 1010 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL
No. 1010 COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DIS-
(C/Z TRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES
No. 1249) AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9,506 SQUARE
FEET, MORE OR LESS" (Change of Zone No. 1249) filed on behalf
of Braven O. Duffie.

Motion Adopted: 5 Yea.

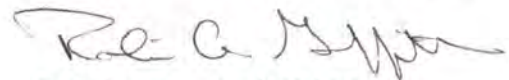
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

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 although the neighboring area and this site have been zoned General Commercial since 1971, the area has been developed as a residential community since the late 1950's.
2. The applicant established by substantial evidence that the Change of Zone will bring the property into zoning classification conformity with its and the neighborhood's development.
3. The Change of Zone will have no adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 059 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adjourn adjourn at 2:53 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council