

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 2, 1993

Executive Session An Executive Session of the Sussex County Council was held on Tuesday, February 2, 1993, at 9:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation. The Executive Session concluded at 10:00 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 2, 1993, at 10:05 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 040 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated January 26, 1993. Motion Adopted by Voice Vote.

Letters Mr. Bayard, County Attorney, read the following correspondence:

UNITED STATES DEPARTMENT OF TRANSPORTATION, UNITED STATES COAST GUARD, NEW YORK, NEW YORK.

RE: Proposed construction of a fixed pedestrian bridge over the Broadkill River, Milton.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER.

RE: Secretary's Orders necessary to implement the Federal Clean Air Act.

AMERICAN DIABETES ASSOCIATION, SUSSEX CHAPTER, MILTON.

RE: Appreciation for Human Service Grant award.

CHARLES B. DEFORD, ADVOCATE FOR THE FORGOTTEN, LITTLE CREEK.

RE: Handicapped gas pumping signs.

EMIL LESKO, CLARKSVILLE.

RE: Sussex County Single Family Building Code.

Proposed Proclamation William Vanderwende and Elizabeth Horsey of the Sussex Conservation District were in attendance to advise Council that a team of students from Sussex Central High School, comprised of Jennifer Baker, Shannon Camp, Doug Coffelt, and Stephen Lowe, coached by horticulture teacher Robert

Proposed Proclamation (con't) Lawson, placed first in a statewide contest in land judging held at the Delaware State Research Farm. Mr. Stickels, County Administrator, read a Proposed Proclamation honoring the students for their outstanding accomplishment.

M 041 93 Adopt Proclamation A Motion was made by Benson, seconded by Mr. Stevenson, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF JANUARY 31 THROUGH FEBRUARY 6, 1993, AS A WEEK IN SUSSEX COUNTY TO HONOR JENNIFER BAKER, SHANNON CAMP, DOUG COFFELT, AND STEPHEN LOWE".

Motion Adopted: 5 Yea.

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

Present Proclamation In attendance, to accept the Proclamation from Council, were Jennifer Baker, Shannon Camp, Doug Coffelt, Stephen Lowe and Mr. Robert Lawson.

Public Awareness Program Mr. Stickels, County Administrator, discussed various efforts planned to increase public awareness of emergency services, including public safety messages in foreign languages. A Spanish-language bulletin was released to the media and read by Mr. Oscar Perez of the County Engineering Department. The bulletin explains the "911" service and advises callers to be able to tell in English where they are and whether they need police, firefighters or medics. Mr. Stickels advised that a task force will be formed to coordinate a Public Awareness Program. The Program will be county-wide and will not be limited to residents speaking a foreign language. Also in attendance to discuss the Program were Glenn Gillespie, Acting Director of Emergency Operations; Daniel Magee, President of the Sussex County Volunteer Firemen's Association; and Charles Stevenson of the State Fire Marshal's Office.

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

1. County Government Recycling Program

Mr. W. R. Stewart of Seaford, Delaware, and Mr. D. L. Short of Bridgeville, Delaware, are the recipients of the two \$50 U. S. Savings Bonds for participating in the County's Recycling Program during the month of January. Five hundred twenty transfer station users participated in the program during the month of January. This is 96 less than those who participated in December.

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2. Paramedic Station 101 Dedication

Paramedic Station 101, servicing the northern portion of Sussex County, will be dedicated on Tuesday, February 23, 1993, at 1:30 p.m. This will mark the opening of the final station, as well as the completion of the Paramedic Program start-up. Station 101 is located at 25 Washington Avenue, Lincoln, Delaware.

3. Sussex County Department of Libraries Workshop

Ms. Nancy Short, Youth Services Coordinator, Sussex County Department of Libraries, will be hosting a workshop entitled "Read For The Fun Of It" with Dr. Caroline Feller Bauer. Dr. Bauer is the author of numerous books for children.

The workshop will take place February 12, 1993, from 8:30 a.m. to 3:30 p.m. at the Lecture Hall, Room 529, Higher Education Building, Delaware Technical and Community College, Southern Campus, Georgetown. The cost for the workshop is \$15.00 per person and includes materials and lunch. Continuing education credits will be given for participants. Friday, February 5, 1993, is the last day Ms. Short will allow participants to register for the workshop.

4. "NACo Legislative Bulletin"

On Friday, January 29, 1993, Mr. Stickels received a "NACo Legislative Bulletin" outlining President William Clinton's economic plan. President Clinton is expected to outline his economic plan before a joint session of Congress on February 17. Full details of his plan may not be available until March. It now appears fairly certain that the President will call for an immediate economic stimulus program, as well as deficit reduction and long-term investment proposals.

The stimulus package will be in the range of \$20 to \$25 billion and will consist of increased infrastructure, education and job training, and environmental spending. The administration is working with Congressional committees on the mix of infrastructure programs to be included. Most of the speculation is that only existing programs, such as highways, transit, airport, sewage treatment, and community development block grants, would be in the package. NACo is urging a waiver of local matching where needed and flexibility in getting funds down to the local level.

The stimulus package probably will be included in a supplemental appropriation bill to be considered this spring. The 1990 budget agreement will have to be amended to permit

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more spending in FY 1993. The rest of the President's proposals would include changes in taxes and program authorizations and would be part of a huge budget reconciliation bill similar to 1981. Final action could come this summer.

Letters have been sent to Senators Roth and Biden and Congressman Castle asking for their assistance in making the new administration aware of the West Rehoboth infrastructure project.

Old
Business
C/U
No. 1015

Conditional Use No. 1015 filed on behalf of Joe C. and Toni Johnson, T/A Bridgeville Auto Center, was discussed. A Public Hearing was held before the County Council on September 15, 1992, at which time the Public Hearing was closed and action was deferred. The record was left open to allow time for an environmental assessment and for public response to the assessment.

M 042 93
Adopt
Ordinance
No. 872
With
Stipula-
tions

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 872 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION AND EXPANSION TO CONDITIONAL USE NO. 786 FOR AN AUTO RECYCLING CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (C/U #1015) filed on behalf of Joe C. and Toni Johnson, T/A Bridgeville Auto Center, with the following stipulations:

1. No additional lighting except security lighting shall be installed.
2. Stockade fencing not less than 10' in height shall be provided to screen the proposed site, principally on the south.
3. No stacked storage shall exceed the height of the fence.
4. No crushing of vehicles is permitted on site.
5. All vehicle fluids shall be disposed of inside the existing building in accord with DNREC regulations.
6. No large trucks shall be stored or recycled on site.
7. A 50' by 150' building shall be constructed first, before any other on-site activity begins.
8. The applicant shall, before beginning any activity on the site, complete and receive final site plan review and approval from the Planning and Zoning Commission.

M 042 93 Motion Adopted: 4 Yea, 1 Nay.
(con't)

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;
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 proposed use is an expansion of an existing activity that has been carried on for more than thirty years.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood or property values therein.
3. The applicant established by substantial evidence that the proposed use will have no adverse impact on traffic and no adverse impact on the environment as shown, by soil tests provided by the applicant.
4. The proposed use is consistent with the goals and purposes of the Comprehensive Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Proposed Ordinance Mr. Dukes introduced a 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 3.94 ACRES, MORE OR LESS" (C/Z #1186) filed on behalf of Colonial Developments. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VACUUM CLEANER REPAIR SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 38,653 SQUARE FEET, MORE OR LESS" (C/U #1031) filed on behalf of Henry E. Fisher. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINIATURE GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

Proposed Ordinance (con't) DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6175 ACRE, MORE OR LESS" (C/U #1032) filed on behalf of Duane C. Whitman. The Proposed Ordinance will be advertised for Public Hearing.

DSWA's Proposed Collection Stations Council discussed the Delaware Solid Waste Authority's investigation of siting two of the three proposed collection stations on properties currently owned by Sussex County. The prospective parcels are (1) across from the existing transfer station in Omar and (2) a portion of the 199 acre spray irrigation/treatment plant site on Road 297. Councilman Stevenson recommended that the Authority be urged to add another collection site in the northwest section of the County. Mr. Stickels stated that a letter will be sent to the Authority regarding this matter.

Agenda Items Councilman Cole requested that the following issues be placed on the Agenda in the near future for an update and for discussion, as follows:

- o Roadside vendors.
- o Bungee-jumping; more specifically, the cranes used for bungee-jumping.
- o Parking requirements for multi-family projects.

M 043 93 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$1,000.00, \$800.00 from Mr. Dukes' Councilmanic Account and \$200.00 from Mr. Stevenson's Councilmanic Account, to the Greater Seaford Chamber of Commerce for "Project 13", a project to beautify and enhance the two major entrances (east/west) to the City of Seaford.

Motion Adopted: 5 Yea.

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

M 044 93 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$200.00 from Mr. Collins' Councilmanic Account to Millsboro Hut, Inc., an organization established solely to support the Scouting programs in Millsboro.

Motion Adopted: 5 Yea.

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

M 045 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$400.00, \$200.00 from Mr. Dukes' Councilmanic Account
manic and \$200.00 from Mr. Collins' Councilmanic Account, to the
Grant Laurel Alumni Association, Inc., for their scholarship fund.

Motion Adopted: 5 Yea.

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

M 046 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Recess recess at 11:35 a.m. Motion Adopted by Voice Vote.

President Dukes called Council back into session at 1:30 p.m.

Public A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR SALES TO BE
No. 1024 LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.80 ACRES, MORE
OR LESS" (C/U #1024) filed on behalf of R & R Wholesales.
The Public Hearing was closed.

M 047 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 873 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 873 DISTRICT FOR USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL
With OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY,
Stipula- CONTAINING 2.80 ACRES, MORE OR LESS" (C/U #1024) filed on
tions behalf of R & R Wholesales, with the following stipulations:

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
2. One on-premise sign, unlighted and not exceeding 32 square feet per side or facing, may be placed.
3. The maximum number of vehicles at any time shall be twenty and all vehicles stored and displayed and all customer parking shall be behind the existing stockade fencing.

Motion Adopted: 4 Yea, 1 Nay.

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

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

Findings
of Fact
(con't)

1. The applicant established by substantial evidence that the proposed use will enable it to expand an ongoing business serving a need in the community.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/U
No. 1025

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PUBLIC WATER UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8,385 SQUARE FEET, MORE OR LESS" (C/U #1025) filed on behalf of Hocker Farm Limited Partnership. The Public Hearing was closed.

M 048 93
Adopt
Ordinance
No. 874
With
Stipula-
tions

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 874 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PUBLIC WATER UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8,385 SQUARE FEET, MORE OR LESS" (C/U #1025) filed on behalf of Hocker Farm Limited Partnership, with the following stipulations:

1. A dry hydrant shall be located and installed near the Cedar Landing boat ramp, to provide back-up fire protection for the Cedar Landing Subdivision.
2. After all agency approvals for Cedar Landing Central Water System are in hand, the proposed use shall be subject to final site plan review and approval by the Planning and Zoning Commission.
3. This approval is not an endorsement by County Government of any effort by the applicant, hereafter, to enlarge its service area beyond the present limits of its franchise area - the Cedar Landing Subdivision.

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 proposed use will solve a community need and protect the groundwater and wellwater supply in the area.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, or traffic in the area. In fact, the proposed use will serve to enhance the environment in the area.
3. The proposed use is consistent with the purposes 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. 1182 A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 40.53 ACRES, MORE OR LESS" (C/Z #1182) filed on behalf of Anne L. Henry-Allen, Robert W. Grossman, et.ux., and Norris T. Hudson, et.ux. Council was advised that Norris and Jean Hudson have requested to be excluded from the rezoning, based on a letter received on January 14, 1993. The Public Hearing was closed.

It was the consensus of the Council to approve the zoning change to include only the lands of Anne L. Henry-Allen consisting of 2.50 acres.

M 049 93 Amend C/Z No. 1182 and Adopt Ordinance No. 875 A Motion was made by Mr. Collins, seconded by Mr. Benson, to amend Change of Zone No. 1182 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 40.53 ACRES, MORE OR LESS" and to Adopt Ordinance No. 875 entitled AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.50 ACRES, MORE OR LESS".

Motion Adopted: 5 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 proposed change of zone is an expansion of an existing successful commercial enterprise in an area already substantially developed commercially.
2. The applicant established by substantial evidence that the proposed change of zone will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed 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.

Attorney At this time, Mr. Schrader, Assistant County Attorney, took Mr. Bayard's (County Attorney) place as Attorney for the meeting.

Public Hearing C/Z No. 1184 A Public Hearing was held on a 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 21,598 SQUARE FEET, MORE OR LESS" (C/Z #1184) filed on behalf of Charles Kenneth Covey. The Public Hearing was closed.

M 051 93 Adopt Ordinance No. 877 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 877 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 21,598 SQUARE FEET, MORE OR LESS" (C/Z #1184) filed on behalf of Charles Kenneth Covey.

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:

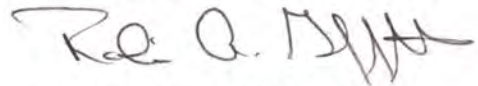
1. The proposed change of zone is an expansion to an existing General Commercial District and an existing commercial use.

Findings
of Fact
(con't)

2. The applicant established by substantial evidence that the proposed change of zone will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment of the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 052 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Adjourn adjourn at 3:07 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council