

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 20, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, February 20, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 088 90
Approval
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

H. EDWARD MAULL, JR., P.A., GEORGETOWN
RE: Closing of lands located within the city limits of Lewes on lands of DeVries Circle.

GAIL D. OLSEN, DIRECTOR, THE PIONEER CLUB OF THE VISUALLY IMPAIRED OF SUSSEX COUNTY, GEORGETOWN
RE: Expressing appreciation for donation to their transportation fund.

MARTHA MIFFLIN, DIRECTOR, AND GEORGE R. STURGIS, PRESIDENT, GEORGETOWN DAY CARE CENTER, GEORGETOWN
RE: Expressing appreciation for funding.

US ARMY CORPS OF ENGINEERS, PHILADELPHIA
RE: Public Notice to solicit comments concerning issuance of permit for work by the State of Delaware, Division of Soil and Water Conservation. This will provide erosion and storm damage protection to public streets, utilities and private and commercial developments in Rehoboth Beach.

DELAWARE RIVER BASIN COMMISSION, NEW JERSEY
RE: Notice of Commission Meeting and Public Hearing.

MCCORMICK, TAYLOR & ASSOCIATES, INC., PHILADELPHIA
RE: Sussex East-West Corridor Study news.

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Corre-
spondence
(Con't.)

DELMARVA ADVISORY COUNCIL, SALISBURY, MD
RE: Newsletter for February, 1990.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read a Proposed Proclamation in its entirety entitled "PROCLAIMING FEBRUARY, 1990 AS 'NATIONAL COMMUNITY COLLEGE MONTH'".

M 089 90
Adopt
Proclama-
tion

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING FEBRUARY, 1990 AS 'NATIONAL COMMUNITY COLLEGE MONTH'". Motion Adopted: 5 Yea.

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

Lighthipe
Property

Eugene H. Bayard, Legal Counsel for Mrs. A. S. Lighthipe, presented a proposal to give the County a parcel of land in the Bethany Beach area as shown on Sussex County Tax Map 1-34-14, Parcel 133, owned by Mrs. Lighthipe. The property is located on the west side of Route 1 and contains approximately twenty-eight (28) acres. Ownership of a seafood market and produce stand located on the parcel would be retained by Mrs. Lighthipe. The legality of the County accepting this property as a gift was questioned by Mr. Bayard.

M 090 90
Negotiate
Acceptance
of Lighthipe
Property

A Motion was made by Mr. Cole, seconded by Mr. Dukes, authorizing the County Administrator and County Attorney to negotiate acceptance of the Lighthipe Property as shown on Sussex County Tax Map 1-34-13, Parcel 133, with Mr. Bayard. Motion Adopted: 5 Yea.

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

Sign
Ordinance
Concerns

Mr. Stickels, County Administrator, reviewed a memorandum from Mr. Lank, Director of Planning and Zoning, concerning recommendations on the Sign Ordinance report. Seven concerns that need clarification and/or change with the present ordinance were addressed. It was the consensus of the Council that these concerns should be incorporated in a Proposed Prdinance and considered through the public hearing process.

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Sign
Ordinance
Concerns
(Con't.)

Items of concern to be addressed and included in the Proposed Ordinance to amend the Sign Ordinance (No. 619) include:

1. Three hundred (300) foot distance required from an on-premise sign;
2. Two hundred (200) square foot sign area limitation on on-premise sign;
3. Limitation of one (1) on-premise ground sign per parcel;
4. Public service message provision;
5. Thirty-five (35) foot setback from intersections for signs and bus shelters;
6. Political signs; and
7. Twenty-five (25) foot height limitation.

Mr. Cole asked that forty (40) foot setbacks for signs be included in the proposal.

Proposed
Ordinance

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 4, TO REMOVE CERTAIN GOVERNMENTAL EXEMPTIONS FROM THE PROVISIONS OF THE ORDINANCE". The Proposed Ordinance will be advertised for Public Hearing. If adopted, this ordinance would end state and federal exemptions to County Zoning laws.

Executive
Session
Request

Mr. Stickels, County Administrator, requested an Executive Session be scheduled for discussion of litigation concerning MacNamara vs. Sussex County Council and Planning & Zoning Commission.

M 091 90
Executive
Session
Scheduled

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to schedule an Executive Session for the Sussex County Council on Tuesday, February 27, 1990, starting at 9:00 a.m. to discuss litigation concerning MacNamara vs. Sussex County Council and Planning and Zoning Commission. Motion Adopted: 5 Yea.

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

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Administr-
tor's
Report

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

1. A public information series, sponsored by Delaware Inland Bays, will begin Wednesday, February 21, at 7:30 p.m., Lewes Public Library Conference Room. Basic methods of identifying the important birds of prey will be highlighted by Mike Kennedy, Park Naturalist at Cape Henlopen State Park.
2. The Small Business Development Center will conduct a seminar to introduce young people to careers in entrepreneurship and small business ownership. The seminar will include lectures, workshops, and question and answer periods covering such topics as getting started in business, developing a business plan, marketing and promotion, accounting and bookkeeping, franchising, and owning a successful business. Steve Masten, Director of Economic Development for Sussex County, has registration forms for anyone interested in attending.
3. DNREC has given public notice that the State of Maryland has applied for a permit to allow their beach nourishment to extend into the unincorporated areas of Fenwick Island, Sussex County.
4. The February 12, 1990 issue of "City & State", a national publication, mentioned the Sussex County Glass Recycling Program.
5. The Sussex County Treasury Division received favorable comments from R. Thomas Wagner, Jr., State of Delaware Auditor of Accounts, after a review of the tax records to obtain background information for their Statewide examination of School Debt Service Funds for Fiscal Year 1989.

Costs for
Sch. Tax
Bill

Mr. Benson asked that cost information be obtained for submitting school taxes on a separate bill.

South
Coastal
Area
Planning
Study

Mr. Wood, County Engineer, discussed the South Coastal Area Planning Study, authorized by Council in November 1988. It provides a working document that offers guidance in addressing requests for extensions of service within the existing sewer and proposed sewer districts, and establishes a priority schedule for improvements as follows: (1) Cedar Neck, Ocean View and Millville; (2) Muddy Neck and South Bethany; (3) Holt's Landing and White's Neck; and (4) Bayard and Vines Creek. The priority list will be reviewed on a yearly basis.

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M 092 90
Adopt
South
Coastal
Area
Planning
Study

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, based on the recommendation of the Sussex County Engineering Department, that the South Coastal Area Planning Study as prepared by George, Miles and Buhr be adopted for implementation. Motion Adopted: 4 Yea; 1 Abstention.

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

Proposed
Ordinance

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE REQUIRING DRY SANITARY SEWER COLLECTION SYSTEMS IN NEW DEVELOPMENT OR EXPANSION OF EXISTING DEVELOPMENT IN THE SOUTH COASTAL AREA". The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Resolution
Discussed

Mr. Archut, Chief of Planning and Permits, discussed a Proposed Resolution providing for fees for holding tank permits issued in the South Coastal Planning Area to be treated at the South Coastal Regional Wastewater Facilities. This Proposed Resolution would establish holding tank fees in the South Coastal Regional area. Fees have been established for the septic system moratorium area along the Route 1 corridor, south of Five Points and north of the Lewes-Rehoboth Canal. Action was tabled on this proposal and the present policy will continue.

Black &
Veatch
Assistance

Mr. Archut, Chief of Planning and Permits, discussed the assistance of Black & Veatch in upcoming negotiations with the developer of the "Salt Pond" project. This information would establish a generic program serving the County in future negotiations with other developers concerning construction of on-site sewer system extension and off-site regional wastewater facilities.

M 093 90
Execute
Contract
with
Black &
Veatch

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council be authorized to execute a Contract between the Sussex County Council and Black and Veatch for negotiation assistance in establishing a backbone transmission system for the South Coastal Planning Area in an amount not to exceed \$35,680.00. Motion Adopted: 5 Yea.

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

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C/Z #1044

Change of Zone No. 1044, filed on behalf of R. Marvin Ingram, was discussed. Public Hearing was held on January 30, 1990 and action was deferred.

M 094 90
Adopt
Proposed
Ordinance
C/Z #1044
(Denied)

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to Adopt 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 64.36 ACRES, MORE OR LESS" (C/Z #1044) filed on behalf of R. Marvin Ingram. Motion Denied: 5 Nay.

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

Findings
of Facts
C/Z #1044

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. The Council found that the requested zoning change would be out of character with the area. The Council found that there are approximately 725 vacant parcels in the area which are zoned GR (General Residential). The Council found that the applicant had failed to show a need for additional GR-zoned parcels. The Council rejected the applicant's contention that the proposed GR development would provide low-cost housing, in that evidence submitted at the public hearing failed to show that the cost of lots would be low-cost. The Council found that the proposed GR development could lower property values in the agricultural-residential area.

M 095 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to give \$1,000.00, \$200.00 from each of the five (5) Councilmanic Accounts, to American Legion District No. 4 to purchase Grave Marker Flags for the Memorial Day Observance. Motion Adopted: 5 Yea.

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

M 096 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$1,000.00, \$200.00 from each of the five (5) Councilmanic Accounts, to Delaware Tech Roadrunners baseball team to help defray costs of spring training. Motion Adopted: 5 Yea.

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M 096 90
(Con't.)

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

Waste
Distillation
Technology
Report

Mr. Wood, County Engineer, gave a brief report on the technology of waste distillation equipment, a proposed system for getting rid of solid waste, that he visited last week in Upland, California. Informational material available on the technology and operation of the equipment will be given to the Delaware Solid Waste Authority for their review.

Subdivision
Created

For informational purposes only, Mr. Lank, Director of Planning and Zoning, reported that the State had created a subdivision in the West Rehoboth, Route 1, moratorium area.

M 097 90
Adjourn

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to adjourn at 11:50 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council