

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 16, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 16, 1993, 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 098 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve approve the minutes of the previous meeting dated March 9, 1993. Minutes Motion Adopted by Voice Vote.

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

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

ANTONIO AND LIDIA VITI, BETHESDA, MARYLAND.
RE: Inclusion of a parcel of land in the Bethany Beach Sanitary Sewer District.

DELMARVA WATER TRANSPORT COMMITTEE, INC., SALISBURY, MARYLAND.
RE: General membership meeting to be held Friday, April 2, 1993, at DWTC's new location in the Greater Salisbury Building on the Downtown Plaza in Salisbury, Maryland, beginning at 11:30 a.m.

GEORGE AND NANCY BENNER, DOVER.
RE: Petition to establish a water district in the Fenwick Island Area in Baltimore Hundred.

BRENDA L. MCDANIEL, DELAWARE STATE POLICE, GEORGETOWN.
RE: Gratitude for the professionalism of and assistance rendered by Joe Thomas, Cotton Collins, and Scott Workman on March 13, 1993.

LINDSAY EDWARDS, LAUREL.
RE: Appreciation for book on the evils of drugs.

WILLIAM PALE, WILMINGTON.
RE: Central sewer service in the Salt Pond development and the delay caused by the Army Corps of Engineers.

- Letters (con't) NICOLE ZAMBANINI, WILMINGTON.
RE: Central sewer service in Cedar Landing and the delay caused by the Army Corps of Engineers.
- League of Women Voters Publication Mrs. Hooper and Mrs. Purnell were present on behalf of the League of Women Voters of Sussex County to distribute their directory listing Sussex County officials, Sussex State Representatives, Sussex County town officials, school board members, and voting information. The County Council funded the publication of the directory.
- General Obligation Refunding Bonds Mr. Gefaell of R. W. Corby & Co., Inc., and Mr. Losty of Butcher & Singer were in attendance to discuss the feasibility of refunding five outstanding General Obligation Bond Issues. The sharp reduction in both long-term and short-term interest rates over the last month has made a refunding of all five issues very attractive. Based on current market conditions, the County would realize a savings of a little over \$1 million. A Public Hearing on this matter will be held on March 23, 1993, at 11:15 a.m., after which time market conditions will be analyzed to determine if the time is right to issue the General Obligation Refunding Bonds.
- Administrator's Report Mr. Stickels, County Administrator, reviewed the following information in his County Administrator's Report:
- Subdivision Approval
The Sussex County Planning and Zoning Commission approved the Barngate Subdivision, an AR-1 Agricultural Residential zoned district in Lewes and Rehoboth Hundred, located on the southeast side of Route 277, 585 feet north of Route 285A. This subdivision contains 35 lots on 93.26 acres and is serviced by individual wells and septic. The streets in the development are to be private and built to County specifications.
 - Tax Exemptions
Included with this report is a copy of the requirements for tax exemption for Sussex County school and county government property taxes. Those who meet the requirements must file an application with the Treasury Division no later than April 30, 1993.
 - Department of Natural Resources and Environmental Control Workshop
Due to the concern regarding land application of septage, the Department of Natural Resources and Environmental

Adminis-
trator's
Report
(con't)

Control will be holding a public workshop to share information and discuss concerns regarding septage land application. The workshop will be held at 7:00 p.m. on March 29, 1993, at the University of Delaware Research and Education Center, Route 9, west of Georgetown, Delaware.

4. Bungee Jumping

Included with this report were two articles regarding bungee jumping. The first article appeared in the Salisbury Daily Times. The State of Maryland is considering a bill to prohibit any business or organization from setting up bungee jumping operations in the State and charging a fee or dues for taking the leap. The bill would not stop individuals from bungee jumping on their own; however, no one would be able to charge them for doing it.

The second article appeared in the Fort Myers News-Press. Lake County officials will levy a \$500 a day fine for any bungee jumping operation that is in violation of height limits and property setbacks.

Bid
Award

Mr. Perez, Civil Engineer, discussed the bid award recommendation for Sussex County Project No. 91-08, West Ocean Farms Suburban Community Improvements.

M 099 93
Bid
Award
Project
No.
91-08
West
Ocean
Farms

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department that Sussex County Project No. 91-08, entitled "West Ocean Farms Suburban Community Improvements", be awarded to the low bidder, Ralph Cahall and Son Paving, Inc., of Clayton, Delaware, in the amount of \$80,178.85, and that the President of the Sussex County Council be authorized to execute the contract when the appropriate documents have been submitted by the contractor.

Motion Adopted: 5 Yea.

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

Old
Business
C/Z
No. 1096

Change of Zone No. 1096, filed on behalf of W. Nelson Hall, was discussed. A Public Hearing was held on this application on November 27, 1990, at which time the Public Hearing was closed and action was deferred.

M 100 93
Adopt
Proposed
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Benson, 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

M 100 93 DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR
(con't) CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 18.60 ACRES, MORE OR
DENIED LESS" (C/Z #1096) filed on behalf of W. Nelson Hall.

Motion Denied: 4 Nay; 1 Abstention.

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

Findings of Fact The Council found that the change of zone was not appropriate legislative action.

Old Business C/Z No. 1105 Change of Zone No. 1105, filed on behalf of W. Nelson Hall, was discussed. A Public Hearing was held on this application on January 29, 1991, at which time the Public Hearing was closed and action was deferred.

M 101 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt
Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE
Proposed Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
DENIED CULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 28.15 ACRES, MORE
OR LESS" (C/Z #1105) filed on behalf of W. Nelson Hall.

Motion Denied: 5 Nay.

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

Findings of Fact The Council found that the change of zone was not appropriate legislative action.

M 102 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give
Councilmanic Grant \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth
Beach Little League for the rebuilding of the dugouts and the
replacement of the backstop.

Motion Adopted: 5 Yea.

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

M 103 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give
Councilmanic Grant \$300.00 from Mr. Cole's Councilmanic Account to the Millville
Volunteer Fire Co. for the 1992 - 1993 fund drive.

M 103 93 Motion Adopted: 5 Yea.
(con't)

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

M 104 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Council- give \$500.00 from Mr. Stevenson's Councilmanic Account to the
manic Woodbridge Business Professionals of America for students'
Grant attendance at the national convention in San Antonio, Texas.

Motion Adopted: 5 Yea.

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

Salt Mr. Stickels, County Administrator, discussed the delay in the
Pond - connection of the Salt Pond Development and the entire Cedar
Central Neck area to the Sussex County sewer system, caused by the
Sewer failure of the Army Corps of Engineers to issue the necessary
System permit to cross the Bethany Loop Canal. It was the consensus
of Council that this matter be placed on the agenda for the
purpose of effecting a Resolution requesting that the U.S.
Army Corps of Engineers issue the necessary permit.

M 105 93 At 11:08 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Reconvene President 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 MEDICAL OFFICES TO BE
No. 1028 LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES
AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.34 ACRES,
MORE OR LESS" (C/U #1028) filed on behalf of Dr. Harry J.
Anagnostakos. The Public Hearing was closed and action was
deferred. The record will remain open for twenty days for
a report from DelDOT regarding the traffic situation at
Wescotts Corner.

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 STORAGE AND SALES OF
No. 1029 VIDEO GAMES AND MACHINES TO BE LOCATED ON A CERTAIN PARCEL
OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY,
CONTAINING 40,000 SQUARE FEET, MORE OR LESS" (C/U #1029)
filed on behalf of Carlton E. Seward and Shirley B. Seward.
The Public Hearing was closed.

M 106 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Adopt Ordinance No. 881 entitled "AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT FOR STORAGE AND SALES OF VIDEO GAMES AND MACHINES
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING
IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 40,000 SQUARE
FEET, MORE OR LESS" (C/U #1029) filed on behalf of Carlton E.
Seward and Shirley B. Seward, with the following stipulations:

1. One awning sign or one unlighted wall sign, not exceeding 32 square feet, shall be permitted.
2. No outside storage shall be permitted.
3. The storage building shall not exceed one story or 30' by 60'.
4. The site plan shall require the review and approval of the Planning and Zoning Commission.

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 does not adversely affect the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The applicant established by substantial evidence that the proposed use is necessary to the growth of the applicant's business and thereby fosters the County's economy and employment.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Public Hearing C/U No. 1030 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 THE SALE OF WESTERN APPAREL AND TACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.31 ACRES, MORE OR LESS" (C/U #1030) filed on behalf of Raymond G. and Mary Ann Bryan. The Public Hearing was closed.

M 107 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adopt to Adopt Ordinance No. 882 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 882 DISTRICT FOR THE SALE OF WESTERN APPAREL AND TACK TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.31 ACRES,
MORE OR LESS" (C/U #1030) filed on behalf of Raymond G. and
Mary Ann Bryan, with the following stipulations:

1. One unlighted sign, not exceeding 32 square feet per side or facing, is permitted on site.
2. The proposed building shall meet minimum commercial setbacks.
3. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.

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 does not adversely affect the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The applicant established by substantial evidence that the proposed use is appropriate, low impact, light commercial activity, fostering growth of the County's economy.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
Re: "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY,
Signs DELAWARE, BY AMENDING ARTICLES IV AND XI, WHICH MAKE REFERENCE
TO REGULATIONS AND PERMITTED USES OF SIGNS". The Public Hearing
was left open and action was deferred to allow time for a response
from DelDOT regarding their sign regulations and the enforcement
of the regulations.

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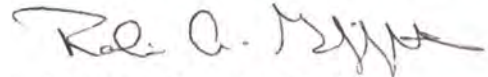
M 108 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Executive Session Sussex County Council authorizes an Executive Session to be held Tuesday, March 23, 1993, at 9:00 a.m., in the Sussex County Council Chambers, for the purpose of discussing pending litigation.

Motion Adopted: 5 Yea.

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

M 109 93 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adjourn adjourn at 3:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council