

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 21, 2000

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, March 21, 2000, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 143 00            A Motion was made by Mr. Dukes, seconded by Mr. Jones, to amend the Amend and Approve Agenda to include "Introduction of Proposed Zoning Ordinances" and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

Vote by Roll Call:    Mr. Phillips, Yea; Mr. Cole, Yea;  
                                 Mr. Dukes, Yea; Mr. Jones, Yea;  
                                 Mr. Rogers, Yea

M 144 00            A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the minutes of the March 14, 2000 meeting, as distributed. Approve Minutes

Motion Adopted: 5 Yea.

Vote by Roll Call:    Mr. Phillips, Yea; Mr. Cole, Yea;  
                                 Mr. Dukes, Yea; Mr. Jones, Yea;  
                                 Mr. Rogers, Yea

Correspondence    Mr. Bayard read the following correspondence:

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

RE: State of Delaware Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standard for Ozone.

Corre-  
spondence  
(continued)

STATE OF DELAWARE, DEPARTMENT OF PUBLIC SAFETY,  
DIVISION OF STATE POLICE, DOVER, DELAWARE.

RE: Letter of appreciation for Council's support of the 2000 Citizens  
Police Academy.

Funding  
Request/  
Kalmar  
Nyckel

Mr. Stickels informed Council of a funding request from the Kalmar  
Nyckel Foundation. The Delaware Tall Ship, Kalmar Nyckel, and the  
Tall Ship fleet will celebrate the millennium as they sail in concert this  
summer traveling the East Coast of the United States, including three  
visits to Lewes, Delaware.

M 145 00  
County  
Council  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give  
\$1,000 from County Council Grants to the Kalmar Nyckel Foundation  
for the Kalmar Nyckel's 2000 Sailing Schedule.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

Proposed  
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN  
ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, OF THE  
SUSSEX COUNTY CODE RELATING TO BUILDING FEES TO  
REQUIRE SITE PLANS OR SKETCHES WITH APPLICATIONS FOR  
BUILDING PERMITS". This Ordinance requires the applicant for a  
building permit for new construction or placement permit for a  
manufactured home to submit a site sketch showing the location and  
description of the building or manufactured home. This will enable the  
Planning and Zoning Office to avoid setback violations and allow the  
Mapping and Addressing Office to assign street numbers. The Proposed  
Ordinance will be advertised for Public Hearing on April 18, 2000.

911 Re-  
addressing/  
Road  
Signs

Mr. Dukes questioned a road sign that has been erected in his District that  
is incorrect. This particular road name was changed by the County to  
Adams Road; the erected sign does not reflect the new name. Mr. Dukes  
was advised that the work order for the old sign had probably already  
been issued; that there is only one State crew working on erecting the  
signs and therefore it is a slow process; and priority has been established  
for road signs in the northwest portion of the County as that area will be  
the first area to receive addresses.

Draft  
Ordinance/  
Subdivision  
Changes

Council discussed Mr. Schrader's version of the draft ordinance relating  
to notice requirements for amendments and alterations to subdivisions.  
For the purpose of introduction, two amendments were made to the draft  
ordinance, as follows:

Draft  
Ordinance/  
Subdivision  
Changes  
(continued)

- Amend the following (Page 1, beginning Line 34):
  - (i) that the resubdivision is not prohibited by any recorded covenants and
  - (ii) that three-fourths (3/4ths) or more of the lot owners consent to the plan for resubdivision.
- Change “D” to “E”. (Page 2, beginning Line 31).
- Insert new “D”, as follows:

No property owner shall be entitled to more than one vote.

Mr. Rogers stated his belief that this Draft Ordinance, if adopted, should not apply to subdivisions that are already recorded.

Proposed  
Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE AMENDING CHAPTER 99, SECTION 13 OF THE SUBDIVISION CODE OF SUSSEX COUNTY, RELATING TO NOTICE REQUIREMENTS TO BE GIVEN TO OWNERS WITHIN SUBDIVISION PRIOR TO ALTERATION, RESUBDIVISION OR ADDITION, REQUIRING THREE-FOURTHS APPROVAL OF PROPERTY OWNERS WITHIN THE SUBDIVISION PRIOR TO PROCEEDING WITH THE HEARING PROCESS; PROVIDING FOR ADDITIONAL STANDARDS FOR DETERMINING APPROVAL OF ALTERATIONS OR ADDITIONS TO SUBDIVISION; PROVIDING A FORM FOR NOTICE BY PUBLICATION; AND CREATING A PROCEDURE FOR THE APPROVAL OF MINOR SUBDIVISIONS”, as amended. The Proposed Ordinance will be advertised for Public Hearing. The Planning and Zoning Commission will hold a Public Hearing on April 27, 2000 and the Sussex County Council will hold a Public Hearing on May 16, 2000.

Adminis-  
trator’s  
Report

Mr. Stickels read the following information in his County Administrator’s Report:

1. Public Workshop – DelDOT

The Department of Transportation is holding a Public Workshop to present facts and solicit public comments regarding proposed improvements to Route 18 sidewalks, Delaware Technical & Community College to Georgetown, Delaware. The meeting will be held on Monday, March 27, 2000, between the hours of 4:00 p.m. and 8:00 p.m. at the Town Hall on The Circle in Georgetown.

Proposed improvements include construction of new sidewalk between the entrance of Delaware Tech and West North Street in Georgetown. Improvements include the construction of an accessible designated pedestrian crossing at Route 113.

Adminis-  
trator's  
Report  
(continued)

Interested persons are invited to express their views in writing, giving reasons for support of, or in opposition to, the proposed project. Comments will be received during the workshop or can be mailed to DelDOT's Office of External Affairs, P. O. Box 778, Dover, Delaware 19903.

2. Sussex County Volunteer Firemen's Association

Milton Fire Company will be hosting the monthly Sussex County Volunteer Firemen's Association on Tuesday, March 28, 2000, at 7:30 p.m. at the Milton Fire Hall.

Prayer  
Breakfast

Mr. Dukes announced that the Sussex County Council Annual Prayer Breakfast will be held on Monday, May 15, 2000, at Delaware Technical & Community College beginning at 7:30 a.m. The Reverend Ray Chamberlain of Salisbury, Maryland, will be the guest speaker.

Mr. Cole expressed that he would like to see Prayer Breakfasts held on Tuesdays, the same day that the Sussex County Council meets.

Old  
Business/  
Conditional  
Use No.  
1327/  
Frank  
Cochran

Conditional Use No. 1327 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAWN MOWER REPAIR AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.47 ACRES, MORE OR LESS", filed on behalf of Frank Cochran, was discussed. A Public Hearing was held on this application on March 14, 2000, at which time action was deferred for responses from the applicant and the opposition relating to the proposed stipulations. Mr. Stickels reported that responses were received from both parties. The exchange of proposed stipulations were reviewed and considered by Council.

M 146 00  
Adopt  
Ordinance  
No. 1369  
(C/U  
No. 1327)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1369 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAWN MOWER REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.47 ACRES, MORE OR LESS" (C/U No. 1327), as amended, filed on behalf of Frank Cochran, with the following stipulations:

1. Six-foot solid fence screening Sherwood Acres – to be done as soon as permit is granted.
2. All mower work will be done inside building.

M 146 00  
(continued)

3. No boat storage shall take place on-site.
4. Hours of operation shall be 8:00 a.m. to 5:00 p.m. with no Sunday hours.
5. No sign shall be permitted on-site.
6. Gas and oil shall be disposed of off-site.
7. No sale of mowers will take place on-site.
8. There shall be no outside storage of mowers, parts and junk mowers.
9. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 3 Yea, 2 Nay.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Nay; Mr. Jones, Yea;  
Mr. Rogers, Nay

Findings  
of Fact

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

1. The applicant established that the proposed use, with the conditions recommended by the Homeowners Association, will have minimal impact on the neighborhood in terms of traffic, noise or effect on the environment.
2. The property is in the Development District within the County Comprehensive Plan.
3. The record of the proceedings before the Planning and Zoning Commission is incorporated herein. The Commission's recommendations do not reflect the exchange of proposed conditions between the Applicant and the Association, and thereby are not adopted by Council.

Public  
Hearing/  
South  
Bethany  
SSD  
Extension/  
Bear  
Trap  
Dunes

A Public Hearing was held to consider extending the South Bethany Sanitary Sewer District to include the Village of Bear Trap Dunes and adjoining lands, contiguous to the South Bethany Sanitary Sewer District, situate south of the Town of Ocean View and west of the Town of South Bethany. Mr. Archut pointed out that, due to the fact that a portion of these lands are located in the Town of Ocean View, this extension is subject to the adoption of an irrevocable ordinance by the Town Council of Ocean View consenting to the construction and maintenance of the sewerage system within its boundaries.

Hearing There were no public comments and the Public Hearing was closed.

M 147 00 A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt  
Adopt Resolution No. R 016 00 entitled "A RESOLUTION TO EXTEND THE  
Resolution BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER  
No. DISTRICT TO ENCOMPASS THE VILLAGE OF BEAR TRAP  
R 016 00 DUNES AND ADJACENT PARCELS, LYING CONTIGUOUS TO  
THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE  
SOUTH OF THE TOWN OF OCEAN VIEW AND WEST OF THE  
TOWN OF SOUTH BETHANY AND BEING IN BALTIMORE  
HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

Sewer Mr. Cole discussed the \$500.00 fee assessed to make application for the  
Service extension of sewer service. Mr. Cole expressed concern that there is an  
Extension/ inequity in this fee; that charging a developer \$500.00 for the extension  
Application/ of service to a large area versus charging a small group of property  
Fee owners the same amount of money for the extension of service to a small  
area in unfair.

Fenwick Mr. Archut, Assistant County Engineer, reported that on March 14, 2000,  
Island a Public Hearing was held to consider extending the Fenwick Island  
SSD Sanitary Sewer District to include the proposed Ashley Manor  
Extension/ subdivision and adjacent properties. At that Hearing, Council heard  
Ashley testimony from one of the adjacent property owners (Tim Munro) and  
Manor deferred action to permit a discussion between Mr. Archut, Assistant  
County Engineer; Mr. Woodring, the developer of Ashley Manor; and  
Mr. Munro, adjacent property owner. Mr. Archut reported that a letter  
has been received from Tim Munro wherein Mr. Munro states that "I now  
have no objection to the proposed expansion of the sanitary sewer  
district".

M 148 00 A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt  
Adopt Resolution No. R 017 00 entitled "A RESOLUTION TO EXTEND THE  
Resolution BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER  
No. DISTRICT TO ENCOMPASS THE ASHLEY MANOR SUBDIVISION  
R 017 00 AND ADJACENT PARCELS, LYING CONTIGUOUS TO THE  
FENWICK ISLAND SANITARY SEWER DISTRICT, SITUATE  
NORTHWEST OF THE INTERSECTION OF STATE OF DELAWARE  
ROUTES 20 AND 54 IN BALTIMORE HUNDRED, SUSSEX  
COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

M 148 00  
(continued)

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

Sewer  
Extension  
Request

Ms. Cindy Richardson addressed Council regarding her desire to have sewer service extended to Fenwick West. Mr. Archut, Assistant County Engineer, provided information regarding the steps she should take to initiate this process.

Proposed  
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL PHOTOGRAPHY STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 33,100 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1335) filed on behalf of Stephen C. Theis. 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 AN ELEVATED WATER STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.79 ACRES, MORE OR LESS" (Conditional Use No. 1336) filed on behalf of Tidewater Utilities, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INSTITUTIONAL FACILITY (DELAWARE GUIDANCE SERVICES FOR YOUTH COUNSELING) AND A SALES OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.63 ACRES, MORE OR LESS" (Conditional Use No. 1337) filed on behalf of Preston Schell. The Proposed Ordinance will be advertised for Public Hearing.

M 149 00  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$200.00 from Mr. Dukes' Councilmanic Account to the Seaford Middle School for the Life Skills Curriculum.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

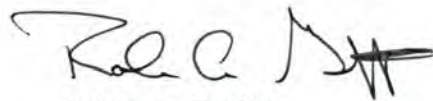
DelDOT  
Meeting

Mr. Dukes reported that representatives of the Delaware Department of Transportation (DelDOT) attended the Laurel Town Council Meeting on Monday evening, March 20, 2000, regarding the Road 468 intersection on Route 13 in Laurel. DelDOT and the Town of Laurel have received complaints regarding the length of time it takes to enter the highway from the intersection due to traffic. Due to the increased traffic associated with the shopping center, DelDOT is proposing the placement of concrete median islands at both of the intersection's stop signs and in the present median. In addition, a divider in the middle of the road would eliminate crossing traffic. Vehicles attempting direction changes would have to travel to the next turn lane. Area residents are opposed to DelDOT's plan and would like to see a signal light erected; however, in accordance with DelDOT's corridor capacity preservation program, it is not policy to place any more signal lights on Route 13. DelDOT will hold a public workshop to discuss details of the intersection change. The date of the public workshop will be announced.

M 150 00  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 11:28 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council