

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 31, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 31, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 123 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve Minutes approve the minutes of the previous meeting dated March 24, 1992. Motion Adopted by Voice Vote.

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

WALTER P. PIERSON, CHIEF, NATURAL AND TECHNOLOGICAL HAZARDS DIVISION, FEDERAL EMERGENCY MANAGEMENT AGENCY, PHILADELPHIA, PENNSYLVANIA
RE: Compliance of Chapter 115, Zoning, of the Code of Sussex County, as amended by Ordinance No. 795 and Ordinance No. 818.

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation proclaiming April, 1992, as "National Community College Month". Terry Johnson of Delaware Technical & Community College was present to accept the Proclamation on behalf of Jack Owens, Campus Director.

M 124 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Proclamation Adopt the Proclamation entitled "PROCLAMATION PROCLAIMING APRIL, 1992, AS 'NATIONAL COMMUNITY COLLEGE MONTH'."

Motion Adopted: 5 Yea.

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

Mariner's Cove Mr. Stickels, County Administrator, discussed the lifting of the moratorium for additional units at Mariner's Cove. Mr. Stickels read a letter, dated March 30, 1992, from Edward Hallock,

Mariner's Cove (con't) Division of Public Health, stating "the water system at Mariner's Cove is in compliance with our regulations and will be able to meet the demand for water during peak periods this summer".

M 125 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Mariner's Cove Moratorium on placement permits for new homes at Mariner's Cove based on the recommendation of the Delaware Health and Social Services, Division of Public Health.

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 Stricken The item entitled "County Farmland Preservation Advisory Board" was stricken from the agenda and will be placed on the April 7, 1992, agenda.

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

1. Town of Frankford - Certificate of Public Conveyance and Necessity

Mr. Stickels has been informed by Ms. Carol E. Webb, Supervisor, Water Utility Certification Program, Department of Natural Resources and Environmental Control (DNREC), that the Town of Frankford has filed for an application to provide public water to the Town of Frankford. If the Department grants this certification, the Town of Frankford will have exclusive right to provide water service to the incorporated limits of the Town. In accordance with DNREC Secretary Order No. 86-WS-05, the Department is required to notify the County Administrator when an application is being sought within the limits of Sussex County. Mr. Stickels stated that he knows of no reason why Council should oppose this application.

2. Sussex County Career and Job Fair

The Delaware Business, Industry, and Education Alliance will be conducting a Sussex County Career and Job Fair at Delaware Technical & Community College, Georgetown, Delaware, on Tuesday, April 7, 1992. Council has been invited to visit the Fair on that date.

West Rehoboth Value Engineering Study Mr. Wood, County Engineer, and Mr. William Ross and Mr. Burt Curry, Roy F. Weston, Inc., discussed the West Rehoboth Value Engineering Study. The Value Engineering Study covered three areas:

1. A Value Engineering review of the 30% design work for the collection, transmission, treatment and disposal options proposed in the draft plan.
2. A "second opinion" review of the overall draft Facilities Plan and its recommended option.
3. A review and analysis of the privatization options for the project.

The Engineering Department and George, Miles and Buhr will review the Study and report back to Council at a later date.

West Rehoboth Expansion Project Ms. Jane Brady, representing Citizens for Affordable Sewer, addressed Council regarding the economic impact of the West Rehoboth Expansion Project and asked that the group be included in the review of the proposals from Weston and the response from the contractors.

Recess President Dukes declared a recess at 11:10 a.m.

Reconvene President Dukes called Council back into session at 11:15 a.m.

Public Hearing A Public Hearing was held on "Assessment Rolls for Long Neck Sanitary Sewer District". The Public Hearing was closed.

M 126 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, that
Assess- the Sussex County Council hereby adopts the assessment rolls
ment and rates for the Long Neck Sanitary Sewer District, as
Rolls presented on March 31, 1992, for the period April 1, 1992, to
LNSSD June 30, 1993. The following annual rates were used in
preparing the assessment rolls: Service charge - \$156.64/EDU;
Collection Assessment - \$3.14/Foot; and Transmission and
Treatment Assessment - \$0.85/Foot. A connection charge of
\$1825.00/EDU is also adopted for the same period.

Motion Adopted: 5 Yea.

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

Recess President Dukes declared a recess at 12:29 p.m.

Reconvene President Dukes called Council back into session at 12:35 p.m.

LNSSD Mr. Green, Utility Construction Division Director, reviewed a "Conditional Acceptance" for Contract No. 2 and Contract No. 3, and "Beneficial Acceptance" for Contract No. 5 of the wastewater facilities constructed in the Long Neck Sanitary Sewer District.

M 127 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
LNSSD based upon the recommendation of the Inspection Engineer, KCI
Contract Technologies, Inc., for Sussex County Project No. 88-12, that
2, 3, 5 the Sussex County Council grant "Conditional Acceptance" for
Contract No. 2 and Contract No. 3, and "Beneficial Acceptance"
for Contract No. 5, of the wastewater facilities constructed
in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

C/U #996 Conditional Use No. 996, filed on behalf of Ronald E. Lankford
was discussed. A Public Hearing was held on March 17, 1992, at
which time the record was closed and action was deferred.

M 128 92 A Motion was made by Mr. Benson, seconded by Mr. Cole to Adopt
C/U #996 Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL
Denied USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A
FAMILY AMUSEMENT PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 96.4 ACRES, MORE OR LESS" (C/U #996) filed on behalf
of Ronald E. Lankford.

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 County Council considered whether the proposed conditional
use is generally of a public or semi-public character and is
essential and desirable for the general convenience and welfare
but, because of the nature of the use, the importance of the
relationship of the comprehensive plan and possible impact not
only on neighboring properties but on a large section of the

Findings
of
Fact
(con't)

County, it requires the exercise of planning judgment on location and site plan. The Council also considered whether the proposed conditional use promotes the health, safety, prosperity and general welfare, as well as secures coordinated plans for land use, transportation, public facilities and public utilities and public work expenditures in the relevant portion of Sussex County.

The County Council denied the requested conditional use. Councilman Cole stated that the use is not a desirable one in the area where it is proposed. He stated that the conditional use would not promote the general welfare of neighboring properties. He stated that the proposed conditional use is not in compliance with the county map which calls for residential development. He stated that the proposed conditional use will not promote safety and welfare because of the severe impact it puts on the infrastructure of this portion of the County. He stated that the proposed conditional use does not comply with the Coastal Sussex Land Use Plan which designates the area as residential. He stated that the County Council should not encourage commercial zoning beyond the C-1 District which exists along Route 1.

Councilman Stevenson expressed his concern about the impact the proposed conditional use would have on traffic on Route 1.

Councilman Benson stated that the proposed conditional use does not comply with the Coastal Sussex Land Use Plan. He also cited concerns about traffic problems on Route 1 which would be created by the proposed conditional use.

Councilman Collins stated that the proposed conditional use would have an adverse impact on farm land preservation. He expressed concerns about the effect on traffic of the proposed conditional use.

Council President Dukes quoted a letter from the Delaware Department of Transportation, dated January 3, 1992, which stated that Route 1 cannot adequately accommodate the traffic created by the proposed conditional use. Council President Dukes also stated that there is a lot of undeveloped commercial property on Route 1 and the development of that commercial property would greatly impact an already overcrowded highway. Council President Dukes stated that the proposed conditional use is not consistent with the Coastal Sussex Land Use Plan since it does not preserve agricultural lands.

Recess President Dukes declared a recess at 12:48 p.m.

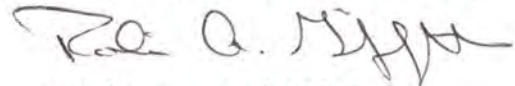
Reconvene President Dukes called Council back into session at 1:45 p.m.

Public Hearing C/Z #1152 Deferred A Public Hearing was held on 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 NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.93 ACRES, MORE OR LESS" (C/Z #1152) filed on behalf of Paul Edward Calloway. The Public Hearing was closed and action was deferred to allow time for the Councilmen to look at the property.

Public Hearing C/Z #1153 Deferred A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO HR-1/RPC HIGH DENSITY RESIDENTIAL/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 104.59 ACRES, MORE OR LESS" (C/Z #1153) filed on behalf of Sea Colony, Inc. The Public Hearing was closed and action was deferred.

M 129 92 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 5:54 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council