

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 2, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 2, 1996, 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 142 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Amend amend the Agenda to include the following item under Mr. Agenda Stickels, County Administrator: Request for Executive Session - Pending Litigation and Personnel.

Motion Adopted: 5 Yea.

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

M 143 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, Amend to adopt the minutes of the previous meeting dated March and 26, 1996, with the exception that the words "Mr. Bayard, Adopt County Attorney, read the following correspondence:" be Minutes changed to "Mr. Schrader, Assistant County Attorney, read the following correspondence:". Motion Adopted by Voice Vote.

CHIEF WILLIAM A. HUGHES, CHAIRMAN, AND MARTIN W. JOHNSON, III, COORDINATOR, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.

RE: Request for financial assistance to conduct the annual Staff Development Seminar from May 13 - 15, 1996.

CHIEF WILLIAM A. HUGHES, CHAIRMAN, AND MARTIN W. JOHNSON, III, COORDINATOR, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.

RE: Request for financial assistance to permit Mr. Martin Johnson, Local Police Coordinator, to attend a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference in Woodstock, Vermont, April 25 - 28, 1996.

Proposed
Procla-
mation/
Tune
Out TV
Violence
on
April 5

Mr. Stickels, County Administrator, introduced Mrs. Mary Mears of Sussex County Family and Community Education. Mrs. Mears was present to ask Council to join FCE in its annual Family Choice-TV campaign to tune out violence on April 5, 1996; to make a conscious effort to avoid violent programming on that day. Mrs. Mears advised that it is up to us, as adults, to help children discover the wonders of television instead of being influenced by senseless violence and other potentially harmful programming. Mr. Stickels read in its entirety a Proposed Proclamation entitled "TUNE OUT TV VIOLENCE ON APRIL 5, 1996, AND PUT TELEVISION TO WORK FOR CHILDREN".

M 144 96
Adopt
Procla-
mation/
Tune
Out TV
Violence
on
April 5

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "TUNE OUT TV VIOLENCE ON APRIL 5, 1996, AND PUT TELEVISION TO WORK FOR CHILDREN".

Motion Adopted: 5 Yea.

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

DelDOT's
Capital
Improve-
ment
Program

Mr. Stickels, County Administrator, advised that the State of Delaware's FY 1997 - 2002 Capital Improvement Program has been finalized. The following eight capital improvement recommendations made by the County were addressed in the Capital Improvement Program:

1. Upgrade State Road 54 to 100 Year Flood Plain.

Construction funding in the amount of \$11.5 million has been provided for Route 54 in the Program for fiscal years 2000-2002.

2. Safety Improvements for Route 1 from the Five Points Intersection to Rehoboth Avenue Extended Intersection.

Funds will not be spent out of the Program but recommendations are planned to be implemented in the near future. It was noted that the County Council is responsible for the Corridor Overlay recommendation.

3. Shoulder Paving for State Roads 9, 18, 54, 404, 26, 30, 24, 5, and 20.

Recommendations will be forwarded to the Southern Division of DelDOT where the improvements will be considered under their budget.

DelDOT's
Capital
Improvement
Program
(con't)

4. Lefthand Turn Lanes and Intersection Upgrades Where Traffic Counts Warrant for State Roads 9, 18, 54, 404, 26, 30, 24, 5, and 20.

Recommendations will be forwarded to the Southern Division of DelDOT where the improvements will be considered under their budget.

5. Sussex County Airport Taxiway Lights and Guidance Signs.

Project is scheduled to take place in the next three years.

6. Sussex County Airport Taxiway Improvements.

Project is scheduled to take place in the next three years.

7. Comprehensive Repaving Schedule for all Secondary Roads in Sussex County.

Recommendations will be forwarded to the Southern Division of DelDOT for review and consideration on an annual basis.

8. Upgrade to the Woodland Ferry to Allow for Regularly Scheduled Use.

DelDOT is scheduled to rehabilitate the Laurel side ramp of the Woodland Ferry and construction will be completed in early spring.

In 1997, New Castle County is scheduled to receive \$61.2 million for 52 projects; Kent County is scheduled to receive \$4.4 million for 15 projects; and Sussex County is scheduled to receive \$3.6 million for 17 projects. For the years 1997 through 2002, New Castle County is to receive \$189.8 million; Kent County is to receive \$19.3 million; and Sussex County is to receive \$24.2 million. The breakdown of funding for Sussex County for the five year period is as follows: 1997 - \$3.6 million; 1998 - \$4.3 million; 1999 - \$4.8 million; and 2000-2002 - \$11.5 million. The Council recognizes the continuing and growing need of roadwork in Sussex County and for this reason, it was the consensus of Council that Sussex County is not getting its fair share of the funding in the Capital Improvement Program.

Legis-
lative
Update

Mr. Stickels, County Administrator, provided Council with the following legislative update:

1. Senate Bill No. 319 - "AN ACT TO AMEND TITLE 22 AND TITLE 9 OF THE DELAWARE CODE RELATING TO SUNSET ZONING"

This Bill is designated to help regulate the zoning and rezoning process on both the County and Municipal levels.

Legis-
lative
Update
(con't)

2. House Bill No. 335 - "AN ACT TO AMEND CHAPTER 76, TITLE 7 OF THE DELAWARE CODE RELATING TO THE INLAND BAYS' WATER-SHED ENHANCEMENT ACT"

This Bill adds two additional members to the Board of Directors of the Center for the Inland Bays and allows a member of the Board to designate an alternate in the event that a member is unable to participate in any decision of the Board. (This Bill has passed both chambers and has been forwarded to the Governor for signing.)

3. House Bill No. 470 - "AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO EMINENT DOMAIN"

The counties of the State of Delaware have for quite some time been endowed with the power to condemn private lands for parks and recreational purposes. This Act recognizes that the State has no less an interest in preserving open spaces in areas subject to development for natural, recreational and farm uses, and therefore should be endowed with a concomittant condemnation power. This Act delegates that power to the Delaware Open Space Council.

4. Senate Bill No. 345 - "AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING"

This Bill amends § 2614, Title 9 of the Delaware Code, by prohibiting the government of New Castle County from re-zoning a parcel of land in a high-density traffic area without prior approval of the Secretary of the Department of Transportation and both Houses of the General Assembly. (This Bill does not affect Sussex County.)

5. House Bill No. _____ - "AN ACT TO AMEND TITLE 30, CHAPTER 55, OF THE DELAWARE CODE RELATING TO THE APPLICABILITY OF PUBLIC UTILITY TAXES ON COMMODITIES AND SERVICES DISTRIBUTED TO THE STATE OF DELAWARE, ITS AGENCIES AND POLITICAL SUBDIVISIONS, LOCAL GOVERNMENTS AND PUBLIC SCHOOL DISTRICTS"

This Act would, upon its effective date and thereafter, exempt the State of Delaware, agencies and political subdivisions of the State, local governments and school districts from the payment of public utility taxes imposed on commodities and services furnished to those governmental bodies as customers or consumers.

6. Un-numbered Bill -

A Bill requiring the County Council to do a reapportionment with boundaries drawn from east to west.

Proposed Policy Regarding Pre-liminary Site Plans and Rezoning Requests Mr. Stickels, County Administrator, discussed a Proposed Policy whereby the Sussex County Planning and Zoning staff would not accept any preliminary site plans or rezoning requests for the Route 1 Corridor, from Red Mill Pond to the Lewes/Rehoboth Canal, until the applicant has received an entrance location approval from DelDOT. There has been growing concern over traffic capacity and commercial growth along Route 1 in Coastal Sussex. At the March 26, 1996, Council meeting, Citizens Coalition members requested Council to declare a moratorium on commercial growth in Coastal Sussex; they want a construction ban until the State has a new transportation plan for Sussex County and until the Sussex County Council has a new Land Use Plan. No action was taken at that meeting. Since the March 26, 1996, Council meeting, Secretary Anne P. Canby of the Delaware Department of Transportation has issued a directive which mandates that no commercial construction can start along Route 1 from Red Mill to the Maryland line without an entrance location approval from the State.

M 145 96 Adopt Policy Regarding Pre-liminary Site Plans and Rezoning Requests A Motion was made by Mr. Cole, seconded by Mr. Collins, based on a directive issued by Delaware Department of Transportation (DelDOT) Secretary Anne P. Canby, the Sussex County Council hereby adopts a policy that the Sussex County Planning and Zoning staff shall not accept any preliminary site plans or rezoning requests for the Route 1 Corridor, from Red Mill Pond to the Lewes/Rehoboth Canal, until the applicant has received an entrance location approval from DelDOT. The Sussex County Council believes this procedure will provide for better intergovernmental communications that will have a long term benefit for all of the businesses located on Route 1.

Motion Adopted: 5 Yea.

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

M 146 96 Authorize Executive Session A Motion was made by Mr. Cole, seconded by Mr. Benson, to authorize an Executive Session to be held in the County Council Chambers on Tuesday, April 16, 1996, immediately following the morning session of the regularly scheduled County Council meeting for the purpose of discussing pending litigation and personnel.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Model Energy Code Workshop

The Lower Delaware and Maryland Building Officials Association will be conducting an Energy Code Workshop on Tuesday, April 30, 1996, at the Higher Education Building, Jack F. Owens Campus, Delaware Technical & Community College in Georgetown, starting at 9:00 a.m. A second workshop will be held the same day at 1:30 p.m. Anyone interested in registering for the class should call the Sussex County Building Code Office at 855-7860.

2. County Council Meeting Schedule

County offices will be closed Friday, April 5, 1996, in observance of Good Friday. County offices will reopen 8:30 a.m. on Monday, April 8, 1996.

The County Council will be taking an Easter recess on Tuesday, April 9, 1996. The next regularly scheduled meeting will be at 10:00 a.m. on Tuesday, April 16, 1996.

3. Land Acquisition

On Friday, March 29, 1996, settlement took place on the former Wilmington Trust building located on Route 113, Georgetown. Paramedic Administration, Library Administration, and the Economic Development Office are targeted to relocate by June 1, 1996. Wilmington Trust will start paying rent for the portion that they are retaining on April 1. Rent will also start being charged for Delaware National on April 1. They anticipate having their offices in place by May 1, 1996.

M 147 96
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500.00, \$300.00 from Mr. Benson's Councilmanic Account and \$200.00 from Mr. Cole's Councilmanic Account, to the Cape Henlopen School District - OM (Odyssey of the Mind) to supplement funding for the teams' trip to the OM World Finals at the University of Iowa in Ames, Iowa.

Motion Adopted: 5 Yea.

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

M 148 96 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$400.00, \$200.00 from Mr. Cole's Councilmanic Account and \$200.00 from Mr. Collins' Councilmanic Account, to the Indian River School District - OM (Odyssey of the Mind) to supplement funding for the teams' trip to the OM World Finals at the University of Iowa in Ames, Iowa.

Motion Adopted: 5 Yea.

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

M 149 96 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. to supplement funding for the annual Staff Development Seminar from May 13 - 15, 1996.

Motion Adopted: 5 Yea.

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

M 150 96 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00, \$50.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc., to supplement funding to permit Mr. Martin Johnson, Local Police Coordinator, to attend a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference in Woodstock, Vermont, April 25 - 28, 1996.

Motion Adopted: 5 Yea.

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

M 151 96 Recess At 11:45 a.m., a Motion was made by Mr. Collins, seconded by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:33 p.m.

Public Hearing (C/U No. 1149) 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 A METAL ART FOUNDRY AND BLACKSMITH SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CON-

Public
Hearing
(con't)

TAINING 8.19 ACRES, MORE OR LESS" (Conditional Use No. 1149) filed on behalf of Victor and Karen Letonoff. There were no public comments to this application. The Public Hearing was closed.

M 152 96
Adopt
Ordinance
No. 1084
(C/U
No. 1149)

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 1084 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A METAL ART FOUNDRY AND BLACKSMITH SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.19 ACRES, MORE OR LESS" (Conditional Use No. 1149) filed on behalf of Victor and Karen Letonoff, with the following conditions:

1. No retail sales shall be permitted on site.
2. No signage shall be permitted on site.
3. Days of operation shall be Monday through Saturday.
4. All waste shall be properly disposed of off-site.
5. The site plan shall be subject to 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 on the following findings of fact:

1. 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.
2. The proposed use is consistent with the purposes and goals of the Conservation Zone and the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1276)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.9 ACRES, MORE OR LESS" (Change of Zone

Public
Hearing
(con't)

No. 1276) filed on behalf of W. Leroy Mears. Public comments in favor of and in opposition to the application were heard. The Public Hearing was closed.

M 153 96
Defer
Action
on C/Z
No. 1276

A Motion was made by Mr. Cole, seconded by Mr. Benson, to defer action on Change of Zone No. 1276 and to leave the record open for a period of thirty days, until the close of business on May 2, 1996, for the receipt of additional information from Delaware Department of Transportation; Russell Archut, Director of Planning and Permits for Sussex County; and any other written comments.

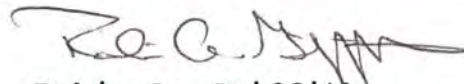
Motion Adopted: 5 Yea.

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

M 154 96
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 3:11 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council