

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 21, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 21, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

M 163 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Amend and Adopt Agenda amend the Agenda striking "George Torbert, Paramedic Director, 1997 Year End Report" and adding "Oscar Perez, Director of Public Works, Airport Paving Project", and to approve the agenda, as amended.

Motion Adopted: 5 Yea.

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

M 164 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting, dated April 7, 1998.

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence:
spondence

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Notice of Public Meeting and Availability of a Supplemental Draft Environmental Impact Statement (SDEIS) for Public Review - Delaware Coast from Cape Henlopen to Fenwick Island, Bethany Beach and South Bethany Interim Feasibility Study.

RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit. (Applicant: Delaware Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation. Waterway: Atlantic Ocean)

Corre-
spondence
(con't)

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing on applications for approval (none of which are located in Sussex County).

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Notice of Public Hearing concerning a proposal for various amendments to the Delaware Motor Vehicle Emission Inspection Program, contained in the State of Delaware Regulations Governing the Control of Air Pollution.

RE: Notice of Public Workshop on a new regulation (Regulation 20, Section 29 "New Source Performance Standards for Hospital/Medical/Infectious Waste Incinerators").

RE: Notice of Public Workshop on revisions to Regulation 1, Section 2 - Definitions and Regulation 24, Section 2 - Definitions of Delaware's "Regulations Governing the Control of Air Pollution".

RE: Legal Notice regarding a request for permit amendments submitted by Star Enterprise, Delaware City.

JAMES W. BAILEY, BROADKILL BEACH PRESERVATION ASSOCIATION, MILTON, DELAWARE.

RE: Letter in appreciation of the County's involvement in helping Broadkill Beach during the recent Nor'easters.

JERRY WILLIAMS, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

RE: Invitation to attend an awards ceremony on April 24, 1998, at which time Heather Sheridan will be recognized for her achievements; she has been nominated for the Delaware Wastewater Operator of the Year Award.

PENNY DUNCAN, EXECUTIVE DIRECTOR, LAUREL SENIOR CENTER, INC., LAUREL, DELAWARE.

RE: Letter in appreciation of Mr. Dukes' Councilmanic Grant to the Cheer Nutrition Program.

TOWN OF DELMAR, DELMAR, DELAWARE.

RE: Request for Councilmanic Grant.

THE GOLDEN KNIGHTS, SUSSEX CENTRAL HIGH SCHOOL BAND AND BOOSTERS, GEORGETOWN, DELAWARE.

RE: Request for Councilmanic Grant.

LOWER SUSSEX LITTLE LEAGUE, OCEAN VIEW, DELAWARE.

RE: Request for Councilmanic Grant.

Corre- RELAY FOR LIFE, AMERICAN CANCER SOCIETY, GEORGETOWN, DELAWARE.
spondence RE: Request for Councilmanic Grant.
(con't)

FRANK CALIO, DIRECTOR, SUSSEX COUNTY ECONOMIC DEVELOPMENT &
INDUSTRIAL AIRPARK, GEORGETOWN, DELAWARE.

RE: Letter to the Editor of the News Journal regarding the
recent editorial entitled "Pipe down about Sussex Airport
or just stay away".

PUBLIC SERVICE COMMISSION, DOVER, DELAWARE.

RE: Public interest pay phones.

LARRY NAAKE, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF
COUNTIES, WASHINGTON, D.C.

RE: National Association of Counties' 1997 Survey Efforts.

M 165 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adopt the Proclamation entitled "Proclaiming April 26 through
Procla- May 3, 1998, as `Soil and Water Stewardship Week`".
mation

Motion Adopted: 5 Yea.

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

M 166 98 A Motion was made by Mr. Jones, seconded by Mr. Cole, to
Adopt the Proclamation entitled "Proclaiming April 20 through
Procla- April 24, 1998 as `National Volunteer Week' and Proclaiming
mation April 21, 1998 as `Senior Companion Day' in Delaware".

Motion Adopted: 5 Yea.

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

M 167 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt the Proclamation entitled "PROCLAIMING APRIL 24, 1998
Procla- AS JACK LEWIS DAY IN SUSSEX COUNTY".
mation

Motion Adopted: 5 Yea.

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

M 168 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt the Proclamation entitled "PROCLAIMING WEDNESDAY, APRIL
Procla- 29, 1998, AS A DAY TO HONOR ERIC BRANDON SIMPSON".
mation

Motion Adopted: 5 Yea.

M 168 98
(con't)

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

Hazard
Miti-
gation
Grant
Program

Mr. Powell of the Department of Natural Resources and Environmental Control, discussed the County's eligibility for funding under the Hazard Mitigation Grant Program; a Program that will assist residents with mitigation projects in flood-prone areas. Money became available to Sussex County as a result of the Disaster Declaration following the recent Nor'easters. A mitigation team consisting of members of the County Engineering Department, Delaware Emergency Management Agency, Federal Emergency Management Agency, Department of Natural Resources and Environmental Control and Delaware Department of Transportation determined that elevating houses is the type of project needed given the first floor flooding experienced by many Sussex County residents during the recent Nor'easters. The amount of funding available to the County has not been finalized; however, it is estimated that it will be in the neighborhood of \$800,000. This Program is a 75% Federal/25% non-Federal Program; the property owner will be expected to contribute the 25%. Mr. Stickels, County Administrator, emphasized that contracts under this program will be between the contractor and the property owner, thereby protecting the County from any liability issues. Mr. Stickels recommended that the County offer its administrative services to the towns for this program; the County will be eligible to receive administrative costs. Mr. Stickels noted that it may be necessary to hire a part-time employee to administer this program.

Adminis-
trator's
Report

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

1. Delaware State Housing Authority Monitoring of Sussex County Community Development Block Grant (CDBG) Contract No. 03-96

I have received notification from Andrew J. Lorenz, Management Analyst for the Delaware State Housing Authority, that they have conducted a monitoring visit of the County's CDBG Contract No. 03-96. The Housing Authority found no violations. The inspection included work status on housing rehabilitation/water lines, financial management, environment, civil rights/beneficiaries, and labor standards. Projects included in the investigation were Belltown wastewater sewer hookups, Town of Bridgeville housing rehabilitations, Greenwood housing rehabilitations, Town of Laurel demolition and housing rehabilitations, Milford housing rehabilitations, rural areas of Millsboro housing rehabilitations, and rural areas of Selbyville housing rehabilitations.

Mr. Lorenz complimented the cooperation and assistance provided by William LeCates, Dale McDowell, Al Phillips, Brad Whaley, and Linda Willey.

Adminis-
trator's
Report
(con't)

2. Rural Development Press Conference

Mr. Jack Walls, Director of Delaware/Maryland USDA Rural Economic and Community Development Office, will be holding a press conference on Wednesday, April 22, 1998, at 10:00 a.m. at the corner of Road 358 and Martin Drive. The purpose of the press conference will be for Mr. Walls to announce the approval of a loan for the Cedar Neck Sanitary Sewer Project.

Bid
Results/
Taxi-
way
Over-
lay

Mr. Perez, Director of Public Works, presented bid results for Sussex County Project No. 98-03, Industrial Park Taxiway Overlay, Phase II, as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Jerry's Inc.	\$ 31,630.00
A. P. Croll & Son	31,920.00
Sparr Associates	42,500.00

Mr. Perez advised that the Sussex County Engineering Department recommends that the contract be awarded to Jerry's Inc.

M 169 98
Award
Bid/
Taxi-
way
Overlay

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the contract for Sussex County Project No. 98-03 entitled "Industrial Park Taxiway Overlay - Phase II" be awarded to Jerry's Inc. of Milford, Delaware, at the bid amount of \$31,630.00.

Motion Adopted: 5 Yea.

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

Atlanta
Estates

Mr. Izzo, County Engineer, presented a request to circulate petitions for the Proposed Atlanta Estates Streetlighting District.

M 170 98
Authorize
Circula-
tion of
Petitions
for
Proposed
Atlanta
Estates
Street-
lighting
District

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Engineering Department has verified that the subdivision known as Atlanta Estates satisfies the criteria of a Suburban Community, as defined in Paragraph 95-1 of the County Code; therefore, the Sussex County Council authorizes the circulation of petitions which seek to obtain estimates of costs and charges for streetlighting, for the purpose of establishing a streetlighting district.

Motion Adopted: 5 Yea.

M 170 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

South Mr. Green, Director of Utility Construction, discussed the
Shore construction of wastewater facilities in South Shore Marina
Marina located in the future expansion of the North Bethany Sanitary
Waste- Sewer District. It was noted that, prior to requesting South
water Shore Marina to hook-up to the North Bethany Sanitary Sewer
Facili- District, another property owner in the area, the State of
ties Delaware, should be asked hook-up. It was the consensus of
Council that a letter be directed to the State of Delaware
making this request.

M 171 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, based
Grant upon the recommendation of the Sussex County Engineering
Condi- Department, for Sussex County Project No. 81-04, that the
tional Sussex County Council grant Conditional Acceptance for the
Accep- wastewater facilities constructed in South Shore Marina, lo-
tance/ cated in the future expansion of the North Bethany Sanitary
South Sewer District.
Shore
Marina

Motion Adopted: 5 Yea.

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

Funding Mr. Archut, Assistant County Engineer, requested permission to
Request/ submit an application to the Delaware Department of Natural
Holts Resources and Environmental Control Water Pollution Revolving
Landing Loan Assistance Program for funding in the amount of \$2,435,000
SSD for the Holts Landing Sanitary Sewer District.

M 172 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, that the
Authorize County Engineer is authorized to apply to the Delaware Depart-
Applica- ment of Natural Resources and Environmental Control Water Pol-
tion for lution Revolving Loan Assistance Program for a \$2,435,000 loan
Funding/ to finance the Holts Landing Sanitary Sewer District.
Holts
Landing

SSD Motion Adopted: 5 Yea.

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

Wide The Wide Area Network proposal presented to Council by Mr.
Area Norwood and Mr. Spargaglione on April 7th was discussed. In
Network addition to information submitted at that time, Mr. Baker,
Proposal Finance Director, distributed to Council on April 17th a
memorandum regarding computer networking options. No action
was taken at the April 7th meeting to allow for the review of
information submitted.

M 173 98 A Motion was made by Mr. Collins, seconded by Mr. Cole, that Authorize the Sussex County Council authorizes the expenditure of up to \$50,000 to \$50,000 for a County Computer Networking System (Wide Area Expendi- Network) and related expenditures.

Wide Area Network Proposal Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF LIQUEFIED PETROLEUM GAS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 21,875 SQ. FT., MORE OR LESS" (Conditional Use No. 1245) filed on behalf of Paradee Gas Co., 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 A TRUCKING COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.2 ACRES, MORE OR LESS" (Conditional Use No. 1246) filed on behalf of Paul Crone. 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" (Conditional Use No. 1247) filed on behalf of Kings Creek Associates, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" (Change of Zone No. 1338) filed on behalf of Kings Creek Associates, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Youth Center/Georgetown Ms. Jane Hovington was in attendance to seek Council's support of the establishment of a youth center in the Town of Georgetown; a project being undertaken by the schools, the Town of Georgetown and the Strong Communities Coalition. The Town of Georgetown has offered land on Railroad Avenue to be used for

Youth
Center
(con't)

this project. Mr. Stickels, County Administrator, noted that this property is surrounded by industrial uses. It was the consensus of Council to endorse this proposed recreation project.

M 174 98 At 12:00 noon, a Motion was made by Mr. Cole, seconded by Mr.
Recess Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m.

Public
Hearing
C/U
No. 1235

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 AN AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.73 ACRES, MORE OR LESS" (Conditional Use No. 1235) filed on behalf of First State Mobile Mechanic, Inc. There were no public comments and the Public Hearing was closed.

M 175 98
Adopt
Ordinance
No. 1226
(C/U
No. 1235)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1226 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.73 ACRES, MORE OR LESS" (Conditional Use No. 1235) filed on behalf of First State Mobile Mechanic, Inc., with the following conditions:

1. The entrance to the garage shall be located as far from the curve of Road 480 as possible, subject to the review and approval of DelDOT.
2. The garage shall be built to conform to the appearance of the surrounding structures.
3. Lighting shall be directed away from any neighboring properties.
4. Business hours shall be limited to 8:00 a.m. to 5:00 p.m. six (6) days per week with no Sunday hours.
5. One (1) sign, not exceeding 16 square feet, per side or facing, may be permitted.
6. Outside storage of not more than six vehicles shall be permitted.
7. Maintenance work shall be limited from automobiles to six (6) wheeled trucks.
8. No wrecker service shall be permitted.

M 175 98
(con't)

9. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals and/or permits.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, 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 serve the neighboring residential and agricultural community, without adverse impact of any sort on the neighborhood, property values therein, traffic or the environment.
2. The proposed use is not inconsistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 176 98
Authorize
Executive
Session

A Motion was made by Mr. Cole, seconded by Mr. Collins, to authorize an Executive Session on April 28, 1998, beginning at 9:00 a.m. for the purpose of discussing personnel.

Motion Adopted: 5 Yea.

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

Public
Hearing
(C/U
No. 1236)

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 AN OUTPATIENT MEDICAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.11 ACRES, MORE OR LESS" (Conditional Use No. 1236) filed on behalf of Beebe Medical Center. The Public Hearing was closed.

M 177 98
Adopt
Ordinance
No. 1227
(C/U
No. 1236)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1227 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OUTPATIENT MEDICAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.11 ACRES, MORE OR LESS" (Conditional Use No. 1236) filed on behalf of Beebe Medical Center, with the following conditions:

M 177 98
(con't)

1. The uses permitted are medical offices to support out-patient facility.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
3. A 30' vegetative buffer strip shall be approved by the Planning and Zoning Commission, after recommendation from the State Forester, on the common boundary line of this property and the Hitchens subdivision.

Motion Adopted: 5 Yea.

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

Findings
of Fact

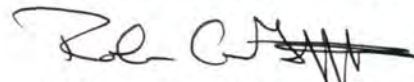
The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will help to serve the medical needs of Sussex County residents and visitors in the Route 24 corridor area, without adverse impact of any sort upon the character of the neighborhood, property values therein, traffic or the environment.
2. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 178 98
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to adjourn at 2:22 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council