

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 27, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 27, 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
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 161 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to
Approve approve the minutes of the previous meeting dated April 20, 1993.
Minutes Motion Adopted by Voice Vote.

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

JUDY DIOGO, EXECUTIVE DIRECTOR, CHAMBER OF COMMERCE FOR GREATER MILFORD, MILFORD.

RE: Appreciation for the financial support for the 15th Annual World Championship Weakfish Tournament.

DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION, LAUREL.

RE: Delaware Volunteer Firemen's Association 73rd and Ladies Auxiliary 56th Annual Convention to be held on September 22, 23, 24, and 25, 1993.

DALE E. WOLF, AMERICAN RED CROSS, WILMINGTON.

RE: Appreciation for support of the National Disaster Relief Campaign.

Certifi- President Dukes presented June Bostick with a Certificate of
cate of Appreciation from the Sussex County Council, for devotion,
Appre- loyalty, and excellence in serving Sussex County as Greenwood
ciation Library Director and Librarian from March 1, 1984, to May 1,
1993.

Blue Mr. Stickels, County Administrator, advised that a repre-
Ribbon sentative of the public is needed to fill a vacancy on the
Commis- Blue Ribbon Commission. In addition, the Georgetown Business
sion Association has asked whether they can have a representative
Appoint- on the Commission. Mr. Stickels recommended that Mr. Toby
ment Givens of the Georgetown Business Association be appointed to
serve on the Blue Ribbon Commission.

M 162 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that
Blue Mr. Toby Givens be appointed to serve on the Blue Ribbon
Ribbon Commission.

Commis- Motion Adopted: 4 Yea, 1 Absent.
sion

Appoint- Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
ment Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Terminate Mr. Stickels, County Administrator, advised Council of a request
Indus- from Delaware Aggregates, Inc., an excavation contractor, to
trial terminate their lease at the Industrial Park. Sussex County
Park Council and Delaware Aggregates, Inc. entered into the lease in
Lease 1990. The lease is for five years with two five year options.
The other alternative would be to allow Delaware Aggregates,
Inc. to sublease the property.

M 163 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Terminate that the Sussex County Council authorizes the termination of
Indus- a lease agreement between the Sussex County Council and
trial Delaware Aggregates, Inc., as requested by Delaware Aggregates,
Park Inc.
Lease

Motion Adopted: 4 Yea, 1 Absent.

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

Housing Mr. Stickels, County Administrator, advised that a Public
Preser- Hearing was held on April 6, 1993, to submit an application
vation to Farmers Home Administration for a grant under Section 533
Grant of the Housing Act of 1949, as amended and known as the
Resolu- Housing Preservation Grant (HPG) Program. The record was
tion held open for comments until April 22, 1993. No public
comments were received. A Proposed Resolution endorsing the
project to be submitted to the United States Department of
Agriculture, Farmers Home Administration, for funding was
read, in its entirety, by Mr. Stickels.

M 164 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adopt to Adopt Resolution No. R 009 93 entitled "ENDORING PROJECT
Resolu- TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRI-
tion CULTURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHOR-
R 009 93 IZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT
(HPG) APPLICATION".

Motion Adopted: 4 Yea, 1 Absent.

M 164 93 (con't) Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY RELATING TO AGRICULTURAL FARMLAND OF FIVE (5) ACRES MORE OR LESS". The Proposed Ordinance will be advertised for Public Hearing.

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

1. Bond Refinancing

Bond refinancing was completed with closing procedures on Thursday, April 22, 1993, in the offices of Potter Anderson & Corroon, the County Council's bond counsel. The final savings for water, sewer, and the general fund for the refinancing was \$2,002,661. Mr. Stickels thanked Mr. Jay Gefaell of R. W. Corby, the County's financial advisor, for his expertise and assistance in this transaction. Mr. Gefaell's timing allowed the County to maximize the amount of savings. Under today's economic conditions, the County Council would not have received the benefit it did by moving forward with the financing at the timing Mr. Gefaell recommended. Mr. Stickels also thanked Mr. David Baker, Mr. William Townsend, and Mrs. Andi DuVall for their assistance in putting the necessary information together to allow the County to complete the transaction in a timely manner.

2. Student Government Day

A reminder that on Thursday, May 6, 1993, the County Council will be holding Student Government Day. Representatives from the high schools in Sussex County will participate in a County Council session. Included with this report was a copy of their agenda. Their action will be compared to the County Council's action on each of the issues. The public and the press are invited to attend this activity.

3. Airport Seminar

Mr. Frank Calio, Director of the Sussex County Airpark, attended a two-day seminar at Wilmington College the weekend of April 17 and 18, 1993. Mr. Calio was one of three airport managers in Delaware who were panel members at a forum focusing on State aviation. The discussion centered

County
Adminis-
trator's
Report
(con't)

between Delaware aviation officials and private pilot groups. Mr. Calio attended a series of seminars focusing on industrial angles, such as federal regulations, aviation law, the aviation job market, and satellite navigation systems for pilots.

Old
Business
C/U
#1028

Conditional Use No. 1028, filed on behalf of Dr. Harry J. Anagnostakos, was discussed. A Public Hearing was held on this application on March 16, 1993, at which time action was deferred and the record was left open for twenty days for a report from DelDOT regarding the traffic situation at Wescotts Corner.

M 165 93
Adopt
Ordinance
No. 888
(C/U
1028)
With
Stipula-
tions

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 888 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE 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, with the following stipulations:

1. The project shall be limited to a maximum of three - one and a half story buildings containing 9,000 square feet on the first floor space and 4,000 square feet on the second floor space, each.
2. A 30 foot wide buffer shall be located along the boundary line of property owned by M. Jane Brady and Neal and Tilda Boyle. The buffer shall be planted with a staggering of trees. The plans for the forested planting of the buffer shall be subject to review and recommendation of a State Forester. The existing trees along the Boyle property shall remain and additional trees shall be added between the trees for screening.
3. A 25 foot wide buffer shall be located along the east and west boundary lines.
4. A parking area designated for employee parking shall be located along the northwest corner of the project in an effort to concentrate longer term parking toward the rear of the project.
5. Trash dumpsters for Buildings B and C shall be located in the rear of the project. The trash dumpster for Building A shall be located so as not to be visible from adjoining residential properties. All trash dumpsters shall be screened from view.
6. The front of the buildings shall be designed to be architecturally compatible with residential structures.

M 165 93
(con't)

7. A low profile illuminated monument sign shall be erected at the entrance to the project. The sign shall be located so that it does not obstruct the vision of motorists leaving the premises. The sign shall have no more than two sides or facings and a side or facing shall not exceed 150 square feet.
8. The entrance to the project shall be located per the approval of the State DelDOT. DelDOT recommends that the entrance be relocated to the easterly side of the property to get the greatest distance possible from the intersection of Route 9 and Road 12. The Final Site Plan shall depict the location of the intersection of Route 9 and Road 12.
9. All office space shall only be utilized for doctor's and related medical service uses. No residential use of the buildings shall be permitted.
10. The Final Site Plan shall be required to be reviewed and approved by the Planning and Zoning Commission. All appropriate agency permits or approvals shall be required prior to consideration of the Final Plans by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact Ordinance No. 888 The Council found that the Conditional Use for doctors' offices and related medical uses was appropriate legislative action based upon the following findings of fact:

- A. The Conditional Use for medical offices and related medical uses is appropriate for this parcel of land. The character of this area is mixed commercial and residential uses with other conditional uses for medical and related medical uses within close proximity to this parcel of land as well as being located along Savannah Road up to the corporate limits of the City of Lewes.

The land of the applicant is appropriate for a conditional use for doctors' offices and related medical uses permitting a maximum of 27,000 square feet of first floor space and 12,000 square feet of second floor space contained in three buildings.

Findings of Fact Ordinance No. 888 (con't)

- B. The proposed use promotes the health, safety, morals, convenience, order, prosperity and general welfare based on the evidence and testimony presented by the applicant including the following:
1. Based upon the review and comments of the Delaware Department of Transportation, the project will not adversely impact traffic or the level of service of nearby intersections provided the applicant relocates the entrance to the east side of the property and performs the shoulder improvements recommended by DelDOT.
 2. The project is located in an area which is appropriate for a conditional use for doctors' offices and related medical uses. There are other doctors' offices and several properties zoned B-1 and C-1 within close proximity to this project. The project will be limited to three buildings, each of which shall have a 9,000 square feet first floor space and a 4,000 square feet second floor space for a maximum project total of 27,000 square feet first floor space and 12,000 square feet second floor space. No building shall contain more than six separate offices.
 3. That the project will be served by central septic and water systems which are adequate and must be approved by appropriate agencies and will not have an adverse impact on nearby properties.
 4. That the evidence submitted by the applicant addressing storm water management, drainage, setbacks and central water and septic adequately protects against any negative environmental impact.
 5. That adequate open space, buffers, landscaping and architectural compatibility with adjoining residential properties will ensure that there is no adverse impact on nearby properties.
 6. That the project will provide direct economic impact to the County in terms of jobs, payrolls, and property taxes.
 7. That the character of the existing area is mixed commercial and residential with conditional uses for doctors' offices, that the site is suitable and appropriate for the proposed use and does not appear to have any adverse impact on property values or natural resources.

Findings of Fact Ordinance No. 888 (con't) C. The findings and conclusions stated herein are based on substantial evidence comprised of the reasons stated above, the testimony and evidence presented by the applicant and the recommendations and findings of fact of the Planning and Zoning Commission.

M 166 93 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$300.00 from Mr. Cole's Councilmanic Account to the City of Rehoboth Beach Police Department to help fund equipment purchases needed for the expansion of the Bicycle Enforcement Unit.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINOR AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.88 ACRE, MORE OR LESS" (C/U #1042) filed on behalf of Richard W. and Susan M. Baker. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.22 ACRES, MORE OR LESS" (C/U #1043) filed on behalf of the Indian River School District. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.0189 ACRES, MORE OR LESS" (C/Z #1198) filed on behalf of Best Drywall, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 167 93 Grants A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$800.00 (\$300.00 from Projects and Programs; \$50.00 from Mr. Benson's, Mr. Cole's, Mr. Collins' and Mr. Dukes' Council-

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M 167 93 Grants (con't) manic accounts; and \$300.00 from Mr. Stevenson's Councilmanic Account) to the Greater Georgetown Chamber of Commerce to host a pitstop in Georgetown for The Great American Race.

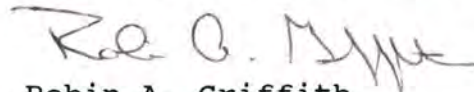
Motion Adopted: 4 Yea, 1 Absent.

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

Dog Control Program Mr. Dukes advised the press of a letter to the residents of Sussex County regarding the County Council's position on the Dog Control Program.

M 168 93 Adjourn A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adjourn at 10:58 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council