

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 23, 1995

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, May 23, 1995, 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 223 95  
Approve  
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Benson, to approve the minutes of the previous meeting dated May 16, 1995. Motion Adopted by Voice Vote.

Corre-  
spondence

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

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.  
RE: 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. Waterway: Mispillion River.)

MT. ZION HOLY CHURCH, INC., MILTON, DELAWARE.  
RE: Invitation to a Celebration Banquet honoring The Reverend Doctor Grace Ruth Batten, on June 17, 1995, at the Milton Fire Hall, Milton, Delaware.

COLONEL ALAN D. ELLINGSWORTH, PRESIDENT, CAMP BARNES, INC., DELAWARE STATE POLICE, DOVER, DELAWARE.  
RE: Letter thanking Council members for visiting Camp Barnes and for the grant in the amount of \$2,500.00.

DELAWARE SENIOR OLYMPICS, DOVER, DELAWARE.  
RE: Letter in appreciation of Council's grant in the amount of \$1,000.00.

DELAWARE MANUFACTURED HOUSING COALITION, REHOBOTH BEACH, DELAWARE.  
RE: Letter in appreciation of the time the Sussex County Council and members of the staff took on Tuesday, May 2, 1995, to meet with the Coalition.

PROPERTY OWNERS ASSOCIATION OF WHITE'S CREEK MANOR, MILLVILLE, DELAWARE.  
RE: Letter to Delaware Department of Transportation, copied to Mr. Cole, addressing the concern of the Property Owners Association regarding the need for a traffic light at the intersection of Route 26 and Old Mill Road.

Old  
Business  
C/U  
No. 1106

Conditional Use No. 1106 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTSIDE BOAT STORAGE, BOAT AND BOATING SUPPLIES SALES, MARINE ENGINE REPAIR AND BOAT PAINTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS", filed on behalf of Eric H. Ritter, was discussed. A Public Hearing was held on this application on March 14, 1995, at which time the Public Hearing was closed and action was deferred.

It was the consensus of Council to limit the uses of the Proposed Conditional Use.

M 224 95  
Amend  
C/U  
No. 1106  
and  
Adopt  
Ordinance  
No. 1028

A Motion was made by Mr. Cole, seconded by Mr. Benson, to amend Conditional Use No. 1106 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTSIDE BOAT STORAGE, BOAT AND BOATING SUPPLIES SALES, MARINE ENGINE REPAIR AND BOAT PAINTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS" and to Adopt Ordinance No. 1028 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTSIDE BOAT STORAGE, MARINE ENGINE REPAIR AND BOAT PAINTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS" (Conditional Use No. 1106) filed on behalf of Eric H. Ritter, with the following stipulations:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission. All appropriate agency approvals and/or permits shall be required prior to final approval.
2. Chain link type fencing shall be installed along the easterly side of the site along the Brasure lands, the Dickerson lands, and lots 11 and 12 within Sea Country Estates Subdivision.
3. Security lighting shall be located so that no direct lighting impacts residences on adjoining lands or motorists traveling along Road 395.
4. No ground signs shall be permitted. The only signage on the site shall be a 4' by 8' sign on the building.
5. The repair building shall not exceed one story or thirty feet in height.
6. Landscaping shall be provided along the chain-link fencing and along the front of the site. Landscaping along the front of the site shall be set back at least 20' so as not to obstruct the view for motorists leaving the site.

M 224 95  
(con't)

7. All boats and boat trailers stored shall meet the setbacks required for structures within Agricultural Residential Districts. Side setbacks shall be a minimum of 15' from Brasure lands, Dickerson lands, other Knox lands, and lots 11 and 12 within Sea Country Estates. The rear setback shall be 20'.
8. Not more than 108 boat storage sites shall be permitted on the property, at a location established by the Director of Planning and Zoning.

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 is appropriate legislative action based upon the following findings of fact:

1. A Conditional Use zoning is appropriate in an AR-1 District and for this parcel because the proposed use is of a public character and is essential and desirable for the general convenience and welfare of the public.
2. A Conditional Use zoning is appropriate for this parcel because of the nature of the use, the importance of its relationship to the Coastal Sussex Land Use Plan, and the possible impact on the neighboring properties require the exercise of planning judgment on location and site plan.
3. The granting of a Conditional Use allows the Council to set limits and conditions on the applicant that will provide substantial safeguards to the area and will allow for significant site plan review.
4. The proposed development is in accordance with the Coastal Sussex Land Use Plan:
  - a. It is located in the designated development district of the Plan.
  - b. It provides for environmental considerations while providing economic benefits and employment.
  - c. It provides suitable services to support the Tourism Industry, a vital part of Sussex County's economy.
  - d. This application meets the "First Flush" principle called for in the Plan.
  - e. This application supports the Plan's call for "dry storage" marina in the Inland Bays.

Findings  
of Fact  
(con't)

5. The Ritter/Knox request promotes the health, safety, moral, convenience, order, prosperity and general welfare based on the evidence and testimony presented by the applicant including the following:
  - a. Based on the Department of Transportation Support Facilities Report of January 5, 1995, the development will have no significant impact on traffic.
  - b. Adequate fire and police protection are available; additionally, the project will be fenced with appropriate security lighting.
  - c. The evidence submitted by the applicant in regards to storm water management, drainage and setbacks, adequately protects against any negative environmental impact.
  - d. Adequate utility services are available and there will be a positive benefit to the Indian River School District and the Sussex County Technical School District due to tax benefits without any additional student enrollment.
  - e. The project has been downsized to 100 parking slips and large buffer zones have been provided between the neighbor and the storage facility minimizing any impact on the neighbor.
  - f. The applicant has limited his use of the facility to boat storage and small motor repair and service. All repairs and service will be in a designated area. Further, there will be no boat sales or displays nor will there be any bait or tackle sales. No gasoline sales or storage of travel trailers and campers is proposed.
  - g. The proposed use will provide direct economic impact to the County in terms of jobs, payrolls, property taxes and school taxes, and will contribute to the secondary economic impact to area businesses.
  - h. Existing storage facilities in the area are already full or near capacity and one of those facilities is closing according to comments provided by the opposition's attorney.
  - i. There are no Federal 404 or State wetlands on this site.
  - j. The Coastal Sussex Land Use Plan does not list the areas as prime agricultural lands.

Findings  
of Fact  
(con't)

- k. There are no critical natural areas or historic sites on this parcel.
  - l. The parcel is located in an area designated as the development district and the proposal will not adversely affect agriculture.
  - m. There will be no adverse impact on nearby properties and property values will not be negatively impacted by the location of this facility.
  - n. The facility is located in an area that can best serve a number of major outdoor recreation facilities.
6. 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 those findings of the Planning and Zoning Commission which support the Planning and Zoning Commission's recommendation of approval.

Old  
Business  
C/Z  
No. 1256

Change of Zone No. 1256 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 1.28 ACRES, MORE OR LESS" filed on behalf of Mary O. Rizk was discussed. A Public Hearing was held on this Proposed Ordinance on April 25, 1995, at which time the Public Hearing was closed and action was deferred. At that time, the record was left open for the results of a traffic impact study. A letter from DelDOT was read into the record advising Council that a traffic impact study is no longer recommended prior to the approval of this request.

It was the consensus of Council that a B-1 Neighborhood Business District zoning change would be more appropriate to the site than a C-1 General Commercial District.

M 225 95  
Amend  
C/Z  
No. 1256  
and  
Adopt  
Ordinance  
No. 1029

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to amend Change of Zone No. 1256 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 1.28 ACRES, MORE OR LESS" and to Adopt Ordinance No. 1029 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS" (Change of Zone No. 1256) filed on behalf of Mary O. Rizk.

M 225 95 Motion Adopted: 5 Yea.  
(con't)

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 Change of Zone is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the Change of Zone, not to C-1, but to B-1, will be consistent with the character of development and its trend in the area and will enable the applicant to carry forward the businesses proposed.
2. The applicant established by substantial evidence that the Change of Zone will have no adverse impact on the immediate area, property values therein, the environment and traffic.
3. The Change of Zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Delaware Division of Historical and Cultural Affairs Agreement Mr. Archut, Director of Planning and Permits, discussed an Agreement with the Delaware Division of Historical and Cultural Affairs, State Historic Preservation Office, for the County's Historic Preservation Project. This project will reestablish the position of Historic Preservation Planner in Sussex County. The Federal grant award recommended for the County's project is \$22,500.00. The County's minimum matching share required for this grant, with a 60/40 Federal/County matching ratio, is \$15,000.00. Funding for the County's portion of the project is included in the FY '96 budget proposal.

M 226 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, Execute Agreement with Delaware Division of Historical and Cultural Affairs that the Sussex County Council hereby authorizes the Sussex County Engineer to execute an Agreement with the Delaware Division of Historical and Cultural Affairs; State Historic Preservation Office, for the Fiscal Year 1995 Historic Preservation Project.

Motion Adopted: 5 Yea.

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

Collateralization Agreement Mr. Baker, Finance Director, discussed a Collateralization Agreement between Sussex County and the Baltimore Trust Company. This Agreement would enable the Baltimore Trust Company to bid on the County's Certificate of Deposits.

M 227 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council approves the Depository Collateralization Agreement with Baltimore Trust Company which specifies the terms for collateralization of Sussex County Council deposits at Baltimore Trust Company.

Motion Adopted: 5 Yea.

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

New Deposit Account Mr. Baker, Finance Director, discussed a proposal to open a new Deposit Account at the Baltimore Trust Company entitled Sussex County Council, 911 Emergency Reporting System Fund.

M 228 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 012 95 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Section 125 Group Hospital Premium Payment Plan Mr. Baker, Finance Director, discussed a proposal regarding Section 125 Group Hospital Premium Payment Plan. This Plan would allow employees who have subscriber and child, family, or family PCS coverage to pay for their share of group hospital cost on a pretax basis. Payroll withholdings would be pretax, thus federal income tax, social security tax, and State income tax would not be withheld from the withholding amounts. This Plan would result in a savings to the employees as well as the County; the County will save up to approximately \$14,000 per year from savings on employer paid social security taxes. Mr. Baker read in its entirety a Proposed Resolution, as follows:

RESOLUTION NO. R 011 95

RESOLVED, that the Health and Welfare Plan as set forth in the "Plan Documents" dated May 1, 1982, and amended January 1, 1991, and that the Section 125 Cafeteria Plan as set forth in the "Plan Documents" dated July 1, 1995, is hereby approved

Section 125 Group Hospital Premium Payment Plan (con't) and adopted and that the proper officers of the Sussex County Council are hereby authorized and directed to effect these "Plans" for the benefit of the employees of the Sussex County Council.

RESOLVED, that Farnell & Smith, Inc., the appointed contract administrator and the Corporation as appointed Plan Administrator shall be instructed to take such actions as are deemed necessary and proper in order to implement the aforementioned "Plans", and to set up adequate accounting and administrative procedures for the operation of the plans in accordance with current regulations affecting such plans.

RESOLVED, that the Sussex County Council or its duly appointed representative shall act as soon as possible to notify employees of the Sussex County Council of the plans adopted. Such notification shall be in a format approved by the Employee Retirement Income Security Act (ERISA), The Department of Labor (DOL), and/or the Internal Revenue Service (IRS).

M 229 95 Adopt Resolution No. R 011 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 011 95.

Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF A MOBILE HOME PLACEMENT TAX WITHIN THE UNINCORPORATED AREAS OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for Public Hearing.

Thompson's Island Archaeological Site Mr. Stickels, County Administrator, advised that the Delaware State Review Board for Historic Preservation will be considering the Thompson's Island Archaeological Site (Rehoboth Beach Vicinity) for nomination to the National Register of Historic Places. The nomination will be considered at the meeting of the Review Board on June 20, 1995, at 9:30 p.m., at the Buena Vista State Conference Center.

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

1. Memorial Day

The Seaford Veterans Committee will be conducting Memorial Day services in Kiwanis Park, Stein Highway, at 10:30 a.m. and at the Methodist Manor House at 12:00 noon, Seaford, Delaware, on Monday, May 29, 1995.

Adminis-  
trator's  
Report  
(con't)

County offices will be closed Monday, May 29, 1995, in observance of Memorial Day and will reopen Tuesday, May 30, 1995. However, there will not be a Council meeting on Tuesday, May 30, 1995. The next regularly scheduled Council meeting will be Tuesday, June 6, 1995.

2. CABO Building Code Class

The Sussex Tech Adult Education Division will present a course of instruction designed to familiarize the participants with the first nine chapters of the One and Two Family Dwelling Building Code as it pertains to Sussex County. This course is being provided as a service to Sussex County building contractors and other interested persons. The class will take place from 6:00 to 9:00 p.m. Thursday evenings, June 15, 22, and 29, and July 6 and 13, 1995. Sussex Tech is located on Route 9, west of Route 113, Georgetown. Cost of the course is \$65.00. Anyone interested in enrolling in the class should contact Sussex Tech by calling 856-9035. The class is limited to 25 students.

3. Emergency Operations Center Recognition

Three dispatchers from the Sussex County Fire and Ambulance Dispatch Center have been awarded "Outstanding Public Safety Communications Officer" awards by the Delaware Emergency Medical Services Advisory Council for the year of 1994. Emergency Communications Supervisor Terry L. Lind, Emergency Communications Specialist Judith E. Webb, and Emergency Communications Specialist Cotton R. Collins were recognized at the annual Emergency Medical Services Recognition Awards Banquet on May 13, 1995.

The three dispatchers were recognized for the outstanding job they did on January 17, 1994, when a one-day ice storm affected a large portion of Sussex County. During this event, these dispatchers alerted and coordinated the response of numerous fire, ambulance, and paramedic units that were required to handle a variety of Emergency Medical Services incidents created from the storm.

In addition to the individuals receiving awards, the Sussex County Fire and Ambulance Dispatch Center along with the Sussex Communications Section of the Delaware State Police have been awarded a Unit Citation as the Associated Public-Safety Communications Officials, Inc., Telecommunicators of the Year. This citation was given at the Mid-Eastern Chapter of the Associated Public-

Adminis-  
trator's  
Report  
(con't)

Safety Communications Officials, Inc., spring meeting on April 20, 1995. Instead of singling out one dispatcher, it was decided to recognize all of the dispatchers for the outstanding jobs they have done all year.

Mr. Stickels advised Joe L. Thomas, Acting Chief Dispatcher, that all the employees at the EOC should take great pride in the recognition that they have received.

Coastal  
Stock  
Tab  
Plant  
Purchase

Mr. Calio, Director, Sussex County Economic Development and Industrial Air Park; Mr. Coy, Director, Delaware Economic Development Office; and Mr. Shelander, Vice President, CST Office Products, Inc.; were present to discuss a proposal whereby Sussex County would purchase, in the amount of \$1.00, a 58,000 square foot building located in the County's Industrial Park from C.S.T. Office Products. C.S.T. Office Products operated this manufacturing facility until February, 1994, after which time the facility was closed due to corporate restructuring. Upon approval of the purchase of the building, the County will advertise the building for sale and will award the building to a company meeting the criteria standards for the highest and best use of the building.

M 230 95  
Authorize  
Purchase  
of  
Coastal  
Stock  
Tab  
Plant

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council authorizes the Sussex County Council President to execute documents to purchase the Coastal Stock Tab plant located at the Sussex County Industrial Park for the purchase price of \$1.00 from Coastal Stock Tab Office Products, Inc., contingent upon the County Legal Department's successful completion of investigation as to title of structure and preparation, execution, and delivery of necessary documents.

Motion Adopted: 5 Yea.

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

M 231 95  
Council-  
manic  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$150.00 from Mr. Collins' Councilmanic Account to the Indian River High School 12th Grade Advanced Placement English Class for their outdoor classroom project.

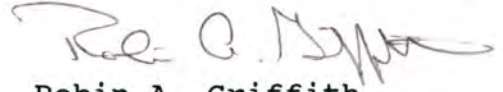
Motion Adopted: 5 Yea.

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

May 23, 1995 - Page 11

M 232 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Adjourn to adjourn at 11:25 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council