

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 6, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 6, 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 233 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated May 23, 1995.
Minutes Motion Adopted by Voice Vote.

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

DELMARVA WATER TRANSPORT COMMITTEE, SALISBURY, MARYLAND.
RE: Second Quarter 1995 Newsletter.

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. Waterway: Assawoman Canal).

TODD HUTCHINSON, PROM PROMISE COORDINATOR, NATIONWIDE INSURANCE, ANNAPOLIS, MARYLAND.
RE: Letter to Mr. Collins in appreciation of his help in the Delaware Prom Promise Scrapbook judging.

JOE SLIGHTS, DIRECTOR OF DEVELOPMENT, DELAWARE SENIOR OLYMPICS, DOVER, DELAWARE.
RE: Letter in appreciation of Council's recent contribution in the amount of \$1,000.00.

DR. JACK F. OWENS, CAMPUS DIRECTOR, DELAWARE TECH, GEORGETOWN, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of the part he played in the May 22 tribute.

Presen- Mr. Dixon of the Sussex County Volunteer Ambulance Association
tation was in attendance to present Council with a plaque "In Appreciation for Support of the Basic Life Support Volunteers in Sussex County".

M 234 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, that Authorize the Sussex County Council authorizes an Executive Session to Executive Session be held in the County Council Chambers on Tuesday, June 13, 1995, at 9:00 a.m., to discuss land acquisition.

Motion Adopted: 5 Yea.

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

Project to Receive Allocation of 1995 Low Income Housing Tax Credits Mr. Stickels, County Administrator, advised Council of a letter from Susan A. Frank, Director, Delaware State Housing Authority, regarding a proposed housing complex that is under consideration to receive an allocation of 1995 Low Income Housing Tax Credits. The proposed housing complex, East Atlantic Apartments, will be an affordable housing complex located on the east side of Route 1 at County Road 270 in Lewes and Rehoboth Hundred. The County is being notified of this project in accordance with the Low Income Housing Tax Credit program. It was the consensus of Council that the project does comply with the County's Land Use Plan.

Plan Review Agreement Mr. Stickels, County Administrator, discussed a Plan Review Agreement between Sussex County and First State Inspection Agency, Inc. The purpose of the Plan Review Agreement is to enable the County to have an outside agency to perform plan reviews in emergency situations. The County currently has an Agreement, dated August 17, 1993, whereby First State Inspection Agency, Inc. conducts building inspections to meet the requirements of the 1992 CABO One and Two Family Building Code on behalf of the County.

M 235 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, that Execute Plan Review Agreement between First State Inspection Agency, Inc. and the Sussex County Council for First State Inspection Agency, Inc. to perform plan reviews, on an emergency basis, on behalf of the County, for a period of two years.

Motion Adopted: 5 Yea.

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

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

Adminis-
trator's
Report
(con't)

1. Georgetown Transportation Study

The Delaware Department of Transportation will be conducting the fourth in a series of public workshops aimed at addressing transportation needs in Georgetown. The workshop will be held in Room 529 at Delaware Technical & Community College, Higher Education Building, on Thursday, June 8, 1995, between the hours of 4:00 and 8:00 p.m. A variety of conceptual transportation alternatives have been developed through the study. These alternatives will be presented at the workshop. Residents and individuals who work in the Georgetown area are encouraged to attend this workshop.

2. Sussex County Senior Services Transportation Budget

As authorized by the County Council, Mr. Stickels has approved the Sussex County Senior Services, Inc., Transportation Budget transfer request. Cheer had requested that \$11,000 be transferred from Insurance and \$12,000 from Wages and Benefits of Drivers to Vehicle Maintenance. The \$23,000 was needed because of increased maintenance requirements of their bus fleet. Many of these vehicles are five years old or older. Council has authorized line item transfers as long as each recipient of the transportation funding does not exceed their total allotment.

3. Piney Neck Wastewater Treatment Facility

The Dagsboro-Frankford Sanitary Sewer District has for sale 3,500 bales of hay. The crop grown on the spray irrigation fields of the Piney Neck Wastewater Facility is a mixture of orchard grass and alfalfa. The site generates approximately 4,500 bales each cutting. The field is cut four to five times a year. Anyone desiring to purchase the hay should contact Rex Powell at 855-7730. The charge for the hay will be \$2.00 a bale, and County employees will help load the bales on the buyer's vehicle. Anyone wishing to have the hay delivered will be charged an extra .25¢ per bale.

Audit
Agree-
ment
Termina-
tion and
Rebid

Mr. Baker, Finance Director, informed Council that the County's Auditor, Santora, Starr & Baffone, has given written notice of their intent to terminate the Audit Agreement dated August 31, 1993. The Audit Agreement allows 30-day notice of termination; because the work on the final year of the three-year Agreement has not begun, there will be no additional cost to the County of early termination. Mr. Baker advised that the County will rebid the Audit Agreement to include audits for

Audit the years ending June 30, 1995, June 30, 1996, and June 30, 1997 and for Auditing Services between July 1, 1995 and June 30, 1998. Bids will be opened at the Council meeting on June 20, 1995.

Agreement (con't)

Proposed Ordinance Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY USE FOR FOUR (4) DWELLINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.95 ACRES, MORE OR LESS" (Conditional Use No. 1121) filed on behalf of Clinton and Frieda Yoder. 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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PLUMBING SUPPLY STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Conditional Use No. 1122) filed on behalf of Brice J. Butler, Jr. 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 629 TO ALLOW FOR A FULL SERVICE RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.11 ACRES, MORE OR LESS" (Conditional Use No. 1123) filed on behalf of North Bethany Seafood Market, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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 A MANUFACTURED HOME PARK (EXPANSION TO CONDITIONAL USE NO. 1034) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.1884 ACRES, MORE OR LESS" (Conditional Use No. 1124) filed on behalf of Tunnell Companies, L.P. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.0441 ACRES, MORE OR LESS" (Change of Zone No. 1261) filed on behalf of Tunnell Companies, L.P. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.1884 ACRES, MORE OR LESS" (Change of Zone No. 1262) filed on behalf of Tunnell Companies, L.P. The Proposed Ordinance will be advertised for Public Hearing.

Attorney Mr. Schrader, Assistant County Attorney, was the Attorney present during the following Public Hearing after which time Mr. Bayard returned to the meeting.

Public Hearing 1996 Fiscal Budget A Public Hearing was held on the Sussex County Fiscal 1996 Budget for General Fund, Bond Issues, Community Development and Housing Grant Programs, Sewer and Water Districts, and Capital Improvement Programs, as proposed on May 16, 1995. Mr. Stickels, County Administrator, reviewed the following proposed amendments:

- A. General Fund - Revenue
 - Manufactured Home Placement Tax \$187,000
- B. General Fund - Expenditures
 - Grant-In-Aid Programs
 - Local Library Placement Fee Grants \$187,000

There were no public comments and the Public Hearing was closed.

M 236 95 Adopt Tax Rates for Fiscal Year 1996 A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council adopts the Sussex County tax rates for Fiscal Year 1996 as follows:

- County Property Tax Rate - 44.50¢ per \$100 of Assessed Valuation
- County Capitation Tax - \$3.00

Motion Adopted: 5 Yea.

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

M 237 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$600.00, \$400.00 from Mr. Dukes' Councilmanic Account and \$200.00 from Mr. Stevenson's Councilmanic Account, to the Greater Seaford Chamber of Commerce for "Project 13".

Motion Adopted: 5 Yea.

M 237 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 238 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Dukes' Councilmanic Account to the
manic Laurel School District for the Laurel Summer Recreation Pro-
Grant gram.

Motion Adopted: 5 Yea.

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

M 239 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$300.00 from Mr. Dukes' Councilmanic Account to
manic the Seaford Senior High School to offset the expenses of
Grant three students attending the National Student Government
Conference in Tulsa, Oklahoma.

Motion Adopted: 5 Yea.

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

M 240 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$200.00 from Mr. Dukes' Councilmanic Account to the
manic Laurel School District to offset expenses associated with the
Grant Superintendent Search.

Motion Adopted: 4 Yea, 1 Nay.

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

Public A Public Hearing was held on "Assessment Rolls for Dewey
Hearing Beach Water District, Dewey Beach Sanitary Sewer District,
Assess- Bethany Beach Sanitary Sewer District, South Bethany Sanitary
ment Sewer District, Fenwick Island Sanitary Sewer District, Blades
Rolls Sanitary Sewer District, Henlopen Acres Sanitary Sewer District,
and Long Neck Sanitary Sewer District, and Dagsboro-Frankford
Rates Sanitary Sewer District". Public comments were heard and
the Public Hearing was closed.

M 241 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
Adopt the Sussex County Council hereby adopts the Assessment Rolls
Assess- and Rates for all Sussex County Sanitary Sewer and Water Dis-
ment tricts, as presented on June 6, 1995, for the period July 1,
Rolls 1995, to June 30, 1996.
and

Rates Motion Adopted: 5 Yea.

M 241 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 242 95 A Motion was made by Mr. Stevenson, seconded by Mr. Cole,
Adopt that the Sussex County Council adopts the Sussex County
Fiscal 1996 Budget for General Fund, Bond Issues, Community
1996 Development and Housing Grant Programs, Sewer and Water
Districts, and Capital Improvement Programs as proposed
on May 16, 1995, with the following amendments:

A. General Fund - Revenue
Manufactured Home Placement Tax \$187,000

B. General Fund - Expenditures
Grant-In-Aid Programs
Local Library Placement Fee Grants \$187,000

(Corresponding budget totals will reflect these changes.)

Motion Adopted: 5 Yea.

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

M 243 95 At 11:30 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Stevenson, 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 A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RESTORATION OF
No. 1115) CLASSIC VEHICLES WITH RELATED STORAGE AND SALES TO BE LOCATED
ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK
HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS"
(Conditional Use No. 1115) filed on behalf of Thomas and
Debbie Paine. The Public Hearing was closed.

M 244 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adopt to Adopt Ordinance No. 1030 entitled "AN ORDINANCE TO GRANT
Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1030 DISTRICT FOR THE RESTORATION OF CLASSIC VEHICLES WITH RELATED
(C/U STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND
No. 1115) LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY,
CONTAINING 1.24 ACRES, MORE OR LESS" (Conditional Use No.
1115) filed on behalf of Thomas and Debbie Paine, with the
following stipulations:

1. Stockade fencing shall be installed to screen all vehicles stored.

M 244 95
(con't)

2. All vehicles shall be parked or stored behind the stockade fencing, except that not more than ten vehicles may be displayed for sale in front of the fencing.
3. There shall be no parking of vehicles on or along Sussex Avenue.
4. 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 upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will exist in a predominantly light business neighborhood, principally devoted to automotive and equipment sales and service. The proposed use will be consistent with the character of the neighborhood, development trends nearby, existing development and will have no adverse impact on traffic or the environment.
2. The proposed use is consistent with the purposes and goals of the Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Attorney

Mr. Schrader, Assistant County Attorney, was present for the following Public Hearing after which Mr. Bayard returned to the meeting.

Public
Hearing
(C/Z
No. 1258)

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.81 ACRES, MORE OR LESS" (Change of Zone No. 1258) filed on behalf of Timothy S. Johnson. The Public Hearing was closed and action was deferred.

Public
Hearing

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE I, RELATING TO FLOOD PRONE DISTRICTS". The Public Hearing was closed.

M 245 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Ordinance No. 1031 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 99, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING
No. 1031 ARTICLE I, RELATING TO FLOOD PRONE DISTRICTS", to be
Flood effective June 16, 1995.
Prone
Districts Motion Adopted: 5 Yea.

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

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY,
DELAWARE, BY AMENDING ARTICLES I, II, XVIII, AND XXV, RELATING
TO FLOOD PRONE DISTRICTS". The Public Hearing was closed.

M 246 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Ordinance No. 1032 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY
No. 1032 AMENDING ARTICLES I, II, XVIII, AND XXV, RELATING TO FLOOD
Flood PRONE DISTRICTS", to be effective June 16, 1995.
Prone
Districts Motion Adopted: 5 Yea.

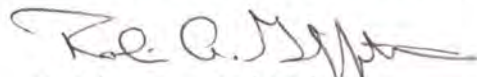
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 247 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$250.00 from Mr. Dukes' Councilmanic Account to the
manic Laurel Wrestling Club for operating expenses.
Grant
Motion Adopted: 5 Yea.

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

M 248 95 A Motion was made by Mr. Cole, seconded by Mr. Collins,
Adjourn to adjourn at 2:47 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council