

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 9, 1998

Executive Session An Executive Session of the Sussex County Council was held Tuesday, June 9, 1998, at 9:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, to discuss personnel and pending litigation.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 9, 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 252 98 Amend and Approve Agenda A Motion was made by Mr. Collins, seconded by Mr. Jones, to amend the Agenda striking "Public Hearing: AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY TO REMOVE TIME OF SERVICE WITH THE STATE OF DELAWARE AS TIME CREDITED TOWARD THE PENSION OF COVERED EMPLOYEES", and to approve the Agenda, as amended.

Motion Adopted: 4 Yea, 1 Absent.

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

Correspondence Mr. Bayard, County Attorney, read the following correspondence:
STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.
RE: Legal Notice regarding the adoption of an amendment to Regulation No. 38 "Emission Standards for Hazardous Air Pollutants for Source Categories" in the State of Delaware Regulations Governing the Control of Air Pollution.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR QUALITY MAINTENANCE, DOVER, DELAWARE.
RE: Public Workshop Notice.

ROBERT H. OREM, PRESIDENT, SUSSEX COUNTY ASSOCIATION OF TOWNS, GEORGETOWN, DELAWARE.

Corre-
spondence
(con't)

RE: Letter to Governor Carper regarding SCAT's opposition to the State's decision to direct sewage from new development to the sewer plant at the Indian River Inlet.

DON POST, LOWER DELAWARE DISTRICT, AMERICAN DIABETES ASSOCIATION, MILTON, DELAWARE.

RE: Request for funds for the 1998 America's Walk for Diabetes.

BARRY ELI, MUSIC DIRECTOR, AND LINDA BEEBE, PRESIDENT, CHHS MUSIC BOOSTERS, CAPE HENLOPEN HIGH SCHOOL, LEWES, DELAWARE.

RE: Request for funds for the Cape Henlopen High School Band and Chorus to travel to London, England for performances.

COLONEL ALAN D. ELLINGSWORTH, CAMP BARNES, INC., DOVER, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Member

Mr. Cole joined the meeting at this time.

Proposed
Art
Center

Mr. Vernon Grice and Mr. Robert Collins, representatives of the Camp Hebron Foundation, were in attendance to present the concept of an Art Center for the Seaford area that will serve artists' needs throughout Sussex County.

Center
for
Public
Research/
Access
Manage-
ment
Program

Mr. Rich Collins and Mr. Bill Glenn, representatives of the Center for Public Research, were in attendance to discuss the Center's position on the Delaware Department of Transportation's Proposed Access Management Program, as follows:

- No input was sought or considered by DelDOT from any affected parties.
- There will be minimal roadway capacity improvements.
- Busing and walking will be emphasized as modes of transportation.
- The Plan will take power away from elected officials. Land use decisions cannot be approved at the local/county level if the application does not comply with the Access Management Plan.
- Road access decisions will be made in closed-door meetings. There will be no public discussion or record.

Mr. Collins noted that the Center is not against the goal of the Plan, their concern is with the methods and the process. Mr. Collins asked that Council support the Center's position on this Plan by sending a letter to the leadership of the Senate and the House requesting that DelDOT submit this Plan to the legislature for review by elected officials.

Access Management Program

It was the consensus of Council that a letter be sent to Senator Sharp, President Pro Tempore, Delaware State Senate, and Representative Spence, Speaker of the House of Representatives, expressing Council's concerns regarding the Delaware Department of Transportation's development of the Statewide Access Management Policy Program and requesting that, before DelDOT can implement the Access Management Program, affirmative approval is received from both houses of the General Assembly.

Coverdale Crossroads Update

Mr. Stickels, County Administrator, submitted a Project Report prepared by the Coverdale Crossroads Working Group. On February 27, 1998, State and County code enforcement agencies organized by the Delaware State Police conducted a Compliance Raid at Coverdale Crossroads. Since that time, a Working Group has been established to identify, prioritize, plan, and implement solutions. The Working Group consists of representatives of Coverdale Crossroads Community Council, DNREC, First State Community Action Agency, Sussex County Community Development Department, and Sussex County Boot Camp. The Project Report outlined accomplishments, contributions, and remaining issues.

Administrator's Report

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

1. Special Council Meeting

The Sussex County Council will meet in the Council Chambers on Wednesday, June 10, 1998, at 1:30 p.m. The purpose of the meeting is the introduction and discussion of an ordinance relating to increasing the realty transfer tax. It is anticipated that the Senate will vote on House Bill No. 525 on Tuesday, June 9, 1998. It is imperative that an ordinance be introduced and public hearing held prior to June 30 to allow for adoption prior to the State reducing its tax July 1.

2. Farmland Preservation Committee

The Farmland Preservation Committee met on Friday, June 5, 1998. It was the consensus of the Committee that the County not adopt a Farmland Preservation Program, since the State of Delaware program seems to be working. It was agreed that the County continue to support property owners in putting their land in Agricultural Preservation Districts through the State.

3. Comprehensive Land Use Plan Oversight Advisory Committee

Shane Abbott, Assistant Planning and Zoning Director, will be meeting with the Comprehensive Land Use Plan Oversight Advisory Committee members on Wednesday, June 10, 1998, at

Adminis-
trator's
Report
(con't)

1:00 p.m. in the Third Floor Southern Conference Room. The purpose of the meeting is for the Committee members to review proposed ordinances for support of the Comprehensive Land Use Plan. I would like to mention that these meetings are open to the general public.

Old
Business
(C/U
No. 1225)

Conditional Use No. 1225 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUCTION (INDOOR/OUTDOOR) WITH ADDITIONAL USES LISTED ON ENCLOSED SHEET TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 35.99 ACRES, MORE OR LESS" filed on behalf of David L. Wilson was discussed. A Public Hearing was held on this application on March 10, 1998, at which time action was deferred for the purpose of obtaining additional information on two issues: (1) Board of Adjustment record and (2) status of the Division of Highways' approval of the commercial entrance plan.

M 253 98
Adopt
Ordinance
No. 1239
(C/U
No. 1225)

A Motion was made by Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1239 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUCTION (INDOOR/OUTDOOR) WITH ADDITIONAL USES LISTED ON ENCLOSED SHEET TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 35.99 ACRES, MORE OR LESS" (Conditional Use No. 1225) filed on behalf of David L. Wilson, with the following conditions:

1. The use shall be restricted to automotive sales, and the sale of farm equipment, construction equipment, boats and boat trailers, and farm related items.
2. Warehousing shall be permitted.
3. No outdoor storage shall be permitted, except for items offered for sale. Items offered for sale shall be removed within 72 hours of their first offering.
4. A minimum building setback of 200 feet shall be provided from any residential lot.
5. A 6' high privacy fence shall be provided along Hudson Pond Acres subdivision as deemed necessary by the Planning and Zoning Commission during the site plan review process. The fencing shall be solid or chain-link with slats.
6. Auction hours shall be no earlier than 7:00 a.m. and no later than 10:00 p.m., Monday through Saturday, with no Sunday auctions.

M 253 98
(con't)

7. Security lighting shall be located so as not to impact adjoining residential uses or motorists traveling along U.S. Route 113.
8. Site plans, including location and design of any outdoor sound systems, shall be subject to review and approval by the Planning and Zoning Commission.
9. Final site plans shall not be considered until all appropriate agency permits and/or approvals have been received by the Office of the Planning and Zoning Commission.

Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.

Vote by Roll Call: Mr. Cole, Abstained; Mr. Rogers, Nay;
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:

The findings of fact of the Planning and Zoning Commission are incorporated into the record. The Council found that the Conditional Use promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Sussex County. The Council found that the use will not negatively impact traffic. The Council found that the use meets the purpose of the Zoning Ordinance for a Conditional Use type of application. The Council found that the use is of a semi-public character and benefits the residents of Sussex County and surrounding areas. The Council found that support was demonstrated for a more modern auction facility.

Council found that it was necessary to limit the uses proposed to protect nearby residential development. The Council found that all building setbacks from residential lots should be increased, and that fencing and screening should be provided to reduce any impact on neighboring residential lots. The Council found that auction hours should have restrictions.

M 254 98
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$300.00 to the City of Lewes for expenses to be incurred by the Mayor at the Small Cities Steering Committee Conference in Arkansas.

Motion Adopted: 5 Yea.

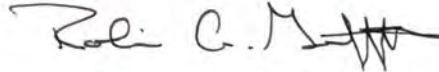
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

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M 255 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 11:15 a.m. Motion Adopted by Voice Vote.

Luncheon Following the Council meeting, County Council members attended
a luncheon at the invitation of Col. David Hall Chapter,
Daughters of the American Revolution.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council