

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 15, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 15, 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
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 222 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated June 8, 1993. Minutes Motion Adopted by Voice Vote.

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

NICOLE DRAUSCHAK, STUDENT, CENTRAL ELEMENTARY SCHOOL, SEAFORD.
RE: A.D.A.M. program.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearings (none of which apply to Sussex County).

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public Notice regarding project review applications (none of which apply to Sussex County).

KATHLEEN A. MCGINTY, DIRECTOR, WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY, THE WHITE HOUSE, WASHINGTON.
RE: Response to Mr. Stickels' letter regarding liability of toxic waste cleanup under Superfund.

ROBERT A. CONTE, PRESIDENT, BROADKILL BEACH PRESERVATION ASSOCIATION, MILTON.
RE: Expressing appreciation to Councilman Benson for his efforts to supply two portable toilets for Broadkill Beach.

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

1. Delaware Solid Waste Authority Sussex County Collection Stations

The official opening for the Delaware Solid Waste Authority Omar Collection Station will be held Thursday,

Adminis-
trator's
Report
(con't)

July 1, 1993, at 9:00 a.m. In addition to receiving bagged household trash, the site will also allow participation in 'RECYCLE DELAWARE'. The 'RECYCLE DELAWARE' program has diverted 60 million pounds of recyclable materials from Authority landfills to markets since the program began in November of 1990.

As requested by Council, Mr. Stickels questioned the Authority on having punch tickets available for purchase in Sussex County. It is the Authority's opinion that for internal accounting purposes, they want to be the sole entity responsible for selling the tickets.

Included with this report was a copy of a map showing the Omar location.

2. Rescheduling Public Hearing

The public hearing on the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project has been rescheduled from June 29 to July 20, 1993, at the Lewes Middle School for 7:00 p.m. The rescheduling has been made to provide the public with additional time to review the facilities plan revisions, as well as the project funding and rate development information.

3. Superfund

Included with this report was a copy of a news article that appeared in the Delaware State News on Friday, June 11, 1993. The article outlines the General Accounting Office congressional investigation of the Environmental Protection Agency Superfund Program. The investigation discovered the following:

- (a) Superfund spending to study nonexistent waste sites;
- (b) A \$1.4 billion discrepancy in accounting for Superfund Program spending;
- (c) Improper and questionable payments to contractors;
- (d) The Superfund Program's contractors also charged the government \$53,000 for parties, \$467 to buy a necklace, and \$733 to purchase a watch.

Congressional authorization for the Superfund Program expires next year. Mr. Stickels will continue to lobby congressional representatives for total reform of this abusive federal program.

M 223 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Executive Session on this date, Tuesday, June 15, 1993, at 12:00 noon, at the Blue-Gold Inn, Georgetown, Delaware, for the purpose of discussing 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

M 224 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, Executive Session to be held on Tuesday, June 22, 1993, at 9:00 a.m., in the Sussex County Council Chambers, for the purpose of discussing pending litigation and 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

Workshop Mr. Stickels, County Administrator, advised that a joint workshop has been scheduled for Tuesday, June 22, 1993, at 1:30 p.m., in the Sussex County Council Chambers, with the County Council and the Planning and Zoning Commission, to review the proposed RPC Ordinance.

Public Hearing Budget A Public Hearing was held on the Sussex County Fiscal 1994 Budget for General Fund, Bond Issues, Community Development Programs, and Sewer and Water Districts, as proposed on May 25, 1993.

M 225 93 A Motion was made by Mr. Stevenson to give an additional \$11,339.00 to the Bridgeville Library, raising the total grant amount to \$71,387.00, the amount they requested. The Motion died for the lack of a second.

M 226 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give an additional \$5,000.00 to the Bridgeville Library, raising the total to \$65,048.00.

Bridgeville Library Grant Motion Denied: 3 Nay, 2 Yea.

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

M 227 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Remove to remove "Programs and Projects - Automation", in the amount
Budget of \$25,000.00, from the Fiscal 1994 Budget.
Item

Library Motion Adopted: 3 Yea, 2 Nay.
Auto-

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

M 228 93 A Motion was made by Mr. Stevenson to remove the income
Remove (\$282,000.00) and expense (\$241,176.00) costs to implement
Budget the Single Family Building Code from the Fiscal 1994 Budget.
Item

Single Mr. Dukes turned the Chair over to Mr. Collins.
Family

Building Mr. Dukes seconded Mr. Stevenson's Motion.
Code

Motion Motion Denied: 3 Nay, 2 Yea.
Denied

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

Mr. Collins turned the Chair back over to Mr. Dukes.

Public During the Public Hearing, public comments were heard.
Hearing Numerous comments were made and a lengthy discussion took
Budget place with respect to the Fiscal 1994 Budget including income
(con't) and expense costs to implement the Single Family Building Code.
The Public Hearing was closed.

M 229 93 A Motion was made by Mr. Cole, seconded by Mr. Collins,
Adopt that the Sussex County Council adopt the "Sussex County
Fiscal 1994 Budget for General Fund, Bond Issues, Community
1994 Development Programs, and Sewer and Water Districts" as
Budget proposed on May 25, 1993, with the amendment to delete
\$25,000.00 in funding for library automation.

Motion Adopted: 3 Yea, 2 Nay.

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

Mr. Benson left the meeting at this time.

M 230 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
Adopt the Sussex County Council adopt the Sussex County tax rates
Tax Rates for Fiscal Year 1994 as follows:

M 230 93
(con't)

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

County Capitation Tax - \$3.00.

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

Public
Hearing
Assess-
ment
Rolls &
Rates

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

M 231 93
Adopt
Assess-
ment
Rolls &
Rates

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that the Sussex County Council hereby adopts the Assessment Rolls and Rates for all Sussex County Sanitary Sewer and Water Districts (except Dagsboro-Frankford), as presented on June 15, 1993, for the period July 1, 1993, to June 30, 1994.

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

M 232 93
Recess

At 12:36 p.m., a Motion was made by Mr. Collins, seconded by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Executive
Session

An Executive Session of the Sussex County Council was held on this date, Tuesday, June 15, 1993, during the lunch hour, at the Blue Gold Inn, Georgetown, Delaware, for the purpose of discussing land acquisition. Present were President Dukes, Vice President Collins, Councilman Cole, Councilman Stevenson, County Administrator Robert L. Stickels, and Finance Director David Baker.

Reconvene

Mr. Dukes called Council back into session at 1:40 p.m.

Public
Hearing
Forested
Buffer
Strips

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF FORESTED BUFFER STRIPS ADJACENT TO AGRICULTURAL FARMLAND".

Public
Hearing
(con't)

The definition of a "Forested Buffer Strip", Section 1, was amended to read as follows:

A strip of land, not less than 30 feet in width exclusive of any residential lots and located along the outer perimeter of any portion of a major subdivision adjacent to agricultural farmland, as referenced in Chapter 115, Article IV, Section 115-20, Subsection B (1), of other ownership, upon which certain plantings shall be recommended by the State Forester, through the Technical Advisory Committee, and shall be subject to the review and approval of the Commission. The buffer strip shall remain free of any buildings or streets.

Public comments were heard and the Public Hearing was closed.

M 233 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adopt Ordinance No. 893 entitled "AN ORDINANCE TO AMEND CHAPTER
Ordinance No. 893 OF FORESTED BUFFER STRIPS ADJACENT TO AGRICULTURAL FARMLAND"
with the amendment to the definition of a "Forested Buffer
Strip".

Motion Adopted: 4 Yea, 1 Nay.

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

Public Hearing Agri-cultural Farmland A Public Hearing was held on 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". Public comments were heard and the Public
Hearing was closed.

M 234 93 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Adopt to Adopt Ordinance No. 894 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 115 OF THE CODE OF SUSSEX COUNTY RELATING TO AGRI-
No. 894 CULTURAL FARMLAND OF FIVE (5) ACRES MORE OR LESS".

Motion Adopted: 5 Yea.

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

Public
Hearing
C/U
#1040

A Public Hearing was held on a Proposed Ordinance entitled
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A CRAFT SHOP WITH
CONSIGNMENT SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CON-

Public Hearing (con't) TAINING 32,162 SQUARE FEET, MORE OR LESS" (C/U #1040) filed on behalf of Van W. and Penny Milligan. The Public Hearing was closed.

M 235 93 Adopt Ordinance No. 895 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 895 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CRAFT SHOP WITH CONSIGNMENT SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 32,162 SQUARE FEET, MORE OR LESS" (C/U #1040) filed on behalf of Van W. and Penny Milligan, subject to the following conditions:

1. One unlighted sign, not exceeding 4' x 4', is permitted. The sign may be painted on both sides.
2. Ground lighting may be installed along walkways.

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 permit a successful home occupation to grow.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use is consistent with the purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z #1195) A Public Hearing was held on 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11,745 SQUARE FEET, MORE OR LESS" (C/Z #1195) filed on behalf of Gregory W. and Noel K. Sizemore. The Public Hearing was closed.

M 236 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Ordinance No. 896 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
BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11,745 SQUARE
FEET, MORE OR LESS" (C/Z #1195) filed on behalf of Gregory W.
and Noel K. Sizemore.

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

1. The applicant established by substantial evidence that the subject property will serve as a needed addition to existing commercially zoned property.
2. The applicant established by substantial evidence that the change of zone will cause no adverse impact on the character of the neighborhood, already commercial, property values therein, traffic or the environment in the area.
3. The change of zone complies with the purposes and goals of the Comprehensive Land Use Plan.

Public Hearing C/Z #1196 A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.9 ACRES, MORE OR LESS" (C/Z #1196) filed on behalf of Linford P. Faucett, T/A Massey's Landing, Inc. The Public Hearing was closed.

M 237 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, to
Adopt Ordinance No. 897 entitled "AN ORDINANCE TO AMEND THE
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR
A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER
HUNDRED, SUSSEX COUNTY, CONTAINING 2.9 ACRES, MORE OR LESS"
(C/Z #1196) filed on behalf of Linford P. Faucett, T/A
Massey's Landing, Inc.

Motion Adopted: 4 Yea, 1 Abstention.

M 237 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Abstained;
Mr. Dukes, Yea

Findings The Council found that the Change of Zone was appropriate
of Fact legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the property historically has been operated as a public boat ramp, dock, bait and tackle shop, and parking lot for more than 35 years.
2. The applicant established by substantial evidence that the nearest public boat ramp is more than seven miles away and that a clear need exists for public water access for boats.
3. The applicant established by substantial evidence that converting a preexisting non-conforming use to a proper zoning classification will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
4. The change of zone serves the goals and purposes of the Comprehensive Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing A Public Hearing was held on a Proposed Ordinance entitled
C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
#1197 COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR
GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CON-
TAINING A TOTAL OF 1.725 ACRES, MORE OR LESS" (C/Z #1197)
filed on behalf of Robert Hickman, T/A Hickman Sales. The
Public Hearing was closed.

M 238 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, to
Adopt Ordinance No. 898 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
No. 898 CULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING A TOTAL OF
1.725 ACRES, MORE OR LESS" (C/Z #1197) filed on behalf of
Robert Hickman, T/A Hickman Sales.

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

1. The applicant established by substantial evidence that a clear demand exists for additional GR lots in the area.
2. The applicant established by substantial evidence that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone conforms with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 239 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adjourn Adjourn at 3:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council