

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 2, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, July 2, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George J. Collins	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 283 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

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

KERMIT H. JUSTICE, SECRETARY, DEPARTMENT OF TRANSPORTATION,
DOVER

RE: Expressing appreciation for the recently adopted County Ordinance requiring service roads parallel to major arterial roadways in Sussex County.

LOUIS A. RICKARDS, PRESIDENT, LEWES FIRE DEPARTMENT, INC.,
LEWES

RE: The old firehouse in Lewes is being demolished and a new brick three story firehouse is being built on the same site. Therefore, thanks and appreciation is extended for the help of Mr. Edward Carey, Emergency Operations Director, and Mr. Andy Coleman, Communication Technician, Emergency Operations Center, on Saturday, June 28, and Sunday, June 29, 1991. Their skills and time made it possible to complete a transfer of emergency communication equipment from Fire Station No. 1 to Station No. 2.

DIANE C. HOLSTON, MILLSBORO

RE: Conditional Use No. 969, filed on behalf of Robert D. Eckstine.

U. S. ARMY CORPS OF ENGINEERS, PHILADELPHIA

RE: Soliciting comments and recommendations concerning the issuance of a permit for a boat ramp at Sugar Maple Farm; located in a tributary to Cedar Creek.

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Corre-
spondence
(Con't.)

HULING COVE CHEER CENTER, LEWES
RE: Two letters concerning funding for bus service at their
CHEER Center.

DELAWARE NATURE SOCIETY, HOCKESSIN
RE: Spring 1991 newsletter entitled "DELAWARE NATURE SOCIETY
NEWS."

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, SUSSEX
COUNTY ASCS OFFICE, GEORGETOWN
RE: June newsletter entitled "THE FARMER'S CORNER."

ROXANA CHEER CENTER, ROXANA
RE: Eight letters to Mr. Dukes, eight letters to Mr. Benson,
and five letters to Mr. Collins concerning funding for bus
service at their CHEER Center.

DONALD V. COLLINS, PRESIDENT, SUSSEX COUNTY FARM BUREAU
RE: Opposition to the East/West Corridor proposed by DelDOT.

Mr. Stickels, County Administrator, has requested that a
DelDOT representative speak at next week's Council meeting
concerning their Corridor Preservation Plan plus their plan
for replacing wetlands on Route 113.

OAK ORCHARD CHEER CENTER
RE: Four letters to Mr. Dukes and one letter to Mr. Collins
concerning funding for bus service at their CHEER Center.

Proposed
Resolu-
tion

Mr. Stickels, County Administrator, read a Proposed Resolution
in its entirety entitled "RESOLUTION SUPPORTING THE DELAWARE
STATE HOUSING AUTHORITY'S HOUSING VOUCHER APPLICATION."
The Proposed Resolution supports the Delaware State Housing
Authority's application to the U. S. Department of Housing
and Urban Development (HUD) for 25 Housing Vouchers for
use in Kent and Sussex Counties to assist low income families
in finding safe, decent, affordable housing at a cost they
can afford.

M 284 91
Adopt
Resolu-
tion
R 017 91

A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
to Adopt Resolution No. R 017 91 entitled "RESOLUTION
SUPPORTING THE DELAWARE STATE HOUSING AUTHORITY'S HOUSING
VOUCHER APPLICATION." Motion Adopted: 4 Yea; 1 Absent.

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

July 2, 1991

Proposed Ordinance

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ISSUANCE OF FOUNDATION BUILDING PERMITS." The Proposed Ordinance will be advertised for Public Hearing.

Administrator's Report

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

1. Subdivision Approvals - On Thursday, June 27, 1991, the Planning and Zoning Commission approved Subdivision Application 90-20 (Marathon Estates) and Subdivision Application 91-04 (Little Creek Acres). Marathon Estates is located on County Road 532 in the Seaford area; it contains 31.23 acres subdivided into 24 AR zoned lots. Access to all lots will be from interior streets with one access on County Road 532. All lots will be served by private wells and septic systems on-site.

Little Creek Acres is located on County Road 492 in the Laurel area; it contains 10.14 acres subdivided into 6 AR zoned lots ranging in size from 1.3 acres to 2.66 acres. Little Creek Acres has one 50 foot entrance on Route 492. All lots will be serviced by private wells and septic systems on-site.

2. Recyclers of the Month - Bradley Johnson, of Dagsboro, and Michael Potter, of Millsboro, will each receive a \$50 U.S. Savings Bond for participating in the Sussex County Recycling Program during the month of June.
3. Community Partnership Drug Awareness Program Application - The Delaware State Budget Office has notified the United States Department of Health and Human Services and the Office for Substance Abuse Prevention that they have reviewed Sussex County's Community Partnership Application and have found that the application is not inconsistent with the goals established for the State of Delaware in the Delaware Tomorrow Commission Report. The State Clearinghouse has no negative comments to offer on this project. This is just another step that the application has to go through before receiving final approval. It is anticipated that notification of funding will be received next month.
4. Roadside Stand Zoning Violations - The Planning and Zoning Inspectors violated 10 vendors of roadside stands along Route 1, Route 113, and Route 54 on Thursday, Friday, and Saturday of last week. Two of the vendors were in violation of front yard setbacks. Five of the violators were produce vendors and five were seafood vendors.

July 2, 1991

C/U #967

Conditional Use No. 967, filed on behalf of James H. Owens was discussed. Public Hearing was held May 28, 1991, and action was deferred.

M 285 91
Adopt
Proposed
Ordinance
C/U #967
(Denied)

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PRIVATE AIRSTRIPS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.67 ACRES, MORE OR LESS" (C/U #967) filed on behalf of James H. Owens. Motion Denied: 4 Nay; 1 Absent.

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

Findings
of Facts
C/U #967

The findings of fact and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of fact of the Council. The Council found that the Conditional Use was not appropriate legislative action and did not promote the safety, order, and morale of the present and future inhabitants of Sussex County for the following reasons:

1. Concerns of the vehicular traffic on Route 16;
2. Too many aircraft using the same site; and
3. Opposition expressed by the residents of the Town of Ellendale concerning their safety and welfare.

Proposed
Ordinance
C/U #978

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.37 ACRES, MORE OR LESS" (C/U #978) filed on behalf of Charles Daisey. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/U #979

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL GIFT SHOP AND YARD SALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 21,114 SQUARE FEET, MORE OR LESS" (C/U #979) filed on behalf of Clifford A. and Florence Moore. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/Z #1131

Mr. Benson introduced 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 17,643 SQUARE FEET, MORE OR LESS" (C/Z #1131) filed on behalf of Charles M. and Emily M. Williams. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1132

Mr. Collins introduced 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 27,420 SQUARE FEET, MORE OR LESS" (C/Z #1132) filed on behalf of Herbert A. Woodland. The Proposed Ordinance will be advertised for Public Hearing.

M 286 91
Recess

A Motion was made at 10:40 a.m. by Mr. Stevenson, seconded by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

President Dukes called the Council back into session at 1:30 p.m.

Public
Hearing
C/U #970

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 88.0 ACRES, MORE OR LESS" (C/U #970) filed on behalf of Bio Gro Systems, Inc. The Public Hearing was closed.

M 287 91
Adopt
Ordinance
No. 772
C/U #970

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 772 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 88.0 ACRES, MORE OR LESS" (C/U #970) filed on behalf of Bio Gro Systems, Inc., with the following conditions:

1. Application of sludge shall be subject to State DNREC approval.

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M 287 91
(Con't.)
Ordinance
No. 772

2. Sludge applied shall be limited to sludge from the Vlasic Foods Plant site near Millsboro.
3. Maximum number of applications of sludge on this site shall be once per year; subject to the approval of the State DNREC.
4. Hours for application of sludge shall be limited as follows: 6:00 a.m. to 8:00 p.m., Monday through Saturday.
5. There shall be no stockpiling of sludge materials on site.
6. The Conditional Use will be valid for five years; concurrent with the State DNREC permit.

Motion Adopted: 4 Yea; 1 Absent.

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

Findings
of Fact
C/U #970

The findings of fact and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of fact of the Council. It has been found that by adopting this Ordinance and six conditions regulating its use, the conditional use is appropriate legislative action. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that congestion of roads will be limited and there will be no adverse affect on traffic, water, or sewer.

Public
Hearing
C/U #971

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION TO AN EXISTING MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 46.22 ACRES, MORE OR LESS" (C/U #971) filed on behalf of Homestead Associates, Inc. The Public Hearing was closed.

M 288 91
Adopt
Ordinance
No. 773
C/U #971

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 773 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION TO AN EXISTING MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 46.22 ACRES, MORE OR LESS" (C/U #971) filed on behalf of Homestead Associates, Inc., with the following conditions:

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M 288 91
(Con't.)
Ordinance
No. 773

1. All facilities in the existing park shall be connected to the new central wastewater system when such systems fail to reach DNREC standards.
2. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.
3. Existing streets are to be upgraded to County standards.
4. Existing water system will be upgraded to the standard of the new section when such system fails to reach DNREC standards.
5. Open space shall conform with the site plan dated December 17, 1990, in order to resolve concerns of area landowners for Conditional Use No. 942. Additional open space shall be provided for the expansion as Ordinances require.
6. The Project shall be substantially underway within one year.

Motion Adopted: 4 Yea; 1 Absent.

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

Findings
of Fact
C/U #971

The findings of fact and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of fact of the Council. It has been found by adopting this ordinance and six conditions regulating its use, the conditional use is appropriate legislative action. The proposed land use promotes health, safety, morale, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.

Public
Hearing
C/U #972

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND FOR 32 CAMPSITES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.62 ACRES, MORE OR LESS, OF A 135.64 ACRE TRACT" (C/U #972) filed on behalf of John F. Clark. The Public Hearing was closed and action was deferred.

Public
Hearing
Relating
to Wet-
lands

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXV, OF THE CODE OF SUSSEX COUNTY, PROVIDING FOR AN AMENDED BUFFER ZONE, CLARIFYING A GRANDFATHERING PROVISION, AND CREATING A BUILDING

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Public
Hearing
(Con't.)

SETBACK LINE AT FEDERAL WETLANDS." The Public Hearing was closed.

Discus-
sion

It was the consensus of the Council that creating a building setback line at federal wetlands, as set out in the Proposed Ordinance, should be deleted and additionally a clarifying clause should be added to the grandfathering provision.

M 289 91
Adopt
Ordinance
No. 774
Relating
to Wetlands

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 774 with the changes as discussed and set out as follows:

ORDINANCE NO. 774

AN ORDINANCE AMENDING THE CHAPTER 115, ARTICLE XXV, OF THE CODE OF SUSSEX COUNTY, PROVIDING FOR AN AMENDED BUFFER ZONE AND CLARIFYING A GRANDFATHERING PROVISION

WHEREAS, pursuant to the Western Sussex Land Use Plan, adopted by the Sussex County Council on December 27, 1990, a fifty (50) foot buffer from state designated tidal wetlands was proposed; and

WHEREAS, in furtherance of said proposal, it has been determined that the existing twenty (20) foot buffer zone, pursuant to Section 115-193 (B) of the Code of Sussex County, established landward from the mean high-water line of tidal waters, tidal tributary streams and tidal wetlands and from the ordinary high-water line of perennial nontidal rivers and nontidal streams, be increased to fifty (50) feet; and

WHEREAS, an amendment is also herein made to Section 115-193 (E) of the Code of Sussex County, in order to clarify grandfathering provisions relating to approved and recorded subdivision plats and site plans.

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Chapter 115, Article XXV, Section 115-193 (B) of the Code of Sussex County is hereby amended by deleting the words [twenty-foot] as contained therein and by inserting in lieu thereof the words fifty-foot.

Section 2. Chapter 115, Article XXV, Section 115-193 (E) of the Code of Sussex County is hereby amended by deleting paragraph (2) contained therein in its entirety and by inserting in lieu thereof the following:

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M 289 91
(Con't.)
Ordinance
No. 774

(2) Subdivision plats and site plans approved and of record in the Office of the Director of Planning and Zoning or in the Office of the Recorder of Deeds in and for Sussex County prior to the adoption of this Section, originally adopted July 19, 1988, or approved and similarly of record as of the effective date of this amendment, adopted July 2, 1991, may be developed as of record, and shall be subject to setbacks or buffer restrictions established for the use when originally approved. Any previously approved and similarly recorded subdivision plats and site plans, if approved prior to the original date of this Section on July 19, 1988, or prior to this amendment, adopted July 2, 1991, may be amended if it is determined by the Planning and Zoning Commission that the amended plan represents an equal or less-intrusive use on the buffer area or setback area.

Section 3. This Ordinance shall take effect immediately upon its adoption by a majority vote of all members of the County Council of Sussex County, Delaware.

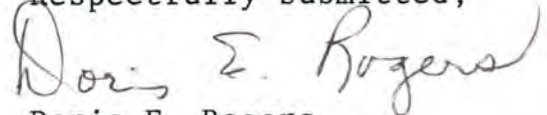
Motion Adopted: 4 Yea; 1 Absent.

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

M 290 91
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to adjourn at 4:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council