

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 16, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, July 16, 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 B. Cole	Member
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 301 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, 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:

PENINSULA GENERAL HOSPITAL MEDICAL CENTER, SALISBURY
RE: Announcing the appointment of Dan H. Akin as President and Chief Executive of the Center.

KERMIT H. JUSTICE, SECRETARY, DELAWARE DEPARTMENT OF TRANSPORTATION
RE: Sussex East/West Corridor Study and suggesting that a time be arranged for DelDOT to do a workshop-type format presentation on the Route 404 Study.

D. STEPHEN PARSONS, P.A., OCEAN VIEW
RE: Copy of a letter to the Town of Millville concerning rezoning for a parcel [two acres] in the Town of Millville moratorium area.

DelDOT
Route 113
Project

Delaware Department of Transportation officials, Mr. Ray Richter, Assistant Director for Preconstruction, and Mr. Joseph Wutka, Vocation Studies and Environmental Engineer, discussed the Route 113 project [dualization of the road]. The project will be completed in two phases; phase one extends from Georgetown to Route 40, and phase two extends from Route 40 to Milford. Construction on the first phase is expected to begin in the Spring of 1992.

July 16, 1991

DelDOT
Route 113
Project
(Con't.)

The completion of both phases of construction on Route 113 will require the taking of approximately 50 acres of wetlands. As required by federal regulations, DelDOT will replace the established wetlands on a two to one ratio. Guidelines concerning the creation of wetlands were discussed. Wetlands taken in Sussex County will be recreated in Sussex County, generally within a five mile radius of the site and within the same watershed area. DelDOT is attempting to locate landowners who are willing to work with them in the creation of the wetlands with sizeable acreage. Since monitoring of the newly created wetlands is required, the less sites established the easier the operation will be. Landowners in close proximity to the established wetlands have indicated an interest.

Mr. Richter requested Council's support of DelDOT's request to the U. S. Army Corps of Engineers for the issuance of a permit to disturb the wetlands for the construction of the road on Route 113. It was the consensus of the Council to support this application to the Corps of Engineers.

DelDOT
Route 1
Project

Ms. Carolann Wicks, Subdivisions Engineer, Delaware Department of Transportation, discussed the Corridor Preservation Program being developed for the portion of Route 1 between the intersection of Route 9 at Dover Air Force Base and the Nassau overpass, just north of Five Points. The program is being jointly sponsored by DelDOT and the Federal Highway Administration. It is intended to be a pilot program for dealing with the development demands along state highways that are encroaching on capacity and right-of-way expansion. A Corridor Preservation Handbook outlining the purpose of the program and the process for approvals will be available to Kent and Sussex Counties for distribution to landowners and developers in the future. It is the hope of DelDOT officials that this program will be looked upon as a plan to monitor and regulate access to major arterial roads. It is not to be viewed as a moratorium on development.

DelDOT
Route 404

A workshop will be scheduled at a later date for the Sussex East/West Corridor Study [Route 404]. DelDOT representatives will discuss this issue at that time.

Assessment
of Boat
Slips

Mr. Stickels, County Administrator, discussed the assessment of boat slips. In accordance with Delaware Code, Title 9, Chapter 81, Subsection 8101, the County has the authority to tax land, buildings, improvements, and special betterments.

July 16, 1991

Assessment
of Boat
Slips
(Con't.)

Many items are included in the definition of "special betterments" including "bridges, wharves, or piers." Mr. Parker, Director of Assessments, reported that the assessors are beginning the process of assessing piers, and if Council is in agreement with these assessments, they will be included in the FY-93 tax bills.

Members of the County Council were in agreement with the Administrative decision to continue work on the assessment of boat slips and piers. Additionally, it was requested that figures for a designated area [Bay Colony] be prepared showing the results of such an assessment for next week's meeting.

Adminis-
trative
Report

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

1. CDBG Audit Report - Contracts 03-88 and 03-89 - Notice has been received from Catherine M. Gregory, Deputy Director, Delaware State Housing Authority, that the State has completed review of our audit report for the CDBG programs for 1988 and 1989. Nothing was found to indicate that generally accepted audit standards had not been met. The report will be forwarded to the federal government in compliance with federal regulations. Their acceptance of this report will close out the CDBG programs for 1988 and 1989.
2. Public Meeting - Delaware Solid Waste Authority - The meeting will be Thursday, July 25, 1991, starting at 5:00 p.m. at the Delaware Technical and Community College, Terry Campus, Faculty Dining Room, Denney's Road and Route 113, Dover. A copy of the agenda prior to the meeting has been requested.
3. 1991 Lieutenant Governor's Outstanding Adult Literacy Achievement Awards - Applications are being accepted for adult and family literacy programs. Programs will be graded on five categories. Additionally, other noteworthy programs will be recognized on a monthly basis throughout the year. Titles of literacy programs worthy of recognition should be submitted.
4. Correspondence - George H. Bunting, Jr., State Representative - Representative Bunting is asking the County to assist in drafting appropriate legislation to allow Sussex County to take over a number of services now being provided by the Department of Natural Resources

July 16, 1991

Administrative
Report
(Con't.)

and Environmental Control (DNREC). In particular, he would like to see the County Council be responsible for issuing septic and well permits and central treatment system permits. He stated in his letter that it is his understanding that New Castle County Government is currently issuing certain permits that Sussex County does not participate in.

Mr. Stickels, County Administrator, believes that DNREC has now taken this permitting authority from New Castle County.

5. Rescue 911 - On Sunday, July 14, 1991, the television show "Rescue 911" filmed at the Sussex County Emergency Operations Center. The filming took place to reenact an original call that took place on June 16, 1991. A young man was approximately one mile and a half off of Broadkill Beach on a raft, unable to return to shore. Sussex County Dispatcher Cotton Collins participated in the dispatching of the State Police helicopter that was able to rescue the young man on the raft. The reenactment will be shown on TV this fall. Dispatcher Cotton Collins was publicly complimented on the professional manner in which he handled the initial call.
6. Legislative Update - House Bill No. 245 - This legislation would prevent counties or municipalities from issuing building, placement, storage, or occupancy permits or licenses prior to issuance of all necessary State permits for underground discharge of wastewater and withdrawal of groundwater. This bill has been signed into law by the Governor. It precludes Representative Bunting's recommendation that the County be responsible for issuing septic and well permits.

C/U #972

Conditional Use No. 972, filed on behalf of John F. Clark, was discussed. Public Hearing was held on July 2, 1991, and action was deferred.

M 302 91
Adopt
Proposed
Ordinance
C/U #972
(Denied)

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt 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, with the following conditions:

July 16, 1991

M 302 91
(Con't.)
Conditions
for C/U #972

1. Camper trailers and motor homes shall be removed from the campground at the termination of each camping season, which shall run from March 15 to November 15.
2. The maximum number of rental spaces shall be 32. All units shall be motor homes, camper trailers, or travel trailers. No tent camping shall be permitted.
3. Central fire protection in the form of at least one designated well for fire fighting shall be constructed by the applicant per specification of the Office of the State Fire Marshal.
4. Roads shall be designed to provide adequate access for fire fighting vehicles per the specification of the Office of the State Fire Marshal.
5. Chain link type fencing shall be provided around the site. The minimum fence height shall be four feet.
6. Landscaping of buffers shall be subject to approval of the State Forester and shall provide for staggered growth heights of the plants to screen the site.
7. No alcoholic beverage sales shall be permitted on-site.
8. The snack bar/restaurant seating shall not exceed 24 seats.
9. Residential use of the site shall be limited to the caretaker's residence.
10. The camp lodge building shall be limited to recreational use, not residential occupancy.
11. All perimeter corners of the site shall be monumented.
12. Site plan shall be subject to all appropriate agency approvals and/or permits prior to final action by the Planning and Zoning Commission.
13. No expansion shall be permitted on-site unless approved by an amended Conditional Use.

Motion Denied: 2 Yea; 2 Nay; 1 Not Voting.

Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Not Voting;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Nay

July 16, 1991

Findings
of Fact
C/U #972

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 was found that the conditional use was not appropriate legislative action based upon the following findings of fact.

The proposed land use does not promote health, safety, prosperity, and welfare of the present and future inhabitants of Sussex County in that it will:

1. Create an adverse impact and change of character of the neighborhood;
2. Create an adverse impact on traffic and roads; and
3. It is inconsistent with an ordinary campground, since it provides no on-site recreational amenities.

Dagsboro/
Frankford
Sanitary
Sewer
District

Mr. Wood, County Engineer, reported that 12 companies responded to their request for Letters of Interest for the Construction Management Contract for the Dagsboro/Frankford Sanitary Sewer District Construction Project. From the 12 replies, the Engineering Department selected five companies to be interviewed by the Selection Committee. Of the five companies selected, the following four came for interviews: George, Miles and Buhr, KCI Technologies, Inc., Tatman and Leigh, and Whitman, Requardt and Associates. Based upon this interview and the applicant's statement of ability and application with construction experience, the Selection Committee recommended that George, Miles and Buhr be selected.

M 303 91
Construction
Management
Contract
Dagsboro/
Frankford
Sanitary
Sewer
District

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, based upon the evaluations of the Selection Committee, that the firm of George, Miles and Buhr be approved as the top rated firm, and that the Engineering Department be authorized to enter into contract negotiations to establish a cost and scope of work for the Construction Management Contract portion of the Dagsboro/Frankford Sanitary Sewer District Construction Project. Motion Adopted: 5 Yea.

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

M 304 91
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500, \$250 from Mr. Benson's Councilmanic Account and \$250 from Mr. Stevenson's Councilmanic Account, to Greater

July 16, 1991

M 304 91
(Con't.)

Milford Commission Partnership for an updated survey of households in the area. Motion Adopted: 5 Yea.

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

M 305 91
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$200, from Mr. Collins' Councilmanic Account, to the Laurel Chamber of Commerce to assist with expenses for the Annual Watermelon Festival. Motion Adopted: 5 Yea.

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

Tax
Billing

The procedure used by the Treasury Department for mailing tax bills was questioned; i.e., why are separate tax parcels owned by one individual mailed in separate envelopes. The Finance Director was asked to check on this.

M 306 91
Recess

At 11:55 a.m. a Motion was made by Mr. Stevenson, seconded by Mr. Cole, 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/Z #1126

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF FRANKFORD, DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 21,145 SQUARE FEET, MORE OR LESS" (C/Z #1126) filed on behalf of Timothy A. Hudson and Crystal (Mitchell) Hudson. The Public Hearing was closed.

M 307 91
Adopt
Ordinance
No. 775
C/Z #1126

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 775 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF FRANKFORD, DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 21,145 SQUARE FEET, MORE OR LESS" (C/Z #1126) filed on behalf of Timothy A. Hudson and Crystal (Mitchell) Hudson. Motion Adopted: 4 Yea; 1 Absent.

July 16, 1991

M 307 91
(Con't.)

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

Findings
of Fact
C/Z #1126

By adopting this Ordinance, it has been 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 immediate neighborhood is UB, Urban Business, and that no adverse impact on the neighborhood or traffic is anticipated.
2. The subject property's historic use has been Urban Business.
3. The proposed use is consistent with other Urban Business uses within the Town of Frankford and provides adequate off street parking.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/Z #1127

A Public Hearing was held on 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.79 ACRES, MORE OR LESS, OF A 7.80 ACRE TRACT" (C/Z #1127) filed on behalf of Margaret and Edgar DuVall. The Public Hearing was closed.

M 308 91
Adopt
Ordinance
No. 776
C/Z #1127

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 776 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.79 ACRES, MORE OR LESS, OF A 7.80 ACRE TRACT" (C/Z #1127) filed on behalf of Margaret and Edgar DuVall. Motion Adopted: 5 Yea.

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

July 16, 1991

Findings
of Fact
C/Z #1127

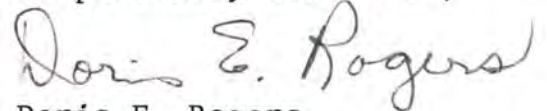
By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the surrounding neighborhood is largely commercial and that there will be no adverse traffic impact or adverse impact on the neighborhood.
2. The proposed uses [construction office and day care] are appropriate for the site and serve a proven need for the applicant and the community.
3. The site provides adequate on-site parking and no adverse environmental impacts are anticipated.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 309 91
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 1:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council