

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 16, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 16, 1994, 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 347 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated August 9, 1994. Minutes Motion Adopted by Voice Vote.

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

BEVERLY M. SHOCKLEY, LAUREL, DELAWARE.

RE: Appreciation expressed to the Sussex County Community Development and Housing Division for the completion of rehabilitation work on her home.

GEORGE H.P. SMITH, MAYOR, CITY OF LEWES, LEWES, DELAWARE.

RE: Letter to Secretary Tulou, Division of Natural Resources and Environmental Control, urging the State of Delaware to purchase the Hercules property presently owned by Sussex County.

THE HONORABLE WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.

RE: The Senate Appropriations Committee's recommendation to continue the Library Literacy Program in the FY '95 Labor, Health and Human Services and Education Appropriations bill, H. R. 4606.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.

RE: To solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit. Applicant: Angler's Marina, c/o Mr. James B. Walsh. Waterway: Lewes and Rehoboth Canal.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.

RE: To solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit. Applicant: Mr. Charles E. Williams, II. Waterway: White Creek.

Corre- U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
spondence RE: To solicit comments and recommendations from the public
(con't) concerning the issuance of a Department of the Army permit.
Applicant: Hocker Farms Associates Limited Partnership.
Waterway: White Creek.

Troop 4 Captain Lewis, Delaware State Police, presented a status
Status report for Troop 4 for the month of July, 1994. Troop 4
Report consists of sixteen road officers and four supervisors.
The following statistics were provided by Captain Lewis:
total hours on duty - 3,384; hours assisted other agencies
- 38; total traffic arrests - 869; total DUI's - 31; acci-
dent reports - 62; total criminal arrests - 111; total
10-29 P's (wanted persons) - 37. Sussex County troops
handled 2,998 complaints during the month of July; 561
were handled by Troop 4.

DSHA Mr. Stickels, County Administrator, advised Council that
Housing the Delaware State Housing Authority is applying to the
Vouchers U.S. Department of Housing and Urban Development (HUD)
for housing vouchers for Sussex and Kent Counties. These
vouchers would assist low and moderate income families
throughout lower Delaware to obtain housing they can afford.
The Delaware State Housing Authority has been able to pro-
vide housing assistance for many families in Sussex and
Kent Counties through several different programs. However,
there is still a great unfilled need to assist low income
families in finding safe, decent and sanitary housing at a
price they can afford. There is currently a waiting list
of more than 2,400 applicants for the Certificate, Voucher,
and Public Housing Programs.

M 348 94 A Motion was made by Mr. Collins, seconded by Mr. Cole,
Encourage that the Sussex County Council, having met in public session,
DSHA to encourages the Delaware State Housing Authority to apply for
Apply for fifty housing vouchers for Sussex and Kent Counties to assist
Housing low and moderate income families to obtain affordable housing.
Vouchers

Motion Adopted: 5 Yea.

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

Use of Mr. Stickels, County Administrator, discussed a request from
Court- the Department of Elections to use the Courthouse facilities
house by on the following dates:

Depart- Primary Election Day - September 10, 1994
ment of General Election Day - November 8, 1994
Elections

The hours of use would be from 6:00 a.m. until approximately
9:00 p.m.

M 349 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Authorize that the Sussex County Council authorizes the use of the Use of Sussex County Courthouse lobby and East Market Street Court- entrance to be utilized by the Department of Elections for house by Sussex County for a Primary Election on September 10, 1994, Depart- and a General Election on November 8, 1994, from the hours ment of of 6:00 a.m. to approximately 9:00 p.m., and; Be It Further Elections Moved that no other activities will take place in the loca- tion of the voting polls during these hours.

Motion Adopted: 5 Yea.

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

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

1. Farmers Home Grant Notification

Mr. William Lecates, Director of the Sussex County Community Development and Housing Division, has been notified by the Farmers Home Administration that they have awarded Sussex County a grant in the amount of \$96,940. This funding will be used to assist in the Housing Rehabilitation Program for FY '95.

2. Crime Bill

By a vote of 210 to 225, the U.S. House of Representatives defeated the rule which would have enabled debate and a vote on the Crime Bill. The vote on the rule was a procedural victory for the National Rifle Association according to the National Association of Counties' legislative office. The National Rifle Association strongly objected to the language in the bill banning nineteen assault weapons and high capacity clips. By voting no on this procedural vote, a member of Congress could hold up passage of the bill without being recorded as opposing the bill. To date, it was not immediately clear whether the Democratic majority will seek a new vote on the bill without any modifications or recommend that the bill go back to the Conference Committee for change. Mr. Stickels will be meeting with the Secretary of Public Safety, Karen Johnson, after Labor Day to determine if the defeat of this legislation will impact the County's agreement regarding Troop 4 in Georgetown.

Adminis-
trator's
Report
(con't)

3. Federal Aviation Administration Funding

The U. S. House of Representatives and Senate gave final approval on Monday, August 8, 1994, to the conference report accompanying H.R. 2739, the Federal Aviation Administration Authorization Act of 1999. The bill extends the Airport Improvement Program, which provides funds to publicly owned airports for another three years at \$2.105 billion for FY '94, \$2.161 billion for FY '95, and \$2.214 billion for FY '96. This is the program that the County has been able to utilize to pay for 90 percent of its upgrade.

4. Sussex County Volunteer Firemen's Association

The Sussex County Volunteer Firemen's Association will hold their monthly meeting on Tuesday, August 23, 1994, at 7:30 p.m. at the Rehoboth Beach Fire Company.

Proposed
Ellendale
Sanitary
Sewer
District

Mr. Archut, Director of Planning and Permits, discussed the Proposed Ellendale Sanitary Sewer District. Sussex County Engineering Department has submitted a preapplication to the Farmers Home Administration for grant/loan funding for this proposed district. A response has been received from the FAA expressing concern that the Town of Ellendale wishes to be excluded from the project. Mr. Archut reported that the cost of building the project is estimated at \$3.2 Million if the town is included in the project and \$2.3 Million if the town is excluded. The Division of Natural Resources and Environmental Control has estimated that user costs would be \$360.00 per year if the town is included in the project and \$423.00 per year if the town is excluded. It was the consensus of Council to continue efforts to obtain grant/loan funding for the project and to continue looking into other possibilities of providing sanitary sewer service to the area. Once more conclusive information has been obtained on the project, the Town of Ellendale can be approached regarding interest in the project.

Rivers
End -
Blades
SSD

Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the wastewater facilities constructed in Rivers End Development, located in the Blades Sanitary Sewer District.

M 350 94
Grant
Benefi-
cial
Accep-
tance
Rivers
End -
Blades
SSD

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Rivers End Development, located in the Blades Sanitary Sewer District.

Motion Adopted: 5 Yea.

M 350 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Dames & Moore Contract Change Order Mr. Wood, County Engineer, discussed a change order to the Dames & Moore Contract for archaeological survey work for the County Administration Building. Mr. Wood explained that a low level of hydrocarbon contamination was found during test borings. The Division of Natural Resources and Environmental Control is requiring Dames & Moore to take certain safety measures prior to initiation of the archaeological excavation at the site. Prior to Phase I archaeological investigation, Dames & Moore will develop a Health and Safety Plan. In addition, Dames & Moore will have the appropriate equipment on site to monitor air for explosive conditions and for exposure to hydrocarbon vapors. The cost for these measures is \$1,200.00; \$600.00 for the Health and Safety Plan and \$600.00 for equipment rental.

M 351 94 Dames & Moore Contract Change Order A Motion was made by Mr. Stevenson, seconded by Mr. Collins, Authorize based on the recommendation of the County Engineering Department, that the Sussex County Council authorizes an increase of \$1,200.00 to the Dames & Moore Contract for special safety precautions required during the excavation phases of the archaeological study of the proposed new County Administration Building due to the discovery of hydrocarbon contaminated soils on the site.

Motion Adopted: 5 Yea.

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

M 352 94 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$750.00 from Mr. Stevenson's Councilmanic Account to the Commissioners of Bridgeville for the 1994 3rd Annual Apple-Scrapple Festival.

Motion Adopted: 5 Yea.

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

M 353 94 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$350.00, \$250.00 from Mr. Stevenson's Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Sussex Central Football Boosters to help offset the cost of t-shirts and shorts for the Sussex Central football team.

Motion Adopted: 5 Yea.

M 353 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 354 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$400.00, \$200.00 from Mr. Collins' Councilmanic Account
manic and \$200.00 from Mr. Dukes' Councilmanic Account, to the Laurel
Grant Chamber of Commerce for expenses associated with the Dog Days
Festival.

Motion Adopted: 5 Yea.

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

Amended Mr. Dukes introduced an amended Proposed Ordinance entitled
Proposed "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
Ordinance 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-
TAINING 18.00 ACRES, MORE OR LESS" (Change of Zone No. 1239)
filed on behalf of Tanger Properties, L.P. The amended Pro-
posed Ordinance will be advertised for public hearing.

M 355 94 At 11:30 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Benson, to recess until 1:30 p.m.

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 EXPANSION OF CONDI-
No. 1083) TIONAL USE NO. 685 FOR PROPANE STORAGE AND SALES AND AN OFFICE
BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0
ACRES, MORE OR LESS" (Conditional Use No. 1083) filed on
behalf of Robert A. Willey. The Public Hearing was closed.

M 356 94 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 979 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 979 DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 685 FOR PROPANE
(C/U STORAGE AND SALES AND AN OFFICE BUILDING TO BE LOCATED ON A
No. 1083) CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED,
SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Condi-
tional Use No. 1083) filed on behalf of Robert A. Willey,
with the following stipulation:

1. No site improvements shall occur until final site plan review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

M 356 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) 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 its business has grown in such a manner as to require additional office space relocated to this site and to require additional propane storage to serve its present customers.
2. The applicant established by substantial evidence that the proposed use will have no impact on the character of the neighborhood, property values therein, traffic or the environment in the area, since the site of the use is not enlarged; instead, only on site use is expanded.
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 A Public Hearing was held on the Proposed Ordinance entitled
(C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
No. 1236) 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 3.12 ACRES, MORE OR LESS" (Change of Zone No. 1236)
filed on behalf of Turner Marine, Inc. The Public Hearing
was closed.

M 357 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Adopt Ordinance No. 980 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
No. 980 CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL
(C/Z DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES
No. 1236) AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.12 ACRES,
MORE OR LESS" (Change of Zone No. 1236) filed on behalf of
Turner Marine, Inc.

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

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

Findings
of Fact
(con't)

1. The applicant established by substantial evidence that the change of zone will convert its existing conditional use to a commercial zoning classification, thereby enabling him to obtain easier and better credit from lenders and to employ better lighting and signage to promote his expanding business.
2. The applicant established by substantial evidence that the change of zone will have no additional impact on the character of the immediate neighborhood, mixed residential and commercial uses, property values therein, traffic or the environment in the area, since the site has heretofore been developed, fenced and occupied by the applicant.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1235)

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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS" (Change of Zone No. 1235) filed on behalf of Brandywine Valley Investment. The Public Hearing was closed.

M 358 94
Adopt
Ordinance
No. 981
(C/Z
No. 1235)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 981 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS" (Change of Zone No. 1235) filed on behalf of Brandywine Valley Investment.

Motion Adopted: 3 Yea, 2 Nay.

Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Nay;
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 site is located next to substantial commercial development to the south and serves as a logical northern extension thereof. Substantial commercial development also exists directly across Route 13 from the site.

Findings
of Fact
(con't)

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 findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

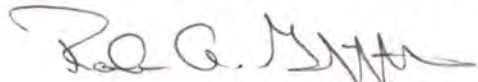
Pending
Change
Order
West
Rehoboth

Mr. Stickels, County Administrator, advised Council of a problem that occurred on this date, at the Atlantic Budget Inn in Rehoboth, during the construction of the West Rehoboth sewer project. A change order will be presented at the next Council meeting regarding this matter.

M 359 94
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council