

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-AUGUST 27, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, August 27, 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 364 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:

RANDOLPH AND JOAN HARRIS, LINTHICUM, MARYLAND
RE: Opposition to a proposal by the Delaware Department of Transportation to bisect their community (Rolling Meadows in Lewes) with a limited access highway and creating a major interchange at their front door.

AIR RESOURCES SECTION, DIVISION OF AIR AND WASTE MANAGEMENT, DNREC, DOVER
RE: Notice of applications filed with their department. Only one application concerns Sussex County. It was filed by Coastal Coatings, Inc., Lewes, for the construction and operation of a wood coating business. Applications may be inspected in the Air and Waste Management Office in Dover.

THE ASSOCIATION FOR THE RIGHTS OF CITIZENS WITH MENTAL RETARDATION IN DELAWARE, WILMINGTON
RE: The summer issue of their newsletter entitled "ARC Delaware News Notes."

DEPARTMENT OF THE ARMY, PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
RE: Information bulletin and update entitled "Delaware Bay and Delaware Coast Reconnaissance Studies."

DELAWARE NATURE SOCIETY, HOCKESSIN
RE: Their summer newsletter entitled "Delaware Nature Society News."

August 27, 1991

Industrial
Park
Airport
Runway
10-28
Question

Councilman Cole questioned the ownership of abandoned runway 10-28 at the Industrial Park Airport. Presently, the runway is used as the home of the Viscounts and as a parking area for workers. The County Administrator confirmed that the runway at the Industrial Park Airport belongs to the County and if federal and state grants become available it will be resurfaced. Once the runways are resurfaced, some thought may be given to initiating a landing fee as is currently being done at the New Castle County Airport.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation proclaiming the week of September 1 through September 7, 1991, as a week in Sussex County to honor Mr. Jack H. Layfield. Mr. Layfield has served the citizens of Sussex County since June 18, 1975, with planning and zoning issues.

M 365 91
Adopt
Proclama-
tion

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF SEPTEMBER 1 THROUGH SEPTEMBER 7, 1991, AS A WEEK IN SUSSEX COUNTY TO HONOR MR. JACK H. LAYFIELD." Motion Adopted: 5 Yea.

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

Bid
Recommendation
Project
No. 91-07

Mr. Stickels, County Administrator, briefly reviewed the bids received for Sussex County Project No. 91-07 for a 4 x 4 off-road vehicle. The State contract listed the vehicle with the specifications we were looking for at \$14,200, however, that contract has expired. New State contracts should be available around the first of December, therefore, it was recommended that the two bids be rejected, due to both exceeding the funds budgeted for the project.

M 366 91
Reject
Bids
Project
No. 91-07

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council reject the awarding of bids for one 4 x 4 off-road vehicle, as all bids were in excess of budgeted funds. Motion Adopted: 5 Yea.

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

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Bid Review
Project
No. 91-09

Mr. Stickels, County Administrator, reviewed the bids received August 13, 1991, for Sussex County Project No. 91-09 for one Communications Recording System.

Councilman Cole questioned the wisdom of accepting the lowest bid. Since the equipment has been on the market for approximately ten years, would we be better served [maintenance and improved technology] by purchasing the newer model. In accordance with the specifications set forth in the bid package, maintenance parts will be available for both machines for five years.

M 367 91
Project
No. 91-09
Bid
Award

A Motion was made by Mr. Collins, seconded by Mr. Benson, based upon the recommendation of the Emergency Operations Department and the Paramedic Department, that the Sussex County Council authorize the purchase of one Dictaphone Model 5000 Communications Recording System with Remote Status Alarm Panel from Dictaphone Corporation in an amount not to exceed \$18,125. Motion Adopted: 4 Yea; 1 Abstention.

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

Adminis-
trator's
Report

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

1. Sussex County Chicken - A recent notation that appeared in a publication entitled "Census and You / August 1991," reported that Sussex County sold more chickens than any other County in the United States in 1987 -- 192 million. Nationally, one in 23 chickens produced came from Sussex County.
2. Delaware Small Business Development Training Workshop - Two workshops will be held during the month of September. The first is entitled "Learn the Basics of How to Start Your Own Business." This will be held on Wednesday, September 18, 1991, from 6:30 to 9:30 p.m. at the Kent County Administration Building, 414 Federal Street, Dover, Delaware. The second is entitled "Entrepreneurial Women's Expo" to be held on Friday, September 27, 1991, starting at 8:00 a.m. and ending at 4:30 p.m. at the Hotel DuPont, Wilmington, Delaware.

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Adminis-
trator's
Report
(Con't.)

3. Sussex County Association of Towns Meeting - The next meeting will be held on Wednesday, September 4, 1991, at the Holiday House, Bethany Beach, Delaware. Dinner will be served at 7:00 p.m. Mr. Scott Douglas, Finance Director for the State of Delaware, will be the guest speaker.
4. East/West Corridor Study - Secretary Kermit Justice has requested that the County Council meet with him on Tuesday, September 3, 1991, at 2:00 p.m. in the Executive Conference Room at the Department of Transportation, Dover, Delaware. Secretary Justice would like to speak to the Council regarding the proposed East/West Corridor Study.
5. EPA Funding Request - The Environmental Protection Agency notified the County Engineering Department on August 14, 1991, that they have increased their contribution for the alternative funding portion of the Long Neck Sanitary Sewer District by \$610,440. These funds have recently become available to the Environmental Protection Agency and are being awarded to qualified projects. The district will not receive full benefit of the \$610,440, as the State of Delaware will reduce its contribution by \$457,830. This results in a net increase in funding to the district of only \$152,610.

M 368 91

Adopt

Resolutions

R 023 91

and

R 024 91

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 023 91 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL" and Resolution No. R 024 91 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL." Motion Adopted: 5 Yea.

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

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Bid Recommendation Tabled Mr. Stickels, County Administrator, asked that West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Phase 1A - Bid Recommendation be tabled until next week.

Proposed Ordinance Amend Chapter 115 Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES I, II, XXV, AND XXVIII, RELATING TO FLOOD PRONE DISTRICTS." The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/U #984 Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN UR URBAN RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF FRANKFORD, DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.02 ACRES, MORE OR LESS" (C/U #984) filed on behalf of Charles A. Zonko. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/U #985 Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DENTAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 15,000 SQUARE FEET, MORE OR LESS" (C/U #985) filed on behalf of Michael L. Cahoon and Laima V. Anthaney Cahoon. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/Z #1139 Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 4.3 ACRES, MORE OR LESS" (C/Z #1139) filed on behalf of Don S. Hall and Jacqueline A. Hall. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/Z #1140 Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.45 ACRES, MORE OR LESS" (C/Z #1140) filed on behalf of Walter T. and Bonnie L. Dashiell. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/Z #1141

Mr. Stevenson 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.947 ACRES, MORE OR LESS" (C/Z #1141) filed on behalf of Robert L. Field. The Proposed Ordinance will be advertised for Public Hearing

Western
Sussex
Land Use
Plan

Councilman Cole requested the County Administrator to place on the Agenda the Western Sussex Land Use Plan for discussion and update in the next few weeks.

M 369 91
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$200, from Mr. Collins' Councilmanic Account, to the Millsboro Historical Society to assist with the restoration of the Godwin School 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 370 91
Recess

At 11:00 a.m., a Motion was made by Mr. Benson, seconded by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Semi-Pro
Baseball
Trophy

The Sussex County Commerce Semi-Pro Baseball Team asked Mr. Stickels, County Administrator, to share with the Council the trophy they won for finishing in second place in the Eastern Shore League. Teams from Virginia, Ocean City, Salisbury, Princess Anne, and Dover were included in the League.

Reconvene

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

Public
Hearing
C/U #978

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 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 Public Hearing was closed.

August 27, 1991

M 371 91
Adopt
Ordinance
No. 782
C/U #978

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 782 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 with the following stipulations:

1. The maximum number of vehicles to be displayed shall be ten.
2. No automotive repairs shall be permitted on-site.
3. The parking area shall be at least 25 feet from the front property line.
4. One on-premise sign, not exceeding 32 square feet on both sides or facings, shall be permitted.
5. All of the above will be subject to final site plan and approval by the Planning and Zoning Commission.

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
C/U #978

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, a used car sales lot, will not affect adversely the character of the neighborhood or property values therein.
2. The applicant established by substantial evidence that the proposed use will cause no adverse environmental or traffic impact.
3. The applicant established by substantial evidence that the surrounding area is developed with a variety of commercial enterprises.
4. The proposed use does not conflict with the Comprehensive Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

August 27, 1991

Public
Hearing
C/Z #1131

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 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 Public Hearing was closed.

M 372 91
Adopt
Ordinance
No. 783
C/Z #1131

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 783 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. 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
C/Z #1131

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 change of zone will not adversely affect the character of the neighborhood or property values therein.
2. The change of zone will not adversely affect traffic or environmental conditions in the area.
3. The applicant established a clear need for the medical design and supply services proposed to serve the Beebe Hospital medical community.
4. The change of zone does not conflict with the Comprehensive Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

August 27, 1991

Public
Hearing
C/Z #1132

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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 27,420 SQUARE FEET, MORE OR LESS" (C/Z #1132) filed on behalf of Herbert A. Woodland. The Public Hearing was closed.

M 373 91
Adopt
Ordinance
No. 784
C/Z #1132

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 784 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. 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
C/Z #1132

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 change of zone will not adversely affect the character of the neighborhood or property values therein.
2. The change of zone will not adversely affect traffic or environmental conditions in the area.
3. The applicant established by substantial evidence that immediately adjoining property owned by the applicant is zoned C-1, and that a need exists for additional C-1 space to serve that property in terms of better access and parking.
4. The change of zone does not conflict with the Comprehensive Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

August 27, 1991

M 374 91
Council-
manic
Grant

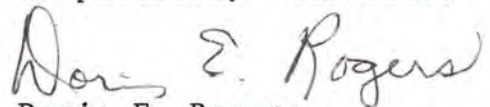
A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$1,000, \$200 from Mr. Benson's, Mr. Cole's, Mr. Collins', Mr. Stevenson's, and Mr. Dukes' Councilmanic Accounts respectively, to Millsboro Little League, Inc. to assist with costs for the Sussex County Big League All-Stars who recently participated in the Big League World Series in Fort Lauderdale, Florida. Motion Adopted: 5 Yea.

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

M 375 91
Adjourn

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

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council