

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-AUGUST 29, 1995

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, August 29, 1995, 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 386 95
Approve
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Cole, to approve the minutes of the previous meeting dated August 22, 1995. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

ANNE P. CANBY, SECRETARY, DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE

RE: Public notice of three meetings being held to solicit input in the preparation of DelDOT's Capital Improvement Program beginning with Fiscal Year 1997. A meeting will be held in Sussex County on Thursday, September 14, 1995, at Del Tech's Georgetown Campus, beginning with an informal workshop session at 5:30 p.m., followed by an auditorium session at 7:00 p.m.

DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE

RE: Public Notice that the Administrative Affairs Committee of the Delaware Solid Waste Authority will meet on Thursday, August 31, 1995, at 5:30 p.m., followed by a workshop of the Board of Directors, to discuss the capital improvement program of the Delaware Solid Waste Authority. The meeting will be held in the DSWA Public Meeting Room at 1128 South Bradford Street, Dover, Delaware, and is open to the public.

Sussex
County
Celebration
75
Committee/
Certificate
of Award

Ms. Rhonda Tuman appeared before Council on behalf of the Sussex County Celebration 75 Committee, which is sponsoring year-long events in Sussex County honoring women's suffrage. Ms. Tuman presented Council with a Certificate of Award in recognition of Council's significant contributions that have supported their efforts and activities honoring the 75th anniversary of women's right to vote. Steering Committee members also in attendance were Leanne Phillips-Lowe (Delaware Tech),

(Con't.)

Fay Volenik (Wilmington College), and Bonnie Smith (Sussex County Council). Ms. Tuman also presented Council with a copy of the videotape of the International Women's Day Luncheon which was held on March 8, 1995. Council members were also provided with copies of the brochure for the Sussex County Women's Conference and luncheon to be held on Saturday, October 28, 1995, at Delaware Technical and Community College.

County
Seat
Materials/
Amend
Lease
Agreement

Mr. Stickels, County Administrator, reported to Council that a request had been received by County Street Materials, LLC, for an amendment to their lease agreement. Mr. Stickels stated that County Seat Materials had entered into a lease agreement with the County on February 3, 1995 for a 19.38 acre parcel of land at the Sussex County Airport and Industrial Park Complex, to be used for the construction and operation of a stone depot and bituminous asphalt mixing plant. As a result of pending legal litigation, County Seat Materials has not been able to obtain the necessary permits within the 6 month time period as agreed to in the original lease agreement. Until a final judicial decision has been made, it is the request of County Seat Materials that the monthly rental payments, which are to begin September 1995, be held by the County in a separate escrow account. If the court finds the contract to be invalid, the County will return the rent collected, excluding the interest earned on the rent payments.

M 387 95
Amend
Lease
Agreement
with
County
Seat
Materials

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Council President to execute an amendment to the lease agreement, as described, with County Seat Materials, LLC.

Motion Adopted: 5 Yea.

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

Sheriff's
Department/
Activity
Report

The Honorable Charles Spicer, Sussex County Sheriff, was in attendance to present Council with an Activity Report of the Sheriff's Department for the period of January 3, 1995 to July 31, 1995. Mr. Spicer reported that the Sheriff's office was not only responsible for serving court papers generated out of Sussex County Courts, but can be asked to deliver documents at the request of both Kent County and New Castle County Courts. For the reporting period, the Sheriff's Department has served a

(Con't.)

total of 4,088 documents at the request of Sussex County Courts, including 3,097 criminal subpoenas. From January 3 to July 31, 1995, 114 and 139 documents were served at the request of Kent County and New Castle County Courts, respectively. In addition, the Sheriff's Department can be requested by out-of-state courts to deliver documents. For the 7 month reporting period, the Sheriff's Department has collected \$184,234.55 in income, almost identical to the amount collected for the entire previous year. Of this \$184,234, 53.8 percent was generated from Sheriff's Sales and 46.2% was generated from serving papers. Mr. Stickels reported it is expected that the Sussex County Sheriff's Department will become a cost-effective department during Fiscal Year 1996. In addition, it was reported that the Sheriff's Department has been responsible for collecting \$158,600 in delinquent Sussex County taxes, which includes school taxes. The Sheriff's Department has also collected \$16,250 in delinquent water and sewer fees. On occasion, Sheriff Department personnel have assisted other agencies, such as the State, Dagsboro, Georgetown, and Millsboro Police Departments. In turn, the State Police has been needed to assist the Sheriff's Department in serving certain types of documents. All Sheriff Department Deputies who carry weapons are arms certified by a certified instructor. Mr. Stickels also reported that Sheriff Department personnel have purchased their uniforms at their own expense. Mr. Cole requested that Mr. Stickels research the possibility of the County subsidizing the expense of Sheriff Department uniforms. It was the consensus of Council that Mr. Stickels will report back to Council with a recommendation regarding reimbursement for the cost of uniforms purchased and also for future uniform expenses. Sheriff Department personnel also in attendance were Diana Melvin, Chief Deputy; Thomas Feret, Deputy; and Margaret Pepper, Clerk.

County
Adminis-
trator's
Report

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

1. Public Meeting - Dagsboro/Frankford Sanitary Sewer District

The Sussex County Engineering Department will hold a public meeting at 7:00 p.m. on Thursday, August 31, 1995, at the Bethel Center, Bethel United Methodist Church, Clayton Avenue, Dagsboro, Delaware. The purpose of the meeting is to discuss future sanitary sewer service for Prince George's Acres Subdivision. The public is encouraged to attend this meeting. For further information, please call or write the Sussex

(Con't.)

County Engineering Department, Race and Pine Streets,
P.O. Box 589, Georgetown, Delaware (855-7719).

2. Troop 4 Status Report

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of June 1995:

Total Hours On Duty	3,503.50
Hours Assisted Other Agencies	52
Total Traffic Arrests	1,081
Total DUI Arrests	42

Accident Reports: Property Damage	50
Personal Injury	23
Total Accident Reports	73

Criminal Arrests: Felony	27
Misdemeanor	78
Total Criminal Arrests	105

Total 10-29 P's (wanted persons)	30
Total Number of Complaints	633

3. Delaware Department of Transportation Public Hearings

Public hearings will be held on Tuesday, September 12, 1995, at 10:00 a.m. and 11:00 a.m., respectively, in the Conference Room at the Department of Transportation, Division of Highways, Administration Building, located at the intersection of County Road 431 and Route 113 near Georgetown, for the purpose of receiving public input on the proposed road vacation of Sussex County Road 218 located in Cedar Creek Hundred and Road 280-A located in Indian River Hundred. Mr. Stickels has notified the County Engineering Department, Planning and Zoning Department, and public safety providers of the proposed vacating. Prior to the public hearing being held, Mr. Stickels will advise Council if they should go on record opposing this action.

Proposed Ordinance (C/U No. 1135)

Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TWO MINI STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 30,474 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1135) filed on behalf of Sandra Gordon. The Proposed Ordinance will be advertised for Public Hearing.

M 388 95
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$250 from Mr. Duke's Councilmanic Account to the Church of God Saints of Christ - ARC Center to assist in providing food for a "Back to School Block Party".

Motion Adopted: 5 Yea.

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

Wright
Robinson/
87th
Birthday

Mr. Stickels and Council recognized and congratulated Mr. Wright Robinson on the celebration of his 87th birthday. Mr. Robinson stated he was the oldest practicing journalist in the State.

M 389 95
Recess

At 10:51 a.m., a Motion was made by Mr. Benson, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:30 p.m. Mr. Dukes announced that Councilman Stevenson was absent due to his need to attend funeral services.

Public
Hearing
C/U
No. 1126

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP AND TOWING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 28,835 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1126) filed on behalf of Merrill R. Baker, Jr. The Public Hearing was closed.

M 390 95
Adopt
Ordinance
No. 1044
(C/U No.
1126) with
stipula-
tions

A Motion was made by Mr. Collins, seconded by Mr. Benson, to adopt Ordinance No. 1044 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP AND TOWING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 28,835 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1126) filed on behalf of Merrill R. Baker, Jr., subject to the following stipulations:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

M 390 95
(Con't.)

2. Screening shall be required along the westerly southwesterly property line.
3. No parking shall be permitted in the front yard.
4. One on-premise unlighted ground sign, not exceeding 32 square feet per side, may be permitted.
5. That there be a maximum of five (5) vehicles stored out-of-doors for business purposes.

Motion Adopted: 4 Yea; 1 Absent.

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

Findings
of Fact
C/U No.
1126

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed use, an auto repair shop and towing service, is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council found that a need existed in the area for the requested land use. The Council recognized the community support expressed at the public hearing for the proposed use.

Public
Hearing
C/U
No. 1127

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.94 ACRES, MORE OR LESS (Conditional Use No. 1127) filed on behalf of Delaware Electrical Cooperative. The Public Hearing was closed.

M 391 95
Adopt
Ordinance
No. 1045
(C/U No.
1127) with
stipulations

A Motion was made by Mr. Benson, seconded by Mr. Cole, to adopt Ordinance No. 1045 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.94 ACRES, MORE OR LESS (Conditional Use No. 1127) filed on behalf of Delaware Electrical Cooperative, subject to the following stipulations:

M 391 95
(Con't.)

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. Fencing and landscaping shall conform to the final site plan.

Motion Adopted: 4 Yea; 1 Absent

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

Findings
of Fact
C/U No.
1127

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed use, an electrical substation, is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council found that a need existed in the area for the requested land use. Council President Dukes commented that two (2) substations are located near his home, and he is unaware of any problems associated with their use.

Public
Hearing
C/U
No. 1128

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29,476 SQUARE FEET, MORE OR LESS (Conditional Use No. 1128) filed on behalf of Mary O. Rizk. The Public Hearing was closed.

M 392 95
Adopt
Ordinance
No. 1046
(C/U No.
1128)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adopt Ordinance No. 1046 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29,476 SQUARE FEET, MORE OR LESS (Conditional Use No. 1128) filed on behalf of Mary O. Rizk.

Motion Adopted: 4 Yea; 1 Absent.

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

Findings
of Fact
C/U
No. 1128

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed use, a multi-family dwelling structure, is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council found that traffic would not be affected by the proposed use.

M 393 95
Amend
Agenda/
Appoint
Assistant
County
Clerk

A Motion was made by Mr. Benson, seconded by Mr. Collins, to amend the agenda to allow for the appointment of an Assistant County Clerk for the purpose of executing certain documents.

Motion Adopted: 4 Yea; 1 Absent.

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

M 394 95
Appoint
Assistant
County
Clerk

A Motion was made by Mr. Collins, seconded by Mr. Cole, to appoint Nancy Cordrey as Assistant County Clerk.

Motion Adopted: 4 Yea; 1 Absent.

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

M 395 95
Adjourn

At 2:02 p.m., a Motion was made by Mr. Benson, seconded by Mr. Cole, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,



Nancy J. Cordrey
Assistant Clerk of the County Council