

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 1, 1998

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, September 1, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 391 98      A Motion was made by Mr. Jones, seconded by Mr. Cole, to Amend and Approve Agenda

Robert C. Green, Director of Utility Construction

1. Brittany Acres - Conditional Acceptance

and by inserting:

Oscar Perez, Director of Public Works

1. Woodland Station Payment Overlay

and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 392 98      A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

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

CHIEF KEITH I. FAULKNER, CHAIRMAN, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.

Corre-  
spondence  
(con't)

RE: Letter requesting financial assistance by providing partial reimbursement for expenses to permit Mr. Martin Johnson, Local Police Coordinator, to attend a meeting of the Committee of Executive Directors held in conjunction with the International Association of Chiefs of Police Annual Conference in Salt Lake City, Utah.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearing.

CDBG  
Applica-  
tions

Mr. Stickels, County Administrator, reported to Council concerning State of Delaware Community Development Block Grant applications. In the past, the County has assisted local communities in procuring grants for the purpose of keeping administrative costs down; the County assists with the preparation and administration of the applications. Mr. Stickels requested permission to send letters to the local governments to determine whether or not they are interested in seeking the County's assistance.

M 393 98  
Authorize  
CDBG  
Applica-  
tion  
Assist-  
ance

A Motion was made by Mr. Collins, seconded by Mr. Jones, that the Sussex County Council authorizes the Sussex County Community Development Division to assist local Sussex County governments in the preparation and administration of Community Development Block Grant applications.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Proposed  
James  
Farm  
Lease  
Agree-  
ment

Mr. Stickels, County Administrator, and Dr. Richards, Executive Director of the Center for the Inland Bays, discussed a Proposed Lease Agreement between Sussex County and The Center for the Inland Bays for the James Farm site. Dr. Richards highlighted the Center's plans for the James Farm site, the "James Farm Farm Management Plan", as follows:

- o Demonstration projects in agriculture and environmental best management practices.
- o Outreach/education center for school and community groups.
- o Applied research sites for aquaculture, submerged aquatic vegetation, habitat restoration programs, birdwatching and wildlife monitoring programs.
- o Water sampling site(s) for the Citizens' Volunteering Monitoring Program of the Marine Advisory Service.
- o Trails for hiking through forested buffer and wetland areas to identify species biodiversity.

- Proposed James Farm Lease Agreement (con't)
- Internship programs in cooperation with Americorp and college outreach programs.
  - Canoe and Kayak expeditions.
  - Collaborative programs with local, county, state and federal agencies and groups.

It was noted that the Plan does not include the construction of a facility for The Center for the Inland Bays. A discussion was held regarding the feasibility of exploring agricultural research at the site.

It was recommended that Dr. Richards, Executive Director for The Center for the Inland Bays; Mr. Stickels, County Administrator; and Mr. Izzo, County Engineer, review and fine tune the Plan, prioritizing the list of projects and establishing a time table.

Mr. Bayard, County Attorney, recommended that the County look into entering into an Occupancy Agreement instead of a Lease Agreement. This issue will be brought back to Council for consideration at a later date.

Draft Ordinance Relating to Funding Program for Fire Service

Mr. Stickels, County Administrator, discussed a draft ordinance entitled "AN ORDINANCE CREATING THE SUSSEX COUNTY VOLUNTEER FIREMEN'S ENHANCEMENT FUNDING PROGRAM, PROVIDING FOR THE ADMINISTRATION OF GRANTS AND CREATING FUNDING THEREFOR". It was the consensus of Council that Section 3 of the draft ordinance be amended by inserting ", method of distribution establishing base amount" immediately following "the distribution of the grants" (Page 2, Line 4).

Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE CREATING THE SUSSEX COUNTY VOLUNTEER FIREMEN'S ENHANCEMENT FUNDING PROGRAM, PROVIDING FOR THE ADMINISTRATION OF GRANTS AND CREATING FUNDING THEREFOR". The Proposed Ordinance will be advertised for Public Hearing.

Administrator's Report

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

1. Advisory Council for Certification of Public Water System Operators

I have received notification from the Secretary of Public Health, Dr. Gregg C. Sylvester, that Kay Dewson has been appointed to serve a five-year term on the Advisory Council for Certification of Public Water System Operators. Dr. Sylvester stated that he considers the Advisory Council for Certification of Public Water System Operators to be an important linkage between Delaware Health and Social Services, the consumer, and the public and private water industry.

Adminis-  
trator's  
Report  
(con't)

Kay currently holds a license and responsibility for the Long Neck Wastewater Treatment Facility and the County's Dewey Beach Water System.

2. Immigration and Naturalization Service (INS)

The U. S. Department of Justice, Immigration and Naturalization Service, will establish office hours in the County Administrative Building one day a month in an effort to provide better and more accessible service to the residents of Sussex County. The INS Office will use the office space referred to in the County Administrative Building as the Caucus Room on the third Wednesday of each month beginning September 16.

I recently had a meeting with William O. Horn, Supervisory Special Agent for INS; Ira Valenzuela, Human Service Director for Perdue; and Kevin Smith, representing Senator Biden. Mr. Horn felt that the response he received from a recent visit to some of the larger employers of non-citizens in Sussex County is an indication that Georgetown office hours will be productive.

3. Council Schedule

County offices will be closed Monday, September 7, 1998, to allow employees to observe Labor Day. Offices will reopen on Tuesday, September 8, 1998, at 8:30 a.m. There will not be a Council meeting the week of September 7. The next regularly scheduled Council meeting will be a 10:00 a.m. on Tuesday, September 15, 1998.

Cash  
Manage-  
ment  
Account

Mr. Baker, Finance Director, discussed a proposed bank account change where funds in the Employees Health Fund would be moved from a savings account in Wilmington Trust Company to a Cash Management Account with the Wilmington Trust Company. This change would improve the interest rate return on the Account.

M 394 98  
Adopt  
Resolu-  
tion  
No.

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 018 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

R 018 98

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 395 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to  
Adopt Adopt Resolution No. R 019 98 entitled "CASH MANAGEMENT ACCOUNT  
Resolu- RESOLUTION".  
tion  
No. Motion Adopted: 5 Yea.  
R 019 98  
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Bid Mr. Perez, Director of Public Works, presented bid results for  
Results/ Sussex County Project No. 98-06, Woodland Station Pavement  
Woodland Overlay, as follows:  
Station  
Pavement Delmarva Paving \$41,550.00  
Overlay Seaford, Delaware  
A.P. Croll & Son \$44,995.00  
Georgetown, Delaware  
Tilcon \$45,156.00  
Dover, Delaware  
Sparr Associates \$45,265.00  
Salisbury, Maryland

Mr. Perez recommended that the bid be awarded to Delmarva Paving, the low bidder.

M 396 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, based  
Award upon the recommendation of the Sussex County Engineering Depart-  
Bid/ ment, that the contract for Sussex County Project No. 98-06  
Woodland entitled "Woodland Station Pavement Overlay" be awarded to  
Station Delmarva Paving of Seaford, Delaware, at the bid amount of  
Pavement \$41,550.00 contingent upon written financial commitment from  
Overlay the Delaware Department of Transportation and the Woodland  
Station Homeowners Association.  
Motion Adopted: 5 Yea.  
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Public A Public Hearing was held on the Proposed Ordinance entitled  
Hearing/ "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY  
Ordinance TO REMOVE TIME OF SERVICE WITH THE STATE OF DELAWARE AS TIME  
Relating CREDITED TOWARD THE PENSION OF COVERED EMPLOYEES AND TO CLARIFY  
To EXISTING LANGUAGE". There were no public comments and the  
Pension Public Hearing was closed.

M 397 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adopt Ordinance No. 1257 entitled "AN ORDINANCE TO AMEND CHAPTER  
26 OF THE CODE OF SUSSEX COUNTY TO REMOVE TIME OF SERVICE WITH  
THE STATE OF DELAWARE AS TIME CREDITED TOWARD THE PENSION OF  
COVERED EMPLOYEES AND TO CLARIFY EXISTING LANGUAGE".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN  
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL BUSINESS OFFICE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS" (Conditional Use No. 1262) filed on behalf of Gerone C. and Patricia C. Hudson.

Proposed Ordinance Mr. Cole introduced the 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37,970 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1352) filed on behalf of Louis Moses, Dora Moses, and James Moses. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN  
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 17.06 ACRES, MORE OR LESS" (Change of Zone No. 1353) filed on behalf of Patricia Mae Correll. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.619 ACRES, MORE OR LESS" (Change of Zone No. 1354) filed on behalf of The State of Delaware, Department of Transportation. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN  
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR/RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,

Proposed Ordinance (con't) SUSSEX COUNTY, CONTAINING 40.62 ACRES, MORE OR LESS" (Change of Zone No. 1355) filed on behalf of Consolidated Land Trust, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

M 398 98 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$600.00, \$200.00 each from Mr. Jones', Mr. Rogers', and Mr. Collins' Councilmanic Accounts, to the Sussex Central High School Golden Knights Band and Booster Organization for the band program.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 399 98 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for Martin Johnson to attend a meeting of the Committee of Executive Directors held in conjunction with the International Association of Chiefs of Police Annual Conference in Salt Lake City, Utah.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Presenta- tion of Check/ Fire Service Mr. Dukes presented a check to Mr. Yokum, President, Sussex County Volunteer Firemen's Association, in the amount of \$2,000 for the Memorial Service to be held on September 25, 1998, to honor Delaware firemen and auxiliary members who have passed away.

M 400 98 Recess At 11:20 a.m., a Motion was made by Mr. Collins, seconded by Mr. Cole, 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.

Public Hearing (C/U No. 1253) 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 MINI STORAGE AND OUTSIDE RECREATIONAL VEHICLE AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.13 ACRES, MORE OR LESS" (Conditional Use No. 1253) filed on behalf of Robert M. Davis. There were no public comments and the Public Hearing was closed.

M 401 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt  
Adopt Ordinance No. 1258 entitled "AN ORDINANCE TO GRANT A CONDI-  
Ordinance TIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT  
No. 1258 FOR MINI STORAGE AND OUTSIDE RECREATIONAL VEHICLE AND BOAT  
(C/U STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND  
No. 1253) BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.13  
ACRES, MORE OR LESS" (Conditional Use No. 1253) filed on be-  
half of Robert M. Davis, with the following conditions:

1. The site shall be surrounded by chain-link fencing at least six (6) feet in height.
2. One (1) thirty-two (32) square foot non-lighted sign may be permitted.
3. All security lighting shall be directed away from nearby residences and Route 17.
4. The surface of the area of the mini-storage buildings shall be improved with clamshells or crushed stone, at a minimum.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission. A landscape plan shall be submitted with the site plan.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Findings of Fact The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will help to meet a growing storage need of local, seasonal and year-round residents.
2. The applicant established by substantial evidence that the proposed use, as configured, and with the conditions imposed by Council, will have no adverse impact of any sort upon the surrounding area.
3. 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  
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
(C/Z COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRI-  
No. 1343) CULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND  
LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CON-  
TAINING 83.38 ACRES, MORE OR LESS" (Change of Zone No. 1343)  
filed on behalf of Burton Brittingham. There were no public  
comments and the Public Hearing was closed.

M 402 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to  
Adopt Ordinance No. 1259 entitled "AN ORDINANCE TO AMEND THE  
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL  
No. 1259 RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DIS-  
(C/Z TRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD  
No. 1343) CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 83.38 ACRES, MORE OR  
LESS" (Change of Zone No. 1343) filed on behalf of Burton  
Brittingham.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

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

1. The applicant established by substantial evidence that the change of zone will have no adverse impact of any sort, will serve to preserve agricultural land and thereby meets the express purposes and goals of the County Comprehensive Land Use Plan and the State Comprehensive Conservation and Management Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1342) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.07 ACRES, MORE OR LESS" (Change of Zone No. 1342) filed on behalf of North Beach, L.L.C. Public comments were heard in favor of and in opposition to the application; in addition, petitions and correspondence were received in favor of and in opposition to the application.

Recess At 3:20 p.m., Mr. Dukes declared a ten minute recess.

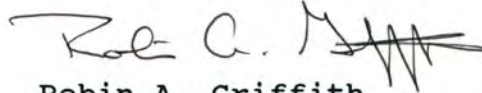
Reconvene Mr. Dukes called Council back into session at 3:30 p.m.

Public Hearing (C/Z No. 1342) The Public Hearing continued. At 5:52 p.m., the Public Hearing was closed and action was deferred. The record was left open for the submission of the receipt of the recorded deed and the conforming copy of the deed filed.

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M 403 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adjourn adjourn at 5:52 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council