

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-SEPTEMBER 10, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, September 10, 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

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

President Dukes announced that Councilman Stevenson's absence is due to the death of his nephew who was tragically killed over the weekend in Dallas, Texas.

M 386 91  
Approval  
of Minutes

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

FRANK A. NEWTON, MAYOR, TOWN OF SLAUGHTER BEACH, MILFORD, DELAWARE

RE: Endorsing Sussex County Council's action to include piers and docks as property improvements in County tax assessment.

RICHARD O. TAYLOR, REHOBOTH BEACH, DELAWARE

RE: Public Hearing on West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, supporting need for the project and suggesting a disinterested consultant be hired to review the plan presented.

Mr. Stickels, County Administrator, stated that several alternatives are being investigated and a response will be made to all questions raised at the Public Hearing held on Wednesday, August 28, 1991, at Cape Henlopen High School.

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC.

RE: HANDi Network News publication - Summer 1991.

Lieutenant  
Governor's  
Adult/  
Family  
Literacy  
Achievement  
Awards

As Sussex County Chairman of the Review Panel for the Lieutenant Governor's Adult/Family Literacy Outstanding Achievement Awards, Mr. Stickels, County Administrator, reviewed with Council the following applications which have been selected for submission from Sussex County:

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Lieutenant  
Governor's  
Adult/  
Family  
Literacy  
Achievement  
Awards  
(Continued)

1. Delaware Technical and Community College, Southern Campus - Adult Literacy Program in Sussex County;
2. Mountaire Farms of Delmarva, Inc. - Delaware Technical and Community College, Adult Education;
3. P.A.R.T.Y. (Parents Actively Reading To Youth) - Sussex County Department of Libraries in Milton;
4. Project R.E.A.D.S. - Public Library, Family Literacy;
5. Sussex Tech, Adult Education Division; and
6. Turnabout Counseling (ACT Program) - Delaware Technical and Community College.

A panel of 11 Sussex County residents representing many professional areas of the County reviewed the applications, along with on-site visits. The applications have now been forwarded to the State Review Panel for final consideration. Council is invited to attend an Awards Ceremony on October 7, 1991, at 3:00 p.m. at the Delaware General Assembly where recognition will be given the programs submitted, followed by a reception at Woodburn, the Governor's home.

Permit  
Fees to  
Operate  
County  
Transfer  
Stations

Mr. Stickels, County Administrator, informed Council that an invoice has been received from the State of Delaware Division of Water Resources/Air and Waste Management in the amount of \$42,000 for annual permit fees to operate the six County transfer stations for the period October 1, 1991, through September 30, 1992.

M 387 91  
Authorize  
Permit Fees  
for County  
Transfer  
Stations  
(Withdrawn)

A Motion was made by Mr. Cole that the invoice submitted by the Delaware Division of Water Resources/Air and Waste Management in the amount of \$42,000 for annual permit fees to operate the six County transfer stations for the period October 1, 1991, through September 30, 1992, be authorized for payment. Motion Withdrawn.

Permit  
Fees to  
Operate  
County  
Transfer  
Stations

For Council's information, Mr. Stickels, County Administrator, briefly reviewed the history behind the State's initiation of an annual permit fee for operation of the County's transfer stations, beginning with the first invoice received on September 1, 1990, in the amount of \$5,000 for the operation of all six transfer stations. It was pointed out that recycling centers, such as those operated by the Delaware Solid Waste Authority, are exempt from an annual permit fee; however, collection centers are not exempt. Because transfer stations are considered collection centers and not recycling centers, the County

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Permit  
Fees to  
Operate  
County  
Transfer  
Stations  
(Continued)

is responsible for paying the fee, even though the final solid waste product does not remain on-site.

Mr. Stickels advised Council that he has responded to the \$42,000 invoice from the Delaware Division of Water Resources/Air and Waste Management by letter to Mr. Phillip G. Retallick, Director, Delaware Division of Air and Waste Management, requesting a hearing to appeal the annual permit fees and asking for a copy of (1) enabling legislation allowing for the establishment of these fees to be charged by the Division; (2) documentation of approval by the Delaware General Assembly allowing the fees to be set at the current rate; (3) justification of increasing the transfer station fees 700 percent in one year; and (4) a schedule of fees being charged to the Delaware Solid Waste Authority for its recycling centers.

Mr. Stickels further advised that he is in the process of preparing a report, as directed by Council, to be submitted by December 31, 1991, regarding the phasing out of Sussex County transfer stations within the next two years. Recommendations as to other alternatives (trash districts, etc.) would be premature at this point in time.

County  
Adminis-  
trator's  
Report

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

1. Long Neck Sanitary Sewer District - A copy of the Long Neck Sanitary Sewer District Newsletter dated September 1991 was submitted for Council's information. The newsletter outlines construction updates for projects one through six and will be sent to all users in the district.
2. Sussex Conservation District - The Board of Directors of the Sussex Conservation District has hired John M. Garcia to fill the Sediment and Stormwater Management Engineer position. Mr. Garcia started work on August 8, 1991. With the filling of this position, the District now has a full complement of staff for the Sediment and Stormwater Management Program in Sussex County.
3. Advisory Committee for Handicapped and Aging Citizens - The Advisory Committee for Handicapped and Aging Citizens of Sussex County will have a reorganization meeting on Monday, September 16, 1991, at 9:00 a.m. in Council Chambers. A current listing of members from which new officers will be selected was included for Council's information. The Committee is responsible for providing information and recommendations to the Sussex County Council to help develop policies for this sector of the population.

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County  
Adminis-  
trator's  
Report  
(Continued)

4. \$20 Million Bond Issuance - Bids for the 1991 Bond Issue will be opened at the offices of Potter Anderson & Corroon on Wednesday, September 11, 1991, at 12:00 noon. A copy of Moody's Municipal Credit Report was distributed, in which Sussex County received an A1 bond rating. On Wednesday, Sussex County will be the second largest general obligation issuance in the nation. It was also noted that the State of Delaware is doing a negotiated sale of \$78 million the same day.

Proposed  
Resolution/  
Cash  
Management  
Account

Mr. Purpur, Finance Director, presented to Council a Proposed Resolution entitled "CASH MANAGEMENT ACCOUNT RESOLUTION". The Proposed Resolution authorizes the President of the Sussex County Council to enter into a Cash Management Agreement with the Wilmington Trust Company of Wilmington, Delaware, for use in connection with the County's forthcoming 1991 Bond Issue.

M 388 91  
Adopt  
Resolution  
No. R 025 91  
(Cash  
Management  
Account)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adopt Resolution No. R 025 91 entitled "CASH MANAGEMENT ACCOUNT RESOLUTION" as presented by Mr. Purpur, Finance Director. Motion Adopted: 4 Yea; 1 Absent.

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

Central  
Water  
Systems/  
Angola and  
Bridgeville  
Landfills

Mr. Izzo, Public Works Division Director, updated Council on the status of central water systems for areas in the groundwater management zones around the Angola and Bridgeville landfills. Maps were presented and explained by Mr. Izzo detailing the groundwater management zones for each. An agreement is expected to be presented to Council within the next few weeks for the central water system at Angola (Tidewater Utilities franchise area), while the Bridgeville system is still in the planning stages.

Approval of  
Subdivisions  
Within Envi-  
ronmentally  
Sensitive  
Areas

Knowing the problems that exist in the groundwater management zones surrounding the County landfills, the question of subdivisions being approved within these areas was discussed. As subdivision approvals are granted by the Planning and Zoning Commission, Council has no control over this type of development. Councilman Cole requested that an amendment to the Subdivision Ordinance be considered whereby the Planning and Zoning Commission would have the ability to require certain extra infrastructure (central water system, etc.) prior to the approval of any subdivision within a radius of environmentally sensitive areas. No action was taken on Councilman Cole's request.

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Paramedic  
Station  
Lease  
at Five  
Points

Mr. Stevenson, Paramedic Director, appeared before Council regarding the leasing of office space at Five Points, Lewes, southbound lane of Highway One, to house the Paramedic Station scheduled to go in service in that area by mid-October 1991. The execution of two Lease Agreements with Savannah Partners, Inc. of Lewes, Delaware, is requested due to the fact that a new building is being constructed on the property into which the Paramedic Station will relocate upon its completion. Lease of the existing building at the rate of \$450.00 per month is to commence October 1, 1991, and terminate January 31, 1992, while lease on the new building at the rate of \$600.00 per month is to commence February 1, 1992, and terminate June 30, 1996. Several locations were considered, but it was concluded that the Five Points site selected best accommodates the services of the Paramedic Station.

M 389 91  
Authorize  
Execution  
of Lease  
Agreements  
with  
Savannah  
Partners,  
Inc. for  
Paramedic  
Station  
at Five  
Points

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council be authorized to execute two Lease Agreements with Savannah Partners, Inc. of Lewes, Delaware, for office space to house the Sussex County Paramedic Station at Five Points; the first Lease Agreement commencing October 1, 1991, and terminating January 31, 1992, at the rate of \$450.00 per month, and the second Lease Agreement commencing February 1, 1992, and terminating June 30, 1996, at the rate of \$600.00 per month. Motion Adopted: 4 Yea; 1 Absent.

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

Sussex  
East-West  
Corridor

Mr. Stickels, County Administrator, stated that there have been two presentations held within the last week regarding alternatives for the Sussex East-West Corridor proposed by the Delaware Department of Transportation. It has been the consensus of Council to support the No Build Alternative, but no official vote has taken place up to this point.

M 390 91  
Oppose  
Construction  
of Sussex  
East-West  
Corridor  
and Support  
No Build  
Alternative

A Motion was made by Mr. Benson, seconded by Mr. Collins, that the Sussex County Council go on record as opposing construction by the Delaware Department of Transportation of the Sussex East-West Corridor and that Council supports the No Build Alternative. Motion Adopted: 3 Yea; 1 Abstention; 1 Absent.

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

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Official  
Zoning  
Map of  
Sussex  
County

Councilman Cole questioned the zoning districts currently designated on the Official Zoning Map of Sussex County, dated November 1973, Revised February 1, 1983. There are parcels that were arbitrarily zoned when the map was created which have not been developed as anticipated and could possibly be down zoned. Councilman Cole feels that amendments to the map are necessary to maintain better growth patterns in Sussex County. Mr. Lank, Director of Planning and Zoning, stated that amendments to the Official Zoning Map would require public hearings and on-site inspections by the Planning and Zoning staff. It was suggested that the map be broken down into hundreds or assessment districts, possibly starting at the coast and working west, thereby making the task less burdensome. Mr. Stickels, County Administrator, and Mr. Lank will research what is involved in amending the Official Zoning Map and report back to Council at a later date.

M 391 91  
Council-  
manic  
Grant/  
Town of  
Millsboro

A Motion was made by Mr. Collins, seconded by Mr. Benson, to grant \$500.00 (from Mr. Collins' Councilmanic Account) to the Town of Millsboro toward sidewalks for the W. B. Atkins Park. Motion Adopted: 4 Yea; 1 Absent.

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

M 392 91  
Appointment  
to Sussex  
County  
Community  
Development  
Advisory  
Committee

A Motion was made by Mr. Cole, seconded by Mr. Benson, that Hattie Jones be appointed to the Sussex County Community Development Advisory Committee, replacing Chester Waller who is now deceased. Motion Adopted: 4 Yea; 1 Absent.

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

M 393 91  
Recess

At 11:40 a.m., a Motion was made by Mr. Cole, seconded by Mr. Benson, 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/U #980

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 OUTSIDE YARD CRAFTS AND PRODUCE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY,

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Public  
Hearing  
C/U #980  
(Continued)

CONTAINING 20,000 SQUARE FEET, MORE OR LESS" (C/U #980) filed on behalf of Brian Bearese. The Public Hearing was closed.

M 394 91  
Adopt  
Ordinance  
No. 785  
(C/U #980)

A Motion was made by Mr. Benson, seconded by Mr. Collins, to adopt Ordinance No. 785 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTSIDE YARD CRAFTS AND PRODUCE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 20,000 SQUARE FEET, MORE OR LESS" (C/U #980) filed on behalf of Brian Bearese, subject to the following stipulations:

1. The site plan, together with any building the applicant may propose to build, shall be required to be reviewed and approved by the Planning and Zoning Commission.
2. There shall be no displays within 40 feet of the front property line, 20 feet of the side property lines, and 30 feet of the rear property line.
3. One unlit on-premise ground sign, not exceeding 32 square feet on both sides or facings, may be permitted.
4. The entrance location shall be subject to approval by the State Division of Highways and shall be included on the site plan.
5. Adequate off-street parking shall be provided. A gravel parking area may be permitted in lieu of paving.
6. No parking signs shall be placed along Route 18 as required by the State Division of Highways.
7. The site is limited to sale of the applicant's furniture, crafts, collectibles, and produce.
8. All crafts, collectibles, and produce shall be removed from the site by 7:00 p.m. each day.

Motion Adopted: 3 Yea; 1 Nay; 1 Absent.

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

Findings  
of Fact/  
C/U #980

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 uses are consistent with the purposes

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Findings  
of Fact/  
C/U #980  
(Continued)

- of the Comprehensive Zoning Ordinance and do not conflict with the Comprehensive Development Plan.
2. The applicant established by substantial evidence that the proposed uses will not cause any adverse impact upon traffic, the character of the neighborhood, property values therein, or upon the quality of the environment in the area.
  3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
C/Z #1133

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.85 ACRE, MORE OR LESS" (C/Z #1133) filed on behalf of Charles T. Wolstenholme T/A Milton Canvas Products. The Public Hearing was closed.

M 395 91  
Adopt  
Ordinance  
No. 786  
(C/Z #1133)

A Motion was made by Mr. Benson, seconded by Mr. Collins, to adopt Ordinance No. 786 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.85 ACRE, MORE OR LESS" (C/Z #1133) filed on behalf of Charles T. Wolstenholme T/A Milton Canvas Products. Motion Adopted: 3 Yea; 1 Nay; 1 Absent.

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

Findings  
of Fact/  
C/Z #1133

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 surrounded on three sides by property rezoned C-1 and will cause no adverse traffic impact.
2. The applicant established by substantial evidence that the change of zone will not adversely impact the neighborhood, property values therein, or the environment of the area.
3. The land use is consistent with the Comprehensive Land Use Plan.

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Findings  
of Fact  
(Continued)

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

Public  
Hearing  
C/Z #1134

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 33,993 SQUARE FEET, MORE OR LESS" (C/Z #1134) filed on behalf of Carl T. Kemp. The Public Hearing was closed.

M 396 91  
Adopt  
Ordinance  
No. 787  
(C/Z #1134)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adopt Ordinance No. 787 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 33,993 SQUARE FEET, MORE OR LESS" (C/Z #1134) filed on behalf of Carl T. Kemp. Motion Adopted: 4 Yea; 1 Absent.

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

Findings  
of Fact/  
C/Z #1134

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 in a commercially developed area and the use will have no adverse impact on the area or property values therein.
2. The applicant established by substantial evidence that there will be no adverse traffic or environmental impact.
3. The land use is consistent with the Comprehensive Development Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 397 91  
Adjournment

A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 2:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb

Acting Clerk of the County Council