

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 14, 1993

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, September 14, 1993, 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 385 93      A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Approve      approve the minutes of the previous meeting dated August 31,  
Minutes      1993. Motion Adopted by Voice Vote.

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

IRVIN R. WHEATLEY, EXECUTIVE DIRECTOR, GREATER SEAFORD CHAMBER OF COMMERCE, SEAFORD.

RE: Appreciation for Councilmanic Grant to be used to beautify the median strip on Route 13 between Norman Eskridge Highway and Middleford Road.

DEAN S. PHILLIPS, TOWN MANAGER, TOWN OF BETHANY BEACH, BETHANY BEACH.

RE: Appreciation extended to Mr. Stickels, County Administrator, and staff for their help during Hurricane Emily.

KAREN L. McCONLOGUE, DIRECTOR, OCEAN VIEW LEISURE AND RESOURCE CENTER, OCEAN VIEW.

RE: Request for \$500.00 grant.

BARB AND JOE BRUGLIERA, AMERICAN RED CROSS, GEORGETOWN.

RE: Appreciation extended to Sussex County employees (Phyllis Clark, Carol Fitzgerald, Mary Catherine Hopkins, Doris Howell, and Shelly Wilson) who assisted in the shelters that were opened during Hurricane Emily.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER.

RE: Notice of public hearing on September 29, 1993, for the purpose of discussing a proposal to amend the State of Delaware "Regulations Governing the Control of Air Pollution".

Corre- DELAWARE RIVER COMMISSION, WEST TRENTON, NEW JERSEY.  
spondence RE: Notice of Commission Meeting and Public Hearings, none of  
(con't) which apply to Sussex County.

MILFORD MEMORIAL HOSPITAL, MILFORD.  
RE: July/August 1993 edition of newsletter entitled "Monitor".

LULA SEYMORE, BLADES.  
RE: Appreciation to Mr. Lecates, Director of Community Develop-  
ment, for repairs done on her home.

RICHARD STONE, SUSSEX COUNTY DEMOCRAT CHAIRMAN, LAUREL.  
RE: Complementing the Council and staff for their work during  
President Clinton's visit to the Sussex County Airport.

BETTY JORY, CHEER, SUSSEX COUNTY SENIOR SERVICES, INC.,  
GEORGETOWN.  
RE: Appreciation for \$250.00 Councilmanic Grant for the  
Greenwood Cheer Senior Center.

Recogni- Mr. Stickels, County Administrator, recognized the following  
tion individuals for their efforts in preparing for President  
Clinton's visit to the Sussex County Airport: Frank Calio,  
Ray Webb, Diana Pettyjohn, Susan Smart, Bobby Rogers, Jr.,  
Dale Purnell, Charles Clayville, Garney Hall, Eddie Wise,  
Jamie Hall, and Anthony Hazzard.

DelDOT Mrs. B. J. VanKavelaar, Assistant Director, Division of  
Capital Planning, Delaware Department of Transportation, was in  
Improve- attendance to give an overview of the Department of Transpor-  
ment tation's proposed Capital Improvement Program (CIP) beginning  
Program with Fiscal Year 1995. A preliminary draft of the Capital  
Improvement Program was distributed to Council members. It  
is the Department's intent that the CIP reflect the goals  
and objectives of the long range plan, coordination with  
Metropolitan Planning Organizations in development of transpor-  
tation priorities, coordination with other local officials and  
the public in establishing the Statewide transportation priori-  
ties, meet transportation needs of state and local land use  
planning decisions, and present transportation programs and  
projects which will bring Delaware into compliance with Clean  
Air. As mandated by Subsection 8409, Chapter 84, Title 29, of  
the Delaware Code, public meetings will be held statewide.  
The meetings are aimed at receiving public opinion and ensuring  
public participation in the transportation planning process.  
The law specifies that meetings be held prior to formal  
adoption and approval of the Capital Improvement Program.  
A public meeting will be held in Sussex County on Tuesday,  
September 21, 1993, at 7:00 p.m., at the DelDOT Administration  
Building in Georgetown.

Project  
READS  
Grant

Carol Fitzgerald, Director of County Libraries, and Christel Shumate, Literacy Coordinator, were present to discuss Project READS. The Sussex County Department of Libraries has received official notification of full funding of the grant application for Project READS. The Department will receive \$35,000 for the grant period beginning October 1, 1993, and ending September 30, 1994. These funds will be used to continue Project READS, the adult literacy program. This year, four other services will be provided, as follows:

1. Free one-on-one tutorial services in the community, work-place, and correctional institutions for adults reading below the fifth grade level.
2. On-site work-place literacy workshops focusing on adult new reader customer service.
3. AOK Family Literacy Workshops presented in the community to encourage the non-reading and disinclined reading parents to improve the quality of their lives through reading, thus promoting the educational value of life-long learning for both themselves and their children.
4. Serve as contact point for literacy information and referral in Sussex County.

M 386 93  
Executive  
Session

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes an Executive Session to be held on this date, September 14, 1993, at the conclusion of the morning session, in the Sussex County Council Chambers, for the purpose of discussing land acquisition and pending litigation.

Motion Adopted: 5 Yea.

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

Adminis-  
trator's  
Report

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

1. Delaware Solid Waste Authority Transfer Stations

The Delaware Solid Waste Authority Transfer Stations in Sussex County will be closed on Sundays, September 19, 1993, through May 8, 1994. The three facilities located in Ellendale, Long Neck, and Omar will be operated Monday through Saturday from 8:30 a.m. to 4:00 p.m. The Authority is testing the sites in the Bridgeville and Laurel area. Once the sites have had a complete evaluation, the Authority will announce projected openings for these two sites.

Adminis-  
trator's  
Report  
(con't)

2. Subdivision Approval

The Planning and Zoning Commission granted final approval of Subdivision #93-5 Ingram-Hudson Properties. 76.40± acres, which are zoned Agricultural Residential, were subdivided into 84 single-family homes. The Subdivision is located in Indian River Hundred on the north side of Route 24, 1,210 feet east of Route 313. The proposed project will be served by individual wells and septic systems. The streets in the development will be private.

3. Library Staff Development Day

The Department of Libraries will hold its Third Annual Staff Development Day on Tuesday, October 5, 1993, at the Higher Education Building, Delaware Technical & Community College. The focus for the day will be customer service. A variety of workshops will be scheduled for the Library staff. Mr. Thomas Sloan, State Librarian, will be the guest luncheon speaker. All public libraries will be closed on October 5, 1993, so that all staff members may participate in this training program. Mr. Stickels hopes to schedule the Council meeting to allow County Council members to attend the luncheon. Sussex County State Legislators have also been invited.

4. Issuance of Building Permits

A change of policy, due to a meeting with the Department of Natural Resources and Environmental Control, has resulted in the Department asking that Sussex County withhold building permits for bedroom additions until the applicant can show proof of septic system approval. DNREC uses the number of bedrooms to determine the size of septic systems for dwellings. If someone had received a permit to build a home for a two bedroom house, the system may have to be enlarged if they are adding bedrooms. In the past, Sussex County has only asked for proof of septic system approval for verification of a new dwelling.

PNC  
Invest-  
ment  
Account

Mr. Baker, Finance Director, discussed the opening and maintaining of an account with PNC Securities Corporation for the purchase and sale of investments, including certificates of deposit, through the Bank of Delaware.

M 387 93  
PNC  
Invest-  
ment  
Account

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to authorize the opening and maintaining of an account with PNC Securities Corporation for the purchase and sale of investments including certificates of deposit.

M 387 93 Motion Adopted: 5 Yea.  
(con't)

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

Bid Opening Para-medical Vehicles Mr. Stevenson, Paramedic Director, reported the following bid results for two Suburban type vehicles to replace existing vehicles with over 100,000 miles and one extended cab chassis for a rechassis of Medic 103 unit with over 100,000 miles:

Suburban Bid

BIDDER	BID AMOUNT
First State Chevrolet, Georgetown	\$ 26,630.00
Winner Group GMC, Dover*	\$ 27,596.00

\* Winner bid does not include the specified 100,000 mile warranty. Winner is unable to provide service as specified.

Cab/Chassis Bid

BIDDER	BID AMOUNT
First State Chevrolet, Georgetown	\$ 24,777.00
Winner Group GMC, Dover*	\$ 19,727.00

\* Winner bid does not include the specified 100,000 mile warranty. Winner is unable to provide service as specified.

M 388 93 Bid Para-medical Vehicles A Motion was made by Mr. Cole, seconded by Mr. Benson, to accept the First State Chevrolet bid on the Suburban and to reject both bids on the cab/chassis.

Motion Adopted: 5 Yea.

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

Shady Park Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance of the wastewater facilities constructed in Shady Park, Phase IIA, located in the Fenwick Island Sanitary Sewer District.

M 389 93 Bene-  
ficial  
Accep-  
tance  
Shady  
Park

A Motion was made by Mr. Cole, seconded by Mr. Benson, that based upon the recommendation of the Inspection Engineer, 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 "Shady Park - Phase II A", located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Proposed Ordinance

Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY ADDING ARTICLE XX AUTHORIZING SEPTAGE DISCHARGE AT SOUTH COASTAL REGIONAL WASTEWATER FACILITIES AND INLAND BAYS REGIONAL WASTEWATER FACILITIES". The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Cole introduced a 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.86 ACRES, MORE OR LESS" (C/Z #1211) filed on behalf of Peninsula Oil Co., Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 390 93 Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$300.00 from Mr. Cole's Councilmanic Account to the Town of South Bethany to help fund the purchase of bicycle safety signs.

Motion Adopted: 5 Yea.

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

M 391 93 Council-  
manic  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$200.00 from Mr. Collins' Councilmanic Account to V.F.W. Post No. 10638 to help fund Post improvements.

Motion Adopted: 5 Yea.

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

M 392 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to  
Council- give \$200.00 from Mr. Collins' Councilmanic Account to the  
manic Millsboro Historical Society to help fund the on-going restora-  
Grant tion of the Godwin School.

Motion Adopted: 5 Yea.

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

M 393 93 At 11:42 a.m., a Motion was made by Mr. Stevenson, seconded by  
Recess Mr. Cole, to recess for the Executive Session and until 1:30  
p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Public A Public Hearing was held on a Proposed Ordinance entitled "AN  
Hearing ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRI-  
C/U CULTURAL RESIDENTIAL DISTRICT FOR APPLIANCE REPAIR AND SALES,  
#1053 SATELLITE DISH SALES, AND AN ELECTRONICS AND LANDSCAPING OFFICE  
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN  
NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES,  
MORE OR LESS" (C/U #1053) filed on behalf of Gilbert E. and  
Irene W. Passwaters. The Public Hearing was closed.

M 394 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to  
Adopt Adopt Ordinance No. 920 entitled "AN ORDINANCE TO GRANT A  
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
No. 920 DISTRICT FOR APPLIANCE REPAIR AND SALES, SATELLITE DISH SALES,  
(C/U AND AN ELECTRONICS AND LANDSCAPING OFFICE TO BE LOCATED ON A  
#1053) CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK  
HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS"  
(C/U #1053) filed on behalf of Gilbert E. and Irene W.  
Passwaters, with the following stipulations:

- (1) One on-premise ground sign, not exceeding 32 square feet per side or facing, may be placed on the site.
- (2) Any outside storage shall be enclosed within stockade type of fencing.
- (3) The final site plan shall be subject to review and approval by the Planning and Zoning Commission and shall conform to the sketch submitted with the application as far as the layout and uses.
- (4) The dwelling shall not be utilized for business purposes.
- (5) No outside storage of used appliances is permitted.

M 394 93 (6) Hours of operation shall be no more than 8:00 a.m. -  
(con't) 5:00 p.m., Monday through Saturday.

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

1. The applicants established by substantial evidence that the proposed use will serve the convenience of the citizens in nearby communities and the proposed uses will have no adverse impact on the character of the community, property values therein, traffic in the area, or the local environment.
2. The uses authorized on site are:
  - a. Appliance sales and repairs.
  - b. Electronics sales and repairs.
  - c. Landscaping.
  - d. Satellite dish sales and repairs.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/U #1054 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 A CEMETERY FOR CHURCH AND FAMILY MEMBERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.666 ACRES, MORE OR LESS" (C/U #1054) filed on behalf of Tressler Mennonite Church, Inc. The Public Hearing was closed.

M 395 93 Adopt Ordinance No. 921 (C/U #1054) A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Ordinance No. 921 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY FOR CHURCH AND FAMILY MEMBERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.666 ACRES, MORE OR LESS" (C/U #1054) filed on behalf of Tressler Mennonite Church, Inc., with the following stipulation:

1. The applicant's site plan must be reviewed and approved by Planning and Zoning before on-site uses begin.

M 395 93 Motion Adopted: 5 Yea.  
(con't)

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
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 the proposed use serves the needs of its members and will have no adverse impact on the character of the community, property values therein, traffic in the area, or the local environment.
2. The applicant established by substantial evidence that the proposed use will meet the present and long-range planning needs of the church.
3. The proposed use meets 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  
C/Z  
#1206

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE OR LESS" (C/Z #1206) filed on behalf of Robert and Helen Littleton. The Public Hearing was closed.

M 396 93  
Adopt Ordinance  
No. 922  
(C/Z  
#1206)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 922 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 5.43 ACRES, MORE OR LESS" (C/Z #1206) filed on behalf of Robert and Helen Littleton.

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

Findings  
(con't)

1. The applicant established by substantial evidence that the change of zone will permit his active and successful boat sales, repair and storage business to expand.
2. The applicant established by substantial evidence that the change of zone is consistent with commercial development in the immediate area and will cause no adverse impact on the traffic or the environment in the area.
3. The change of zone meets 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  
(C/Z  
#1207)

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS" (C/Z #1207) filed on behalf of Jerry Lee Taylor, Sr. The Public Hearing was closed.

M 397 93  
Adopt  
Ordinance  
No. 923  
(C/Z  
#1207)

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Ordinance No. 923 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS" (C/Z #1207) filed on behalf of Jerry Lee Taylor, Sr.

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

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

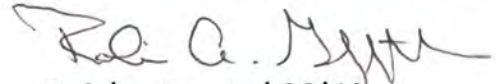
1. The applicant established by substantial evidence that the site has been commercially utilized since 1957 continuously.
2. The applicant established by substantial evidence that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone brings the property into compliance with the Comprehensive Land Use Plan.

September 14, 1993 - Page 11

Findings (con't) 4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 398 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to  
Adjourn adjourn at 2:22 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council