

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 16, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, September 16, 1997, at 1:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

M 467 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

It was noted that the order of the Public Hearings scheduled to begin at 1:30 p.m. would be changed to:

Conditional Use No. 1197
Harry and Sally Daisey

Conditional Use No. 1199
Slaughter Neck Cemetery, Inc.

Conditional Use No. 1198
Colonial East, Ltd.

M 468 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated September 9, 1997.

Motion Adopted: 4 Yea, 1 Absent.

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

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

DON POST, AMERICAN DIABETES ASSOCIATION, INC., SUSSEX CHAPTER, MILTON, DELAWARE.

RE: Letter of appreciation for Councilmanic Grant.

REHOBOTH BEACH VOLUNTEER FIRE COMPANY, REHOBOTH BEACH, DELAWARE.
RE: Invitation to the 1997 Rehoboth Beach Hometown Christmas Parade on Saturday, December 13, 1997.

Corre-
spondence
(con't)

DEBRA SINGLETARY, DELMARVA RURAL MINISTRIES, INC., DOVER,
DELAWARE.
RE: Letter to Mr. Dukes in appreciation of Councilmanic Grant.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, read the following informa-
tion in his County Administrator's Report:

1. Proposed Ellendale Sanitary Sewer District

The Town of Ellendale will be holding a referendum on September 27, 1997, to determine if the Town will participate in the County's proposed Ellendale Sanitary Sewer District. The Engineering Department will provide technical support prior to the referendum. Rob Davis and Russell Archut, Assistant County Engineer, will be available at the Ellendale Town Hall on September 25 between the hours of 2:00 p.m. and 6:00 p.m. to answer questions the residents may have. Additionally, the Town will be sending out fact sheets to the residents of the Town, and the Department of Natural Resources will also have representatives available on the twenty-fifth.

2. Department of Transportation Public Meeting

The Delaware Department of Transportation will be soliciting public participation in preparation of the Capital Improvement Program for FY 1999 through 2004. The Sussex County meeting will take place on Tuesday, September 16, 1997, at DelDOT's South District Administrative Building located on DuPont Highway, Georgetown, Delaware. The workshop session will start at 6:00 p.m., with the public comments section at 7:00 p.m.

I apologize I have not given you more notice of this meeting; however, I did not receive notice from DelDOT until Wednesday, September 10.

Capital
Improve-
ment
Recom-
menda-
tions

Mr. Stickels, County Administrator, advised that he will attend the Department of Transportation Public Meeting and present the County's Capital Improvement recommendations, as follows:

1. Upgrading of State Road 54 to 100 Year Flood Plain

Minimize flooding and provide for emergency evacuation route from SR 1 to SR 382 (Roxana Road); current State plan calls for studying to upgrade from Route 1 west to Route 58C.

The justification for this plan is that it is necessary to provide for a safety evacuation route for southeast Sussex County and northern Ocean City.

Capital
Improvement
Recommendations
(con't)

2. Safety Improvements to Route 1 from Five Points Intersection to Town Limits of Dewey Beach

Upgrading should include dedicated lane for emergency vehicles, lighting, bikeways, and pedestrian crossings.

3. Upgrading of State Road 26

The current State plan only calls for improvement on Route 26 to the Assawoman Canal within the town limits of Bethany Beach. The County Council feels that a plan should be incorporated to upgrade 26 to the same standards that are being used to upgrade 54.

The justification for this plan is that it would give us an alternative evacuation route and would help distribute traffic during emergencies.

4. Upgrading of State Roads 5, 9, 16, 18, 20, and 24

The upgrading should include shoulder paving, lighting of key intersections, signaling where needed, and turning lanes.

5. Signage of All State Roads

Funding in the amount of \$300,000 should be appropriated for signage of all roads. The County government has named all roads. Signage of roads would be beneficial for people traveling so they would not have to look for the small number signs that are currently placed. Funding for signage was paid for entirely in New Castle and Kent County by the State.

Administrator's
Report
(con't)

Mr. Stickels, County Administrator, continued reading the Administrator's Report:

3. Troop 4 Status Report - Month of August

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

Total Hours on Duty	4,372
Hours Assisted Other Agencies	56.5
Total Traffic Arrests	763
Total DUI Arrests	29

Accident Reports: Property Damage	46
Personal Injury	<u>18</u>

Total Accident Reports	64
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Adminis-
trator's
Report
(con't)

Criminal Arrests: Felony	13
Misdemeanor	<u>104</u>
Total Criminal Arrests	117
Total 10-29 P's (wanted persons)	46
Total Number of Complaints	861

4. Extended Hours

The following hours of activity took place on Wednesday, September 3, 1997:

- (a) Assessment/Planning and Zoning - Four building permits issued between 7:30 and 8:30 a.m., three building permits issued between 4:30 and 7:30 p.m.;
- (b) Treasury Division - No activity;
- (c) Utility Division - No activity;
- (d) Clerk of the Peace - Seven wedding licenses issued and three weddings performed between 4:30 and 7:30 p.m.;
- (e) Recorder of Deeds - No activity between 7:30 and 8:30 a.m., two documents recorded between 4:30 and 7:30 p.m.

5. Public Workshop - Delaware Department of Transportation

The Delaware Department of Transportation will be conducting its second public workshop meeting for the Statewide Bicycle and Pedestrian Transit Access Study. This meeting will be held on Thursday, September 18, 1997, from 7:00 p.m. to 9:00 p.m. at Rehoboth Elementary School, 500 Stockley Street, Rehoboth Beach, Delaware.

6. Pfiesteria Fact Sheet

Included with this report is a copy of a fact sheet that I received at the last Inland Bays Comprehensive Conservation Management Plan meeting. I thought this report may be helpful for the Council. I was pleased to learn that additional tests are being conducted.

Mr. Cole joined the meeting during the reading of the Administrator's Report.

Proposed
Resolu-
tion

Mr. Baker, Finance Director, reviewed a Proposed Resolution entitled "RESOLUTION TO ISSUE NOT TO EXCEED \$2,000,000 VARIABLE RATE DEMAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (PATS, INC. PROJECT) SERIES 1997". Bond Counsel for PATS,

Proposed Inc. has requested that Council consider the adoption of this
Resolu- Proposed Resolution for the purpose of restating approval of
tion the \$2,000,000 Industrial Development Revenue Bonds.

M 469 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adopt Adopt Resolution No. R 029 97 entitled "RESOLUTION TO ISSUE
Resolu- NOT TO EXCEED \$2,000,000 VARIABLE RATE DEMAND INDUSTRIAL
tion No. DEVELOPMENT REVENUE BONDS (PATS, INC. PROJECT) SERIES 1997".
R 029 97

PATS,
Inc. Motion Adopted: 5 Yea.

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

Boundary Mr. Archut, Assistant County Engineer, discussed a request
Extension from Bethany Proper Limited Partnership that the boundaries
Request/ of the South Bethany Sanitary Sewer District be extended to
South include their proposed Waterside Project Mr. Archut noted
Bethany that it would be feasible to include two adjacent properties
SSD in this extension request.

M 470 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, that
Prepare the Sussex County Engineering Department is authorized to pre-
and pare and post notices for the extension of the South Bethany
Post Sanitary Sewer District boundary to include the proposed
Notices/ Waterside Project and two adjacent parcels, as presented on
South September 16, 1997.

Bethany
SSD Motion Adopted: 5 Yea.

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

Proposed Mr. Collins introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR'S OFFICE,
STORAGE OF MATERIALS AND PARKING TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX
COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Conditional Use
No. 1209) filed on behalf of Jeffrey A. and Suzanne M.
Balthaser. The Proposed Ordinance will be advertised for
Public Hearing.

Proposed Mr. Rogers introduced the Proposed Ordinance entitled "AN
Ordinance 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 18,750 SQUARE FEET, MORE OR LESS" (Change
of Zone No. 1319) filed on behalf of Quaker Medical Assoc.,
L.L.C. 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 A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.75 ACRES, MORE OR LESS" (Change of Zone No. 1318) filed on behalf of Sirman D. and Anna M. McAllister, Trustee. The Proposed Ordinance will be advertised for Public Hearing.

M 471 97 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$500.00 from Mr. Rogers' Councilmanic Account to the Milton Little League, Inc. for operating expenses.

Motion Adopted: 5 Yea.

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

Public Hearing (C/U No. 1197) 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 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 30,360 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1197) filed on behalf of Harry and Sally Daisey. There were no public comments and the Public Hearing was closed. Action was deferred to permit time for proposed stipulations to be drafted.

Public Hearing (C/U No. 1199) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CEMETERY ADDITION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.94 ACRES, MORE OR LESS" (Conditional Use No. 1199) filed on behalf of Slaughter Neck Cemetery, Inc. There were no public comments and the Public Hearing was closed.

M 472 97 Adopt Ordinance No. 1175 (C/U No. 1199) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1175 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CEMETERY ADDITION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.94 ACRES, MORE OR LESS" (Conditional Use No. 1199) filed on behalf of Slaughter Neck Cemetery, Inc., with the following condition:

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

Motion Adopted: 5 Yea.

M 472 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Findings of Fact The Council found that the conditional use was appropriate legislative action. The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested conditional use finding that the proposed use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Conflict of Interest Mr. Rogers advised that he would not be participating in the discussion and vote on Conditional Use No. 1198 due to a possible conflict of interest. Mr. Rogers left the meeting.

Public Hearing (C/U No. 1198) 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 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 55.29 ACRES, MORE OR LESS" (Conditional Use No. 1198) filed on behalf of Colonial East, Ltd. Numerous public comments were heard in favor of and in opposition to this application. The Public Hearing was closed and action was deferred.

M 473 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adjourn adjourn at 4:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council