

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 23, 1997

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, September 23, 1997, at 10:00 a.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 474 97      A Motion was made by Mr. Collins, seconded by Mr. Jones, to Amend and Approve Agenda      approve the Agenda with the following amendments:  
Delete

Sussex County Parking Facility No. 2 -  
Balancing Change Order

Add

The Pines of Long Neck -  
Beneficial Acceptance

Motion Adopted: 5 Yea.

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

M 475 97      A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes      approve the minutes of the previous meeting, dated September 16, 1997.

Motion Adopted: 5 Yea.

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

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

SUSAN JOHNSON, MANAGING DIRECTOR; CHRISTINA KOTSCHENREUTHER, MARKETING & DEVELOPMENT COORDINATOR, CARSON SCHOLARS FUND, BALTIMORE, MARYLAND.

RE: Letter of appreciation for Council's support of the Carson Scholars Fund.

Corre- DELMAR FIRE DEPARTMENT, INC., DELMAR, MARYLAND.  
spondence RE: Invitation to attend the 76th Annual Anniversary Banquet.  
(con't)

JANET M. SCOTT, SELBYVILLE, DELAWARE.  
RE: Letter commending Mr. Stickels for the County's prompt  
submittal of a Plan to receive Sussex County's share of the  
\$12 Million in State Aid to Local Governments.

Certifi- Mr. Dukes presented a Certificate of Appreciation to Mr. John  
cate A. Tyndall for Devotion, Loyalty, and Excellence in serving  
Sussex County from August 14, 1978 to August 15, 1997.

Surplus Mr. Stickels, County Administrator, advised Council of a letter  
Property/ from the Indian River School District declaring the Gumboro  
Gumboro School, located on Route 26, as surplus property. In accordance  
School with Delaware Code, the property has been offered to State  
agencies and is now being offered to the County. Mr. Stickels  
expressed his opinion that the property would be of no use to  
the County.

M 476 97 A Motion was made by Mr. Collins, seconded by Mr. Jones,  
No authorizing the County Administrator to notify the Indian River  
Interest School District that the County does not have any interest in  
in the Gumboro School property.

Surplus Motion Adopted: 5 Yea.  
Property/

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

DeldOT's Mr. Stickels, County Administrator, reviewed the Delaware  
Capital Department of Transportation's Five Year Capital Transportation  
Transpor- Improvement Program (Fiscal Years 1998 - 2003). Following is a  
tation summary of Sussex County capital authorizations:  
Improve-  
ment  
Program

BR238 ON S46, OVER GRAVELLY FORK, SEAFORD

BR242 ON S535, SEAFORD, PAINTING

BR258 ON S536, HIGH STREET OVER CONRAIL, SEAFORD

BR306 ON S493, BETHEL ROAD OVER BROAD CREEK

BR445 ON S54 OVER VINES CREEK S.E. OF DAGSBORO

BR933 NORTH OF SR1, OVER CEDAR CREEK

BR936 AND BR937 ON S14 OVER CUBBAGE POND

LEWES SWING BRIDGE OVER LEWES REHOBOTH CANAL

DelDOT's  
Capital  
Transportation  
Improvement  
Program  
(con't)

US113, MARYLAND STATE LINE TO S321, SOUTH OF GEORGETOWN

S246 AND S244 INTERSECTION IMPROVEMENT

S312 AND S311 REALIGNMENT

SR1 CORRIDOR PRESERVATION IMPROVEMENTS

SR26, ASSAWOMAN CANAL TO SR1, BETHANY BEACH

SR54 (S58), S58C TO SR1, WEST OF FENWICK ISLAND

SUSSEX COUNTY AVIATION

REHOBOTH WELL REPLACEMENT

SR1 CORRIDOR IMPROVEMENTS - SR30 EXTENSION TO BUSINESS ROUTE SR1

SUSSEX CORRIDOR IMPROVEMENTS, BRIDGEVILLE SR404A, INTERSECTION

SUSSEX COUNTY RAIL IMPROVEMENTS, GEORGETOWN STONE DEPOT

Mr. Stickels, County Administrator, advised that he attended the Department of Transportation's Public Meeting and presented the County's Capital Improvement recommendations. Mr. Stickels advised Council as to whether the recommendations were included in the Capital Transportation Improvement Program or not, 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 State's plan for this has not changed.*

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.

*Safety improvements to Route 1 were not included.*

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

DelDOT's  
Capital  
Transportation  
Improvement  
Program  
(con't)

should be incorporated to upgrade 26 to the same standards that are being used to upgrade 54.

*The State's plan for this has not changed.*

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.

*Upgrading of State Roads 5, 9, 16, 18, 20 and 24 was not included.*

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.

*Signage was not included.*

Mr. Stickels, County Administrator, reviewed with Council how Sussex County compares to New Castle County and Kent County in regards to the number of projects funded and the amount of funding allocated, as follows:

New Castle County	64 Projects	\$381,522,000
Kent County	16 Projects	\$ 38,426,000
Sussex County	11 Projects	\$ 82,985,000

Projects in New Castle County include 24 bridges and 40 roads; projects in Kent County include 9 bridges, 6 roads, and 1 aviation; and projects in Sussex County include 6 bridges, 1 well, 1 aviation, 3 railroads and 8 roads. Mr. Stickels expressed concern that of the \$82,985,000 allocated for Sussex County, \$62,194,000 will not be expended until FY 2000 - 2003; only \$20,791,000 will be expended in the next three years.

Public Hearings will also be held in Kent County and New Castle County by the Delaware Department of Transportation, after which time the Capital Transportation Improvement Program will be finalized.

Masten's  
Heights/  
Abandon-  
ment of  
Public  
Alley

Mr. Stickels, County Administrator, advised Council of a letter received from Gregory Williams of Hudson, Jones, Jaywork, Williams & Liguori informing Council that several Petitioners will be filing a request in the Superior Court in and for Sussex County, Delaware, to vacate or abandon a certain public alley way. The property which the Petitioners seek to vacate or abandon is a portion of that property known as the Masten's Heights public alley in Lewes and Rehoboth Hundred, Sussex County, State of Delaware. Mr. Stickels has requested comments from several County Departments on this matter.

Adminis-  
trator's  
Report

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

1. Extended Hours

The following hours of activity took place on Wednesday, September 10, 1997:

- (a) Utility Division - No activity between 7:30 and 8:30 a.m., one utility user paid his account between 4:30 and 7:30 p.m.;
- (b) Clerk of the Peace - Twelve wedding licenses issued and five weddings performed from 4:30 to 7:30 p.m.;
- (c) Tax Division - No activity from 7:30 to 8:30 a.m., two tax accounts paid and two telephone inquiries between 4:30 and 7:30 p.m.;
- (d) Recorder of Deeds - No activity;
- (e) Assessment/Planning and Zoning - One building permit issued from 7:30 to 8:30 a.m., two building permits issued, one tax release, and one housing plan reviewed from 4:30 to 7:30 p.m.

2. House Resolution No. 37

Please be advised that Norman "Bud" Rickard has been designated as Sussex County's representative on the Residential Treatment Program Site Selection Task Force. The Task Force was created by House Resolution No. 37. The Task Force responsibilities will be to investigate laws and regulations affecting the availability of sites for residential treatment facilities, recommend such facility distribution and locations, and propose legislation necessary to allow such facilities. Mr. Rickard will keep Council advised on the Task Force activities.

Adminis-  
trator's  
Report  
(con't)

3. Public Meeting

The Sussex County Engineering Department, will be conducting a public meeting on Saturday, October 4, 1997, at 9:00 a.m. at the Rehoboth Elementary School, 500 Stockley Street, Rehoboth Beach, Delaware. The purpose of the meeting is to convey information regarding the forthcoming construction of the Red Mill Pond North and Red Mill Pond South portions of Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Subdivisions located in the construction project include Carsyljan Acres, Sweetbriar, Hills Edge, Overbrook Shores, Heronwood, Pondview Estates, Red Mill Farms, Nesbitt Station, and Mill Pond Acres. All interested persons are encouraged to attend the meeting.

For more information, please contact the Sussex County Engineering Department at 855-7718.

Proposed Street-lighting Districts  
Mr. Izzo, County Engineer, was in attendance to discuss two proposed streetlighting districts: Keenwick West and The Meadows on Cabbage Pond. Mr. Izzo requested that the County Council approve the distribution of petitions for each project.

M 477 97  
Authorize Circulation of Petitions for Proposed Street-lighting District/Keenwick West  
A Motion was made by Mr. Jones, seconded by Mr. Collins, that the Sussex County Engineering Department has verified that the subdivision known as Keenwick West satisfies the criteria of a Suburban Community as defined in Paragraph 95-1 of the County Code; therefore, the Sussex County Council authorizes the circulation of petitions which seek to obtain estimates of costs and charges for streetlighting for the purpose of establishing a streetlighting district.

Motion Adopted: 5 Yea.

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

M 478 97  
Authorize Circulation of Petitions for Proposed Street-lighting District/Meadows on Cabbage Pond  
A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Engineering Department has verified that the subdivision known as The Meadows on Cabbage Pond satisfies the criteria of a Suburban Community as defined in Paragraph 95-1 of the County Code; therefore, the Sussex County Council authorizes the circulation of petitions which seek to obtain estimates of costs and charges for streetlighting for the purpose of establishing a streetlighting district.

Motion Adopted: 5 Yea.

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

The  
Pines

Mr. Green, Director of Utility Construction, discussed granting Beneficial Acceptance for the wastewater facilities constructed in The Pines of Long Neck.

M 479 97  
Grant  
Beneficial  
Acceptance/  
The  
Pines  
of  
Long  
Neck

A Motion was made by Mr. Jones, seconded by Mr. Collins. based upon the recommendation of the 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 The Pines of Long Neck, Phase II, for Lots 60-84, and 145-167, for a total of 48 lots, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Old  
Business/  
C/U  
No. 1197

Conditional Use No. 1197 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" filed on behalf of Harry and Sally Daisey was discussed. A Public Hearing was held on this application on September 16, 1997, at which time action was deferred.

M 480 97  
Adopt  
Ordinance  
No. 1176  
(C/U  
No. 1197)

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1176 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, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission. Final site plan approval shall be subject to receipt of all appropriate agency approvals and/or permits, including but not limited to, DNREC for waste products handling, the Office of the State Fire Marshal, DelDOT, etc...
2. No body shop type activity shall be permitted.
3. No more than two (2) vehicles relating to the business shall be stored outside of the garage building.
4. No auto or truck repair work shall be performed outside of the building.
5. No more than 25 gallons of fuel shall be stored on the site.

M 480 97  
(con't)

6. Business hours shall be 8:00 a.m. to 9:00 p.m. Monday through Saturday, with no Sunday hours.
7. No signage shall be permitted.
8. The entrance shall be on Road 485A only and shall be subject to DelDOT approval. No access to Route 13A shall be permitted.
9. A minimum of eight (8) parking spaces shall be provided with appropriate driveway. The driveway and parking area shall be surfaced with stone or other suitable material approved by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, 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, as controlled by the conditions imposed hereafter, will have no adverse impact on the character of the community, property values therein, traffic or the environment in the area.
2. The proposed use will serve the community and promote the purposes and goals of the Comprehensive Land Use Plan.

Proposed  
Ordinance

Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES LOT AND REPAIR GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES, MORE OR LESS" (Conditional Use No. 1210) filed on behalf of Virgil F. and Marguerite Davis. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 1014 FOR PLAN AND RECREATION AREA AND FUTURE BUILDING EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.589 ACRES, MORE OR LESS" (Conditional Use No. 1211) filed on behalf of Milford School District. The Proposed Ordinance will be advertised for Public Hearing.

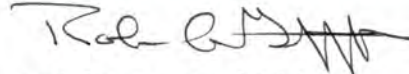
M 481 97 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Rogers, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Seaford Historical Society, Inc. for the relocation and renovation of the William Henry Harrison Ross house.

Motion Adopted: 5 Yea.

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

M 482 97 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Rogers, to adjourn at 10:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council