

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 28, 1993

Executive Session An Executive Session of the Sussex County Council was held on Tuesday, September 28, 1993, at 9:00 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation. The Executive Session concluded at 9:46 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, September 28, 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 406 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to approve the minutes of the previous meeting dated September 21, 1993. Motion Adopted by Voice Vote.

Correspondence Mr. Bayard, County Attorney, read the following correspondence:

H. RAY WREDE, JR., PRESIDENT, DELAWARE SENIOR OLYMPICS, DOVER.
RE: Appreciation for \$500.00 grant.

MICHAEL C. FERGUSON, STATE BUDGET DIRECTOR, STATE OF DELAWARE, DOVER.
RE: Approval of the request for federal funds in an amount of \$112,500 to be used for Runway 4/22 Rehabilitation and Lighting.

KAREN L. JOHNSON, SECRETARY, DEPARTMENT OF PUBLIC SAFETY, STATE OF DELAWARE, DOVER.
RE: Letter to Mr. Stickels, County Administrator, expressing appreciation for his efforts during the response activities connected with Hurricane Emily.

Suburban Vehicle Bids Mr. Stevenson, Paramedic Director, discussed the award of a bid submitted by First State Chevrolet for two Suburban type vehicles. A Motion to award the bid was adopted at the Council meeting on September 14, 1993. Mr. Stevenson advised that the Suburban vehicles are no longer obtainable with the specifications as requested in the bid proposal. For this reason, Mr. Stevenson recommended the rejection of all the bids for the Suburban vehicles. The bid proposal will be re-advertised.

M 407 93 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Reject reject all bids on the Suburban vehicles.
Suburban
Vehicle
Bids

Motion Adopted: 5 Yea.

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

Change Mr. Green, Director of Utility Construction, discussed Change
Order Order No. 11 for the Dagsboro/Frankford Sanitary Sewer District.
No. 11 Change Order No. 11 is for a five calendar day time extension for
D/F SSD weather related delays.

M 408 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Issue based on the recommendation of the Inspection Engineer, George,
Change Miles & Buhr, and the Sussex County Engineering Department, that
Order the Sussex County Council authorizes the President of the Sussex
No. 11 County Council to issue Change Order No. 11 for the Dagsboro/
D/F SSD Frankford Sanitary Sewer District, to Pierson Construction of
Delaware, Inc., for a five calendar day time extension for
weather related delays.

Motion Adopted: 5 Yea.

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

Ocean Mr. Green, Director of Utility Construction, discussed Condi-
Farm tional Acceptance for the wastewater facilities constructed in
SBSSD Ocean Farm, Phase 1A, located in the South Bethany Sanitary
Sewer District.

M 409 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Grant based upon the recommendation of the Inspection Engineer, Sussex
Condi- County Engineering Department, for Sussex County Project No.
tional 81-04, that the Sussex County Council grant Conditional Accep-
Accep- tance for the wastewater facilities constructed in Ocean Farm,
tance Phase 1A, located in the South Bethany Sanitary Sewer District.
Ocean
Farm

Motion Adopted: 5 Yea.

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

Proposed Fenwick Island Water District Mr. Archut, Director of Planning and Permits, discussed the date, time and place of the Referendum for the Proposed Fenwick Island Water District. Mr. Archut advised that State law requires that the County Council set the date and time of the Referendum.

M 410 93 Referendum Proposed Fenwick Island Water District A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council hereby declares that an election, on the question as to whether the Fenwick Island Water District shall be established or not, will be held on November 20, 1993, from 10:00 a.m. to 6:00 p.m., at the Fenwick Island Town Hall, Fenwick Island, Delaware.
Motion Adopted: 5 Yea.

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

U.S. Postal Service Property Mr. Stickels, County Administrator, advised that the United States Postal Service has accepted the County's offer in the amount of \$250,000 to purchase the property located on The Circle in Georgetown. In addition, they have submitted for execution a lease in the amount of \$1.00. This lease will allow the County to occupy the building prior to settlement.

FmHA Preapplication Mr. Stickels, County Administrator, discussed submitting a Preapplication to FmHA for financial assistance, in an amount not to exceed \$2.5 million, for the proposed Sussex County Government Administrative Offices. Mr. Stickels explained that the Federal Government's "new year" starts on October 1, 1993, and it is important to submit any funding requests as soon as possible.

M 411 93 Submit FmHA Preapplication A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council authorizes the County Administrator to submit a Preapplication to the FmHA, in an amount not to exceed \$2.5 million, for assistance in financing the proposed Sussex County Government Administrative Offices.

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, discussed the following information in his County Administrator's Report:

1. Starting Out in Business Basics

The Delaware Small Business Development Center, of the University of Delaware, will be conducting a workshop entitled "Starting Out in Business Basics". The seminar will take place Wednesday evening, October 20, 1993, from 6:30 to 9:30 p.m. Registration begins at 6:00 p.m. The seminar will take place at the Delaware Technical and Community College, Georgetown, Delaware. The seminar will cover the real truths about starting your own business; what paperwork, taxes, and licenses you will need; the advantages and disadvantages of the various forms of business; how to write a business plan; what are the potential sources of funding and their requirements and procedures; recordkeeping; and cash flow analysis. A representative of the Sussex County Economic Development Office will be attending this workshop to offer County assistance.

2. 911 Communications Center

The Sussex County 911 Center has upgraded their capabilities for emergency communications in two areas. The first area is the Computer Aided Dispatch System and the second is the Language Line Service. The Computer Aided Dispatch (C.A.D.) System helps eliminate the task of filling out incident reports by hand. The C.A.D. System also assists in finding locations quickly without having to refer to reference maps. This allows the dispatcher to handle calls more efficiently. The State of Delaware is allowing our system to participate in the statewide AT&T Language Line Service. The AT&T Language Line Service is the world's largest provider of over-the-phone interpretation. This system provides 24-hour telephone access to more than 140 languages. Since its inception statewide, the Language Line Service has been utilized by both the State Police and Sussex County 911 Operations on at least 6 occasions. A demonstration of both new systems will be provided to the Council immediately following the regularly scheduled Council meeting on Tuesday, October 5, 1993. The news media is also encouraged to attend the demonstration.

3. Road Naming Project

A Public Hearing has been scheduled for Monday, October 11, 1993, at 7:00 p.m., at the Roxana Fire Hall. The purpose

Adminis-
trator's
Report
(con't)

of the hearing is to allow for the public to give input on the proposed road naming for the roads located in the Roxana Fire District. Once the road naming has been completed in the Roxana Fire District, the process will then take place in the Gumboro Fire District. To date, the Selbyville Fire District has had all of their roads tentatively identified. However, before the names are submitted to County Council for adoption, tentative road names will have to be completed for the Fire Districts of Roxana, Gumboro, and Frankford.

Proposed Ordinance Mr. Stevenson 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS" (C/Z #1212) filed on behalf of Pat-Rick Limited Partnership. The Proposed Ordinance will be advertised for Public Hearing.

M 412 93 At 10:37 a.m., a Motion was made by Mr. Stevenson, seconded by
Recess Mr. Benson, to recess until 11:00 a.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 11:04 a.m.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY ADDING ARTICLE 21 RELATING TO THE PAYMENT OF FEES FOR THE REVISION OF SANITARY OR WATER DISTRICTS WITHOUT ELECTION". The Public Hearing was closed.

M 413 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Ordinance No. 924 entitled "AN ORDINANCE AMENDING CHAPTER
Ordinance 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY ADDING ARTICLE 21
No. 924 RELATING TO THE PAYMENT OF FEES FOR THE REVISION OF SANITARY OR
WATER DISTRICTS WITHOUT ELECTION".

Motion Adopted: 5 Yea.

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

M 414 93 At 11:09 a.m., a Motion was made by Mr. Cole, seconded by Mr.
Recess Collins, 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
#1055)

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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.01 ACRES, MORE OR LESS" (C/U #1055) filed on behalf of Francis and Gale Morris. The Public Hearing was closed.

M 415 93
Adopt
Ordinance
No. 925
(C/U
#1055)

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 925 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.01 ACRES, MORE OR LESS" (C/U #1055) filed on behalf of Francis and Gale Morris, with the following conditions:

1. The final site plan shall be reviewed and approved by the Planning and Zoning Commission.
2. Any overnight storage of vehicles will be within a fenced-in area.

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 applicant established by substantial evidence that the proposed use will serve an existing need in the community and that it will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
#1204)

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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN

Public Hearing (con't) BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 65.58 ACRES, MORE OR LESS" (C/Z #1204) filed on behalf of Clearwater Land, Ltd. The Public Hearing was closed.

M 416 93 Adopt Ordinance No. 926 (C/Z #1204) A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Ordinance No. 926 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 65.58 ACRES, MORE OR LESS" (C/Z #1204) filed on behalf of Clearwater Land, Ltd., with the following conditions:

1. Central sewer service shall be provided as part of the Sussex County South Coastal Regional Sanitary Sewer Facility and the design shall be subject to approval by the Sussex County Engineering Department.
2. Central water service shall be provided in compliance with the regulations of DNREC, the Office of the State Fire Marshall, the Division of Public Health, and the Sussex County Engineering Department.
3. Stormwater Management and Erosion and Sedimentation Control Plans shall be subject to all State and County regulations.
4. Road improvements shall be completed by the developer per agreements and requirements of the Delaware Department of Transportation.
5. The Federal Section 404 delineated wetland line shall be considered a building restriction line.
6. The maximum number of units shall not exceed 211 units.
7. No commercial or business activities shall be permitted as a part of this application.
8. Each Deed for a dwelling unit or lot in the RPC, located within 50 feet of agricultural land, shall contain the following:

"This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned

M 416 93
(con't)

on acceptance of any annoyance or inconvenience which may result from such normal agricultural use and activities."

9. The on-site amenities, including the swimming pool, shall be constructed as part of the phasing schedule approved by the Planning and Zoning Commission.
10. A 25' maintenance easement shall be provided to the tax ditch.
11. No burning of materials cleared on site shall occur between May 1st and October 1st.

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 and RPC were appropriate legislative action based upon the following findings of fact:

1. The Council found that the proposed use is consistent with the purposes of MR zoning and RPC designation. The area is development oriented with numerous HR zoned and MR zoned developments existing in the area including developments adjacent to the parcel.
2. The Council further found that the application was in accordance with the Coastal Sussex Land Use Plan including location in the development zone, conformity with the map, use of the RPC designation, availability of central water and sewer and posed no negative effect on agriculture.
3. The Council further found that no adverse impact would result on the environment, or traffic, that adequate medical, educational and services were available, and that a positive impact on the economy would result from employment and taxes.
4. The Council based these findings on testimony and evidence presented by the applicant, agency comments and the recommendation of the Planning & Zoning Commission and incorporates the findings and recommendation of the Commission into its findings.

Conflict
of
Interest

Mr. Dukes advised that he would not be attending the Public Hearing on the Proposed Ordinance denominated C/Z #1208, filed on behalf of Everett H. and Bonnie H. Messick, T/A Messick Supply, due to a conflict of interest.

Recess Mr. Dukes declared a recess at 3:12 p.m.

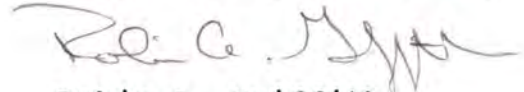
Reconvene In Mr. Dukes absence, Mr. Collins called Council back into session at 3:24 p.m.

Public Hearing (C/Z #1208) 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 2.75 ACRES, MORE OR LESS" (C/Z #1208) filed on behalf of Everett H. and Bonnie H. Messick, T/A Messick Supply. The Public Hearing was closed and action was deferred.

Change to Administrator's Report Mr. Stickels, County Administrator, advised of a change to Item #2, 911 Communications Center, of the Administrator's Report. The demonstration of the new systems has been rescheduled for Tuesday, October 19, 1993, immediately following the regularly scheduled Council meeting.

M 417 93 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 4:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council