

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 10, 2000

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, October 10, 2000, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

Mr. Stickels recognized visitors from The Jefferson Intermediate School.

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

M 505 00            A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve  
Approve            the Agenda, as distributed.  
Agenda

Motion Adopted: 3 Yea, 2 Absent.

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

M 506 00            A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve  
Approve            the minutes of the October 3, 2000 meeting, as distributed.  
Minutes

Motion Adopted: 3 Yea, 2 Absent.

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

Corre-                Mr. Bayard read the following correspondence:  
spondence

Michael N. Castle, Congress of the United States, House of Representatives, Washington, D.C.

RE: Letter regarding the accomplishments of Heather Sheridan.

Appoint-            Mr. Stickels announced that the term of James F. Walls on the Building  
ment                    Code Appeal Board expired on October 1, 2000.

M 507 00  
Approve  
Reappoint-  
ment

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to reappoint James F. Walls to the Building Code Appeal Board for a term of four (4) years.

Motion Adopted: 3 Yea, 2 Absent.

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

M 508 00  
Adopt  
Procla-  
mation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, OCTOBER 10, 2000, AS A DAY TO HONOR JOHN BURTON, SR."

Motion Adopted: 3 Yea, 2 Absent.

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

Mr.  
Burton/  
"Great  
Inchonee"/  
Order of  
Red Men

Council members recognized Mr. Burton, who was in attendance. Mr. Burton was recently elected Great Inchonee of the National Improved Order of Red Men. Mr. Burton explained that the "Great Inchonee" is the equivalent of president of the national order and that it has been 150 years since anyone from Delaware has held that honor. Mr. Burton said that the Order of Red Men have been involved with Camp Barnes and the Beach House as well as other charities. The Organization's leading project on the national level is Alzheimer's disease research; in the last eight years, the organization has donated over \$840,000.

M 509 00  
Adopt  
Procla-  
mation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING SATURDAY, OCTOBER 14, 2000, AS A DAY TO HONOR THE ELLENDALE VOLUNTEER FIRE COMPANY LADIES AUXILIARY".

Motion Adopted: 3 Yea, 2 Absent.

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

Adminis-  
trator's  
Report

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

1. South Coastal Wastewater Facility

On Friday, October 6, 2000, the United States Environmental Protection Agency (U.S. EPA) presented the South Coastal

Adminis-  
trator's  
Report  
(continued)

Wastewater Treatment Plant with the award for excellence in operations and maintenance. The award honors the staff involved in the day-to-day operations of the facility and recognizes the County Council for their commitment to protecting the community's environment.

Bradley Campbell, mid-Atlantic Regional Administrator for U.S. EPA, informed those attending this ceremony that "over the past 25 years many significant improvements in our nation's water quality can be attributed to better wastewater treatment." The award received by the employees of the South Coastal Regional Wastewater Facility recognizes the outstanding job the staff has done in protecting Delaware's environment. Mr. Campbell said that the management and staff of the Engineering Department are to be congratulated for their professionalism and determination. He said it is evident that the staff involved in the day-to-day operations of the facility is highly trained and devoted to protecting Sussex County's environment.

The award is presented annually to the best municipal wastewater treatment facilities in EPA's mid-Atlantic region, which encompasses 2,059 facilities in Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. EPA reviewed mountains of data to determine the winners of this award. Award recipients are selected for their performance in complying with wastewater discharge permits, maintenance management, laboratory practices, personnel training, and public awareness.

On behalf of the County Council, I have congratulated the employees for this outstanding accomplishment.

2. Delaware State Housing Authority Loan Workshop

The Delaware State Housing Authority will be visiting Sussex County for a series of workshops for homeowners interested in making affordable repairs and handicapped-accessibility modifications to their homes. The Housing Rehabilitation Loan Program provides three percent interest rate home improvement loans up to \$35,000 to low to moderate income homeowners or landlords renting to low income families

The Sussex County workshop will be held at 6:30 p.m on Tuesday, October 17, 2000, in the Sussex County Council Chambers in the County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

Report  
(continued)                    Anyone desiring additional information on the home repair programs or the workshop should call the Housing Authority's Public Information Office at 302-739-4263.

Airport  
Sewer and  
Water  
Project                    Mr. Sapp, Project Engineer, discussed a balancing change order request for the Sussex County Airport Sewer and Water Installation Project. The change order, in the credit amount of \$251.40, is for miscellaneous work that came in under the estimated unit costs.

M 510 00  
Approve  
Change  
Order/  
Airport  
Sewer  
and  
Water  
Project                    A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves Change Order No. 3 (the Balancing Change Order) for Sussex County Project Number 98-07, Sussex County Airport Sewer and Water Installation, in the credit amount of \$251.40, to decrease the contract amount from \$437,194.90 to \$436,943.50.

Motion Adopted: 3 Yea, 2 Absent.

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

The  
Jefferson  
Intermediate  
School                    Mr. Stickels introduced Mr. John Gause, teacher at The Jefferson Intermediate School, and his students. Prior to the Council meeting, the students were given a tour of the Administrative Building. The students were introduced to each Councilman and informed about each of the Councilmanic district boundaries. The students were also introduced to other individuals present at the Council meeting.

Town of  
Delmar/  
Complaint  
Regarding  
Dilapidated  
House                    Delmar Code Enforcement Officer Gaylon Bounds was present on behalf of the Town of Delmar regarding the dilapidated buildings on State Street. Mr. Phillips advised that there appears to be progress on the demolition of the condemned property. The Delmar Fire Chief is in the process of completing an application for a waiver of building knockdown from DNREC. Mr. Bounds was assured that the County will continue their efforts to resolve this problem.

County  
Council  
Meetings                    Mr. Phillips presented information regarding the times when County Council meetings conclude. Over the past 14 meetings, morning sessions have concluded, on an average, in 1 hour and 45 minutes. Over the past 7 meetings when afternoon session have been held, the meetings have concluded, on an average, in 1 hour and 42 minutes. Mr. Phillips presented this information for Mr. Stickels' use in preparing a report on holding night meetings.

M 511 00  
Recess                    At 10:40 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Rogers called Council back in to session at 1:30 p.m.

Attendance Mr. Dukes was present for the afternoon session.

Public Hearing (C/U No. 1359) 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 AUTOMOTIVE SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.17 ACRES, MORE OR LESS" (Conditional Use No. 1359) filed on behalf of Norman C. Jackson, Jr. The Planning and Zoning Commission held a Public Hearing on this application on September 21, 2000 at which time they recommended approval. Mr. Jackson was in attendance to present the application. There were no public comments and the Public Hearing was closed.

M 512 00 Adopt Ordinance No. 1403 (C/U No. 1359) A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adopt Ordinance No. 1403 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.17 ACRES, MORE OR LESS" (Conditional Use No. 1359) filed on behalf of Norman C. Jackson, Jr., with the following conditions:

1. There shall be no more than six vehicles on display for sale at any one time as located on the site plan.
2. There shall be no signage erected on the site.
3. There shall be no lighting of the display area on the site.
4. The garage may be used for detailing and preparation of the vehicles for sale, not mechanical work.
5. Vehicles may be sold retail from the site, not wholesale.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, 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 involves no construction or building activity on site and only involves the approval of an on-site location for parking spaces to display vehicles for sale.
2. With the conditions imposed, the proposed use will be consistent with the purposes and goals of the Comprehensive Land Use Plan, without adverse impact of any sort on the neighboring area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1360)

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 AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.34 ACRES, MORE OR LESS” (Conditional Use No. 1360) filed on behalf of Raymond Michitti. The Planning and Zoning Commission held a Public Hearing on this application on September 21, 2000, at which time they deferred action pending receipt of a response from DelDOT on the traffic impact study. Mr. Michitti and Mr. Fuqua, Attorney, were in attendance to present the application. Public comments were heard in support of the application and the Public Hearing was closed. Action was deferred.

Public  
Hearing  
(C/Z  
No. 1415)

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE OR LESS” (Change of Zone No. 1415) filed on behalf of James and Martha Turner. The Planning and Zoning Commission held a Public Hearing on this application on September 21, 2000 at which time they recommended denial since there was not adequate space on the site for any business or commercial activities. James and Martha Turner and Mr. Cordrey, Attorney, were in attendance to present the application. There were no public comments and the Public Hearing was closed.

M 513 00  
Defer  
Action  
(C/Z  
No. 1415)

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to defer action on Change of Zone No. 1415 filed on behalf of James and Martha Turner for a period of one week.

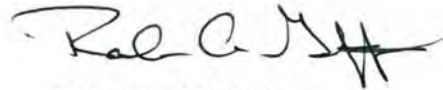
Motion Adopted: 4 Yea, 1 Absent.

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

M 514 00  
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adjourn at 2:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council