

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 11, 1994

Executive Session An Executive Session of the Sussex County Council was held Tuesday, October 11, 1994, at 9:15 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition and pending litigation. The Executive Session concluded at 9:50 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 11, 1994, 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 431 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes 1994. Motion Adopted by Voice Vote.

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

PAT SIBERT, NEW ENGLAND FELLOWSHIP FOR REHABILITATION ALTERNATIVES, SEAFORD, DELAWARE.

RE: Appreciation for Mr. Dukes' Councilmanic Grant.

PAUL A. WELSH AND RICHARD K. VETTER, STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Current status of the Georgetown Transportation Study.

JACK STRATTON, BAD COMPANY/BLUE HEN AUTO DETAILING SOFTBALL TEAM, MILFORD, DELAWARE.

RE: Appreciation for Mr. Stevenson's and Mr. Benson's Councilmanic Grants.

Proposed Proclamation Mr. Stickels, County Administrator, read a Proposed Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER 9 THROUGH 15, 1994, AS 'SUSSEX COUNTY FARM BUREAU OF DELAWARE WEEK' IN SUSSEX COUNTY."

M 432 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Proclamation 1994. Motion Adopted by Voice Vote.

M 432 94 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

Proposed Proclamation Mr. Stickels, County Administrator, read a Proposed Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER 17 THROUGH 23, 1994, AS 'NATIONAL BUSINESS WOMEN'S WEEK' IN SUSSEX COUNTY".

M 433 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER 17 THROUGH 23, 1994, AS 'NATIONAL BUSINESS WOMEN'S WEEK' IN SUSSEX COUNTY."

Motion Adopted: 5 Yea.

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

Issuance of Building Permits by Mail Mr. Stickels, County Administrator, and Mr. Parker, Director of Assessments, presented for Council's consideration the policy of issuing building permits through the mail. This method of issuing a building permit would be possible if: (1) the subject property is located within a municipality having its own zoning ordinance, (2) the subject property does not require the review and inspection services of the County Building Code Department, (3) the subject property does not require contact with the Sussex County Engineering Department in reference to sewer impact fees and (4) a municipal building permit has been obtained. Under this policy, a permit may be obtained by contacting the Sussex County Assessment Division by phone or mail. Upon receipt of payment of the permit fee and verification of a municipal permit, the paperwork will be processed and mailed to the property owner for an additional fee of \$2.50. The fee of \$2.50 will cover the added cost of handling and mailing. Mr. Parker advised that this procedure will benefit the property owners who will no longer need to drive to Georgetown and will benefit the County by reducing the traffic in the Assessment Office. It was the consensus of Council to establish this policy effective October 12, 1994.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99, ARTICLE I, SECTION 99-6 OF THE CODE OF SUSSEX COUNTY, PROVIDING THAT A DISCLOSURE STATEMENT BE INCORPORATED INTO DEEDS FOR LOTS WITHIN SUBDIVISIONS THAT CONTAIN WETLANDS". The Proposed Ordinance will be advertised for Public Hearing.

Agenda The agenda item entitled "Land Acquisition" was tabled.

Land Acquisition by Fish and Wildlife Service Mr. Stickels, County Administrator, discussed the acquisition of 22 acres of land by the United States Department of Interior Fish and Wildlife Service. The land, owned by I. Thomas Simpson Heirs, is located in Slaughter Beach, Delaware, adjacent to the Prime Hook National Wildlife Refuge. This purchase would permanently protect the wildlife habitat by adding it to the National Wildlife Refuge System.

M 434 94 Endorse Land Acquisition by Fish and Wildlife Service A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council wishes to endorse the United States Department of Interior Fish and Wildlife Service acquisition of 22 acres of land owned by I. Thomas Simpson Heirs, as shown on Sussex County Tax Map 2-30-1-179; and Be It Further Moved that this land will be added to the Prime Hook National Wildlife Refuge for permanent protection of wildlife habitat.

Motion Adopted: 5 Yea.

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

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

1. Fourteenth Annual Sussex County Council Art Purchase Awards

Four Sussex County residents have been recognized for 1994 Art Purchase Awards. The winners are Eileen Dusak, watercolor entitled "A Street Corner in Milton"; Robert Bennett, photograph entitled "Please Let Me Out of Here"; Vaya Wissman, oil painting entitled "Country Side"; and Michael Robinson, photograph entitled "American Portrait". This year's awards will bring the County Council's total to 39 purchases of art.

2. Senior Citizen Government Day

The Sussex County Council will host Senior Citizen Government Day on Wednesday, October 26, 1994, starting at 9:15 a.m. Senior citizens representing senior centers throughout the County will participate in a mock County Council meeting which will include items that have been presented to the County Council within the last year. At the conclusion of the meeting, comparisons will be made of their action versus the County Council's action. The public, as well as the news media, is welcome to attend this activity.

Adminis-  
trator's  
Report  
(con't)

3. Rezoning Notifications

Mr. Stickels has requested that Mr. Lawrence Lank, Director of Planning and Zoning, notify local municipalities of rezoning requests that are located within two miles of their jurisdiction. Notices will be sent to the mayor of each city or town that may be impacted with a rezoning in the unincorporated area. Their comments will be incorporated into the hearing process, as the County does now for the schools and fire companies.

Proposed  
Cedar  
Neck  
Expansion  
of the  
Bethany  
Beach  
Sanitary  
Sewer  
District

Mr. Archut, Director of Planning and Permits, and Mr. Brown, Division of Natural Resources and Environmental Control, discussed the Proposed Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District. In August, 1993, the County Council extended the Bethany Beach Sanitary Sewer District to include a portion of the Cedar Neck area. At that time, there was significant public interest in providing sanitary sewer service to the entire area. Based on that interest, the County Council requested that a proposal for sewerage the entire area be prepared. Mr. Archut reviewed this proposal with Council. Information reviewed included assumptions, cost information, typical user information and funding scenarios. Cost projections included the following: total project cost - \$8,638,375.00; annual assessment charge - \$6.87 per front foot; annual service charge - \$205.44 per EDU; permit fee - \$100.00; and connection charge - \$1,700.00. Mr. Archut recommended that the next course of action be to submit a pre-application for funding assistance to Farmer's Home and to review other available funding options.

M 435 94  
Prepare  
Farmers  
Home  
Pre-  
applica-  
tion

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Engineering Department is hereby directed to prepare a Farmers Home pre-application for funding assistance for the entire Cedar Neck Expansion area and to review other available funding options.

Motion Adopted: 5 Yea.

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

Pumping  
Station  
Cedar  
Landing

Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the Wastewater Pumping Station in Cedar Landing located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

M 436 94  
Grant  
Bene-  
ficial  
Accept-  
ance

A Motion was made by Mr. Benson, seconded by Mr. Cole, based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the Wastewater Pumping Station No. 48 in Cedar Landing, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

M 436 94 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

Old Business (C/Z No. 1239) 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.00 ACRES, MORE OR LESS" (Change of Zone No. 1239) filed on behalf of Tanger Properties, L.P., was discussed. A Public Hearing was held on this application on September 27, 1994, at which time action was deferred.

M 437 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.00 ACRES, MORE OR LESS" (Change of Zone No. 1239) filed on behalf of Tanger Properties, L.P.

Motion Denied: 4 Nay, 1 Yea.

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

Reasons for Denial of C/Z No. 1239 The following are several of the reasons stated by the Councilmen for the denial of Change of Zone No. 1239:

- o No need was established.
- o The application was not in compliance with the Land Use Plan.
- o Other sites are available in the C-1 General Commercial District.
- o Job opportunities are speculation only.
- o Traffic congestion would increase.
- o Safety concerns; for example, emergency access.
- o Inadequate infrastructure in the area.
- o The project would not enhance the site.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING

Proposed Ordinance 19,927.60 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1244) filed on behalf of Lloyd H. Hickman. The Proposed Ordinance (con't) will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALE AND WHOLESALE NURSERY PRODUCTS, FARM PRODUCTS, FERTILIZERS, POTS, GARDENING EQUIPMENT AND ETC. TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 1094) filed on behalf of Ernest and Nelsa Hosse. The Proposed Ordinance will be advertised for Public Hearing.

M 438 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$200.00 from Mr. Collins' Councilmanic Account to Millsboro Hut, Inc. for the support of Scouting programs in Millsboro.

Motion Adopted: 5 Yea.

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

M 439 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$300.00 from Mr. Dukes' Councilmanic Account to the City of Seaford to financially assist the Community Prevention Program.

Motion Adopted: 5 Yea.

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

M 440 94 Recess At 11:15 a.m., a Motion was made by Mr. Collins, seconded by Mr. Cole, 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/Z No. 1240) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY DISTRICT TO A MR/RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 83.60 ACRES, MORE OR LESS" (Change of Zone No. 1240) filed on behalf of Indian River Associates, Inc.

Recess At 4:00 p.m., Mr. Dukes declared a recess.

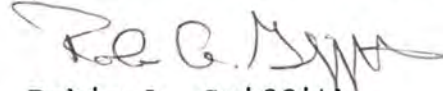
Reconvene At 4:15 p.m., Mr. Dukes called Council back into session.

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Hearing (con't) The Public Hearing continued and was closed. Action was deferred.

M 441 94 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 5:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council