

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 15, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, October 15, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice-President
William D. Stevenson, Sr.	Member
George B. Cole	Member
George J. Collins	Member

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

M 436 91
Approval
of Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Withdrawal
of Agenda
Item/Bethany
Bay Site
Plan Appeal

Mr. Bayard, County Attorney, advised Council that the Bethany Bay Site Plan Appeal had been withdrawn from the Agenda. Mr. Bayard read a letter which was received from David N. Rutt, Esquire, requesting such withdrawal. Mr. Rutt's letter stated that the withdrawal was being requested with the understanding that Linder & Company "reserves any and all rights for appeal or further action as may be necessary or available, without limitation, from official or unofficial acts or rulings by the County, its governing bodies or employees."

Corre-
spondence

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

JACK OWENS, DELAWARE TECHNICAL & COMMUNITY COLLEGE (SOUTHERN CAMPUS) GEORGETOWN, DELAWARE
RE: Thanking Council for the \$1,000 contribution for the 1991 Fall Harvest Festival.

THE HONORABLE THELMA MONROE, MAYOR OF THE TOWN OF MILLSBORO, MILLSBORO, DELAWARE
RE: Invitation for Council to attend a reception on October 16, 1991 at 7:30 p.m. at the Millsboro Civic Center for Mr. Otto Eck, a former prisoner of war from Germany.

UNIVERSITY OF DELAWARE, BUREAU OF ECONOMIC AND BUSINESS RESEARCH, NEWARK, DELAWARE
RE: Submitting the Summer 1991 issue of their "Economic Delaware Outlook" newsletter.

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Corre-
spondence
(Con't.)

Councilman Stevenson reported that he had received a thank-you note from the Georgetown Men's Softball League expressing their gratitude for Council's donation that allowed two teams from Georgetown to represent Delaware at national tournaments.

CDBG
Application

Mr. Stickels, County Administrator, reported to Council concerning the 1992 State of Delaware Community Development Block Grant Application. Towns which are interested in having the County assist them in applying for CDBG funding should notify the County's Community Development & Housing Division by November 15, 1991. In the past, the County has assisted Milton, Seaford, Laurel, Ellendale, Greenwood, Lewes, Frankford, and Georgetown in procuring grants.

M 437 91
1992
CDBG
Application

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council authorizes the Sussex County Community Development Division to assist local governments in the preparation and administration of Community Development Block Grant Funds. Motion Adopted: 5 Yea.

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

Proposed
Ordinance/
Fish Farms
(Aquaculture)

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, TO AMEND ZONING PROVISIONS REGARDING FISH FARMS (AQUACULTURE)". This Proposed Ordinance will be advertised for a Public Hearing.

County
Administra-
tor's Report

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

1. Long Neck Sanitary Sewer District Connections - The Sussex County Engineering Department will allow septic tanks to be pumped into the collection systems for the Long Neck Sanitary Sewer District. State law requires the abandonment of on-site septic systems when the property is connected to a central sewer system. A review of this procedure indicates that the addition of septic tank waste to the treatment plant can be accommodated provided that three lagoons are activated during start-up, and the pumping in of septic tank waste does not exceed 15 residential septic tanks per day during the winter months; 35 residential septic tanks will be allowed to be pumped per day during the warm weather months. By allowing

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Administra-
tor's Report
(Con't.)

the residents to discharge the septic tank waste, the property owner may save as much as \$75.00 in cost. However, the most important aspect of this process would be that the waste from as many as 4,000 septic tanks on Long Neck will not be spread on fields throughout the County. The treatment of this waste at the sanitary treatment plant will provide an environmental safeguard.

2. Hearing Impairment Telephone Communications Systems - A hearing impairment telephone communications system has been installed at the Sussex County Engineering Administrative Building. The number for access to this device is 855-7700. Any citizen of the County with a hearing loss may call this number for assistance regarding any County business.
3. Subdivision Approvals - The Planning and Zoning Department approved the following three subdivisions on Thursday, October 10, 1991:
 - (a) Nanticoke Landing - This subdivision is located on County Road 490 near the town limits of Blades; 11.5 acres were subdivided into 16 AR-1 zoned lots. The subdivision will have two entrances on County Road 490. All lots will be accessed from interior subdivision roads. Sixteen lots will be serviced with on-site water and septic systems. Lots range in size from 22,091 square feet to 45,973 square feet.
 - (b) Welsley Subdivision - This subdivision is located on County Road 365 near Clarksville; 6.31 acres were subdivided into ten GR zoned lots. Lots range in size from 21,781 square feet to 24,336 square feet. The subdivision will have one access to County Road 365. There will be a landscaped buffer strip approximately ten feet in width along County Road 365. All lots will be accessible through subdivision roads only. All lots will be serviced with on-site water and septic.
 - (c) Salt Pond, Phase I - 198 single-family building lots were subdivided with MR-RPC zoning. Minimum lot size is 7,500 square feet with minimum lot width of 60 feet. All lots will be serviced with central water with fire fighting capabilities to provide 750 gallons per minute. All lots will be connected to the South Coastal Regional Wastewater Facility for sewer treatment services. In conjunction with the single-family homes, the developer is also providing an 18 hole golf course to be included in Phase I.

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Countywide
Septage
Program

Mr. Wood, County Engineer, and Ms. Heather Sheridan, Operations Supervisor, appeared before Council regarding a Countywide Septage Program at the South Coastal Regional Wastewater Facility. Mr. Wood informed Council that he would like to receive Council's authorization to advertise for monitoring equipment that would permit the testing and evaluation of the toxicity level of each load of septage before it would be pumped into the system. The computerized test would take approximately ten minutes to evaluate the toxicity level of each load of septage. If the tested septage was found to be highly toxic, it would not be accepted. A fee structure would be established to allow the program to be self-sufficient. Councilman Cole commented that he felt this service should be available at all County sewer treatment plants. Mr. Stickels advised Council that this system would be considered when new wastewater treatment plants are designed.

M 438 91
Advertise
for Septage
Testing
Equipment

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that the Sussex County Council authorizes the County Engineering Department to advertise for septage testing equipment for the South Coastal Regional Wastewater Facility. Motion Adopted: 5 Yea.

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

West Ocean
Farms
Suburban
Community
Improvements

Mr. Izzo, Public Works Division Director, appeared before Council seeking authorization to execute a contract to complete the design of the West Ocean Farms Suburban Community Improvements, which would include the paving of the existing roads and provide surface drainage. At the Council meeting of July 9, 1991, Council accepted the West Ocean Farms Subdivision into the Suburban Community Improvement Program.

M 439 91
Execute
Design
Agreement/
West Ocean
Farms
Suburban
Community
Improvements

A Motion was made by Mr. Cole, seconded Mr. Collins, that based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute a contract with McCann, Inc. to complete the design of Sussex County Project No. 91-08, West Ocean Farms Suburban Community Improvements, to pave the existing roads and provide surface drainage. Motion Adopted: 5 Yea.

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

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Proposed
Ordinance
C/U #990

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXCAVATION AND REMOVAL OF SOIL FOR THE CREATION OF AN AQUACULTURE (FISH) FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 9.59 ACRES, MORE OR LESS" (C/U #990) filed on behalf of Charles Coursey. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/Z #1145

Mr. Dukes 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 MR-RPC MEDIUM DENSITY RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 475.22 ACRES, MORE OR LESS" (C/Z #1145) filed on behalf of Delmarva Properties, Inc. This Proposed Ordinance will be advertised for a Public Hearing.

M 440 91
Recess

At 10:51 a.m., a Motion was made by Mr. Stevenson, seconded by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

President Dukes called the Council back into session at 1:30 p.m.

Withdrawal
of C/U #984

President Dukes announced the withdrawal of Conditional Use No. 984, filed on behalf of Charles A. Zonko.

Public
Hearing
C/U #983

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.91 ACRES, MORE OR LESS" (C/U #983) filed on behalf of Robert P. Short, Jr. and Virginia. The Public Hearing was closed.

M 441 91
Adopt
Ordinance
No. 793
(C/U #983)

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 793 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.91 ACRES, MORE OR LESS" (C/U #983) filed on behalf of Robert P. Short, Jr. and Virginia, subject to the following stipulations:

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C/U #983
(Con't.)

1. Uses on the site shall be limited to the sale of hardware and related products, convenience store products, and gasoline and related products.
2. The 4.91 acre site shall not be subdivided.
3. Any structure shall be placed at least 75 feet from the right-of-way of Route 113.
4. The site plan shall be subject to land review and approval by the Planning and Zoning Commission after a final DelDOT entrance permit has been received.

Motion Adopted: 4 Yea; 1 Nay.

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

Findings
of Fact/
C/U #983

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 there exists a clear need for a convenience/hardware/gasoline sales store in the immediate area.
2. The applicant established by substantial evidence that the proposed uses do not cause any adverse impact on the character of the neighborhood, property values therein, traffic in the area, or the environment in the area.
3. The proposed uses serve a public or semi-public purpose and thereby conform with the Comprehensive Zoning Ordinance and the Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/Z #1138

A Public Hearing was held on 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS" (C/Z #1138) filed on behalf of D and D Investments. The Public Hearing was closed.

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M 442 91
Adopt
Ordinance
No. 794
(C/Z #1138)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adopt Ordinance No. 794 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS" (C/Z #1138) filed on behalf of D and D Investments. Motion Adopted: 5 Yea.

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

Findings
of Fact/
C/Z #1138

The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that there exists a need for expansion of commercial activities ongoing on the adjoining C-1 parcel.
2. The applicant established by substantial evidence that the change of zone does not cause any adverse impact on the character of the neighborhood, property values therein, traffic, or the environment in the area.
3. The change of zone conforms to the Comprehensive Zoning Ordinance and the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing/
Flood
Prone
Districts

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES I, II, XXV, AND XXVIII, RELATING TO FLOOD PRONE DISTRICTS". The Public Hearing was closed.

M 443 91
Adopt
Ordinance
No. 795/
Flood
Prone
Districts

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 795 entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES I, II, XXV, AND XXVIII, RELATING TO FLOOD PRONE DISTRICTS", with the addendum as presented incorporated into the Ordinance. Motion Adopted: 5 Yea.

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

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M 444 91
Adjournment

At 2:46 p.m., a Motion was made by Mr. Stevenson, seconded by Mr. Benson, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Acting Clerk of the County Council