

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 21, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 21, 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 527 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 528 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated October 14, 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

GARY KILLMON, TRI-GAS & OIL, GEORGETOWN, DELAWARE.
RE: Request for reimbursement for electrical improvements made at the Sussex County Airpark for the Sussex County Fair.

ERIC HELM BUEHL, DISTRICT COORDINATOR, SUSSEX CONSERVATION DISTRICT, GEORGETOWN, DELAWARE.
RE: Annual cost-share sign-up.

ROBERT H. OREM, PRESIDENT OF COUNCIL, TOWN OF OCEAN VIEW, OCEAN VIEW, DELAWARE.
RE: Allocation of funds in the Capital Transportation Improvement Program for Fiscal 1998-2003.

Airport Mr. Stickels, County Administrator, discussed six leases for T-Hangar T-Hangars to be constructed at the Sussex County Industrial Park Leases Complex. The term of the leases will be one year, commencing on the availability date of the T-Hangars; the annual rent for each T-Hangar will be \$3,000. The following have agreed to enter into lease agreements with Sussex County: Monte P. Shepler, Thomas W. Nalls, Richard Marchetti, Audry L. Barnum, Donald E. Anthony, and Powerlyne Systems, Inc.

M 529 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Authorize the President of the Sussex County Council to enter
Airport into six (6) one-year lease agreements with Monte P. Shepler,
T-Hangar Thomas W. Nalls, Richard Marchetti, Audry L. Barnum, Donald E.
Leases Anthony, and Powerlyne Systems, Inc., for T-Hangars to be
constructed at the Sussex County Industrial Park.

Motion Adopted: 5 Yea.

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

DelDOT Mr. Stickels, County Administrator, discussed the Delaware
Proposed Department of Transportation's development of two proposed
Programs programs; the Statewide Access Management Policy and the
Corridor Preservation Program. It was noted that these pro-
grams are significant to the mobility section of the County's
Land Use Plan; however, it was the consensus of Council that
the implementation of the programs be delayed until additional
public input is received; until the Department has held a
minimum of three public hearings in Sussex County for each of
these programs.

Adminis- Mr. Stickels, County Administrator, read the following infor-
trator's mation in his County Administrator's Report:
Report

1. Community Development and Housing

Included with this report is a list of public hearings that
will be held from September 17 through December 8 for
Community Development and Housing. These meetings are
necessary in the County's development of a Community
Development Block Grant application for the towns and the
unincorporated areas of Sussex County. All meetings are
open to the public, and I would encourage attendance at
meetings in your community.

2. Troop 4 Status Report - Month of September 1997

The following hours of duty and enforcement were compiled by
the uniformed patrol officers at Troop 4, Georgetown, during
the month of September 1997:

Total Hours on Duty	4,389
Hours Assisted Other Agencies	50.5
Total Traffic Arrests	759
Total DUI Arrests	30
Accident Reports: Property Damage	48
Personal Injury	16
Total Accident Reports	64

Adminis-
trator's
Report
(con't)

Criminal Arrests: Felony	34
Misdemeanor	128
Total Criminal Arrests	162
Total 10-29 P's (wanted persons)	43
Total Number of Complaints	804

In addition to the regular patrol hours, officers of Troop 4 also participated in community projects that included the monthly meeting of Strong Communities, the Changing Face of Rural Delmarva Conference, fingerprinting of 400 children at the Townsend Poultry Plant, and the Hispanic Fair held in Georgetown.

3. Extended Hours

The following hours of activity took place on Wednesday, October 8, 1997:

- (a) Assessment/Planning and Zoning - No activity from 7:30 to 8:30 a.m., three building permits issued, two mobile home placements issued, and one tax release from 4:30 to 7:30 p.m.
- (b) Treasury Division - One telephone inquiry and one tax bill paid from 7:30 to 8:30 a.m., two telephone inquiries and three tax bills paid from 4:30 to 7:30 p.m.
- (c) Clerk of the Peace - Two marriage ceremonies performed and 11 marriage licenses issued from 4:30 to 7:30 p.m.

As a result of the high number of wedding licenses being applied for on Wednesday evenings, the Clerk of the Peace will require that appointments be obtained before requesting a marriage license on Wednesday evenings. Appointments will be scheduled every 20 minutes, and nine licenses will be issued per night. This procedure should help eliminate people having to wait as long as an hour and a half to obtain a wedding license.

- (d) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., two telephone inquiries and five public information requests from 4:30 to 7:30 p.m.
- (e) Utility Billing - No activity.

Proposed
Resolu-
tion/
Baywood,
L.L.C.

Mr. Baker, Finance Director, presented for Council's consideration a Proposed Resolution entitled "A PROJECT RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,400,000 VARIABLE RATE DEMAND REVENUE BONDS (BAYWOOD, L.L.C. PROJECT) SERIES 1997". Baywood, L.L.C. has filed an application with the County for the issuance of

Proposed Resolution (con't) bonds for a project consisting of the acquisition and construction of facilities relating to a manufactured housing community located on Long Neck Road including a sewage disposal system and a central water supply system. The County's Industrial Revenue Bond Committee has reviewed and approved this application.

M 530 97 Adopt Resolution No. R 032 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Resolution No. R 032 97 entitled "A PROJECT RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,400,000 VARIABLE RATE DEMAND REVENUE BONDS (BAYWOOD, L.L.C. PROJECT) SERIES 1997".

Motion Adopted: 5 Yea.

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

Delete Agenda Item Mr. Green, Director of Utility Construction, requested that his first agenda item entitled "Rehoboth Shores, Phase III, Agreements" be tabled.

M 531 97 Amend Agenda A Motion was made by Mr. Collins, seconded by Mr. Rogers, to amend the agenda by deleting "Rehoboth Shores, Phase III, Agreements".

Motion Adopted: 5 Yea.

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

Clearwater Development Mr. Green, Director of Utility Construction, discussed a Construction Administration and Construction Inspection Agreement with Clearwater Development, Phase V, for the construction of wastewater facilities.

M 532 97 Execute Agreements/ Clearwater Development A Motion was made by Mr. Collins, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Clearwater Development, Phase V, for wastewater facilities to be constructed in Clearwater Development, Phase V, located in the South Bethany 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

Attorney Mr. Jones, Assistant County Attorney, took over as attorney for the meeting.

Parking Mr. McCabe, Project Engineer, discussed a balancing change order request for Sussex County Parking Facility No. 2; a credit in the amount of \$2,431.86. The reason for the change order is quantity underruns for crusher run and hot-mix.

M 533 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2, for a credit of \$2,431.86, to balance Sussex County Project No. 96-10, Sussex County Parking Facility No. 2, be approved for unused crusher run and unused hot-mix, which decreases the contract price from \$85,917.93 to \$83,486.07.

Motion Adopted: 5 Yea.

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

Public Hearing/ A Public Hearing was held to consider the extension of the Dagsboro-Frankford Sanitary Sewer District to include a portion of Prince George's Acres Subdivision, lying contiguous to the Dagsboro-Frankford Sanitary Sewer District, situate east of the Town of Dagsboro and being in Dagsboro Hundred. One public comment was heard in favor of the proposed extension. There were no further public comments and the Public Hearing was closed.

M 534 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Resolution No R 033 97 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO ENCOMPASS A PORTION OF PRINCE GEORGE'S ACRES SUB-DIVISION, LYING CONTIGUOUS TO THE DFSSD, SITUATE EAST OF THE TOWN OF DAGSBORO, AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE".

Extend Dagsboro-Frankford SSD Motion Adopted: 5 Yea.

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

Conflict of Interest Mr. Rogers advised that he would not be participating in the discussion and vote on Conditional Use No. 1198 due to a possible conflict of interest. Mr. Rogers left the meeting.

Old Business C/U No. 1198 Conditional Use No. 1198 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING

Old Business (con't) IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 55.29 ACRES, MORE OR LESS" filed on behalf of Colonial East, Ltd. was discussed. A Public Hearing was held on this application on September 16, 1997, at which time action was deferred.

M 535 97 Adopt Ordinance No. 1187 (C/U No. 1198) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1187 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 55.29 ACRES, MORE OR LESS" (Conditional Use No. 1198) filed on behalf of Colonial East, Ltd., with the following conditions:

1. The preliminary site plan shall be required to be reviewed by the Technical Advisory Committee and the Planning and Zoning Commission.
2. The preliminary site plan shall include a phasing schedule and projected development time table. The phasing schedule may include an average of 25 units per year, not exceeding 35 units per year in any one given year.
3. The development shall comply with requirements of DelDOT regarding entrance improvements, a street connection to the existing Sussex East development, construction of a sheltered bus stop on Route 9 of a design and location acceptable to DelDOT, and no signs advertising commercial use shall be directed toward Route 9.
4. The lots may be developed at a minimum of 5,000 square feet per lot, and the number of lots shall not exceed 108, for lease only.
5. The development shall be served by central sewer as part of the existing West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
6. The development shall be served by a central water system, including fire protection.
7. A fifty (50) foot buffer shall be maintained along the southerly, westerly and northerly boundaries of the site; the existing growth along the northerly and westerly boundaries will be preserved subject to appropriate pruning; the southerly boundary along Route 9 will be appropriately landscaped which will provide visual screening at the rear of residential dwellings; fencing shall be installed parallel to the railroad right of way acceptable to the Delaware Transit Authority @ DelDOT recommendations; the buffer landscaping planting, layout, and design shall be subject to approval by the office of the State Forester and the Planning and Zoning Commission.

M 535 97
(con't)

8. Final plans shall be submitted to the Planning and Zoning Commission for review upon receipt of all appropriate agency approvals and/or permits.
9. Amenities shall be required by the Planning and Zoning Commission after the completion of the construction of 75 units.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings
of Fact

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed conditional use is in accordance with the Comprehensive Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County found that the conditional use is of a public or semi-public character and is essential and desirable for the general convenience and welfare.

The Council found that a reduction in the number of units to a maximum of 108 will result in a density which is compatible with the AR-1 Agricultural Residential zoning of the surrounding area. Recognizing concerns expressed about traffic in the area, the Council found that the lower number of units will have no greater effect on traffic than development currently permitted in the area under the existing zoning classification.

The Council found that the area is contained within a development zone in the Land Use Plan, and that the availability of central sewer makes the area appropriate for development.

The Council also specifically found:

1. That the request is for the extension of an existing mobile home park.
2. That there was no negative response from any State agency.
3. That despite concerns raised by neighbors regarding traffic, the Delaware Department of Transportation does not believe that the project will have a significant negative impact on traffic.
4. That the project is limited to 108 units. This is half of what the maximum build-out could be.
5. That the project is within the boundaries of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Findings
of Fact
(con't)

6. That the project is within the boundaries of the Development District of the Comprehensive Land Use Plan.
7. That the project complies with the housing element of the Land use Plan by providing affordable housing.

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.06 ACRES, MORE OR LESS" (Conditional Use No. 1215) filed on behalf of Delaware Department of Transportation. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 12.91 ACRES, MORE OR LESS" (Conditional Use No. 1216) filed on behalf of Briggs Family Enterprises, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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 WAREHOUSING, LIGHT MANUFACTURING, WELDING, PRE-FAB PIPE AND ASSEMBLY OF SHEET METAL DUCT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.98 ACRES, MORE OR LESS" (Conditional Use No. 1217) filed on behalf of Trinity Land Company. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Jones introduced 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS" (Change of Zone No. 1322) filed on behalf of William M. and Alberta M. Cullum, Trustees. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Cole introduced 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 14,403 SQUARE FEET, MORE OR LESS (Change of Zone No. 1323) filed on behalf of S. Keith Parsell. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 4.61 ACRES, MORE OR LESS" (Change of Zone No. 1324) filed on behalf of Paul A. Schmidtchen. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Rogers returned to the meeting.

Proposed Ordinance Mr. Rogers introduced 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9817 ACRES, MORE OR LESS (Change of Zone No. 1325) filed on behalf of W. T. Wilson, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 536 97 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and \$150.00 from Mr. Dukes' Councilmanic Account, to the Charity Lodge No. 27 for their program of lending equipment.

Motion Adopted: 5 Yea.

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

M 537 97 Grants A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$1,218.96 from Grants to the Georgetown Chamber of Commerce for electrical improvements made at the Sussex County Airpark for the Sussex County fair.

Motion Adopted: 5 Yea.

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

M 538 97 Recess At 12:07 p.m., a Motion was made by Mr. Collins, seconded by Mr. Jones, 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.

Attorney Mr. Bayard, County Attorney, was the attorney present for the afternoon session.

Public Hearing/ Proposed Ordinance Adopting the Land Use Plan A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ADOPTING A COMPREHENSIVE LAND USE PLAN FOR SUSSEX COUNTY". Public comments were heard. Comments included those of the Delaware State Housing Authority (DSHA) regarding the area containing the DSHA's 20-acre parcel near Lewes which they believe should be included in the County's Development District and comments in opposition to the enlargement of the Development District near Lewes to include the parcel owned by the DSHA. It was noted that the area known as The Plantations was mistakenly removed from the Development District in the final draft map of the Comprehensive Plan. The Public Hearing was closed.

M 539 97 Amend Develop- ment District/ Land Use Plan A Motion was made by Mr. Jones, seconded by Mr. Collins, to include the following in the Development District: The Plantations, Delaware State Housing Authority's 20-acre parcel, and the lands in between The Plantations and the Delaware State Housing Authority's 20-acre parcel along the frontage of Routes 275 and 285.

Motion Adopted: 3 Yea, 2 Nay.

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

M 540 97 Adopt Ordinance No. 1188 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1188 entitled "AN ORDINANCE ADOPTING A COMPREHENSIVE LAND USE PLAN FOR SUSSEX COUNTY", as amended.

Motion Adopted: 5 Yea.

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

M 541 97 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Jones, to adjourn at 3:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council