

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 4, 2001

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, December 4, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 702 01
Approve
Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the Agenda, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

M 703 01
Approve
Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of November 27, 2001, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

Mr. Cole joined the meeting.

Adminis-
trator's
Report

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

1. Sussex County Land Use Plan Update

The Sussex County Council will be conducting the third in a series of public meetings for the update of the County's Land Use Plan on Thursday, December 6, 2001, at the Seaford Fire Hall.

Adminis-
trator's
Report
(continued)

Staff will be meeting with representatives from the City of Seaford and the Towns of Blades, Bethel, and Laurel starting at 3:30 p.m. The general public is encouraged to attend the meeting starting at 5:00 p.m. A formal presentation will be given at 5:30 p.m., and written and oral comments will be accepted after the presentation. It is anticipated that the meeting will end at 7:00 p.m. The purpose of the public meeting will be to review the County's existing Land Use Plan and discuss proposed changes to comply with the State of Delaware *Livable Delaware* legislation.

Additional meetings have been scheduled for Wednesday, December 12, 2001, at the South Coastal Library, Bethany Beach, and Thursday, December 20, 2001, at the Millsboro Civic Center. All public portions of the meeting will take place from 5:00 to 7:00 p.m.

2. Delaware Department of Transportation Public Workshops

Included with this report are the notices of two public workshops being held in Sussex County, the first on Wednesday, December 5, 2001, from 4:00 to 7:00 p.m. at Laurel Senior High School regarding Bridges 3-365N and 3-365S on U.S. 13 over Records Pond. The second workshop will be held on Thursday, December 13, 2001, from 4:00 to 7:00 p.m. at Fenwick Island Town Hall for the Route 54 Planning Study from U.S. 113 to Road 58C.

I would encourage residents of both of these areas to attend these workshops.

3. Burning Ban

I have received a reminder from the Office of the State Fire Marshal that a 24-hour a day burning ban remains in effect for the entire State of Delaware. The ban, which went into effect on Tuesday, November 13, 2001, affects all outdoor burning, with the exception of charcoal or gas barbecue grills used for cooking purposes only.

4. Caroling on The Circle

On Monday, December 3, 2001, the Caroling on The Circle program was successful in raising 15,194 items of food to date. This food will be distributed among food pantries throughout Sussex County. We will still continue to collect food items up until Friday, December 21. Food items may be left at the County Administrative Building, 2 The Circle, Georgetown, or by calling 855-7743.

The Sussex County Mobile Home Tenants Association raised over 6,300 items of food; Georgetown Elementary, 944 items; North Georgetown Elementary, 435 items; Sussex Central High School, 700 items; Lewes Middle School, 1,189 items; and Sussex Correctional Institution, 2,500 items.

Adminis-
trator's
Report
(continued)

I would like to publicly thank Kay Dukes for her efforts in putting together, once again, an outstanding performance.

Committee members who have given unselfishly of their time to assure that we are able to outreach those who are in need in Sussex County include Bob Betts, Margaret Bradley, Rosio Florez, Gonzalo Martinez, Dale McDowell, Diana Pettyjohn, Susan Smart, Ray Webb, Richard King, and Jamie Hall.

Miller
Creek
Sanitary
Sewer
District

Mr. Stickels announced that the Sussex County Engineering Department will be conducting a referendum at the Lord Baltimore School, Route 26, Ocean View, Delaware on Saturday, December 8, 2001, from 8:00 a.m. to 2:00 p.m. The question to be voted on at the referendum will be "Do you support the creation of the Miller Creek Sanitary Sewer District?"

Old
Business/
C/U
No. 1423

Conditional Use No. 1423 filed on behalf of Skydive Delmarva, Inc. was discussed. The Sussex County Council held a Public Hearing on this application on November 13, 2001 at which time they deferred action and left the record open until December 4, 2001 for a report from the Planning and Zoning Department on the present status of the site in terms of compliance and non-compliance with County ordinances.

Mr. Lank, Director of Planning and Zoning, reported that the zoning violation was the campers and that if the Council approves this application, the campers will become legal upon approval of the site plan. Mr. Lank advised that on December 3, 2001 the Building Code Department did a final inspection and a Certificate of Occupancy was issued for the improvements to the hangar that was used for the purpose of creating changing rooms for the operation "Skydive Delmarva".

M 704 01
Adopt
Ordinance
No. 1514
(C/U
No. 1423)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No.1514 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PARKING FOR TEN (10) MOBILE HOME CAMPERS/RV TRAILERS AS AN EXPANSION TO CONDITIONAL USE NO. 869 (EXPANSION OF EXISTING AIRPORT FACILITY) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 52 ACRES, MORE OR LESS" (Conditional Use No. 1423) filed on behalf of Skydive Delmarva, Inc., with the following conditions:

1. The campers may be located on the site from April 1st to November 30th.
2. The use of the campers is to be strictly limited to instructors and pilots.
3. The maximum number of campers shall not exceed ten (10).
4. There shall be no more than one family per camper.

M 704 01
(continued)

5. The camper holding tanks shall be required to be pumped out by private waste haulers and properly disposed of off-site.
6. If the jump school no longer exists, the right to maintain the campers shall become void.
7. The type of campers shall be limited to legally licensed recreational vehicle type trailers which are allowed to be transported without special licenses.
8. The applicant shall provide screening of the camper area, to be approved with the site plan.
9. All spacing shall be in compliance with the Office of the State Fire Marshal regulations.
10. The application shall be subject to periodic inspections by the Planning and Zoning Department staff. If any violations of the stipulations are found, the application may become void.
11. No decks, additions, or accessory buildings will be permitted.
12. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, 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 will help serve the recreational business on-site while serving the recreational convenience of the residents and visitors in the area, consistent with the purposes and goals of the Comprehensive Land Use Plan, without adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Appeal/
Subdivision
Application/
Gary
Watson

Mr. Dukes advised that he would not be participating in the discussion on Subdivision No. 2001-7, an application of Gary Watson.

The County Council discussed an appeal of the Sussex County Planning and Zoning Commission's decision to deny an application of Gary Watson for the subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred, by dividing 41.86 acres into 37 lots, located north of Road 465, 2,340 feet west of Road 479.

Appeal/
Subdivision
Application
(continued)

The County Council held a Public Hearing on this appeal on August 28, 2001 at which time they deferred action pending further review of the record.

Mr. Bayard advised that based on his review of the record, the statement of reasons for denial is insufficient. Mr. Bayard recommended that Council remand this matter back to the Planning and Zoning Commission with instructions to better articulate its reasons for denying the application.

Mr. Bayard noted that the County Council amended the Subdivision Ordinance to outline seventeen criteria for decisions on subdivision applications and that if the amended subdivision ordinance is applied to this application in the Commission's reasons for denial, then the County Council will be in a position to decide the appeal.

M 705 01
Remand
Decision/
Appeal/
Subdivision
Application/
Gary
Watson

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council remand the matter of the appeal on Subdivision No. 2001-7 (an application of Gary Watson) with instructions that the Planning and Zoning Commission provide a more detailed analysis of their reasons for denial.

Motion Adopted: 5 Yea.

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

Addendum
to
M 705 01

Mr. Phillips asked that the Director of Planning and Zoning Director inform the Commission that the Council's action does not imply that the Council disagrees with their findings, but rather the Council feels that it is necessary to provide a more detailed analysis of their reasons for denial for the purpose of providing the appropriate legal findings for the decision.

Long
Neck
Flood
Mitigation
Project

Mr. Izzo, County Engineer, announced that the County has received a grant in the amount of \$215,250.00 from the Federal Emergency Management Agency (FEMA). Sussex County will be responsible for a 25% match in the amount of \$71,750.00. The grant will fund a project entitled "Sussex Sewer Mitigation Project" which will reduce the amount of storm water entering into the Long Neck Sanitary Sewer System that presently serves 5,100 homes on the Long Neck peninsula. Sussex County personnel will use these funds to install electronic equipment to monitor and remotely control 35 existing pumping stations. The ability to manipulate pumps during periods of heavy storm surge will greatly reduce the impacts of flood events.

M 706 01
Accept
FEMA
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department that a grant from the Federal Emergency Management Agency under FEMA Disaster 1297-DR-DE for the Sussex Sewer Mitigation Project be accepted in the amount of \$215,250.00.

Motion Adopted: 5 Yea.

M 706 01
(continued)

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

Mr. Stickels expressed his appreciation to Mike Izzo, Steve Hudson, Brad Hawkes, and Jeff James for their efforts in obtaining this grant funding.

Agenda
Item
Deferred

Mr. Izzo, County Engineer, referred to the agenda item entitled "Ellendale Sanitary Sewer District – Bid Award". Mr. Izzo advised that this matter requires further review and for this reason, will be placed on the December 11th agenda..

Proposed
South
Ocean
View
SSD

Mr. Archut, Assistant County Engineer, reported on the receipt of petitions pertaining to the Proposed South Ocean View Sanitary Sewer District: Seventy-eight (78) petitions were received of which sixty-one (61) were considered valid. Based on this information, Mr. Archut recommended that a Public Hearing be scheduled on the boundaries of the proposed district.

M 707 01
Set Public
Hearing
Date &
Time/
Proposed
South
Ocean
View SSD

A Motion was made by Mr. Cole, seconded by Mr. Jones, that based on the receipt of petitions submitted pursuant to 9 Del. C. §6503, the Sussex County Council hereby sets a date and time of February 9, 2002, at 9:00 a.m., for a Public Hearing on the boundaries of the Proposed South Ocean View Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 708 01
Youth
Activity
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$300.00, \$100.00 each from Mr. Jones', Mr. Dukes', and Mr. Phillips' Youth Activity Grant Accounts, to the Delaware Storm Softball Team for expenses.

Motion Adopted: 5 Yea.

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

M 709 01
Youth
Activity
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 from Mr. Jones' Youth Activity Grant Account to Woodbridge Pop Warner for expenses.

Motion Adopted: 5 Yea.

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

- Request The funding request from the Delaware Nature Society was deferred.
- M 710 01 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200.00,
Council- \$100.00 each from Mr. Phillips' and Mr. Jones' Councilmanic Accounts, to
Grant Sussex Central High School for Jessica Hudson's attendance at the FedEx Orange
Bowl Pre-Game Show in Miami, Florida with the National Cheerleading
Association.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea
- NACo Mr. Cole reported on the National Association of Counties Conference he
Conference recently attended in Sante Fe, New Mexico.
- M 711 01 At 10:52 a.m., a Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Recess recess until 11:00 a.m. Motion Adopted by Voice Vote.
- Reconvene Mr. Dukes called Council back into session at 11:00 a.m.
- Public A Public Hearing was held to consider extending the boundary of the Dagsboro-
Hearing/ Frankford Sanitary Sewer District (DFSSD) to include Delaware Avenue
Dagsboro- Extended, lying east of State of Delaware Route 113 and south of the Town of
Frankford, and being in Dagsboro Hundred, Sussex County, Delaware. Mr.
SSD/ Archut reported that Rural Development has advised that they will provide
Boundary seventy-five (75) percent grant funding for the project. Mr. Archut further
Extension reported that the County has already submitted an application to Rural
Development for this funding. There were no public comments and the Public
Hearing was closed.
- M 712 01 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Resolution
Adopt No. R 031 01 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF
R 031 01 THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD)
TO INCLUDE DELAWARE AVENUE EXTENDED, LYING EAST OF
STATE OF DELAWARE ROUTE 113 AND SOUTH OF THE TOWN OF
FRANKFORD, AND BEING IN DAGSBORO HUNDRED, SUSSEX
COUNTY, DELAWARE"
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea
- Letter Mr. Phillips proposed that a letter be sent to the Planning and Zoning
to P & Z Commission regarding the Council's decision to remand the Commission's
Commission decision on the subdivision application of Gary Watson.

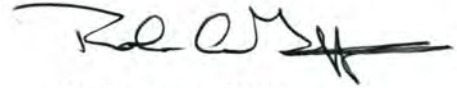
Letter
(continued)

Mr. Phillips read the letter in its entirety and it was the consensus of Council that the letter be sent.

M 713 01
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to adjourn at 11:07 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. A. Griffith', with a stylized flourish at the end.

Robin A. Griffith
Clerk of the Council