

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 5, 1995

Executive Session An Executive Session of the Sussex County Council was held Tuesday, December 5, 1995, at 9:00 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation. The Executive Session concluded at 9:35 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 5, 1995, 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 525 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated November 28, 1995. Motion Adopted by Voice Vote.

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

DELAWARE "WAVE" NEWSPAPER, BETHANY BEACH, DELAWARE.
RE: Invitation to a Christmas Open House on December 6, 1995.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: DNREC Air Quality Management Section Policy Memorandum.

SEAFORD HISTORICAL SOCIETY, SEAFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

THE PIONEER CLUB OF SUSSEX COUNTY/VISUALLY IMPAIRED, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

CONTACT DELAWARE, MILFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

AMERICAN CANCER SOCIETY, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

Corre-
spondence
(con't)

GERIATRIC SERVICES OF DELAWARE, INC., GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

POSSUM POINT PLAYERS, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

BOYS & GIRLS CLUB OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

JUNIOR ACHIEVEMENT OF DELAWARE, INC., DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

DELAWARE NATURE SOCIETY, MILFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

Grant
Request

Mr. Stickels, County Administrator, discussed a grant request in the amount of \$1,900.00 from the Dr. Martin Luther King, Jr. Celebration Committee. The grant request is for the purpose of funding the parade and banquet scheduled for January 13, 1996. Specifically, funds will be used for the keynote speaker's travel expenses, advertisement for the parade, and plaques and trophies.

M 526 95
Human
Service
Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$1,325.00 from Human Service Grants to the Dr. Martin Luther King, Jr. Celebration Committee for the parade and banquet scheduled for January 13, 1996.

Motion Adopted: 5 Yea.

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

M 527 95
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$175.00 from Mr. Cole's Councilmanic Account to the Dr. Martin Luther King, Jr. Celebration Committee for the parade and banquet scheduled for January 13, 1996.

Motion Adopted: 5 Yea.

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

Agreement with National E911 Consulting Services, Inc.

Mr. Stickels, County Administrator, discussed the hiring of National E911 Consulting Services, Inc., to assist the County in selecting a 911 mapping and addressing contractor. The following services would be provided under the Proposed Consultant Agreement:

1. National E911 Consulting Services, Inc. will review and grade all proposals received in response to the R.F.P.
2. A short list will be developed from all vendors submitting proposals for this project.
3. National E911 Consulting Services, Inc. will sit in on all presentations made by vendors from the short list to determine which firm is best qualified to perform the work on this project.
4. National E911 Consulting Services, Inc. will prepare a set of contract/specifications after all presentations have been made to ensure that the County will receive all services called for in a permanent E911 mapping and addressing program. These specifications will include all items to be shown in the E911 database for locating a caller unerringly during an emergency, along with all the items and services to be performed and delivered.

Additionally, the contract/specifications will also include the necessary protection for Sussex County, which will include proof of property damage, liability coverage, workmen's compensation and performance bond.

5. National E911 Consulting Services, Inc. will design the postal service list to include the information needed by this agency for change over from old to new addresses and for other agencies.
6. National E911 Consulting Services, Inc. will also design the database and all the items to be shown in it.
7. Additionally, National E911 Consulting Services, Inc. will recommend the drafting of County ordinances to protect the system after delivery, along with a maintenance procedure for updating purposes. Other related items and services will also be performed to ensure the permanence and success of this important program.

All of the above services will be provided by National E911 Consulting Services, Inc. for a fee of \$9,900.00.

M 528 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Execute that the Sussex County Council authorizes the Sussex County Agree- Council President to execute a Consultant Agreement with ment National E911 Consulting Services, Inc., in an amount not with to exceed \$9,900.00.

National E911 Consulting Services, Inc. Motion Adopted: 5 Yea.

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

Second Modification Agreement for MOU with DNREC Mr. Stickels, County Administrator, discussed a Second Modification Agreement for the Memorandum of Understanding between the Sussex County Council and the State of Delaware Department of Natural Resources and Environmental Control regarding the creation of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. This Second Modification to the Memorandum of Understanding pertains to the completion date of the Phase II expansion area, amending it to December 29, 1995.

M 529 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, that Execute the Sussex County Council authorizes the Sussex County Second Council President to execute a Memorandum of Understanding Modifi- between the Sussex County Council and the State of Delaware cation Department of Natural Resources and Environmental Control Agree- relating to the West Rehoboth Expansion of the Dewey Beach ment Sanitary Sewer District, Modification 2.

for MOU with DNREC Motion Adopted: 5 Yea.

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

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

1. Housing Rehabilitation Loans

The Delaware State Housing Authority has approximately \$3 Million in low-interest loan money for low to moderate income homeowners. Through the Authority's Neighborhood Revitalization Fund, eligible homeowners can borrow up to \$35,000 at three percent interest. The homeowners must live in low to moderate income targeted areas. Maximum income for a family in Sussex County to qualify for the program will be \$41,400.

Adminis-
trator's
Report
(con't)

The Housing Authority will be holding workshops in Sussex County on Monday, December 11, 1995, from 2:00 to 4:30 p.m. and 6:00 to 8:30 p.m. at Delaware Technical and Community College, Owens Campus, Room 529, Georgetown. Those who cannot attend the workshops can contact Mr. Ron Christopher at the Delaware State Housing Authority at 739-4263 or Mr. Bill Lecates, Sussex County Community Development and Housing Division, at 855-7777.

2. Carolling on The Circle

A reminder that Carolling on The Circle will take place Monday, December 11, 1995, at 7:00 p.m. on The Circle in Georgetown. This year's festivities appear to be as entertaining as ever. Mr. Brian Clark, impressionist and singer, will be Master of Ceremonies and will offer a selection entitled "Christmas Song." Other songs will be offered by Ms. Cathy Gorman, Ms. Alison White, Ms. Jan Donaway, Ms. Shelly Hudson, Ms. Anne Maloney, Mr. Kevin Short, Mr. Martin Chavez, Mr. Joe Dawson, and Mr. Derrick Layfield.

Attendees are requested to bring canned goods for the County's annual food drive. Individuals bringing food articles can be assured that their donations will be beneficial to Sussex County residents.

Change
Order

Mr. Green, Director of Utility Construction, discussed Change Order No. 3 to Contract E for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project.

M 530 95
Issue
Change
Order
No. 3,
Contract
E,
West
Rehoboth
Project

A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 3, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract E, Design Areas 5A and 21, to Teal Construction, Inc., for an amount of \$148,450.00, for the installation of Pump Station 227, and necessary appurtenances, serving Dove Knoll Sub-division not originally bid as a result of an unresolved Pump Station site, with an unrevised substantial completion date of December 28, 1995, and increasing this contract amount to \$1,881,169.96, contingent on the approval of Rural Economic and Community Development and Department of Natural Resources and Environmental Control.

M 530 95 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 Ordinance Mr. Dukes 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 57.99 ACRES, MORE OR LESS" (Change of Zone No. 1272) filed on behalf of Sussex Land Co. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.51 ACRES, MORE OR LESS" (Change of Zone No. 1273) filed on behalf of James R. Revell. 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 A TANNING SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.37 ACRES, MORE OR LESS" (Conditional Use No. 1143) filed on behalf of Shirley A. Sato. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 1144) filed on behalf of Lester Moyer. 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 EXPANSION TO CONDITIONAL USE NO. 333 (OFFICE, WAREHOUSE AND RETAIL SALES) BY ADDING PROFESSIONAL SERVICES AND GENERAL REPAIR INCLUDING RECONDITIONING OF COMMERCIAL BEARINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.97 ACRES, MORE

Proposed OR LESS" (Conditional Use No. 1145) filed on behalf of
Ordinance Preston Louis McIlvaine. The Proposed Ordinance will be
(con't) advertised for Public Hearing.

Proposed Mr. Collins introduced the Proposed Ordinance entitled
Ordinance "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ONE (1) MINI-
STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF
LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX
COUNTY, CONTAINING 30,474 SQUARE FEET, MORE OR LESS"
(Conditional Use No. 1146) filed on behalf of Sandra
Gordon. The Proposed Ordinance will be advertised for
Public Hearing.

M 531 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$300.00, \$200.00 from Mr. Stevenson's Councilmanic
manic Account and \$100.00 from Mr. Collins' Councilmanic Account,
Grant to Sussex Central Wrestling Boosters for operating expenses.

Motion Adopted: 5 Yea.

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

M 532 95 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Council- give \$500.00 from Mr. Benson's Councilmanic Account to
manic Casa San Francisco for the after-school program.
Grant

Motion Adopted: 5 Yea.

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

M 533 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Collins' Councilmanic Account to
manic the Town of Delmar for the Town's Street Sign Replacement
Grant Project.

Motion Adopted: 5 Yea.

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

M 534 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$100.00, \$50.00 from Mr. Collins' Councilmanic
manic Account and \$50.00 from Mr. Dukes' Councilmanic Account,
Grant to Laurel High School for Beth Parker's attendance at the

M 534 95 National Youth Leadership Forum on Defense, Intelligence
(con't) and Diplomacy in Washington, D.C.

Motion Adopted: 5 Yea.

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

Recess At 11:05 a.m., Mr. Dukes declared a recess until 1:30 p.m.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Public Hearing (C/U No. 1138) 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 A CRAFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.81 ACRES, MORE OR LESS" (Conditional Use No. 1138) filed on behalf of D & S Country Crafts. There were no public comments. The Public Hearing was closed.

M 535 95 Adopt Ordinance No. 1066 (C/U No. 1138) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 1066 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CRAFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.81 ACRES, MORE OR LESS" (Conditional Use No. 1138) filed on behalf of D & S Country Crafts, with the following stipulations:

1. All necessary permits shall be obtained before any construction begins.
2. Only one unlit sign, not to exceed 32 square feet per facing, is permitted on the site.
3. No outside displays of goods, wares or other products for sale are permitted.
4. Hours of operation shall be limited to 9 a.m. to 5 p.m., Monday through Saturday only.
5. The final site plan shall be subject to review and approval of Planning and Zoning.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, 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 have no adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
2. The proposed use is not inconsistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U No. 1139) 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 NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.39 ACRES, MORE OR LESS" (Conditional Use No. 1139) filed on behalf of John W. Scott. Public comments were heard and the Public Hearing was closed.

M 536 95 Adopt Proposed Ordinance (C/U No. 1139) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt 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 NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.39 ACRES, MORE OR LESS" (Conditional Use No. 1139) filed on behalf of John W. Scott.

Motion Denied: 5 Nay.

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

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

Public Hearing/ Highway Corridor Overlay Zone A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ADD A NEW SECTION CREATING A HIGHWAY CORRIDOR OVERLAY ZONE". Public comments were heard, including but not limited to, the following concerns:

- o There is no provision for odd shaped lots.
- o There is no grandfather provision.

Public
Hearing
(con't)

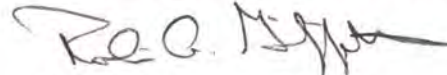
- o Landscape requirements will cause safety problems.
- o The Ordinance will result in the taking of some property.
- o There should be approved uses of the buffer area.

Following a lengthy discussion, it was the consensus of Council to recess on this issue and to reconvene at a later date. The record was left open until such time as the County Council reconvenes on this issue. Additional comments will be solicited, possibly by way of a workshop and/or SCAT meeting. Specifically, comments will be solicited from the western side of the County. Comments heard at the Public Hearing and further comments received will be considered for the second draft of the Proposed Ordinance.

Draft Proposed Ordinance Mr. Stickels, County Administrator, advised that a Proposed Ordinance creating a C-2 District is in the process of being drafted.

M 537 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Adjourn to adjourn at 4:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council