

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 8, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 8, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George B. Cole	Member
George J. Collins	Member
William D. Stevenson, Sr.	Member

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

Absence President Dukes advised that Councilman Benson's absence was due to his being ill.

M 517 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Approve approve the minutes of the previous meeting dated December 1,
Minutes 1992. Motion Adopted by Voice Vote.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, PHILADELPHIA, PA
RE: Sussex County Landfill #5, Superfund Site, Laurel.

KENT-SUSSEX INDUSTRIES, INC., MILFORD
RE: November edition of newsletter entitled "KSI News".

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PA
RE: Public Notice soliciting comments and recommendations from the public concerning the issuance of a Department of the Army permit to Anchor Way, Incorporated.

MARY, C. BYRD, AMERICAN RED CROSS, WILMINGTON
RE: Appreciation for \$1,000.00 contribution for the National Red Cross Disaster Relief Campaign.

TIL PURNELL, LEAGUE OF WOMEN VOTERS OF SUSSEX COUNTY, MILLSBORO
RE: Appreciation for funding provided for booklet.

GREGORY FERRESE, CITY OF REHOBOTH BEACH, REHOBOTH BEACH
RE: Appreciation for \$700.00 contribution towards the playground for Silver Lake Park.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT". The Proposed Ordinance was prepared by Dennis Schrader, Assistant County Attorney, and is based on the findings of Randall Arendt. The Proposed

Proposed Ordinance will be advertised for Public Hearing. Mr. Stickels, County Administrator, advised that a workshop will be held prior to the Public Hearings on the Proposed Ordinance. The workshop is scheduled for Wednesday, January 13, 1993, at 1:30 p.m., at the Emergency Operations Center in Georgetown.

Agenda The agenda item entitled "Non-conforming Setbacks" was tabled.

Insurance Consultant Selection David Baker, Finance Director, discussed the insurance consultant selection. The Insurance Buyers' Council, Inc. was awarded the bid in 1984 and in 1987 and 1989 the contract was awarded by letter. Based upon the past history of service and the fact that the Insurance Buyers' Council, Inc. has the County's insurance history, Mr. Baker requested permission that Insurance Buyers' Council, Inc. be engaged again for all insurance coverage for the period April 30, 1993, to June 30, 1996. Terms of the agreement include an hourly rate of \$105.00, with a maximum of \$9,975.00 annually, plus travel expenses.

M 518 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Insurance Buyers' Council, Inc., be engaged to provide a Competitive Quotation Procedure for all insurance coverage for the period April 30, 1993, to June 30, 1996, at a hourly rate of \$105.00, with a maximum of \$9,975.00, plus travel expenses.

Motion Adopted: 4 Yea, 1 Absent.

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

Lease Agreement Angola Landfill Site Mr. Stickels, County Administrator, discussed a lease agreement between Layton H. and Elizabeth B. Hart and the County which commenced on May 27, 1969, and expires on May 27, 1994. The lease agreement is for lands known as the Angola landfill site. Mr. Stickels recommended that the County begin negotiations with the current landowners to purchase the land.

M 519 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Negotiate Purchase Angola Landfill Site Sussex County Council authorizes the Sussex County Administrator to negotiate for the purchase of lands leased to house the Angola landfill and adjoining lands, and be it further moved that the Sussex County Council authorizes the expenditure of funds from the Transfer Station Department's line item 74, Programs and Projects, to pay for the expenditures for a real estate appraisal of the aforementioned lands.

Motion Adopted: 4 Yea, 1 Absent.

M 519 92 (con't) Vote by Roll Call: Mr. Benson, Absent; 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. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

A pre-bid meeting will be held starting at 11:00 a.m. on Friday, December 11, 1992, in Room 529 of the Higher Education Building at the Georgetown Campus of Delaware Technical and Community College. The purpose of the meeting will be to discuss specifications and drawings for the design/build proposal for the wastewater treatment and land applied spray irrigation facility. To date, 25 bidders have bought plans and specifications and shown interest in this project.

2. Dog Control

Notification has been received from Edwin H. Clark, II, Secretary of the Department of Natural Resources and Environmental Control, that his department has recommended that the State's responsibility for dog control activities for FY '94 be transferred to each of the three Counties. It has been projected that \$159,600 will be required to fund the continuation of the existing contract with Delaware SPCA for Sussex County. The contract will provide two agents, sheltering, humane care, and disposal services. The County is projected to collect \$17,400 in license fees and fines, and will receive \$68,200 in State support. The net impact to Sussex County, therefore, is projected to be \$74,000.

A complete report will be prepared for the Council with alternatives to recover costs in the near future.

Library Carol Fitzgerald, County Librarian; Christel Shumate, County
Based Library Department; Nancy Short, County Library Department; and
Family Anne Child, Sussex County Literacy Program Coordinator, were
Literacy present to update the Council on the Library's efforts to reduce
illiteracy. Projects to reduce illiteracy include Project READS,
P.A.R.T.Y. (Parents Actively Reading to Youth), and AOK. Project
READS provides one-on-one reading tutorial for adults. P.A.R.T.Y.
was a program that encouraged parental involvement in reading
related activities with their children. P.A.R.T.Y. was recog-
nized as a model library program. AOK is a library based family
literacy outreach program developed to involve parents and their
children in the joys of books and reading together. Council

Library Based Family Literacy (con't) viewed a video tape entitled "Close to Home: Library-Based Family Literacy", an instructional video for library-based family literacy programs furnished by the Bell Atlantic/ALA Family Literacy Project. Libraries in Sussex County as well as County employees were featured in the video. At the conclusion of the presentation, books were given to Nancy Short for the "Books for Tots" program. President Dukes expressed appreciation to the library staff for their efforts.

Public Hearing A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE DAGSBORO/FRANKFORD SANITARY SEWER SYSTEM; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Public Hearing was closed.

M 520 92 Adopt Ordinance No. 867 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 867 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE DAGSBORO/FRANKFORD SANITARY SEWER SYSTEM; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 4 Yea, 1 Absent.

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

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 USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.80 ACRES, MORE OR LESS" (C/U #1024) filed on behalf of R & R Wholesales. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PUBLIC WATER UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8,385 SQUARE FEET, MORE OR LESS" (C/U #1025) filed on behalf of Hocker Farm Limited Partnership. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL

Proposed Ordinance (con't) OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 40.53 ACRES, MORE OR LESS" (C/Z #1182) filed on behalf of Anne L. Henry-Allen, Robert W. Grossman, et.ux., and Norris T. Hudson, et.ux. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 24,571.7 SQUARE FEET, MORE OR LESS" (C/Z #1183) filed on behalf of Peninsula Oil Company, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 521 92 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$100.00 from Mr. Cole's Councilmanic Account to Brownie Troop 1172, Ocean View, to help fund a needy family project.

Motion Adopted: 4 Yea, 1 Absent.

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

M 522 92 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Sussex Central Baseball Boosters for the purchase of equipment, camps, and special instruction for the players.

Motion Adopted: 4 Yea, 1 Absent.

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

M 523 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$300.00 from Mr. Benson's Councilmanic Account to the Seashore Striders.

Motion Adopted: 4 Yea, 1 Absent.

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

M 524 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$700.00 from Mr. Collins' Councilmanic Account to the Town of Delmar for their street sign project.

M 524 92 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

Paramedic Mr. Stickels, County Administrator, advised that the Sussex
Needy County paramedics are collecting food in an effort to assemble
Family holiday meals for distribution to needy families across the
Food County. Their goal is to put together twenty meals, one to
Drive be delivered by each crew in their response areas. The project
is being coordinated by Paramedic Kirk Miller.

M 525 92 At 11:30 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

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

Public A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR MANUFACTURED HOME SALES
#1022 AND DISPLAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING
1.22 ACRES, MORE OR LESS" (C/U #1022) filed on behalf of Mid-
Atlantic Realty Management". The Public Hearing was closed.

M 526 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Adopt Ordinance No. 868 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 868 DISTRICT FOR MANUFACTURED HOME SALES AND DISPLAY TO BE
With LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN
Stipula- RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR
tions LESS" (C/U #1022) filed on behalf of Mid-Atlantic Realty
Management, with the following stipulations:

1. The display be limited to three (3) units.
2. The display be pursuant to the site plan submitted at the public hearing.
3. There be no expanded signage.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact The findings of fact and the recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed conditional use is of a public or semi-public character and is essential and desirable for the general convenience and welfare.

Public Hearing C/U #1023 A Public Hearing for Conditional Use No. 1023, entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE SALE OF MOTOR VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39,027 SQUARE FEET, MORE OR LESS" (C/U #1023) filed on behalf of William Turpin, was not held due to the failure of the applicant, or agent on behalf of the applicant, to appear.

M 527 92 Adopt Proposed Ordinance C/U #1023 Denied A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE SALE OF MOTOR VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39,027 SQUARE FEET, MORE OR LESS" (C/U #1023) filed on behalf of William Turpin.

Motion Denied: 4 Nay, 1 Absent.

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

Findings of Fact The findings of fact and the recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that no persons appeared to present evidence to support the application. The Council denied the requested conditional use, finding that no evidence was submitted at the County Council hearing to support the proposed conditional use; that the proposed use was of a commercial nature, in the midst of a residential area; and no evidence was shown of a need for the requested conditional use. The Council also found that, pursuant to Section 115-216(f) of the Sussex County Code, no substantially similar petition shall be considered sooner than one year from December 8, 1992.

Public Hearing C/Z #1177 A Public Hearing was held on a 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 28.29 ACRES, MORE OR LESS" (C/Z #1177) filed on behalf of Ruth B. Adams and Thurman Adams, Jr. The Public Hearing was closed.

M 528 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Adopt Ordinance No. 869 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
No. 869 CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 28.29
ACRES, MORE OR LESS" (C/Z #1177) filed on behalf of Ruth B.
Adams and Thurman Adams, Jr.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact The findings of fact and the recommendations of the Planning
and Zoning Commission were incorporated into the record. The
County Council found that the change of zone is in accordance
with the Comprehensive Development Plan and promotes the health,
safety, morals, convenience, order, prosperity and welfare of
the present and future inhabitants of Sussex County. The County
Council found that the proposed rezoning complies with the
Western Sussex Land Use Plan. The County Council found that the
proposed rezoning is in conformity with other C-1 Commercial
zoning on Route 13.

Public Hearing A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A HR-2
#1178 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING
6.35 ACRES, MORE OR LESS" (C/Z #1178) filed on behalf of John E.
Schade, et.ux. and William B. Warrington, et.ux. The Public
Hearing was closed and action was deferred.

Public Hearing A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1
#1179 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING
2.37 ACRES, MORE OR LESS" (C/Z #1179) filed on behalf of James
A. Martin and Ovida D. Martin. The Public Hearing was closed.

M 529 92 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adopt to Adopt Ordinance No. 870 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
No. 870 CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL
C/Z DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTH-
#1179 WEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.37 ACRES, MORE
OR LESS" (C/Z #1179) filed on behalf of James A. Martin and
Ovida D. Martin.

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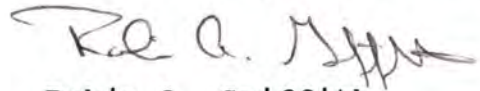
M 529 92 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

Findings of Fact The findings of fact and the recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

M 530 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Adjourn adjourn at 3:38 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council