

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 20, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 20, 1994, 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 530 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated December 20, Minutes 1994. Motion Adopted by Voice Vote.

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

UNDERGROUND STORAGE TANK BRANCH, DIVISION OF AIR AND WASTE MANAGEMENT, DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, NEW CASTLE, DELAWARE.

RE: Quarterly newsletter entitled "Think Tank".

LETA COOPER AND BEVERLY ROUPP, FAMILIES IN CRISIS, DELAWARE TECHNICAL AND COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

RE: Appreciation for Human Service Grant.

ROGER CLARK, DELAWARE HOSPICE, GEORGETOWN, DELAWARE.

RE: Appreciation for Human Service Grant.

KATE COWPERTHWAIT, NATIONAL MULTIPLE SCLEROSIS SOCIETY, LEWES, DELAWARE.

RE: Appreciation for Human Service Grant.

ANDRE' BEAUMONT, POSSUM POINT PLAYERS, GEORGETOWN, DELAWARE.

RE: Appreciation for Human Service Grant.

MARY GLICK, FOOD BANK OF DELAWARE, NEWARK, DELAWARE.

RE: Appreciation for Human Service Grant.

JULIE A. CHELTON, TOWN ADMINISTRATOR, TOWN OF BLADES, BLADES, DELAWARE.

RE: Letter to Mr. Stickels advising that the Blades Town Council is interested in participating with the County in obtaining a Community Development Block Grant for Blades.

GUY C. HUDSON, SUSSEX COUNTY FIRE CHIEFS' ASSOCIATION, SUSSEX COUNTY, DELAWARE.

RE: Letter to Mr. Stickels advising that the Sussex County Fire Chiefs' Association is opposed to the Ordinance pertaining to open burning.

- Open Burning Ordinance A discussion was held regarding the letter from the Sussex County Fire Chiefs' Association in opposition to the Ordinance pertaining to open burning. Mr. Stickels, County Administrator, and Mr. Lank, Director of Planning and Zoning, will meet with the officials from the Association to discuss the Ordinance.
- Presentation of Book to Libraries Mr. Stickels, County Administrator, advised Council that the County has purchased a copy of the book Schroeder: A Man and His Art for each public library. The book, created by John Schroeder as a tribute to his father Howard Schroeder, details the artist's life and his paintings, sketches and drawings that span more than a half-century of work. John Schroeder was in attendance to present a copy of the book to Ms. Carol Fitzgerald, County Librarian.
- Certificate of Appreciation Mr. Dukes presented a Certificate of Appreciation to Margaret T. Monaco for devotion, loyalty, and excellence in serving Sussex County on the Planning and Zoning Commission from May 27, 1986, to December 31, 1994.
- Certificate of Appreciation Mr. Dukes presented a Certificate of Appreciation to Howard A. Clendaniel for devotion, loyalty, and excellence in serving Sussex County as Register of Wills from January 3, 1991, to January 3, 1995.
- Certificate of Appreciation Mr. Dukes presented a Certificate of Appreciation to Dallas D. Green for devotion, loyalty, and excellence in serving Sussex County as Recorder of Deeds from January 3, 1991, to January 3, 1995.
- Certificate of Appreciation Mr. Dukes presented a Certificate of Appreciation to William L. Jones for devotion, loyalty, and excellence in serving Sussex County as Deputy Sheriff from January 6, 1981, to January 3, 1983, and Sheriff from January 3, 1985, to January 3, 1995.
- 1994 Volume Cap Allocation Mr. Stickels, County Administrator, discussed the reassignment of \$13,000,000 of the 1994 Volume Cap Allocation, as approved at the December 13, 1994, Council meeting. At that meeting, Council voted to reserve \$2,000,000 of the \$15,000,000 allocation for the First State Poultry Project. Mr. Stickels advised that the closing for the First State Poultry Project will not take place before year end. For this reason, Mr. Stickels recommended that the Sussex County Council authorize the reassignment of the remaining \$2,000,000 of the 1994 Volume Cap Allocation, as requested by the State of Delaware Secretary of Finance.
- M 531 94 Authorize Reassignment A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the reassignment of the remaining \$2,000,000 of the 1994 Volume Cap Allocation, as requested by the State of Delaware Secretary of Finance; and be it further moved that the unused volume cap be carried

M 531 94 forward for the purpose of issuing single family mortgage
(con't) revenue bonds by the Delaware State Housing Authority.

Motion Adopted: 5 Yea.

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

New
County
Adminis-
tration
Building
Update

Mr. Stickels, County Administrator, and Mr. Archut, Director of Planning and Permits, provided Council with an update on the new County Administration Building:

- o The design of the interior of the building is currently underway and details are being finalized.
- o The bidding process is scheduled to begin in January.
- o The Community Development Office and the Paramedics are in the process of vacating the Goslee Building.
- o Demolition of the Goslee Building is to be scheduled.

Council was advised of the two variances (height and parking) required from the Georgetown Board of Adjustment for the project. The variance on the height of the proposed building has been approved; however, the parking variance has not been approved. The Board of Adjustment is concerned about the number of available parking places and has asked the County to address these concerns. Mr. Archut will compose a letter addressing the Board's parking concerns. The letter will be reviewed by the County's legal counsel.

Adminis-
trator's
Report

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

1. Bridgeville Collection Station

The Delaware Solid Waste Authority will be hosting a special opening ceremony on Wednesday, December 21, 1994, at 10:00 a.m., at the new Bridgeville Collection Station. Included in the report was a copy of the announcement from the Solid Waste Authority, which includes a map showing the location of this site off of Road 576.

2. Troop 4 Status Report - November

The following hours of duty and enforcement were compiled by the uniformed officers of Troop 4, Georgetown, Delaware, during the month of November:

Adminis- trator's Report (con't)	Total Hours on Duty	3,311
	Hours Assisted Other Agencies	27.5
	Total Traffic Arrests	761
	Total DUI Arrests	30
	Accident Reports: Property Damage	63
	Personal Injury	<u>14</u>
	Total Accident Reports	77
	Criminal Arrests: Felony	41
	Misdemeanor	<u>125</u>
	Total Criminal Arrests	166
Total 10-29 P's (Wanted Persons)	34	
Total Number of Complaints	527	

In addition to the duty and enforcement, the troop also participated in hosting 150 students from the Selbyville Middle School on a tour of their facility. Officers from Troop 4 attended a Dagsboro/Frankford town meeting to discuss the police presence and role in their communities. Corporal Lewis Briggs represented the troop at an Ellendale town meeting to discuss and present the Neighborhood Watch Program.

3. Carolling on The Circle

Lord Baltimore Elementary School finished first among all the schools in donating 911 items of food for the Carolling on The Circle Food Drive. Sussex Central Senior High School placed first with 617 items of food at the high school level, and Sussex Central Middle School finished first with 605 items for the middle school and junior high category. Georgetown Elementary School finished second overall with a donation of 900 items of food. In addition to the schools previously mentioned, items of food were also received from Lewes Middle School, Laurel Senior High School, Milford High School, Laurel Little League, and County employees.

The County Council will give special recognition to Lord Baltimore Elementary School, Georgetown Elementary School, Sussex Central Senior High School, and Sussex Central Middle School at a regularly scheduled Council meeting in January.

4. Council Meeting Schedule

This will be the last meeting of calendar year 1994 for the County Council. There will not be a meeting between Christmas and New Year's Day. The next meeting will be held on Tuesday, January 3, 1995, at 10:00 a.m. There will be swearing in of new County officeholders at 9:30 a.m. in Superior Court.

M 532 94 DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
(con't) GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.55 ACRES,
MORE OR LESS" (Change of Zone No. 1185) filed on behalf of
JLJ Enterprises, Inc.

Motion Denied: 5 Nay.

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission are incorporated into the record. The Council found that the proposed change of zone is not in compliance with the Comprehensive Development Plan, the Western Sussex Land Use Plan, and does not promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County. Particularly, in support of its denial, the Council found that the proposed rezoning could set a precedence for future applications for commercial rezoning in an area that is predominantly agricultural and residential. The Council found that the intended use, sale and reconditioning of machinery and equipment would not be compatible to the residential character of the area.

Old Business C/Z No. 1240 Change of Zone No. 1240 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY DISTRICT TO A MR/RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 83.60 ACRES, MORE OR LESS" filed on behalf of Indian River Associates, Inc., was discussed. A Public Hearing was held on this application on October 11, 1994, at which time the Public Hearing was closed and action was deferred. Mr. Cole did not participate in the discussion of this application.

M 533 94 Adopt Ordinance No. 1000 (C/Z No. 1240) A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 1000 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY DISTRICT TO A MR/RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 83.60 ACRES, MORE OR LESS" (Change of Zone No. 1240) filed on behalf of Indian River Associates, Inc., with the following stipulations:

1. The maximum number of units shall not exceed 113 units. All units shall be single family detached dwellings. No multi-family dwelling structures shall be permitted.
2. On-site central wastewater treatment facilities shall be provided. The design and location of the facilities shall be subject to review and approval of the State DNREC and the Sussex County Engineering Department.

M 533 94
(con't)

3. Central water shall be provided. The design and location shall be subject to review and approval of the State DNREC, the Office of the State Fire Marshal, the Division of Public Health, and the Sussex County Engineering Department.
4. Filling and restoration of existing lagoons shall be subject to review and approval of the appropriate sections of the State DNREC and the U.S. Army Corps of Engineers.
5. Access to all lots, units, recreational areas, amenity areas, wastewater treatment facilities, and boat launch areas shall be from the interior of the project only.
6. All pavement sections within street right of ways and driveways shall be a minimum width of 25 feet.
7. There shall be no commercial uses within the RPC Residential Planned Community.
8. No burning of materials cleared on the site shall occur between April 1st and October 1st of each year.
9. Site plans shall be subject to review and approval of the Planning and Zoning Commission. Final site plans shall not be considered until all appropriate agency permits and/or approvals have been received by the Office of the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole Abstained;
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 are incorporated into the record. The Council found that the change of zone to MR Medium Density Residential and RPC-Residential Planned Community are appropriate legislative action. The Council found that the proposed use is consistent with the purpose of MR Medium Density Residential and RPC Residential Planned Community designations. The Council found that the area is development oriented with numerous MR Medium Density Residential subdivisions including subdivisions directly across Road 351 from the site. The Council found that the application is in accordance with the Coastal Sussex Land Use Plan including its location in the Development District, conformity to the map, and use of the RPC designation. The Council found that the proposal poses no negative effect on agriculture. The Council found that no adverse impact would result on the environment or traffic, that adequate medical, educational and services are available, and that a positive impact on

Findings of Fact (con't) the economy should result from employment and taxation. The Council based its findings on testimony and evidence presented by the applicant, agency comments, and the recommendations of the Planning and Zoning Commission.

Agenda Item The agenda items Change of Zone No. 1234 and Conditional Use No. 1081 were tabled.

Old Business C/U No. 1087 Conditional Use No. 1087 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR AUCTION, FARM EQUIPMENT SALES, NEW AND USED INDOOR/OUTDOOR AUCTION ITEMS, FARMERS MARKET AND AUCTION, WHOLESALE AND RETAIL, RESTAURANT AND SNACK BARS, ASSEMBLY HALL, STORAGE AND WAREHOUSING, TENT SALES AND PARKING AREA, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.39 ACRES, MORE OR LESS" filed on behalf of David L. Wilson, was discussed. A Public Hearing was held on this application on September 13, 1994, at which time the Public Hearing was closed and action was deferred. Mr. Cole did not participate in the discussion of this application.

M 534 94 Adopt Ordinance No. 1001 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 1001 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR AUCTION, FARM EQUIPMENT SALES, NEW AND USED INDOOR/OUTDOOR AUCTION ITEMS, FARMERS MARKET AND AUCTION, WHOLESALE AND RETAIL, RESTAURANT AND SNACK BARS, ASSEMBLY HALL, STORAGE AND WAREHOUSING, TENT SALES AND PARKING AREA, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.39 ACRES, MORE OR LESS" (Conditional Use No. 1087) filed on behalf of David L. Wilson, with the following conditions:

1. The use shall be restricted to automotive sales, and the sale of farm equipment, construction equipment, boats and boat trailers, and farm related items.
2. Warehousing shall be permitted.
3. No outdoor storage shall be permitted, except for items offered for sale. Items offered for sale shall be removed within 72 hours of their first offering.
4. A minimum building setback of 100 feet shall be provided from any residential lot.
5. A minimum building setback of 200 feet shall be provided from any residential use.
6. Appropriate fencing and/or screening shall be provided where deemed necessary by the Planning and Zoning Commission during the site plan review process.

M 534 94
(con't)

7. Auction hours shall be no earlier than 7:00 a.m. and no later than 11:00 p.m., Monday through Saturday, with no Sunday auctions.
8. Security lighting shall be located so as not to impact adjoining residential uses or motorists traveling along U.S. Route 113.
9. Site plans, including location and design of any outdoor sound system, shall be subject to review and approval of the Planning and Zoning Commission.
10. Final site plans shall not be considered until all appropriate agency permits and/or approvals have been received by the Office of the Planning and Zoning Commission.

Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.

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

Findings
of Fact

The findings of fact of the Planning and Zoning Commission are incorporated into the record. The Council found that the proposed Conditional Use promotes the health, safety, morals, convenience, order, prosperity and general welfare for the present and future inhabitants of Sussex County. The Council found that the use will not negatively impact traffic. The Council found that the use meets the purpose of the Zoning Ordinance for a Conditional Use type of application. The Council found that the use is of a semi-public character and benefits the residents of Sussex County and surrounding areas. The Council found that support was demonstrated for a more modern auction facility. The Council found that access to the site is from a major corridor highway and that the Department of Transportation has granted entrance approval.

M 535 94
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$150.00 from Mr. Cole's Councilmanic Account to Lord Baltimore Elementary School for a needy family at Christmas.

Motion Adopted: 5 Yea.

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

M 536 94
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$400.00, \$200.00 from Mr. Benson's Councilmanic Account and \$200.00 from Mr. Stevenson's Councilmanic Account, to the Miss Georgetown Scholarship Pageant to be used for college educational expenses.

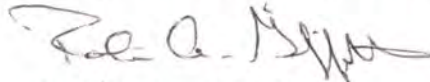
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M 536 94 Motion Adopted: 5 Yea.
(con't)

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

M 537 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adjourn adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council