

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 4, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, January 4, 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 001 94      A Motion was made by Mr. Benson, seconded by Mr. Collins, that Dale R. Dukes be nominated to serve as President of the Sussex County Council for the year 1994. Motion Adopted by Voice Vote.

M 002 94      A Motion was made by Mr. Benson, seconded by Mr. Collins, that nominations for President of the Sussex County Council be closed. Motion Adopted by Voice Vote.

M 003 94      A Motion was made by Mr. Benson, seconded by Mr. Collins, that Dale R. Dukes be elected to serve as President of the Sussex County Council for the year 1994. Motion Adopted by Voice Vote.

M 004 94      A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that George J. Collins be nominated to serve as Vice President of the Sussex County Council for the year 1994. Motion Adopted by Voice Vote.

M 005 94      A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that nominations for Vice President of the Sussex County Council be closed. Motion Adopted by Voice Vote.

M 006 94      A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that George J. Collins be elected to serve as Vice President of the Sussex County Council for the year 1994. Motion Adopted by Voice Vote.

M 007 94      A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated December 21, 1993. Motion Adopted by Voice Vote.

Corre-      Mr. Bayard, County Attorney, read the following correspondence:  
spondence      INEZ KENT, HOMEBOUND ELDERLY REHABILITATIVE OPPORTUNITIES, INC.,  
DOVER.  
RE: Appreciation for Human Service Grant.

Corre- ESTHER B. GIVENS, FIRST STATE COMMUNITY ACTION AGENCY, INC.,  
spondence GEORGETOWN.  
(con't) RE: Appreciation for Human Service Grant.

SALLY RICKARDS, PYLE CHILD DEVELOPMENT CENTER, FRANKFORD.  
RE: Appreciation for Human Service Grant.

E. JEAN TUCKER, PARENT EARLY EDUCATION CENTER, REHOBOTH.  
RE: Appreciation for Human Service Grant.

KATHLEEN KEUSKI, MEALS ON WHEELS OF LEWES & REHOBOTH, LEWES.  
RE: Appreciation for Human Service Grant.

JUDI TULAK, DELAWARE HOSPICE, GEORGETOWN.  
RE: Appreciation for Human Service Grant.

JEAN WEST, GEORGETOWN.  
RE: Complimenting the Carolling on The Circle festivities.

ROBERT W. COY, JR., DIRECTOR, DELAWARE DEVELOPMENT OFFICE,  
DOVER.  
RE: Appreciation for assigning Sussex County's unallocated  
bond cap.

F. MATTHEW BLAINE, LAUREL.  
RE: Disadvantages of a County Police System.

Reassign- Mr. Stickels, County Administrator, and Mr. Calio, Director  
ment of of Economic Development and Industrial Airpark, discussed  
North the reassignment of a lease with North American Housing  
American Corporation to Shoffner Industries, Inc. of Burlington,  
Housing North Carolina. Shoffner Industries, Inc. is interested  
Corp. in leasing a portion of the land located in the Industrial  
Lease to Park, 7.5 acres, currently being leased by North American  
Shoffner Housing Corporation. The remaining acreage will continue to  
Indus- be leased by North American Housing Corporation. The North  
tries, American building, which has been vacant for three years,  
Inc. will be purchased by Shoffner Industries, Inc. Concern was  
expressed regarding the size of aircraft used by Shoffner  
Industries, Inc. Shoffner Industries, Inc. will be asked to  
commit to writing that the Company will not bring in any  
aircraft of a size larger than is recommended for the  
runway at the Sussex County Airport.

M 008 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, that  
Authorize the Sussex County Council authorizes the Sussex County  
Reassign- Council President to execute a Lease Agreement Reassignment  
ment of between Sussex County, a political subdivision of the State  
Lease of Delaware, North American Housing Corporation, and Shoffner  
Industries, Inc., for 7.5± acres as permitted in the original  
Lease Agreement of September 1, 1984.

M 008 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

Proposed Proclamation Mr. Bayard, County Attorney, read in its entirety a Proposed Proclamation entitled "PROCLAIMING TUESDAY, JANUARY 4, 1994, AS A DAY IN SUSSEX COUNTY TO HONOR THE DEVRIES BUSINESS AND PROFESSIONAL WOMEN'S CLUB".

M 009 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Proclamation 4, 1994, AS A DAY IN SUSSEX COUNTY TO HONOR THE DEVRIES BUSINESS AND PROFESSIONAL WOMEN'S CLUB".

Devries  
BPW  
Club

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, discussed the following  
trator's information in his County Administrator's Report:  
Report

1. Pension Fund Contribution

The Finance Department notified Mr. Stickels that they have made a deposit in the County Pension Fund in the amount of \$950,734. This is the largest contribution the County has made towards the employees' Pension Fund. Contributions of this size are anticipated for the next several years. Once contributions have been met to satisfy the recommendations of the Pension Fund actuary, the funding should level off in the future.

2. Sussex Conservation District Board of Supervisors Meeting

The County Council has been asked to meet with the Sussex Conservation District Board of Supervisors on Tuesday, January 25, 1994, at twelve noon at the Conservation District Office, 21 Shortly Road, Georgetown. Eric Buehl, District Coordinator, will give a presentation on programs the District is participating in. The Sussex County Council provides funding to the Conservation District in the amount of \$100,435 for FY '94.

SRF Loan Mr. Baker, Sussex County Finance Director; Mr. Karlsen,  
West Financial Officer of DNREC; and Mr. Deputy, Financial Analyst,  
Rehoboth DNREC, discussed the proposed terms for the State Revolving Fund

SRF Loan West Rehoboth (con't) Loan for the West Rehoboth Sewer Project. The State Revolving Fund Loan is in the amount of \$17,000,000; 23% of the estimated total project cost. The term of the loan is twenty years and will be used primarily for costs associated with construction. This financing will result in lesser costs for the West Rehoboth Sewer Project users.

Resolutions Mr. Baker, Finance Director, reviewed five Proposed Bank Resolutions listing the accounts of Sussex County Council.

M 010 94 Adopt Resolution No. R 001 94 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Resolution No. R 001 94 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 011 94 Adopt Resolution No. R 002 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 002 94 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR".

Motion Adopted: 5 Yea.

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

M 012 94 Adopt Resolution No. R 003 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 003 94 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 013 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt  
Adopt Resolution No. R 004 94 entitled "AUTHORIZING THE PAYMENT FROM  
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON  
tion No. BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES,  
R 004 94 PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER,  
FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED  
ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 014 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt  
Adopt Resolution No. R 005 94 entitled "AUTHORIZING THE PAYMENT FROM  
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE  
tion No. TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES,  
R 005 94 PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER,  
FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED  
ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Proposed Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN  
AR-1/RPC AGRICULTURAL RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY  
TO A MR-RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY FOR A  
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH  
HUNDRED, SUSSEX COUNTY, CONTAINING 90.01 ACRES, MORE OR LESS"  
(C/Z #1220) filed on behalf of Arnell Landing Development Corp.  
The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESI-  
DENTIAL DISTRICT FOR A TWO (2) LOT ADDITION TO AN EXISTING  
MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF  
LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CON-  
TAINING 1.04 ACRES, MORE OR LESS" (C/U #1064) filed on behalf  
of Destination Developments, Inc. The Proposed Ordinance will  
be advertised for Public Hearing.

Proposed Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESI-  
DENTIAL DISTRICT FOR A TWO (2) FAMILY DWELLING STRUCTURE TO BE  
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE

Proposed Ordinance (con't) CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.04 ACRES, MORE OR LESS" (C/U #1065) filed on behalf of Joseph Mast. 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A GO-CART TRACK (AMUSEMENT PLACE/RACETRACK) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.95 ACRES, MORE OR LESS" (C/U #1066) filed on behalf of Fun Sport, Inc. The Proposed Ordinance will be advertised for Public Hearing.

FHA Preapp- lication for Proposed Ellendale Sanitary Sewer District Mr. Archut, Director of Planning and Permits, updated the Council on the preapplication submitted to the Farmers Home Administration for grant/loan funding for the proposed Ellendale Sanitary Sewer District. The proposed project includes a wastewater collection, transmission, and treatment facility and has an estimated total cost of \$3,500,000. A response has been received from the Farmers Home Administration advising that the preapplication has been reviewed and they have determined that the proposal is eligible for funding. The response indicated several concerns, as follows: (1) the amount requested, (2) the projected and proposed user cost, and (3) the Town of Ellendale not being involved in the project. Farmers Home Administration and Rural Development Association will proceed with the application based upon the resolution of the Town's participation, the residents acceptance of the proposed annual user rate and possible State funding. Mr. Stickels, County Administrator, stated that talks will be initiated with the State regarding grant funding for this project.

M 015 94 Recess At 11:12 a.m., a Motion was made by Mr. Collins, seconded by Mr. Benson, 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.

Public Hearing (C/Z #1216) 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23,801 SQ. FT., MORE OR LESS" (C/Z #1216) filed on behalf of Clarence George Murray. The Public Hearing was closed.

M 016 94 Adopt Ordinance No. 946 (C/Z #1216) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 946 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23,801 SQ. FT., MORE OR LESS" (C/Z #1216) filed on behalf of Clarence George Murray.

M 016 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

Findings of Fact The Council found that the Change of Zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed change of zone is consistent with the character of the neighborhood as developed and will have no adverse impact on property values therein, traffic, or the environment in the area.
2. The applicant established by substantial evidence that the proposed change will meet a community need for automotive repair service.
3. The change of zone is consistent with the purposes and goals of the Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing A Public Hearing was held on a Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY,  
Manu- DELAWARE, BY AMENDING ARTICLE XXVIII, RELATING TO THE ISSUANCE  
factured OF EMERGENCY PERMITS FOR MANUFACTURED HOMES". The Public  
Homes Hearing was closed.

M 017 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt  
Adopt Ordinance No. 947 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF  
Ordinance THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XXVIII,  
No. 947 RELATING TO THE ISSUANCE OF EMERGENCY PERMITS FOR MANUFACTURED  
HOMES", with the following amendment:

Upon a failure to begin repairs to an existing dwelling or construction of a new dwelling within one hundred eighty (180) days following issuance of an emergency permit, such permits shall become void.

Motion Adopted: 5 Yea.

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

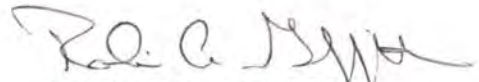
Public  
Hearing  
Outdoor  
Burning

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE III, OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO OUTDOOR BURNING IN ALL DISTRICTS". The Public Hearing was closed and action was deferred. The record was left open for comments from DNREC and the State Fire Marshall.

M 018 94  
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council