

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JANUARY 8, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, January 8, 1991 at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice 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.

M 011 91 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Approval to approve the minutes of the previous meeting as submitted. of Minutes Motion Adopted by Voice Vote.

Corre-  
spondence

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

CATHERINE M. GREGORY, DEPUTY DIRECTOR, DELAWARE STATE HOUSING AUTHORITY, DOVER

RE: Audit Report for Community Development Block Grant Contracts #03-87 and #03-88 accepted for Delaware State Housing Authority requirements.

SHERWOOD A. MORGAN, PROGRAM COORDINATOR, FIRST STATE RESOURCE CONSERVATION & DEVELOPMENT AREA, DOVER

RE: Agenda for next meeting to be held January 14, 1991 at 4:30 p.m. in the Soil Conservation Service's conference room in Treadway Towers.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY

RE: Notice of Commission Meeting and Public Hearing. No applications for Delaware were listed.

JOBS FOR DELAWARE GRADUATES, INC., SCHOOL TO WORK TRANSITION PROGRAM, DOVER

RE: Newsletter for January 1991.

Long  
Neck  
Sanitary  
Sewer  
District

Mr. Stickels, County Administrator, reviewed a request for sewer connection to property within the boundaries of the Long Neck Sanitary Sewer District but not included in the present design for service, located near the intersection of County Road 298 and Guinea Creek. It was determined

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Long  
Neck  
SSD  
(Con't.)

during the Long Neck Sanitary Sewer planning process that it would not be cost effective to serve isolated housing units. However, with the request being made and the following tax parcels: 2-34-23, 276, 276.1, and 277, located near the intersection of County Road 298 and Guinea Creek to be served, a proposed Change Order is being considered. The Change Order, if approved, would provide minimal service capable of handling twenty-five (25) additional EDUs. It would require the installation of approximately nine hundred and sixty feet (960') of two inch (2") force main pipe and a grinder at an approximate cost of \$35,000. A formalized Change Order will be prepared for Council's decision. The discussion today was initiated only for Council's information.

Litiga-  
tion  
Status  
C/Z #1064

Mr. Stickels, County Administrator, reviewed the status of the litigation concerning Change of Zone No. 1064 known as "The Preserve". The developer, Carl M. Freeman Associates, Inc., agreed to increasing the ocean front lots from sixty feet (60') to seventy-five feet (75'), resulting in the loss of five (5) lots. It was also agreed that a building restriction line be placed along the common boundary between "The Preserve" and the Gould property. With this agreement the plaintiffs are willing to have the suit dismissed against the County. Authorization to execute the Stipulation of Dismissal is needed by the County Attorney.

M 012 91  
Execute  
Stipula-  
tion of  
Dismissal  
C/Z #1064

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, authorizing the County Attorney to act on behalf of the County Council in executing the Stipulation of Dismissal in the suit filed by Bernard M. Kostelnik and Robert B. Gould vs. Sussex County Council. Motion Adopted: 5 Yea.

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

Community  
Development  
Block  
Grant  
Request

Mr. Stickels, County Administrator, used a video to review the Town of Millsboro's request for an infrastructure and rehab Community Development Block Grant. The video illustrated the housing located on Old Landing Road and Whites Avenue and clearly showed that the area in question was not a part of an ongoing development. A list of the proposed areas to be included in the Community Development Block Grant applications was given to the Council for their review and included the following:

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Community  
Development  
Block  
Grant

TOWN OF MILLSBORO  
COMMUNITY DEVELOPMENT BLOCK GRANT REQUEST

1,500' Water Main - Old Landing Road	\$ 90,000
800' Wastewater Line - Old Landing Road	64,000
5 Homes Rehab	<u>50,000</u>
	<b>\$ 204,000</b>

COUNTY APPLICATION

West Rehoboth Countywide	11 Homes Rehab	\$ 300,000
	13 Homes Rehab	
City of Seaford	12 Homes Rehab	120,000
Town of Georgetown	18 Homes Rehab	180,000
Town of Laurel	Infrastructure	271,000
Town of Millsboro	Infrastructure/ 5 Homes Rehab	<u>204,000</u>
		<b>\$1,075,000</b>

A Public Hearing will be held on the County application at a later date, and at that time additional information concerning the County's application will be available.

M 013 91 CDBG on behalf of Town of Millsboro A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council authorize the submission of an application for a Community Development Block Grant on behalf of the Town of Millsboro for the extension of 1,500' water and 800' sewer wastewater infrastructure and five (5) housing rehabs in the area located on Old Landing Road and Whites Avenue outside of the corporate limits of the Town of Millsboro, contingent upon the Town supplying all engineering and census data necessary for the application by January 28, 1991. Motion Adopted: 5 Yea.

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

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

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Adminis-  
trator's  
Report  
(Con't.)

1. Advisory Committee for Handicapped and Aging Citizens of Sussex County - The terms of the Advisory Committee for Handicapped and Aging Citizens of Sussex County have expired. The committee has been meeting for the past two years and has discussed issues including housing, transportation, and nutrition. The President of the County Council has three appointments to the committee and each Councilman has two appointments. It is the Administrator's recommendation that the committee continue to function. Names for appointments to represent each councilmanic area are requested by February 28, 1991.
2. Ellendale Sanitary Sewer District Consultant Selection - Thursday, January 10, 1991, the Consultant Selection Review Committee will interview seven applicants for professional services for the Ellendale Sanitary Sewer District. The applicants are: Cabe Associates; JAED/Moore Engineering Team; Kidde Consultants, Inc.; McCann, Inc.; Shore Engineering; Roy F. Weston, Inc.; and Whitman, Requardt and Associates. The seven applicants were chosen from a field of seventeen (17) interested engineering firms.
3. 1991 Governor's Outstanding Volunteer Award - Notice has been received from the Honorable Michael N. Castle, Governor of the State of Delaware, that applications are being accepted for the 1991 Governor's Outstanding Volunteer Awards Program. Nominations for this prestigious award must be submitted to the State by February 12, 1991.

M 014 91      A Motion was made at 10:40 a.m. by Mr. Stevenson, seconded  
Recess        by Mr. Benson, to recess until 1:30 p.m. Motion Adopted  
by Voice Vote.

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

Adminis-      Mr. Stickels, County Administrator, made two announcements  
trator's      as follows:  
Announce-  
ments

1. An item on the Agenda next week for discussion will be the scheduling of Public Hearings. Previously, they have been listed in chronological order, as received. Due to the varying amounts of time necessary for

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Adminis-  
trator's  
Announce-  
ments  
(Con't.)

presentations to Council regarding land decisions, permission will be sought to allow the scheduling of public hearings according to the anticipated time required per hearing on any given day; i.e., hearings requiring the least amount of time would be scheduled first.

2. Councilman Benson will not participate in the Public Hearing for Conditional Use No. 955, filed on behalf of M. J. Webb Farms, Inc.

Public  
Hearing  
C/U #955

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.58 ACRES, MORE OR LESS" (C/U #955) filed on behalf of M. J. Webb Farms, Inc. The Public Hearing was closed and action deferred. The record was held open for thirty (30) days for written comments.

Recess

President Dukes declared a recess at 3:30 p.m.

Reconvene

Council was called back into session at 3:45 p.m. by the President.

Public  
Hearing  
C/U #956

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (TWO (2) UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8,101 SQUARE FEET, MORE OR LESS" (C/U #956) filed on behalf of Richard C. Miller. The Public Hearing was closed and action was deferred.

Public  
Hearing  
C/Z #1100

A Public Hearing was held on 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 RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 234.88 ACRES, MORE OR LESS" (C/Z #1100) filed on behalf of Sherfor, Inc. The Public Hearing was closed an action was deferred.

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Public  
Hearing  
C/Z #1101

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 15.80 ACRES, MORE OR LESS" (C/Z #1101) filed on behalf of David B. Webb. The Public Hearing was closed.

M 015 91  
Adopt  
Ordinance  
No. 741  
C/Z #1101

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Ordinance No. 741 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 15.80 ACRES, MORE OR LESS" (C/Z #1101) filed on behalf of David B. Webb. 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 Facts  
C/Z #1101

The Council found that the change of zone was appropriate legislative action based upon the following findings of facts:

1. The application sought a "down zoning" of property, from LI-2 Light Industrial to AR-1 Agricultural Residential.
2. Subject premises are not within any "conservation zone" as designated by the Western Sussex Land Use Plan.
3. Adjacent areas are primarily residential, and the area is designated in the Western Sussex Land Use Plan as agricultural-residential.
4. Although zoned industrial, the property has never been used in such a fasion.
5. Council adopted the findings of facts of the Planning and Zoning Commission.

Public  
Hearing  
C/Z #1102

A Public Hearing was held on 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 SEAFORD HUNDRED, SUSSEX COUNTY,

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Public  
Hearing  
C/Z #1102  
(Con't.)

CONTAINING 4.02 ACRES, MORE OR LESS" (C/Z #1102) filed on behalf of Barton's Landscaping and Robert R. King. The Public Hearing was closed.

M 016 91  
Adopt  
Ordinance  
No. 742  
C/Z #1102

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 742 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.02 ACRES, MORE OR LESS" (C/Z #1102) filed on behalf of Barton's Landscaping and Robert R. King. 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 Facts  
C/Z #1102

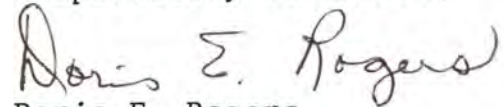
The Council found that the change of zone was appropriate legislative action based upon the following findings of facts:

1. Both of the parcels for which rezoning was sought were extensions to existing C-1 General Commercial uses.
2. Adjacent properties are already zoned for commercial use, some having been zoned in such a fashion within the past six months.
3. Council adopted the findings of facts of the Planning and Zoning Commission.

M 017 91  
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 6:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council