

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JANUARY 9, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, January 9, 1990, at 10 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 016 90  
Approval  
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-  
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

DELAWARE HEALTH AND SOCIAL SERVICES, OFFICE OF SECRETARY,  
NEW CASTLE  
RE: Governor Castle's Health Plan for the 1990's.

DELAWARE DEPARTMENT OF LABOR, OFFICE OF OCCUPATIONAL AND  
LABOR MARKET INFORMATION, NEWARK  
RE: "DELAWARE DIGEST" - Labor Market Quarterly Activity  
for 3rd Quarter 1989.

DELAWARE RIVER BASIN COMMISSION, NEW JERSEY  
RE: Public Notice of Project Review Applications.

C. DAVID FLICKINGER, CHAIRMAN, THE PARADE LINE, BETHANY  
BEACH  
RE: Second Edition for the 1990 Parade newsletter.

911 Public  
License  
Agreement

Mr. Stickels, County Administrator discussed the Public License Agreement for the 911 Enhanced Emergency Reporting System authorized for execution by Motion No. M 600 89 on November 28, 1989 by the County Council. The Agreement has not been signed by the State of Delaware because changes were made in the verbiage that were not in harmony with the original agreement as presented by the State.

January 9, 1990

911 Public License Agreement (Con't.)

Captain Robert M. Gouge, Administrative Officer, Delaware State Police, and Mr. Carey, Director, Emergency Operations Center, reviewed the changes being addressed in the revised 911 Public License Agreement.

M 017 90 Approve Revised 911 Public License Agreement

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to approve the Revised 911 Public License Agreement between the State of Delaware and Sussex County together with the execution of an Addendum to the Agreement as presented in a letter, dated December 14, 1989, from Captain Robert M. Gouge. Motion Adopted: 5 Yea.

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

Proposed Ordinance - Amend Ordinance No. 90

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 90, AS AMENDED, SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE 7, SECTION 2, TO IMPOSE A BUFFER ZONE BETWEEN RESIDENTIAL SUBDIVISIONS AND AGRICULTURAL OPERATIONS". The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance - Amend Ordinance No. 97

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, TO PROVIDE FOR DRY STACK BOAT STORAGE FACILITIES AS A CONDITIONAL USE IN CERTAIN ZONING DISTRICTS". The Proposed Ordinance will be advertised for Public Hearing.

Administrator's Report

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

1. A Stormwater Management Handbook Advisory Committee public workshop will be held Thursday, January 18, starting at 9 a.m. at the Emergency Operations Center. This will be the last workshop before the Stormwater Management Handbook is put into a draft form.
2. Delaware Association of Conservation Districts will be holding their annual meeting on Thursday, January 25th.
3. The next meeting of the Delaware League of Local Governments will be Thursday, January 18, starting at 6 p.m.

January 9, 1990

C/Z #1036

Change of Zone No. 1036, filed on behalf of Virginia Steele was discussed. Public Hearing was held on January 2, 1990 and action was deferred.

M 018 90  
Adopt  
Ordinance  
No. 646  
(C/Z #1036)

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to Adopt Ordinance No. 646 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.8 ACRES, MORE OR LESS" (C/Z #1036) filed on behalf of Virginia Steele. Motion Adopted: 5 Yea.

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

Findings  
of Facts  
C/Z #1036

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that evidence presented indicated that the proposed use of the site, for a dry stack boat storage facility, is an environmentally-sound method of boat storage.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the Coastal Sussex Land Use Plan anticipates commercial-like uses in the area of the site.

Proposed  
Ordinance  
to Amend  
Ordinance  
No. 97

Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 5, SECTIONS 14.6, 14.7 AND 14.8 TO PROVIDE FOR AMENDING MINIMUM WIDTH REQUIREMENTS, REDUCING SIDE SET BACK LINES, AMEND REGULATIONS REGARDING MAXIMUM DWELLING SIZES AND TO ELIMINATE GROSS AREA COVERAGE REQUIREMENTS" was discussed. The Public Hearing was held December 12, 1989 and action was deferred.

January 9, 1990

M 019 90  
Adopt  
Ordinance  
No. 647 -  
Amend  
Ordinance  
No. 97

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 647 entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 5, SECTIONS 14.6, 14.7 AND 14.8 TO PROVIDE FOR AMENDING MINIMUM WIDTH REQUIREMENTS, REDUCING SIDE SET BACK LINES, AMEND REGULATIONS REGARDING MAXIMUM DWELLING SIZES AND TO ELIMINATE GROSS AREA COVERAGE REQUIREMENTS". Motion Adopted: 5 Yea.

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

Findings  
of Facts -  
Amend  
Ordinance  
No. 97

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that appropriate legislative action will occur based upon the following findings of facts:

1. The Council found that by Amendment to the Sussex County Comprehensive Zoning Ordinance adopted by Sussex County Council on December 17, 1974 (A-013-74) the Regulations for Vacation-Retirement-Residential Park District were created.
2. The Council found that in the aforesaid Amendment the VRP District was created as a special district.
3. The Council found that the type of dwellings to be placed in the VRP was established by said Amendment.
4. The Council found that the Amendment contemplated that VRP Districts may be developed in stages of Development, the dates for completion of which would be established after considering various factors, including among other things, market acceptance of the park.
5. The Council found that the types of housing to be located in a VRP District have changed in size and character over the years since establishment of the VRP District.
6. The Council found that market acceptance of the Park reflects a desire for larger homes than originally contemplated by the VRP regulations.
7. The Council found that the placement of larger homes on the lots as established by the record plans for VRP Districts require an amendment to Article 5, Sections 14.6, 14.7 and 14.8 of Ordinance No. 97.

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Findings of  
Facts  
(Con't.)

8. The Council found that the purpose of the VRP District is to encourage planned vacation, retirement and general residential park developments which are compatible with the surrounding area and are economically feasible and the County Council of Sussex County finds that the Amended Regulations as set forth herein promote those purposes.
9. The Council found that the amended regulations should be adopted to promote the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of of Sussex County.

Proposed  
Ordinance  
C/U #929

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WOODWORKING SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39,374 SQUARE FEET, MORE OR LESS" (C/U #929) filed on behalf of Samuel J. Passwaters III. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1052

Mr. Mariner introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23,502 SQUARE FEET, MORE OR LESS" (C/Z #1052) filed on behalf of Richard W. Shaubach, Sr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1053

Mr. Dukes introduced 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, CONTAINING 2.01 ACRES, MORE OR LESS" (C/Z #1053) filed on behalf of Glenn H. Griffin and Linda R. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1054

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (C/Z #1054) filed on behalf of Great Eastern, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed  
Ordinance  
C/Z #1055

Mr. Cole introduced 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 LEWES/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.91 ACRES, MORE OR LESS" (C/Z #1055) filed on behalf of Joseph Brinton. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1056

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.70 ACRE, MORE OR LESS" (C/Z #1056) filed on behalf of Margaret L. Isaac. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1057

Mr. Mariner introduced 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 3.42 ACRES, MORE OR LESS" (C/Z #1057) filed on behalf of Carolyn A. Truitt and Robert J. Truitt. The Proposed Ordinance will be advertised for Public Hearing.

M 020 90  
Council-  
manic  
Grant

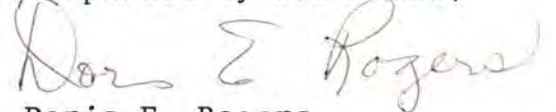
A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$400.00, from Mr. Mariner's Councilmanic Account, to Millsboro Hut, Inc. to help with expenses in providing a meeting place for Scout Troops in the area. Motion Adopted: 5 Yea.

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

M 021 90  
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to adjourn at 11:20 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council