

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 5, 1992

Call to Order The regular meeting of the Sussex County Council was held Thursday, March 5, 1992, at 1:00 p.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.

Absence President Dukes advised that Mr. Stickels was not present as he was attending the Delaware Public Policy Institute Retreat in Lewes.

M 089 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated February 25, Minutes 1992. Motion Adopted by Voice Vote.

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

THE HONORABLE JOSEPH R. BIDEN, JR., UNITED STATES SENATOR,
WASHINGTON, D.C.
RE: H.R. 3253, A BILL TO AMEND THE SOLID WASTE DISPOSAL ACT.

THE HONORABLE WILLIAM V. ROTH, JR., UNITED STATES SENATOR,
WASHINGTON, D.C.
RE: H.R. 3253, A BILL TO AMEND THE SOLID WASTE DISPOSAL ACT.

REV. CHARLES A. WILLIAMS, PASTOR; REV. BILL BASS, ASSISTANT
PASTOR, CHRISTIAN COMMUNITY CENTER, MILLSBORO, DELAWARE
RE: Thanking the County for the job that was done in the
renovation of Alice Reddick's West Rehoboth home.

CAROL AND FRANK BUCK, LEWES, DELAWARE
RE: Letters to the Editors of The Whale and The Coast Press
regarding the good job performed by the Lewes Fire Department
ambulance personnel and the Sussex County paramedics.

NANTICOKE WATERSHED PRESERVATION COMMITTEE, SEAFORD, DELAWARE
RE: Summary of February 6, 1992, meeting.

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Letters
(con't)

MILFORD MEMORIAL HOSPITAL, MILFORD, DELAWARE
RE: Opening of the Family Health Center in the Medical Arts Building.

LUD SEUFERT, "SAVE OUR SUSSEX COUNTY" CITIZENS GROUP, BRIDGEVILLE, DELAWARE

RE: Letter to the Editor of The Leader regarding federal transportation dollars available through the new federal highway transportation bill.

AMERICAN RED CROSS, WILMINGTON, DELAWARE

RE: March, 1992, newsletter entitled "Crosswinds".

PAUL J. PASQUALINI, CITIZENS FOR AFFORDABLE SEWER, NASSAU, DELAWARE

RE: Thanking Mr. Dukes and Mr. Benson for taking time for the trip to Warrenton, Virginia.

THE HONORABLE MICHAEL N. CASTLE, GOVERNOR, STATE OF DELAWARE

RE: Plans and programs to boost Delaware's economy.

CITY OF REHOBOTH, REHOBOTH, DELAWARE

RE: Thank you for funds to help feed the ducks.

President Dukes advised of a letter received from a citizen stating that there was no County Council representation at the tour of substandard housing. President Dukes will contact the citizen personally to advise her that members of Council were attending the NACo Conference at the time of the tour of substandard housing.

Adminis-
trator's
Report

David B. Baker, Finance Director, reviewed the following information included in the County Administrator's Report, as prepared by Mr. Stickels.

1. Sussex County Recycling Program

Harry C. Daisey of Bridgeville, Delaware, and Bradley Johnson of Lewes, Delaware, were the recipients of the two \$50 U. S. Savings Bonds for participating in the Recycling Program during the month of February. Six hundred ninety-three people participated in the program during February. This compares to 800 participants during the month of January.

2. Change of Zone No. 1151 - Kings Creek Associates

John A. Sergovic, Jr., counsel for Kings Creek Associates, has withdrawn Kings Creek's application, Change of Zone

Adminis-
trator's
Report
(con't)

No. 1151. While Kings Creek Associates believes that the proposed use it requested for the approximate two acre parcel of land as a site of a luxury suite hotel remains a viable and appropriate use of the property, Kings Creek Associates recognizes the validity of the concerns raised at the public hearing before the Planning and Zoning Commission with respect to the extension of the C-1 District. Accordingly, Kings Creek Associates shall reanalyze its position and determine whether an alternative zoning classification or conditional use permit would allow it to make appropriate use of this property without creating the adverse precedent of extending the C-1 District beyond the existing 600 foot corridor along Route 1.

3. State Legislation - House Bills 415, 416, and 417

Included in the County Administrator's Report was a summary of legislation passed by the General Assembly to help stimulate the economy of Delaware. This information may be helpful to the Councilmen if they receive calls from constituents inquiring about the new tax credits.

4. Tax Liens

On May 3, 1991, 1,300 tax sale letters were mailed to property owners whose taxes were delinquent for 1989 and 1990. This letter informed them that if the taxes were not paid, liens would be placed on these properties. By July 8, 1991, the amount of delinquent property owners was reduced to 527. New bills were mailed showing current and delinquent taxes on July 8, 1991. By February 28, 1992, 217 property owners were still delinquent. Liens were filed against those properties in the Prothonotary's Office of Superior Court, State of Delaware. Currently, the Finance Department is preparing to arrange for the sale of the three oldest properties that appear on the delinquent list.

It is unfortunate that the County has to take this course of action to collect taxes; however; it is the County's responsibility to those who do pay their taxes. If the County ignored the delinquencies, current taxpayers would have to pay a higher rate.

C/U #994 Conditional Use No. 994, filed on behalf of Charles E. Turner, Jr. was discussed. A Public Hearing was held on January 28, 1992, at which time action was deferred.

M 090 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 815 entitled "AN ORDINANCE TO GRANT A
Ordi- CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
nance DISTRICT FOR BOAT STORAGE, REPAIR AND SALES TO BE LOCATED ON A
No. 815 CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES/REHOBOTH HUNDRED,
C/U #994 SUSSEX COUNTY, CONTAINING 3.12 ACRES, MORE OR LESS" (C/U #994)
filed on behalf of Charles E. Turner, Jr., with the following
stipulations:

1. One unlighted sign, not exceeding 32 square feet per side or facing, shall be permitted.
2. All structures shall be at least 290 feet set back from the present right-of-way of Route One.
3. The storage area shall be utilized for boat and boat trailer storage only.
4. All storage shall be located within the storage yard only.
5. All storage shall be to the rear of the structure.
6. All solid type fencing (stockade, woven, or similar), at least six (6) feet high, shall surround the storage area.
7. A chain link type fence and gate, at least six (6) feet high, shall be installed in line with the structure and in front of the storage yard.
8. The structure shall not exceed 30 feet by 80 feet or two (2) stories.
9. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission. The site plan shall exhibit any stipulations required by other agencies.
10. All appropriate agency permits and/or approvals shall be obtained prior to final approval.
11. If the State DelDOT acquires the front 250 feet depth of the property, the parking area shall be relocated to the area adjoining the structure and storage area.

Motion Adopted: 4 Yea; 1 Nay.

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

Findings
of Fact
Ordi-
nance
No. 815
C/U #994

By adopting this Ordinance, it has been found that the conditional use is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a clear need in the coastal area exists for additional facilities and services proposed by the Applicant.
2. The applicant established by substantial evidence that the proposed use is consistent with nearby commercial activity and will not work a change of character in the neighborhood, nor adversely affect property values therein nor the environment of the neighborhood.
3. The proposed use is not inconsistent with the purposes and goals of the Coastal Sussex Land Use Plan.
4. With the eleven aforementioned conditions and stipulations, any traffic impact is minimized and the appearance of the neighborhood is preserved.

Road-
side
Vendors

A discussion was held regarding roadside stand vendors and whether any progress has been made in establishing steps for legal action.

M 091 92
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$500.00 from Mr. Stevenson's Councilmanic Account to Sussex County Community Action Agency, Inc., to help support the computer tutorial program for school age children in the Bridgeville, Coverdale area.

Motion Adopted: 5 Yea.

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

M 092 92
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$750.00 from Mr. Stevenson's Councilmanic Account to the Sussex Central High School baseball team to help fund their annual spring trip.

Motion Adopted: 5 Yea.

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

M 093 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Council- give \$500.00 from Mr. Stevenson's Councilmanic Account to the
manic Town of Greenwood for general purpose use.
Grant

Motion Adopted: 5 Yea.

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

Compost- Mr. Collins advised Council of a call he received regarding
ers free-standing composters. Currently, there is no ordinance
regarding composters and they are considered accessory
structures. Mr. Lank was directed by Council to talk with
legal counsel regarding this matter and report back with a
recommendation.

M 094 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Council- to give \$300.00 from Mr. Collins' Councilmanic Account to the
manic Delmar Junior-Senior High School to help fund their second
Grant annual "sleepover" which is part of their drug awareness
program.

Motion Adopted: 5 Yea.

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

M 095 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to
Council- give \$200.00, \$100.00 from Mr. Collins' Councilmanic Account and
manic \$100.00 from Mr. Dukes' Councilmanic Account, to the Nanticoke
Grant Sportsmen's Club to help purchase some new equipment for the Jr.
Rifle Shooting Program.

Motion Adopted: 5 Yea.

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

Public A Public Hearing was held on Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
C/U #995 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RETAIL SALES OF
HUNTING, FISHING, AND LAW ENFORCEMENT SUPPLIES TO BE LOCATED
ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST

Public
Hearing
(con't)

FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.59 ACRES, MORE OR LESS" (C/U #995) filed on behalf of Rodney Allen Baker. The Public Hearing was closed.

M 096 92
Adopt
Ordinance
No. 816
C/U #995

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 816 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RETAIL SALES OF HUNTING, FISHING, AND LAW ENFORCEMENT SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.59 ACRES, MORE OR LESS" (C/U #995) filed on behalf of Rodney Allen Baker, subject to the following conditions:

1. The site plan shall be approved by the Planning & Zoning Commission.
2. On-site advertising signage shall be limited to one sign containing 32 square feet per facing.
3. Board of Adjustment approval shall be required if the manufactured home type structure on-site is to be utilized for the business use's purpose.
4. No outdoor test firing shall be permitted on-site.

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 Fact
Ordinance
No. 816
C/U #995

By adopting this Ordinance, it has been found that the conditional use is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will serve a growing need in various law enforcement agencies protecting areas of Sussex County.
2. The applicant established by substantial evidence that the proposed use will cause no change in the character of the neighborhood, no impact on property values therein, traffic or the environment of the area.
3. The proposed use is not in conflict with the goals and purposes of the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/Z
#1150

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 LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 63.56 ACRES, MORE OR LESS" (C/Z #1150) filed on behalf of Perdue Farms, Inc. The Public Hearing was closed.

M 097 92
Adopt
Ordinance
No. 817
C/Z
#1150

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 817 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 63.56 ACRES, MORE OR LESS" (C/Z #1150) filed on behalf of Perdue Farms, Inc.

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 Fact
Ordinance
No. 817
C/Z
#1150

By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed change of zone will serve a compelling need to expand poultry feed production in Sussex County and that its existing facility was obsolete and inefficient.
2. The applicant established by substantial evidence that the proposed change of zone is in conformity with the commercial - industrial development of the neighborhood. There is no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the immediate area.
3. The proposed change of zone is consistent with the goals and purposes of the Western Sussex Land Use Plan, since the site is well located and fosters and promotes Sussex County's aforementioned and related industries.
4. The findings of fact and recommendations of the Planning and Zoning Commission and the record of its proceedings on February 13, 1992, are incorporated herein.

Public
Hearing
Chapter
115

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES XXV AND XXVIII, RELATING TO FLOOD PRONE DISTRICTS". The Public Hearing was closed.

M 098 92
Adopt
Ordi-
nance
No. 818
Flood
Prone
Dis-
tricts

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 818 entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES XXV AND XXVIII, RELATING TO FLOOD PRONE DISTRICTS".

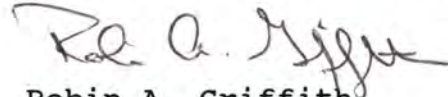
Motion Adopted: 5 Yea.

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

M 099 92
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 2:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council