

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MARCH 12, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, March 12, 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 125 91  
Approve  
Minutes

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

Corre-  
spondence

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

JOSEPH T. CONAWAY, PRESIDENT, CONSULTANTS UNLIMITED, MILLSBORO  
RE: Withdrawal of Change of Zone No. 1110 filed on behalf of Millard F. Murray.

DALE A. CALLAWAY, PRESIDENT, SUSSEX COUNTY FIRE POLICE ASSOCIATION  
RE: Soliciting funds to send their President to the National Fire and Emergency Service Meeting being held in Washington, D.C.

YVONNE BECKER, MILFORD  
RE: Opposing a charge being placed on dumping at the County Transfer Stations.

EDWIN AND ELSIE BAILEY, MILFORD  
RE: Recommending a flat tax being placed on all property owners to fund the Transfer Stations for the following reasons: a tipping fee would probably generate more roadside dumping, and collection of tipping fees would necessitate additional record keeping which could eat up the money generated.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, USDA, SUSSEX COUNTY OFFICE, GEORGETOWN  
RE: The ASCS Newsletter for the month of February 1991.

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Corre-  
spondence  
(Con't.)

WILLIAM B. CHANDLER, JR., SECRETARY, DEPARTMENT OF AGRICULTURE, DOVER

RE: Requesting a member of the County Council be appointed to serve on the State Urban and Community Forestry Advisory Council. The purpose of the Council is to set up committees to carry out Delaware's role in the national tree planting/maintenance initiative in accordance with the President's "America the Beautiful" program.

STEPHEN R. AND KAREN L. MIHALIK, GEORGETOWN

RE: Concern regarding the recent development of the government [DNREC] giving consideration to granting a public water franchise for an area of Sussex County.

Water  
Franchise  
Question

Councilman Benson questioned the County's position concerning the granting of a water franchise for the proposed water district. At this point, the County has had no involvement - the Public Hearing on the matter was held by the Department of Natural Resources and Environmental Control.

M 126 91  
Opposition  
to Granting  
Water  
Franchise

A Motion was made by Mr. Benson, seconded by Mr. Cole, authorizing the County Administrator to submit written notification stating the Sussex County Council wishes to go on record as opposing the granting of a water franchise to Public Water Supply. Motion Adopted: 5 Yea.

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

Corre-  
spondence  
(Con't.)

THOMAS J. COOPER, PRESIDENT, COOPER REALTY ASSOCIATES, SEAFORD  
RE: Suggesting a moderate County tax (five or six percent) be placed on all weekly, monthly, and seasonal rentals, as well as motel/hotel rooms.

Taxing  
Powers

The Council was in general agreement with the suggestion, however, all County taxing must first be approved by the State. The County has made similar legislative requests, but they have never been passed by the General Assembly. The County Administrator and the County's legal staff are presently preparing a legislative packet for consideration by the General Assembly.

Corre-  
spondence  
(Con't.)

ALISHA JACKSON AND JAMESON RUSSELL, WOODBRIDGE ELEMENTARY SCHOOL; BRANSON DANIELS, WEST LAUREL ELEMENTARY SCHOOL; CORY HUMPHREY, CENTRAL ELEMENTARY SCHOOL, SEAFORD; AND CHIP MATTHEWS, SEAFORD CHRISTIAN ACADEMY, SEAFORD

RE: Students' thoughts concerning the Anti-Drug Abuse Management Program.

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Forestry  
Advisory  
Council

Councilman Collins volunteered to serve as the representative on the State Urban and Community Forestry Advisory Council for the Sussex County Council.

Nanticoke  
Project  
Acquisition

Mr. Emmons, DNEERS Program Manager, and Mr. Whitman, Fish and Wildlife Division, Department of Natural Resources and Environmental Control, discussed the Nanticoke Acquisition Project. The North American Wetlands Act of 1989 was designed to preserve wetlands and protect habitat significant to the needs of migratory waterfowl. Delaware and Maryland are cooperating in a joint venture for funding to purchase lands included in the Blackwater-Nanticoke Focus area of the Atlantic Coast Joint Venture. The program is compatible with the objectives of the Nanticoke River Advisory Committee.

The DNEERS Program Manager is submitting a grant request for federal funds needed to purchase approximately 409 acres in western Sussex County, known as the Phillips Tract and Gum Tract. Letters of support from organizations and individuals within the County are an essential part of the grant application. If the grant is approved, matching funds (50 percent federal/50 percent state) will be available for the purchase of the property. No commitment of funds from the County is being sought, only verbal support to place the wetlands in the Blackwater-Nanticoke Focus area on high priority for preservation.

Proposed  
Resolution

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "RESOLUTION ENCOURAGING THE PURCHASE OF THE PHILLIPS TRACT AND GUM TRACT LAND LOCATED IN WESTERN SUSSEX COUNTY."

M 127 91  
Adopt  
Resolution  
R 011 91

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 011 91 entitled "RESOLUTION ENCOURAGING THE PURCHASE OF THE PHILLIPS TRACT AND GUM TRACT LAND LOCATED IN WESTERN SUSSEX COUNTY." Motion Adopted: 5 Yea.

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

Adminis-  
trative  
Report

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

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Adminis-  
trative  
Report  
(Con't.)

1. Bell Atlantic Family Literacy Program - The Sussex County Department of Libraries, the Laurel Library, and the Laurel School District will be applying for a Family Literacy Grant from Bell Atlantic. They hope to obtain funding to allow for three workshops. With the assistance of the Laurel School District, eight families will be targeted with a projected effective rate of 48 children. Cost of the program is estimated to be \$9,025. Bookcases, books, and magazine subscriptions will be purchased with grant funding.
2. Meeting - Delaware League of Local Governments - The meeting will be held Thursday, March 28, 1991, at the Dinner Bell Inn, Dover, starting at 7:00 p.m. The Honorable David Levinson, Insurance Commissioner for the State of Delaware, will be speaking on the Local Government Liability Lake Insurance Program. Commissioner Levinson believes that there could be a savings to all local governments if they were to pool their funds together.
3. Realty Transfer Tax - Forms for the realty transfer tax will be available in the Recorder of Deeds Office Friday, March 15, 1991. The forms include an affidavit for first time home buyers. The commencement date for collection of the realty transfer tax in the unincorporated areas of the County will be April 1, 1991, for all contracts executed after March 31, 1991. However, after additional investigation and recommendation by Peter B. Jones, Assistant County Attorney, an administrative determination has been made that the Realty Transfer Tax Ordinance shall not be applicable to documents recorded after March 31, 1991, if a valid contract existed which is dated prior to April 1, 1991.

C/Z #1110 Due to the applicant's withdrawal, Change of Zone No. 1110, filed on behalf of Millard F. Murray, was stricken from the agenda.

C/Z #1112 Change of Zone No. 1112, filed on behalf of Curtis Alston Harmon, was discussed. Public Hearing was held on March 5, 1991, and action was deferred.

M 128 91 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Adopt Proposed Ordinance 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 C/Z #1112

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M 128 91  
Proposed  
Ordinance  
C/Z 1112  
(Con't.)

INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.5 ACRES, MORE OR LESS" (C/Z #1112) filed on behalf of Curtis Alston Harmon. Motion Denied: 4 Nay; 1 Yea.

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

Findings  
of Facts  
C/Z #1112

The Council found that the change of zone was not appropriate legislative action based upon the following findings of facts:

1. The proposed activity is not in conformity with the general purposes of the Comprehensive Zoning Ordinance.
2. The proposed activity would not be in character with the residential neighborhood.
3. There was not a sufficient showing of need for the intended use of the facility shown in the immediate area.

Proposed  
Ordinance  
C/U #963

Mr. Cole introduced 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 EXCAVATED FOR TWO WILDLIFE MANAGEMENT PONDS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.68 ACRES OF A 31.96 ACRE TRACT, MORE OR LESS" (C/U #963) filed on behalf of Bonard Timmons, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/U #964

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AIRSTRIP, STORAGE BUILDINGS, HANGAR, AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 39.93 ACRES, MORE OR LESS" (C/U #964) filed on behalf of Ockels Acres, a Delaware Partnership, and Allen Chorman, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/U #965

Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 26.5 ACRES, MORE OR LESS"

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Proposed Ordinance (Con't.)

(C/U #965) filed on behalf of Joseph H. Smith. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/Z #1121

Mr. Collins 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 39,132 SQUARE FEET, MORE OR LESS" (C/Z #1121) filed on behalf of Grover Robert Langshaw. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/Z #1122

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.46 ACRES, MORE OR LESS" (C/Z #1122) filed on behalf of Andy Ecrole, Jr. and Rose Romano. The Proposed Ordinance will be advertised for Public Hearing.

M 129 91 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, from Mr. Cole's Councilmanic Account, and \$250.00, from Mr. Collins' Councilmanic Account, to the Lower Sussex Little League to help with capital costs for renovating a building and installing lights on their field. Motion Adopted: 5 Yea.

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

M 130 91 Councilmanic Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$500.00, from Mr. Stevenson's Councilmanic Account, to the Dublin Hill 4-H Club to assist in funding for five members of their club to attend the American Heritage Conference being held at the National 4-H Center. Motion Adopted: 5 Yea.

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

M 131 91 Councilmanic Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$400.00, \$80.00 from each of the five Councilmanic Accounts, to Sussex County Fire Police Association to allow

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M 131 91  
Council-  
manic  
Grant  
(Con't.)

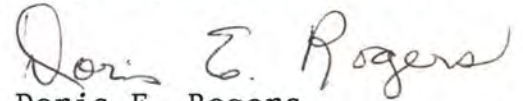
the President of their organization to attend the National Fire and Emergency Service Meeting. Motion Adopted: 5 Yea.

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

M 132 91  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to adjourn at 10:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council