

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MARCH 21, 1991

Call
to Order

The regular meeting of the Sussex County Council was held on Thursday, March 21, 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
William D. Stevenson, Sr.	Member
George B. Cole	Member
George J. Collins	Member

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

M 133 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, 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:

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY
RE: Notice of Commission Meeting and Public Hearing, and a Revised Proposed Amendment of Project Review Filing Fee Schedule.

WILLIAM WHITE, WOODBRIDGE ELEMENTARY SCHOOL, GREENWOOD, DELAWARE
RE: A student's letter concerning the Anti-Drug Abuse Management (ADAM) Program.

ROBERT LAWSON, PRESIDENT, HARBESON IMPROVEMENT ASSOCIATION
RE: Letter posing questions for County Council to consider in reference to the water franchise being applied for by the Public Water and Supply Company, Inc.

M 134 91
Opposition
to Water
Franchise

A Motion was made by Mr. Benson, seconded by Stevenson, authorizing the County Administrator to notify the County's State Legislators of Council's opposition to the application by the Public Water and Supply Company for a water franchise area in Sussex County, and for the County Administrator to notify DNREC of Council's opinion that Public Hearings for these types of applications should be held in the County which will be affected. Motion Adopted: 5 Yea.

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

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Corre-
spondence
(Cont.)

COLONEL CLIFFORD GRAVIET, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE

RE: Letter requesting Council's financial assistance to offset administrative costs associated with their Annual Staff Development Seminar being held April 8-10, 1991, at the Brighton Suites Hotel in Rehoboth Beach.

COLONEL CLIFFORD GRAVIET, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE

RE: Letter requesting Council's financial assistance to permit their Local Police Coordinator, Martin Johnson, to attend the Committee of Executive Directors' Meeting at the International Association of Chiefs of Police Training Conference in Salt Lake City, Utah, June 16-18, 1991.

JOSEPH BOOTH, MAYOR, TOWN OF GEORGETOWN

RE: Letter informing Council of the Town's intentions not to participate in the County's Proposed \$39,500,000 General Obligation Bond Program.

North
American
Housing
Corporation/
Lease

Mr. Stickels, County Administrator, reported to Council regarding the County's lease with North American Housing Corporation. Mr. Stickels informed Council that North American Housing Corporation wishes to exercise their right stipulated in the original lease agreement with the County of September 1, 1984 to purchase the leased building for \$200,000 and to enter into a 45 year land lease, with the option of one additional 45 year renewal period, on a total of 25± acres at \$200/acre per year. Mr. Stickels reported to Council that attorneys Eugene H. Bayard, James A. Fuqua, Jr. and Peter B. Jones are in agreement that North American Housing Corporation does have the right to exercise the option to purchase the building.

M 135 91
Amended
Lease
Agreement/
North
American
Housing

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that the Sussex County Council authorizes the Sussex County Council President to execute an amended Lease Agreement between North American Housing Corporation and the Sussex County Council to include purchase of the building, with improvements, at the Sussex County Industrial Park, as stipulated in the original agreement of September 1, 1984. Motion Adopted: 5 Yea.

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

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Petition/
Naming of
Roads/
Pinewater
Farms
Subdivision

Mr. Stickels, County Administrator, reported that a letter and petition had been received from the Pinewater Farms Civic Association requesting the renaming of Road 49 to "Sloan Road" and naming the unnamed road "Waterside Lane" in Pinewater Farms Subdivision. The Postmaster of Harbeson, the County's Planning and Zoning Office, Emergency Operations Center and Assessment Department, and the Indian River Fire Company were all contacted for their input and had no objections to the Association's request.

Proposed
Resolution/
Naming of
Roads

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "RESOLUTION CHANGING THE NAME OF SUSSEX COUNTY ROAD 49 TO 'SLOAN ROAD' AND NAMING THE UNNAMED ROAD 'WATERSIDE LANE' IN PINEWATER FARMS SUBDIVISION".

M 136 91
Adopt
Resolution
No. R 012 91
Naming of
Roads in
Pinewater
Farms
Subdivision

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 012 91, entitled "RESOLUTION CHANGING THE NAME OF SUSSEX COUNTY ROAD 49 TO 'SLOAN ROAD' AND NAMING THE UNNAMED ROAD 'WATERSIDE LANE' IN PINEWATER FARMS SUBDIVISION" as read by Mr. Stickels, County Administrator. Motion Adopted: 5 Yea.

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

Proposed
Lodging
Tax

Mr. Stickels, County Administrator, reported to Council in regards to obtaining State legislation to allow for the collection of a lodging tax on hotels, motels, seasonal rentals, and campgrounds. Mr. Stickels informed Council that during the last few years the County has been looking into various ways in which to raise revenues. Recent public comments have suggested that the County investigate this line of funding. Attempts in the past have failed to receive approval in the General Assembly.

M 137 91
Support
Legislation/
Proposed
Lodging Tax

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council authorizes the Sussex County Administrator to obtain State legislation to allow for the creation of a hotel, motel, seasonal rental, and campground lodging tax not to exceed five percent. Motion Adopted: 5 Yea.

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

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Proposed
Document
Tax

Mr. Stickels, County Administrator, reported to Council on obtaining State legislation enabling the County to levy a one percent document tax on the sale of new and used manufactured homes, mobile homes, travel trailers, and camping trailers. 32 percent of the housing in the County is manufactured housing. A similar type of legislation failed to obtain sponsorship in the General Assembly last year.

M 138 91
Support
Legislation/
Proposed
Document
Tax

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the Sussex County Administrator to obtain State legislation to allow for the collection of a one percent document fee for used and new manufactured homes, mobile homes, travel trailers, and camping trailers. Motion Adopted: 5 Yea.

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

Firemen's
Association
Meeting

Mr. Stickels, County Administrator, reported to Council that the Sussex County Volunteer Firemen's Association will hold their monthly meeting on Tuesday, March 26, 1991, at 7:30 p.m. This meeting will be held at the Gumboro Fire Hall, Gumboro, Delaware.

Subdivision
#90-15

Mr. Stickels, County Administrator, informed Council that the Planning and Zoning Commission has approved the application of Ted Liszewski and Irv Cohn. This subdivision is located in Nanticoke Hundred with AR-1 Agricultural Residential zoning. 19.25 acres were subdivided into 14 lots on the south side of Route 597, 700 feet east of Route 600. The 14 lots will be serviced by on-site septic and individual wells.

DelDOT
Hearing/
Route 1
Improve-
ments

Mr. Stickels, County Administrator, reported to Council that the Delaware Department of Transportation will be conducting a public hearing on April 18, 1991 starting at 4:00 p.m. at the Rehoboth Junior High School, 500 Stockley Street, Rehoboth Beach, Delaware. DelDOT representatives will present conceptual plans for improvements to Route 1 to provide access to the City of Rehoboth Beach. The proposed improvements include the relocation of the existing Route 1/Rehoboth Avenue entrance south of Route 1 to Route 1/Church Street.

Airport
Director

Mr. Stickels, County Administrator, announced that Mr. Frank B. Calio will serve as Director of Airport and

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Director of
Airport and
Industrial
Park
Operations
(Cont.)

Industrial Park Operations, effective April 1, 1991. Mr. Calio will be involved with planning and developing economic development and assistance programs for Sussex County industrial parks and the Sussex County Public Airport. Discussion ensued by Council regarding the impact of this position on the County as the fixed-based operator of the Airport.

C/Z #1106

Change of Zone No. 1106, filed on behalf of George C. Coverdale, was discussed. The Public Hearing was held on January 29, 1991 with action deferred and the record being kept open for two weeks.

M 139 91
Adopt
Ordinance
No. 751
C/Z #1106

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 751 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.206 ACRES, MORE OR LESS" (C/Z #1106), filed on behalf of George C. Coverdale. Motion Adopted: 5 Yea.

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

Findings
of
Facts
C/Z #1106

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

1. The application is consistent with other neighborhood business and general commercial activity in the immediate area.
2. There is no adverse impact on the immediate area in terms of its character or its property values.
3. Traffic impact has been minimized by the service road/single entrance required by DelDOT.
4. The record and findings of the Planning and Zoning Commission are incorporated herein.

C/Z #1109

Change of Zone No. 1109, filed on behalf of Robert W. Shipe, was discussed. The Public Hearing was held on March 5, 1991 and action was deferred.

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M 140 91
Adopt
Proposed
Ordinance
C/Z #1109
(**Motion
Denied**)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt 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 AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 28,769 SQUARE FEET, MORE OR LESS" (C/Z #1109), filed on behalf of Robert W. Shipe. Motion Denied: 1 Yea; 4 Nay.

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

Findings
of Facts
C/Z #1109

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

1. General commercial zoning is inappropriate, given the size of the site and its location adjoining substantial residential properties.
2. C-1 zoning will have an adverse impact on neighborhood residential property values and on the residential character of the neighborhood.
3. A conditional use is a better means of classifying and regulating use of this site.

M 141 91
C/Z #1109
Reapply as
C/U
(**Motion
Died**)
Status
Report/
C/U #955
Webb Farms

A Motion was made by Mr. Cole to permit the applicant for C/Z No. 1109, Robert W. Shipe, to reapply for a Conditional Use and that the filing fee be waived. Motion Died for lack of a second.

Mr. Lawrence Lank, Director of Planning and Zoning, presented Council with a Status Report on Conditional Use No. 955, filed on behalf of M. J. Webb Farms, Inc. Included in the Status Report were the findings of the Planning and Zoning Commission, based on their Public Hearing held on December 13, 1990, and a listing of the sequence of dates that information has been received to date regarding this conditional use application. The Council's Public Hearing was held on January 8, 1991, which resulted in the Public Hearing being closed and action deferred; the record was held open for 30 days (February 7, 1991) for written comments. Within the coming week, the Planning and Zoning Department will make available to Council, for their review, copies of all documents and information that has been received

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(Cont.)

pertinent to M. J. Webb's Application. This item will be placed back on the Agenda after Council members have been given sufficient time to review all documents.

Proposed
Ordinance
C/Z #1123

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.89 ACRES, MORE OR LESS" (C/Z #1123) filed on behalf of Marvin Long. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/Z #1124

Mr. Cole introduced a 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS" (C/Z #1124) filed on behalf of Philip M. Scudieri and Celinda A. Ellsworth. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/U #966

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 500 FOOT HIGH RADIO BROADCAST TOWER AS AN AMENDMENT TO C/U #840 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.19 ACRES, MORE OR LESS" (C/U #966) filed on behalf of Tony Quartarone, t/a Q-Tone Broadcasting Corporation. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/U #967

Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PRIVATE AIRSTRIPS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.67 ACRES, MORE OR LESS" (C/U #967) filed on behalf of James H. Owens. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/U #968

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING

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35.939 ACRES, MORE OR LESS" (C/U #968) filed on behalf of Gene H. Huey. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/U #969

Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP WITH HANGAR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 58.35 ACRES, MORE OR LESS" (C/U #969) filed on behalf of Robert D. Eckstine. This Proposed Ordinance will be advertised for a Public Hearing.

M 142 91
Delaware
Police
Chiefs'
Council/
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to grant \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Police Chiefs' Council, Inc. to permit their Local Police Coordinator, Martin Johnson, to attend the Committee of Executive Directors' Meeting at the International Association of Chiefs of Police Training Conference in Salt Lake City, Utah, June 16-18, 1991. Motion Adopted: 5 Yea.

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

M 143 91
Delaware
Police
Chiefs'
Council/
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Dukes, to grant \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Police Chiefs' Council, Inc. to offset administrative costs associated with their Annual Staff Development Seminar being held April 8-10, 1991, at the Brighton Suites Hotel in Rehoboth Beach. Motion Adopted: 5 Yea.

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

M 144 91
National
Federation
of Blind/
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to grant \$1,000.00 (\$200.00 from each Councilmanic Account) to the Sussex County Chapter of the National Federation of the Blind of Delaware to assist in allowing members of the Sussex County Chapter to attend the Annual National Federation of the Blind Convention in New Orleans, Louisiana, during the first week in July. Motion Adopted: 5 Yea.

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

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M 145 91
Sussex
Central
Student
Council/
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to grant \$100.00, from Mr. Stevenson's Councilmanic Account, to the Sussex Central Student Council to assist Julie Lynn Rogers (Sussex Central High School Homecoming Queen) to compete in Delaware's Eleventh Annual Homecoming Queen Selection, to be held May 4 and 5, 1991, at the Mount Laurel Hilton in Mount Laurel, New Jersey. Motion Adopted: 5 Yea.

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

M 146 91
Delmar
Jr./Sr.
High
School/
Council-
manic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Collins, to grant \$300.00 (\$60.00 from each Councilmanic Account) to the Delmar Junior-Senior High School to be used to help support the "Spring Super Seven Slumber Party". Motion Adopted: 5 Yea.

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

M 147 91
Honor
Ronald
Waller

A Motion was made by Mr. Collins, seconded by Mr. Cole, for Council to honor Mr. Ronald Waller, by presenting him with a Proclamation recognizing his selection for induction into the National High School Hall of Fame. Motion Adopted: 5 Yea.

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

M 148 91
Adjournment

At 11:46 a.m., a Motion was made by Mr. Collins, seconded by Mr. Dukes, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Acting Clerk of the County Council