

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-APRIL 9, 1991

Call to Order

The regular meeting of the Sussex County Council was held on Tuesday, April 9, 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 169 91
Amend
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the minutes of April 2, 1991, page 2, under "Substance Abuse Prevention," be amended by striking [John Nelson], the name of the Substance Abuse Prevention Coordinator for the City of Seaford, and inserting in lieu thereof Steve Grier. Motion Adopted by Voice Vote.

M 170 91
Amend
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the minutes of April 2, 1991, page 11, under "M 167 91" be amended by striking [5 Yea], and inserting in lieu thereof 4 Yea; 1 Abstention and by striking [Yea], the vote of Mr. Cole, and inserting in lieu thereof Abstained. Motion Adopted by Voice Vote.

M 171 91
Amend and
Approve
Minutes

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

Corre-
spondence

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

V. GEORGE CAREY, STATE REPRESENTATIVE, 36TH DISTRICT, DOVER
RE: Thanking Council for their letter of concern about public water rights. A copy of Representative Carey's letter to the DNREC Legal Office stating his opposition to 67 square miles, over 40,000 acres, being included in the Water Franchise Extension of Public Water Supply was enclosed.

A CONCERNED TAXPAYER
RE: Transfer station fees.

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Corre-
spondence
(Con't.)

JAMES W. HOFFMAN, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY,
EMERGENCY PLANNING AND OPERATIONS DIVISION, DOVER
RE: Governor Castle has proclaimed the week of
May 20 - May 24, 1991, to be "Hurricane Preparedness Week"
in the State of Delaware. Activities to commemorate this
occasion and to better prepare Delawareans for the hurricane
season were announced.

FLORENCE W. BORGESON, SUSSEX COUNTY REPUBLICAN WOMEN'S CLUB,
GEORGETOWN

RE: Invitation to luncheon meeting to be held April 24, 1991,
at the Sussex Pines Country Club. Mr. Rochford, Chairman
of the Delaware Alliance to Improve Transportation, Commerce
and the Environment will be the guest speaker.

JOSEPH R. BIDEN, JR., UNITED STATES SENATOR, WASHINGTON

RE: Regrets that prior commitments made it impossible for
him to meet personally with President Dukes to discuss
tax-exempt bonds, Superfund reauthorization, and federal
funding for the East-West corridor. Concerns and views
of President Dukes were relayed to Senator Biden by his
staff.

R. A. RALEY, NASSAU COMMONS, LEWES

RE: Taxes for campground sites.

MS. ROBIN W. SMITH, ADVISOR, BUSINESS PROFESSIONALS OF
AMERICA, WOODBRIDGE JUNIOR/SENIOR HIGH SCHOOL, BRIDGEVILLE

RE: Thanking Mr. Stevenson for his generous donation toward
their trip to the national convention.

Major
Arterial
Roadways

Mr. Stickels, County Administrator, and Mr. Lank, Director
of Planning and Zoning, discussed the need for a Proposed
Ordinance that would address subdivisions and commercial
and industrial developments along major arterial roadways
and comply with the Western Land Use Plan. Major arterial
roadways were defined as roadways in the unincorporated
areas of Sussex County subject to the zoning regulations
of Sussex County, which because of the traffic patterns
operate at capacity. A map defining the major arterial
roadways addressed in the Proposed Ordinance was displayed
for Council's review. The intent of the proposal is to
put in place an orderly process for entrances to arterial
roads and keep traffic moving.

Mr. Robert Parke, Director, Division of Planning, Delaware
Department of Transportation, commended the intent of the
Proposed Ordinance and Council's willingness to address

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Major
Arterial
Roadways
(Con't.)

the problem. Mr. Parke assured Council that DelDOT will work with the County to limit entrances to major arterial roads and require service roads. Mr. Raymond Richter, Assistant Director for Preconstruction, DelDOT, and Ms. Carol Ann Wicks, Project Coordinator, DelDOT, were also present.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO SUBDIVISIONS AND COMMERCIAL AND INDUSTRIAL DEVELOPMENTS ALONG MAJOR ARTERIAL ROADWAYS." The Proposed Ordinance will be advertised for Public Hearing.

Sussex
Corrections
Art
Program

Mr. Thomas Benson, Volunteer Art Instructor, and Mrs. Kay Wood Bailey, Prison Arts Administrator of the Delaware Department of Corrections, discussed the therapeutic value that is afforded the inmates by the Prison Art Program. Work done by several of the local inmates was displayed. Mr. Benson and Mrs. Wood shared their thoughts on how the art program changed the views of the inmates. A documented study completed by the state of California revealed that 33 percent of the inmates that participate in the art program in their facilities do not come back into the prison system. Sussex County volunteers involved in the program believe that it definitely better prepares the inmates for reentry into society.

The State budget for the Prison Art Program has been cut from \$15,000 to \$3,000 for the next fiscal year. Mrs. Bailey requested a donation of \$500.00 today, on behalf of the Sussex inmates, and also asked to be considered for a grant in the coming fiscal year. There was no action taken on the request.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 21--APRIL 27, 1991, AS 'FAIR HOUSING WEEK' IN SUSSEX COUNTY."

M 172 91
Adopt
Proclama-
tion
"Fair
Housing
Week"

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 21--APRIL 27, 1991, AS 'FAIR HOUSING WEEK' IN 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

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President
Dukes'
Statement

President Dukes made a statement last week that he had talked with many people concerning a \$25 users fee being imposed at the transfer stations, and of those he had spoken with no one expressed opposition. Today he asked to retract that statement. Since making the statement last week, several people opposing a users fee have contacted him to express their views. He read a list of comments that were shared with him. Mr. Dukes found that after explaining how the County spends their tax dollars, in most cases the majority of the callers were more understanding of the problem.

President Dukes is submitting a "Guest Column" to the newspapers this week. The column will discuss the users fee for transfer stations. He plans to continue doing this on a frequent basis with other topics; hopefully, helping the County residents better understand the County's fiscal responsibilities and needs. He will sign the column as President of the Sussex County Council and it will reflect his thoughts.

Transfer
Station
Users
Fee
Discussion

Additional options and possibilities for revenue sources were discussed. Helping residents understand that the County receives no portion of the school and ditch taxes collected was discussed. Councilman Cole suggested that a tax consultant be hired to study the entire County tax structure.

A Proposed Ordinance relating to users fees for the County Transfer Stations will be prepared for introduction.

Adminis-
trator's
Report

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

1. Debris Pit Task Force - Senate Resolution No. 15, passed by the Delaware State Senate, authorizes the creation of a Debris Pit Task Force to study issues concerning debris pits and to make recommendations to the 136th General Assembly to rectify problems associated with debris pits. Senator David P. Sokola has requested that a representative be designated from Sussex County to work with this Task Force. The name of Michael Izzo, Assistant County Engineer, has been submitted.
2. Congressional Hearing on Superfund Liability - Via Congressman Carper, word has been received that the Congressional Hearing on Superfund Liability has been cancelled. Subcommittee Chairman Dennis Eckart, of Ohio, has assured Congressman Carper that when the meeting is rescheduled, he will do his very best to provide the County with a seat at the witness table.

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Airport
Clear
Zone
Easements

Mr. Wood, County Engineer, reviewed the present status for aerial clear zone easements at the Sussex County airport. On July 10, 1990, the County agreed to enter into a Consultant Agreement with Urban Engineers, Inc., Philadelphia, for the purpose of obtaining aerial clear zone easements over properties located in the approach zones of the airport runways. The contract is now ready to be signed. Due to federal regulations put in place in September 1990 and the increase in costs for the appraisal group, Urban Engineers have requested an increase in the contract.

Statement
Relating
to Airport
Activities

Mr. Calio, Director of Airport and Industrial Park Operations, addressed the need for this work to be completed. At the present time, the County is not eligible for monies from the FAA because we have not met their requirements for clear zones. Additionally, he expressed the belief that the airport could serve as a very effective way to raise County revenues by bringing new industry to the area. Monies are available for resurfacing the runways and improvements from FAA, if we meet the clear zone requirements. He stated the Airport Committee had agreed to give the County \$0.02 per gallon on all aviation fuel purchased at the airport starting July 1, 1991. The need for an Ordinance to accompany this agreement was discussed.

M 173 91
Authorize
Airport
Clear
Zone
Contract
Change
Order

A Motion was made by Mr. Collins, seconded by Mr. Benson, based upon the recommendation of the Engineering Department, that the County Council approve an increase of \$10,342.78 in the Urban Engineering, Inc. Contract for the Airport clear zone work, due to changes in Federal Guidelines for a portion of the work. The new contract total will become \$88,607.00. Motion Adopted: 4 Yea; 1 Nay.

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

Antenna
Space

Mr. Wood, County Engineer, discussed the County's need for antenna space. We now have two towers, however, rental space for a third site was sought. The Sussex Trust Company agreed to enter into a Lease Agreement with the County that permits us to use their tower for one transmitting and one receiving antenna. There will be no users fee. The County will be expected to install the equipment at no cost to the bank, and pay the electrical requirements of the antenna at a rate currently estimated at \$30.00 per month.

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M 174 91
Antenna
Lease
Agreement

A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Engineering Department, that the President of the County Council be authorized to enter into a lease agreement for antenna space on the Sussex Trust Company bank tower located in Laurel, Delaware. Motion Adopted: 5 Yea.

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

M 175 91
Council-
manic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$400.00, from Mr. Benson's Councilmanic Account, to Milton Little League, Inc. to help offset 1991 maintenance costs. Motion Adopted: 5 Yea.

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

M 176 91
Recess

At 11:50 a.m., a Motion was made by Mr. Stevenson, seconded by Mr. Cole, 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.

Public
Hearing
C/U #961

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 OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #961) filed on behalf of Carol A. Soots. The Public Hearing was closed.

M 177 91
Adopt
Ordinance
No. 758
C/U #961

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 758 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #961) filed on behalf of Carol A. Soots with the following conditions:

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M 177 91
(Con't.)

1. One unlit sign will be permitted on the premises, not to exceed 32 square feet per facing.
2. There shall be no exterior expansion of the present structure.

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
C/U #961

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the Council. The Council found that the proposed conditional use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare.

Public
Hearing
C/U #962

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 AN OFFICE AND DISPLAY OF FOOD SERVICE EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.48 ACRES, MORE OR LESS" (C/U #962) filed on behalf of Donald Bunting. The Public Hearing was closed.

M 178 91
Adopt
Ordinance
No. 759
C/U #962

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 759 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND DISPLAY OF FOOD SERVICE EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.48 ACRES, MORE OR LESS" (C/U #962) filed on behalf of Donald Bunting, with the following conditions:

1. The new structure shall not exceed 30 x 30 feet.
2. The business will operate year-around, eight hours a day, five days per week.
3. One unlit sign will be permitted on the premises, not to exceed 32 square feet per facing.

Motion Adopted: 5 Yea.

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

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Findings
of Fact
C/U #962

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the Council. The Council found that the proposed conditional use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare.

Public
Hearing
C/Z #1120

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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8,821 SQUARE FEET, MORE OR LESS" (C/Z #1120) filed on behalf of Robert T. and Connie L. Carey. The Public Hearing was closed.

M 179 91
Adopt
Ordinance
No. 760
C/Z #1120

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 760 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 8,821 SQUARE FEET, MORE OR LESS" (C/Z #1120) filed on behalf of Robert T. and Connie L. Carey. 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
C/Z #1120

The findings of fact and the recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the Council. The Council found that the change of zone was appropriate legislative action in that it promotes the health, safety, moral, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.

Public
Hearing
C/U #960

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 BULK STORAGE OF PROPANE GAS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.51 ACRES, MORE OR LESS" (C/U #960) filed on behalf of Chesapeake Utilities Corporation/Eastern Shore Natural Gas Co.

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M 180 91
Recess

At 3:30 p.m., a Motion was made by Mr. Cole, seconded by Mr. Stevenson, to declare a ten minute recess. Motion Adopted by Voice Vote.

Reconvene

Council reconvened at 3:40 p.m.

Public
Hearing
C/U #960
(Con't.)

The Public Hearing on Conditional Use No. 960, filed on behalf of Chesapeake Utilities Corporation/Eastern Shore Natural Gas Company, was closed and action was deferred.

Recess

President Dukes declared a five minute recess at 4:30 p.m. to allow participants of Conditional Use No. 960 to leave the room.

Reconvene

President Dukes called the Council back into session at 4:35 p.m..

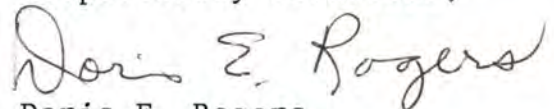
Public
Hearing
Amend
Chapter
115

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO SPECIAL REQUIREMENTS FOR CONDITIONAL USES FOR A PARK OR CAMPGROUND FOR MOBILE CAMPERS, TENTS, CAMP TRAILERS, TOURING VANS AND THE LIKE." The Public Hearing was closed and action was deferred.

M 181 91
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Cole, to adjourn at 5:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council