

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 14, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 14, 1992, 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 146 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated April 7, 1992.
Minutes Motion Adopted by Voice Vote.

M 147 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Amend authorize the amending of the agenda dated April 14, 1992, to
Agenda include a Proclamation proclaiming "Soil and Water Stewardship
Week".

Motion Adopted: 5 Yea.

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

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

HATTIE WILLIAMS, GEORGETOWN

RE: Appreciation for the repair and rehabilitation of her home under the Community Development Program.

ACT (ACTIVITIES FOR COMMUNITY AND TEENS) AND PAWS (POSITIVE ATTITUDES FOR WILDCAT STUDENTS) COMMITTEES, DELMAR

RE: Appreciation for donation and support.

JOHN A. SERGOVIC, JR., SERGOVIC & ELLIS, P.A., GEORGETOWN

RE: Withdrawal of application of John Schade and William Warrington (C/Z #1156).

PARENTS OF STUDENTS OF SUSSEX TECHNICAL SCHOOL

RE: Change in curriculum - discontinued trade areas.

Letters (con't) PATRICK C. MILLER, MILLSBORO
RE: Letter to Lawrence Lank expressing concerns regarding inquiries/complaints into the Planning & Zoning Enforcement of the Sussex County Building Regulations and permit process.

Withdraw C/Z #1156 Mr. Stickels, County Administrator, discussed the letter in correspondence from John A. Sergovic, Jr. of Sergovic & Ellis, P. A., dated April 14, 1992, requesting that the application of John Schade and William Warrington (C/Z No. 1156) be allowed to be withdrawn. A Public Hearing on C/Z No. 1156 was scheduled for April 14, 1992, at 1:30 p.m.

M 148 92 Approve Withdraw C/Z #1156 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to permit the withdrawal of C/Z No. 1156 with the stipulations that no new application be filed until:

- (a) The U.S. Army Corps of Engineers verify that their consultants mapped 404 line is correct.
- (b) Issues are clarified regarding the location of possible utility right-of-way easements as they may impact on the location of proposed improvements.

Motion Adopted: 5 Yea.

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

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation proclaiming April 26 - May 3, 1992, as "Soil and Water Stewardship Week". Present to accept the Proclamation were William Vanderwende and Elizabeth Horsey of the Conservation District.

M 149 92 Adopt Proclamation A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt the Proclamation entitled "PROCLAMATION PROCLAIMING APRIL 26 - MAY 3, 1992, AS 'SOIL AND WATER STEWARDSHIP WEEK'".

Motion Adopted: 5 Yea.

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

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation proclaiming April 19 - 25, 1992, as "Fair Housing Week" in Sussex County. Present to accept the Proclamation was William Lecates, Sussex County Director of Community Development and Housing.

M 150 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Proclamation the Proclamation entitled "PROCLAMATION PROCLAIMING THE WEEK OF APRIL 19 - 25, 1992, 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

Board of Health Advisory Committee Mr. Stickels, County Administrator, advised Council that House Bill No. 246 was recently signed into law allowing the State Board of Health to promulgate regulations governing the general sanitary control of mobile and manufactured housing communities. The Division of Public Health wishes to develop effective regulations which incorporate the views and needs of affected parties and to achieve this goal, are establishing an ad hoc committee to assist in the development of these regulations.

M 151 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Appoint Eddy J. Parker, Director of Assessments, to serve on the Eddy Parker Board of Health Advisory Committee with the Board of Health to promulgate regulations governing the general sanitary control of mobile and manufactured housing, as required by House Bill No. 246.

Motion Adopted: 5 Yea.

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

Farmland Preservation Advisory Board Mr. Stickels, County Administrator, advised that to comply with legislation (House Bill No. 200) regarding agricultural lands preservation, appointments need to be made to the Sussex County Farmland Preservation Advisory Board.

M 152 92 Appoint-ments Farmland Preser-vation Advisory Board A Motion was made by Mr. Cole, seconded by Mr. Benson, to appoint Councilman George Collins to serve as Chairman of the Sussex County Farmland Preservation Advisory Board; and further, that Lowder Mitchell, Jr., Willis Kirk, Donald Powell, and Keith Carlisle will serve as Board members for four year terms, as specified in House Bill No. 200.

Motion Adopted: 5 Yea.

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

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

1. Clean Water Act

A report recently received from the National Association of Counties indicates that Congress will not be able to pass amendments to the Clean Water Act this session. There are three major issues which must be addressed in the reauthorization:

- (a) Wetlands - the need for development of a uniform definition of wetlands;
- (b) Stormwater - a regulatory approach to stormwater that provides maximum local control of development of stormwater management programs and provides relief to local governments from meeting unrealistic federal permit requirements and compliance dates;
- (c) Sewage Treatment Program (State Revolving Loan Program) - need for a continuation of federal assistance to local governments to construct wastewater treatment facilities.

2. Student Government Day

Sussex County Student Government Day will be held on Wednesday, May 6, 1992. Students from each school district will participate in a program which will include a County Council session. The program will start at 9:30 a.m. Members of the media are encouraged to attend.

Long Neck SSD

Mr. Green, Director of Utility Construction, reviewed a recapitulation to date for Contract No. 1, including Change Order No. 2, for the Long Neck Sanitary Sewer District.

M 153 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
LNSSD based on the recommendation of the Inspection Engineer, KCI
Change Technologies, Inc., and the Sussex County Engineering Department,
Order #2 that the Sussex County Council authorizes the President of the
Contract #1 Sussex County Council to issue Change Order No. 2 for the Long
Neck Sanitary Sewer District, Contract No. 1, to Bunting &
Murray Construction Company, Inc., for miscellaneous construction
items for the amount of \$41,115.01, increasing this contract
amount to \$2,552,878.21.

Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR BOAT STORAGE AND REPAIR WITH AN OFFICE
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE
OR LESS" (C/U #1003) filed on behalf of John J. Marsh. The
Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR AN 82 LOT ADDITION TO AN EXISTING
MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING
41.1 ACRES, MORE OR LESS" (C/U #1004) filed on behalf of Nicholas
P. DelCampo, Jr. and Cynthia S. DelCampo. The Proposed Ordinance
will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR A BOAT AND TRAILER STORAGE AND REPAIR
OF FARM EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2
ACRES, MORE OR LESS" (C/U #1005) filed on behalf of James E.
Harrington. The Proposed Ordinance will be advertised for Public
Hearing.

M 154 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give
Council- \$500.00, \$250.00 each from Mr. Cole's and Mr. Benson's Council-
Grant manic Accounts, to the Cape Henlopen School District to assist
with student costs for participation in the Odyssey of the Mind
World Finals Competition.

M 154 92 Motion Adopted: 5 Yea.
(con't)

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

M 155 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Council- give \$1,000.00 from Mr. Stevenson's Councilmanic Account to the
manic Georgetown Little League to help defray the costs incurred in
Grant the development of two new fields and the new fencing to be
acquired for the Tee Ball 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 156 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$250.00 from Mr. Collins' Councilmanic Account to the
manic Millsboro Public Library to assist in paying for repairs to the
Grant photocopier.

Motion Adopted: 5 Yea.

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

M 157 92 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Council- give \$500.00 from Mr. Cole's Councilmanic Account to the City
manic of Rehoboth Beach to assist in paying for recreational equip-
Grant ment to be installed at Shaw Park.

Motion Adopted: 5 Yea.

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

Lease Frank Calio, Director of Airport & Industrial Park Operations,
Agreement and Robert W. Lake, President of Delmarva Aircraft, Inc.,
Delmarva discussed a lease agreement between Delmarva Jet, Inc. and
Jet, Inc. Jet Charter Group, Inc. as provided by the revised 1988 lease
agreement between Sussex County Council and Delmarva Aircraft,
Inc.

M 158 92 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Lease authorize a lease agreement between Delmarva Jet, Inc. and Agreement Jet Charter Group, Inc. as provided by the revised 1988 Delmarva lease agreement between Sussex County Council and Delmarva Jet, Inc. Aircraft, Inc.; and further, to authorize Council President Dale R. Dukes to execute an operating agreement between Sussex County Council and Delmarva Aircraft, Inc. to increase the building rent on the terminal building an additional \$2,400 per year.

Motion Adopted: 5 Yea.

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

M 159 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Recess recess at 11:00 a.m. Motion Adopted by Voice Vote.

Executive An Executive Session was held commencing at 11:30 a.m. for the Session purpose of discussing pending litigation. The Executive Session continued until 12:15 p.m.

Reconvene President Dukes called Council back into session at 1:30 p.m.

Public A Public Hearing was held on Proposed Ordinance entitled "AN Hearing ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX C/Z COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 #1154 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.43 ACRES, MORE OR LESS" (C/Z #1154) filed on behalf of Frank Marino. The Public Hearing was closed.

M 160 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 823 entitled "AN ORDINANCE TO AMEND THE COMPREHEN- Ordinance SIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL No. 823 RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A (C/Z CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, #1154) SUSSEX COUNTY, CONTAINING 1.43 ACRES, MORE OR LESS" (C/Z #1154) filed on behalf of Frank Marino.

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. 823

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

1. The applicant established by substantial evidence that the proposed change will be an extension of an existing general commercial district and is necessary to the expansion of the applicant's business.
2. The applicant established by substantial evidence that the proposed use is consistent with commercial and light industrial development in the immediate neighborhood and that there is no adverse impact on neighboring property values, traffic or the environment of the area.
3. The proposed use is consistent with the purposes of the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

Public
Hearing
C/Z
#1155

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.50 ACRES, MORE OR LESS" (C/Z #1155) filed on behalf of Bruce and Mina Malloy. The Public Hearing was closed.

Amend
Applica-
tion
C/Z
#1155

It was the consensus of the Council to amend the application from a GR General Residential District to an AR-1 Agricultural Residential District on the thinking that it is one tract, 5.50 acres in size, and because deed restrictions exist stating that it cannot be further subdivided.

M 161 92
Adopt
Ordinance
No. 824
As
Amended
(C/Z
#1155)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to amend Change of Zone No. 1155 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.50 ACRES, MORE OR LESS" and to Adopt Ordinance No. 824 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.50 ACRES, MORE OR LESS".

Motion Adopted: 5 Yea.

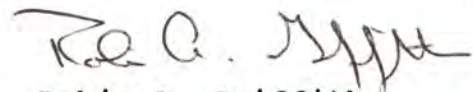
M 161 92 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact Ordinance No. 824 The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed change, as amended to AR-1, is necessary to permit the applicant to place a manufactured home on site and that the property adjoins an existing manufactured home park.
2. The applicant established by substantial evidence that the proposed change, as amended to AR-1, is consistent with the character of the neighborhood as developed and that the proposed change will have no impact on neighboring property values, traffic or the nearby environment.
3. The proposed use is consistent with the purposes of the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

M 162 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn
Adjourn at 2:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council