

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 26, 1992

Executive Session An Executive Session of the Sussex County Council was held Tuesday, May 26, 1992, at 9:30 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation. The Executive Session continued until 10:00 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 26, 1992, at 10:10 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 226 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated May 19, 1992. Motion Adopted by Voice Vote.

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

GREGORY FERRESE, CITY MANAGER, CITY OF REHOBOTH BEACH, REHOBOTH
RE: Invitation to attend the dedication of the Rehoboth Beach boardwalk.

JOYCE T. BERRY, PH.D., U.S. COMMISSIONER ON AGING, DEPARTMENT
OF HEALTH & HUMAN SERVICES, WASHINGTON, D.C.
RE: Project CARE.

Item Tabled The agenda item entitled "Courthouse Expansion and Renovation Project - Change Order No. 4" was tabled until the next meeting.

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

1. Sussex County Volunteer Firemen's Association Monthly Dinner Meeting

This month's meeting will be held on Tuesday, May 26, 1992, at 7:30 p.m. at the Rehoboth Beach Volunteer Fire Company on Rehoboth Avenue, Rehoboth Beach, Delaware. The Sussex County Council will present the fire association members with checks for each company totalling \$181,905.91. With the presentation of these checks, the Sussex County Volunteer Firemen's Association has received a total of \$362,578.03 from the Sussex County Council during FY '92.

Adminis-
trator's
Report
(con't)

2. Long Neck Sanitary Sewer District Septic Tank Abandonment Procedures

The Engineering Department has been experiencing some mechanical difficulties with the small grinder stations because of the high volumes of sludge and solids being pumped out from abandoned septic tanks into the County's clean-outs and hookups. The Engineering Department was permitting this as a convenience to the plumber and a cost savings to the lot owner.

Effective May 20, 1992, this procedure has been stopped. Effective the same date, the following program is being implemented. For outstanding hookup permits, the permittees will have until June 12, 1992, to complete their hookups using the County clean-outs. After that time, the septage must be pumped out and trucked to the Inland Bays Treatment Plant septage truck dump station.

Hookup permits issued from May 20 on will allow septage to be dumped only at the Inland Bays plant at no cost to the hauler. Plumbers will no longer be permitted to use County clean-outs as the septic tank discharge point.

This new procedure is necessary because the amount of solids is greater than the amount of liquids coming through the system.

3. NACo Legislative Bulletin

A Legislative Bulletin, dated May 22, 1992, reported the House of Representatives voted 410 to two on May 19, 1992, passing the federal aviation reauthorization bill, officially known as the Airport and Airways Safety, Capacity, and Intermodal Transportation Act of 1992. H.R. 4691 extends for two years the Airport Improvement Program which provides grants to airports for capital projects. The new legislation makes a number of changes in the program, including more money for cargo airports, former military airports, with serious noise problems, and small airports. Mr. Frank Calio, Director of Industrial Park Operations, will investigate this legislation thoroughly to see if there are advantages for the County's programs.

4. Building Inspector Certification

Mr. Donald Collins has completed his certification as a building inspector. Mr. Collins will be listed by the Southern Building Code Congress International as a certified

Adminis-
trator's
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(con't)

inspector. On Saturday, May 2, 1992, Mr. Collins successfully completed his six hour exam. With his completion of this certification, all Sussex County Building Code Inspectors are now certified.

C/Z
#1144

Change of Zone No. 1144, filed on behalf of V & L Partnership, was discussed. A Public Hearing was held on November 26, 1991, at which time action was deferred.

M 227 92
Adopt
Ordinance
No. 830
(C/Z
#1144)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 830 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 59.05 ACRES, MORE OR LESS" (C/Z #1144) filed on behalf of V & L Partnership, with the following stipulations:

1. The maximum number of lots shall not exceed 201.
2. The development shall be served as a part of a Sussex County Sanitary Sewer District.
3. Recreational area shall contain a minimum of one (1) tennis court, two (2) basketball courts, and three (3) tot play-grounds.
4. The 404 Federal Jurisdictional Wetland line shall be the rear lot line of lots abutting 404 wetlands.
5. A twenty (20) foot building restriction line shall be established from all 404 wetlands.
6. Streets shall be private and shall be built to Sussex County specifications.
7. All appropriate agency approvals shall be required prior to final approval from the Sussex County Planning and Zoning Commission.
8. A ten (10) foot landscaped buffer shall be provided and maintained along adjacent property referred as Tax Map 2-34-23 Parcel 270.
9. Federal Jurisdictional Wetlands shall be undisturbed and shall remain in a natural state.
10. Road improvements or contributions in lieu of shall be completed by the developer per requirements of DelDOT.

- M 227 92 (con't)
11. No more than fifty (50) lots shall be improved per year.
 12. Only fifteen (15) percent of the total approved lots shall be occupied by used manufactured homes exceeding seven (7) years of age.
 13. Single wide manufactured homes shall contain at least 980 square feet.
 14. Double wide manufactured homes shall contain at least 1056 square feet.
 15. Site built homes shall contain a minimum living area of 1056 square feet.
 16. Central water shall be provided meeting the regulations of the State DNREC, the Office of the State Fire Marshal, and the Division of Public Health.

Motion Adopted: 3 Yea; 2 Nay.

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

Findings of Fact Ordinance No. 830

The Council found that the change of zone from AR-1 to GR-RPC was appropriate legislative action based upon the following findings of fact:

1. The application is in accordance with the Coastal Sussex Land Use Plan in that it is located in the development district, will be served by central water and sewer, utilizes the RPC concept which is encouraged by the plan.
2. That adequate fire, police, utility, shopping, medical and educational facilities exist in the area to serve the site.
3. That the development will utilize central water and sewer, no encroachment of wetlands, building setback line of 20' from wetlands, storm water management in accordance with state regulations and minimize clearing of existing trees, resulting in no negative environmental impact.
4. That the developer will contribute to DelDOT for improvements and the level of service will not be negatively affected.
5. That substantial residential development consisting of manufactured homes exists in the area, and the proposed development is consistent with the existing development and

Findings
of Fact
(con't)

trend of development, and that a need exists for this type of development in order to provide renters with an option of purchasing a lot.

6. That the site is located in the development district, has not been used for agriculture in the past and the development will not adversely impact agriculture.
7. The findings and conclusions stated herein are based on substantial evidence comprised of the reasons stated above and the testimony and evidence presented by the applicant.

Proposed
Ordinance
Parks/
Camp-
grounds

A 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 AND EXTENDING THE PERIOD OF VALIDITY FOR CONDITIONAL USES" was discussed. A Public Hearing was held on April 9, 1991, at which time action was deferred.

M 228 92
Adopt
Ordinance
No. 831
Parks/
Camp-
grounds

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 831 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 AND EXTENDING THE PERIOD OF VALIDITY FOR CONDITIONAL USES", with the amendment to include only that portion of No. 5 of the Proposed Ordinance referring to increasing square footage for accessory buildings, as follows:

Amend Chapter 115, Article XXIV, §115-172.H.(8) as follows:

Each campground owner may provide one (1) accessory building on each campsite to be used for storage purposes only and which shall not be used for any purpose of human habitation. Each structure shall be no more than [sixty (60)] sixty four (64) feet in area and shall be no higher than ten (10) feet. For each campground where these structures are approved, they shall be of uniform design and size and shall be uniformly placed on each campsite. The placement of the aforesaid structures and their design characteristics must be approved by the Commission prior to erection in any campground. This subsection shall be applicable to all conforming and nonconforming campgrounds.

Motion Adopted: 5 Yea.

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

