

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MAY 28, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, May 28, 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 230 91
Approval
of 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:

BRITTANY BAILEY, DANIEL P. WILES, AND DEREK WELLS, H.O. BRITTINGHAM ELEMENTARY SCHOOL, MILTON
RE: Student letters concerning the Anti-Drug Abuse Management (ADAM) Program.

DONALD V. COLLINS, PRESIDENT, SUSSEX COUNTY FARM BUREAU
RE: Opposing a property tax increase to finance transfer stations and encouraging recycling incentives.

REGAN OGDEN, WOODBRIDGE JR./SR. HIGH SCHOOL
RE: A letter of thanks to Mr. Stevenson for the Councilmanic Grant that will provide financial assistance for the student's participation in the Mid-Atlantic 16 and under Men's Soccer Team competition to be held in Europe this summer.

Delaware
Tech
Request

Mr. Stickels, County Administrator, read a letter from Mr. Jack F. Owens, Campus Director, Delaware Tech, Georgetown. The letter addressed the school's projected plan to improve the quality of training for child care workers by creating an associate degree program in Early Childhood Studies. In addition, they want to provide an expanded center that would offer child care for approximately 100 children. Due to limited space, they presently offer child care for only 25 students and have a long waiting list for this service.

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Delaware
Tech
Request
(Con't.)

The average age of the student body at Delaware Tech Southern Campus is 29 years of age; 63 percent of the students are female. The increasing number of single parents and families with both parents working has created the need to upgrade the qualifications of people to staff and operate child care centers in the County.

Mr. G. Timothy Kavel, Dean of Development, Delaware Tech Southern Campus, asked Council to seek an amendment, on their behalf, to the Fiscal Year '92 Community Development Block Grant Program, prepared by Delaware State Housing Authority, for HUD funding. The amendment would add community public service facilities as an eligible item for funding, and would facilitate Governor Castle's desire to improve the quality of training for child care workers. The cost of the project would be approximately \$1 million and \$250,000 is being requested from the County's Community Development Block allocation; the remaining \$750,000 is being sought from the private sector.

The broadening of the Community Development Block Grant funding by including this request and its effect on total housing rehabs for FY '92 was discussed.

M 231 91
Amend List
of Eligi-
ble Items
in CDBG
FY '92
Programs

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council respectively requests the Delaware State Housing Authority to include Community Public Service Facilities as an eligible item in their final statement of policies for FY '92 Community Development Block Grant Programs. Motion Adopted: 5 Yea.

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

Senate
Bill
No. 144

Mr. Stickels, County Administrator, reviewed Senate Bill No. 144, relating to water utilities. Council discussed the requirements as set forth in the bill. The criteria for the establishment of a water utility and the regulatory powers of the operation and rates of the utility were discussed.

M 232 91
Support
Intent of
Senate
Bill
No. 144

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council wishes to officially support the intent of Senate Bill No. 144 relating to water utilities. Motion Adopted: 4 Yea; 1 Abstention.

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

May 28, 1991

Delaware
Symphony
Request

Mr. Stickels, County Administrator, reviewed a request from the Delaware Symphony Association requesting financial support for their fifth annual Cape Concert to be held Saturday, July 13, 1991, at the Lewes Campus of the University of Delaware (rain date: July 14). Gates will open at 5:00 p.m. and picnic time entertainment will start at 5:30 p.m. The Symphony Concert starts at 8:00 p.m.

M 233 91
Council
Grant to
Delaware
Symphony

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorize the transfer of \$500 from the General Fund Contingency to the Sussex County Council Grant portion of the FY '91 budget to be distributed to the Delaware Symphony Association. 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 Administrator's Report:

1. Western Sussex Land Use Plan - Bound copies of the Western Sussex Land Use Plan, adopted December 27, 1990, have been received by the Planning and Zoning Department. The Plan is filled with an abundance of figures and facts regarding Sussex County. Copies of the Plan may be purchased from the Planning and Zoning Department for a fee of \$25 per copy.
2. Courthouse Security - The Assessment Division has been experiencing problems with files being removed from the office after the regular Courthouse hours, and other records are being misfiled. In addition to the problem with the permanent property record cards, noncounty employees are also using office equipment, such as adding machines and typewriters. Notices will be sent to law and real estate offices in Sussex County concerning this problem. If the problem continues, we will have no choice but to limit access to the office to regular working hours. This would be in line with the current policy in Kent County, where access is permitted to only one office [Recorder of Deeds] after normal working hours. The situation will be monitored and Council will be made aware of any decision on closing before the final announcement is made.

May 28, 1991

Adminis-
trator's
Report
(Con't.)

3. Press Release - Long Neck Sanitary Sewer District - A copy of the Press Release for the Long Neck Sanitary Sewer District was distributed for Council's review. During this summer, representatives of the Sussex County Engineering Department and the Utility Billing Division are providing information to park residents and owners concerning County sewer assessments and billing methods. The referendum requires the County to bill the users of the system before the property owner is billed. This is the only district in the County where this procedure is used. Although the users of the system are billed, ultimately the property owner is responsible for the paying of the fee if the tenant of the property does not pay.
4. Luncheon Meeting - University of Delaware - Dr. David Roselle would like to host a luncheon meeting for the County Council on Tuesday, June 11, 1991, at Janelle's Restaurant in Georgetown starting at 12:00 noon. Dr. Roselle will speak briefly regarding University activities in Sussex County, other than at the Research and Education Center.
5. Paramedic Program - On Friday, May 24, 1991, at 12:00 noon, the second paramedic unit was activated. One unit was deployed on a 24-hour basis in the Millville/Ocean View area. The second unit was deployed to the Lewes Route 1 corridor from 7:00 a.m. to 11:00 p.m. At 11:00 p.m., the unit was relocated to the Georgetown area. From 4:00 p.m. on Sunday, May 26, 1991, to 2:00 a.m. on Monday, May 27, 1991, the two units were involved in three separate coronary arrests. In all three cases, the individuals were clinically dead and were resuscitated by the County paramedics. In each case, units were on-the-scene within eight minutes of receiving the call.

This weekend illustrates the necessity for Sussex County to have a Paramedic Program. At 12:00 noon today, the second paramedic unit will go out of service. It will be reactivated at 7:00 a.m. on June 10, 1991.

M 234 91
Council-
manic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to give \$500, from Mr. Dukes' Councilmanic Account, to the City of Seaford to assist the Recreation Department with the operation of the pool. Motion Adopted: 5 Yea.

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

May 28, 1991

M 235 91
Recess

A Motion was made at 11:05 a.m. by Mr. Stevenson, seconded by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

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

Public
Hearing
C/U #966

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 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. The Public Hearing was closed.

M 236 91
Adopt
Ordinance
No. 766
C/U #966
with
Conditions

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 766 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 with the following conditions:

1. The tower shall not exceed 152 meters in height.
2. The existing tower shall be demolished upon completion of the new tower.
3. No additional improvements shall be permitted on any part of the site, without a further conditional use application approved by Sussex County Council.
4. No construction shall occur in state or federal wetlands, if any, on site.
5. All guy wires shall be enclosed by six foot high chain link fencing.
6. All citizen complaints to the FCC shall be promptly addressed and resolved by the applicant.
7. A true copy of all FCC and FAA approvals shall be filed with the Planning and Zoning Commission forthwith.

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M 236 91
(Con't.)
C/U #966

8. No construction may begin without receipt of final site plan approval from the Planning and Zoning Commission.

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 #966

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

1. The applicant demonstrated by substantial evidence that the proposed use will have no impact on the immediate neighborhood, neighborhood property values or upon traffic.
2. The applicant proposes to enlarge its FM broadcast service area by replacing an existing 300 foot tower constructed in 1986 with the proposed tower.
3. The general purposes of the Comprehensive Zoning Ordinance are served hereby.

Public
Hearing
C/U #967

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 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. The Public Hearing was closed and action was deferred.

Recess

At 2:55 p.m. a recess was declared by President Dukes.

Reconvene

President Dukes called the Council back into session at 3:00 p.m.

Public
Hearing
C/U #968

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 A PRIVATE AIRSTRIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 35.939 ACRES, MORE OR LESS" (C/U #968) filed on behalf of Gene H. Huey. The Public Hearing was closed and action was deferred.

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Public
Hearing
C/Z #1124

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 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. The Public Hearing was closed.

It was the consensus of the Council that a B-1 Neighborhood Business District zoning change would be more appropriate to the site for Change of Zone No. 1124 than a C-1 General Commercial District.

M 237 91
Adopt
Ordinance
No. 767
C/Z #1124

A Motion was made by Mr. Cole, seconded by Mr. Benson, to amend Change of Zone No. 1124 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" and Adopt Ordinance No. 767 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS 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. 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 #1124

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

1. The applicant demonstrated by substantial evidence that there exists a need for the instruction and service he proposes to provide.
2. The proposed use is consistent with commercial development in the immediate neighborhood and will have no adverse impact on property values.
3. There is no substantial traffic impact. The applicant will provide sufficient on-site parking.
4. There is no significant impact on water supplies, groundwater or the availability of septic service. The size of the site is adequate for the proposed use.

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Findings
of Fact
C/Z #1124
(Con't.)

5. The proposed use is consistent with the general purposes of the Comprehensive Zoning Ordinance.
6. Although the application bears the full support of the immediate neighbors, Council finds that B-1 Neighborhood Business is a more appropriate zoning classification than C-1 General Commercial, since the site is not located on or sufficiently near a major thoroughfare.

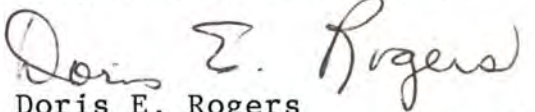
Sussex
Tech
High
School
Request

Mr. Stickels, County Administrator, read a letter from Mr. Donald Van Sciver, Principal, Sussex Technical High School, Georgetown. The letter requested financial assistance for five students participation in the National Vocational Education competition in Louisville, Kentucky, in June. No action was taken on the request.

M 238 91
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 3:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council