

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 10, 1997

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, June 10, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 251 97
Approve
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Collins, to approve the Agenda, with the following amendments:

1. Under Robert L. Stickels, County Administrator, strike "Cabinet Committee on State Planning Issues - Comprehensive Plan"
2. Under Robert L. Stickels, County Administrator, insert "Airport Lease - Allen Family Foods"

Motion Adopted by Voice Vote.

M 252 97
Approve
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the minutes of the previous meeting, dated June 3, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Corre-
spondence

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

CAROL J. WILKINS, TEAM CAPTAIN OF "THE FIGHT IS ON", AMERICAN CANCER SOCIETY'S "RELAY FOR LIFE", GEORGETOWN, DELAWARE.
RE: Request for Councilmanic Funds.

BARRY N. ELI, MUSIC DIRECTOR, CAPE HENLOPEN HIGH SCHOOL, LEWES, DELAWARE.

RE: Letters of appreciation to Mr. Cole and Mr. Rogers for Councilmanic Funds.

WILLIAM V. ROTH, JR., U. S. SENATE, WASHINGTON, D.C.

RE: Letter to Mr. Stickels, County Administrator, regarding funding for the Community Development Block Grant and HOME funding.

Corre-
spondence
(con't)

GARY L. MCCREA, DYER MCCREA VENTURES L.L.C., LEWES, DELAWARE.
RE: Invitation to the ground breaking ceremony on June 16, 1997,
at 1:00 p.m. for the new Assisted Living Facility, "The Residence
at Seaside".

BETHANY BEACH 4TH OF JULY PARADE COMMITTEE, BETHANY BEACH,
DELAWARE.

RE: Invitation to participate in the 14th Annual Bethany Beach
4th of July Parade.

SUSSEX CENTRAL PTSA, GEORGETOWN, DELAWARE.

RE: Request for Councilmanic Funds.

Manu-
factured
Home
Install-
ation
Inspec-
tions

Mr. Milligan, Building Code - Chief of Inspectors; Ms. McKinley
of First State Manufactured Housing; Mr. Morton, Attorney for
First State Manufactured Housing; and Ms. Gory of the Delaware
Manufactured Housing Association, were present to discuss the
possibility of the County doing inspections on manufactured home
installations. Ms. McKinley advised that Kent County Levy Court
adopted a Manufactured Home Installation Code in September, 1996.
It is the consensus of the Manufactured Housing Associations that
manufactured home installation standards are needed. Ms. Gory
also encourages statewide installation standards with enforce-
ment to provide assistance for Counties and consistency. It
was the consensus of Council that an Ordinance be drafted
addressing manufactured home installation standards.

Airport
Lease/
Allen
Family
Foods,
Inc.

Mr. Calio, Director, Office of Economic Development and In-
dustrial Airpark, discussed a proposed lease with Allen Family
Foods, Inc., for a parcel of land (38,740 square feet) at the
County Airport. Allen Family Food, Inc. will construct a 60' x
90' airplane hangar on the site. The term of the lease is thirty
years; annual rent will be \$2,000 per year. Beginning with the
second year of the lease, the annual rent shall escalate by a
percentage increase equal to the Consumer Price Index; rent
escalation limits are set forth in the Lease Agreement.

M 253 97
Approve
Lease
Agree-
ment/
Allen
Family
Foods,
Inc.

A Motion was made by Mr. Cole, seconded by Mr. Collins, that
the Sussex County Council approves a Lease Agreement with
Allen Family Foods, Inc. for the lease of 38,740 square feet
of land on Lot E at the County Airport, for thirty years, at
\$2,000 per year, indexed annually off the Consumer Price Index,
and that the Council authorizes the President of the Sussex
County Council to sign the Lease Agreement.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN
ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY,
ENTITLED 'ZONING', TO AMEND PROVISIONS RELATING TO THE CON-

Proposed Ordinance (con't) SERVATION ZONE, TO AMEND PROVISIONS RELATING TO THE MINIMUM LOT SIZE WITHIN THE TIDAL AREA OF THE ZONE, TO AMEND PROVISIONS RELATING TO REVISING AND CLARIFYING THE LOCATION OF THE ZONE, AND TO GENERALLY CLARIFY THE ORDINANCE". The Proposed Ordinance will be advertised for Public Hearing.

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

1. Extended Hours

The following activities took place during the extended hours on Wednesday, June 4, 1997:

- (a) Utility Billing Division - No activity;
- (b) Treasury Division - No activity from 7:30 a.m. to 8:30 a.m., one payment and one telephone inquiry from 4:30 p.m. to 7:30 p.m.;
- (c) Clerk of the Peace - Two weddings and five wedding licenses issued from 4:30 p.m. to 7:30 p.m.;
- (d) Assessment Division - No activity from 7:30 a.m. to 8:30 a.m., one tax release and one inquiry from 4:30 p.m. to 7:30 p.m.;
- (e) Building Code - One mobile home placement permit from 7:30 a.m. to 8:30 a.m., no activity from 4:30 p.m. to 7:30 p.m.;
- (f) Recorder of Deeds - No activity.

2. Businessmen's Luncheon

The Sussex County Council will be hosting a luncheon on Friday, June 13, 1997, at 12:00 noon at Sussex Pines Country Club, Georgetown, Delaware. The purpose of the luncheon will be to discuss the proposed FY '98 budget with business leaders.

3. Proposed FY '98 Budget

The Sussex County Council will be conducting a public hearing at 10:30 a.m. on Tuesday, June 17, 1997, for General Fund expenditures in the FY '98 budget. A public hearing regarding the water and sewer rates for the County sewer districts will follow immediately after the 10:30 a.m. public hearing.

Old Business (C/Z No. 1293) Change of Zone No. 1293 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.10 ACRES, MORE OR LESS" filed on behalf of Donald R. and Terry Long was discussed. A Public Hearing on this application was held on April 1, 1997, at which time action was deferred. Mr. Cole did not participate in the Public Hearing or the discussion on this application.

M 254 97 Adopt Ordinance No. 1145 (C/Z No. 1293) A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1145 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.10 ACRES, MORE OR LESS (Change of Zone No. 1293) filed on behalf of Donald R. and Terry Long.

Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.

Vote by Roll Call: Mr. Cole, Abstained; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Collins, Nay; Mr. Dukes, Yea

Findings of Fact The Council found that the Change of Zone was appropriate legislative action based on the following findings of fact:

1. Substantial evidence was presented showing that the site was within the development area of the existing Comprehensive Land Use Plan, as well as the Proposed Comprehensive Land Use Plan, making the land use appropriate.
2. With the conditions imposed by the Department of Transportation, traffic impact will be minimized.
3. The Declaration of Covenants, Conditions and Restrictions dated March 27, 1997, and recorded in Book 2191, Page 100, require additional buffers that protect the residential neighbors, and assures that property values will not be adversely affected, or the residential character of the neighborhood changed.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated by way of these findings of fact, into the record.

Public Hearing Procedure Change A discussion was held on whether or not the findings and recommendations of the Planning and Zoning Commission should be read in their entirety during a public hearing held by the County Council. Based on the fact that the County Council

Public Hearing Procedure Change (con't) would have the opportunity to read this information prior to a public hearing being held, it was the consensus of Council that the reading of the findings and recommendations could be dispensed with; however, Council would like agency comments highlighted.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 55.29 ACRES, MORE OR LESS" (Conditional Use No. 1198) filed on behalf of Colonial East, Ltd. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CEMETERY ADDITION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.94 ACRES, MORE OR LESS" (Conditional Use No. 1199) filed on behalf of Slaughter Neck Cemetery, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FELLOWSHIP HALL AND ASSOCIATED PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 5.73 ACRES, MORE OR LESS" (Conditional Use No. 1200) filed on behalf of Gethsemane Methodist Church. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WOODWORKING SHOP MAKING FURNITURE AND CRAFTS AND RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS" (Conditional Use No. 1201) filed on behalf of Menno Chupp. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING THREE PARCELS TOTALING 28.51 ACRES, MORE OR LESS" (Change of Zone No. 1309) filed on behalf of Sussex Realty Co. The Proposed Ordinance will be advertised for Public Hearing.

M 255 97 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$200.00 from Mr. Cole's Councilmanic Account to the Lord Baltimore PTA to sponsor the Third Annual "Coastal Music and Arts Festival".

M 255 97 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 256 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Council- give \$300.00, \$150.00 each from Mr. Rogers' and Mr. Jones'
manic Councilmanic Accounts, to The Auxiliary of the Milford
Grant Memorial Hospital for upgrading the patient television system.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 257 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$500.00 from Mr. Collins' Councilmanic Account to Caring
manic About People, Inc. for Summer Program operating expenses.
Grant

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 258 97 At 11:30 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL
(C/U RESIDENTIAL DISTRICT FOR AN EXTENSION TO THE 'OLD HICKORY CEME-
No. 1182) TERY' TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.01
ACRES, MORE OR LESS" (Conditional Use No. 1182) filed on behalf
of the Trustees of Westly Chapel. There were no public comments
in opposition to the application and the Public Hearing was
closed.

M 259 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt Adopt Ordinance No. 1143 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT
No. 1143 FOR AN EXTENSION TO THE 'OLD HICKORY CEMETERY' TO BE LOCATED
(C/U ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK
No. 1182) HUNDRED, SUSSEX COUNTY, CONTAINING 3.01 ACRES, MORE OR LESS"
(Conditional Use No. 1182) filed on behalf of the Trustees of
Westly Chapel.

M 259 97 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Findings of Fact The County Council found that Conditional Use was appropriate legislative action. The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested conditional use, finding that the proposed use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Public Hearing (C/Z No. 1298) A Public Hearing was held on the 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 27,035 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1298) filed on behalf of Mary A. Bensinger. There were no public comments and the Public Hearing was closed. Action was deferred.

Public Hearing (C/Z No. 1299) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 111.56 ACRES, MORE OR LESS" (Change of Zone No. 1299) filed on behalf of Richard and Grace V. Millman. There were no public comments and the Public Hearing was closed.

M 260 97 Adopt Ordinance No. 1144 (C/Z No. 1299) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1144 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 111.56 ACRES, MORE OR LESS" (Change of Zone No. 1299) filed on behalf of Richard and Grace V. Millman.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Findings of Fact The County Council found that the Change of Zone was appropriate legislative action. The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the

Findings
of Fact
(con't)

record. The County Council granted the requested change of zone, finding that the proposed use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

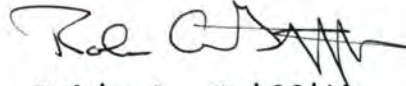
Public
Hearing
Procedure
Change

Council continued the discussion on whether or not the findings and recommendations of the Planning and Zoning Commission should be read in their entirety during a public hearing held by the County Council. It was the decision of Council to continue the reading of the findings and recommendations.

M 261 97
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Jones, to adjourn at 2:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council