

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JUNE 11, 1991

Explanation

Due to The Honorable George Bush, United States President, being the speaker at the James H. Groves Adult High School Graduation Exercises in Seaford, Delaware, the regular meeting of the Sussex County Council was postponed until 1:25 p.m. on Tuesday, June 11, 1991.

Public Hearing  
CDBG  
03-90  
Close Out

A Public Hearing was held at 11:00 a.m. for the purpose of providing interested citizens the opportunity to comment on the 03-90 Community Development Block Grant Close Out. This being the second Public Hearing for this purpose, no further comments will be accepted concerning the matter after the close of today's hearing. Mr. LeCates, Community Development Director, reviewed the Close Out Report. There were no public comments. Mr. Bayard, County Attorney, closed the Public Hearing.

Call to Order

The regular meeting of the Sussex County Council was called to order at 2:20 p.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.

Agenda Change

President Dukes announced that Conditional Use No. 960, Chesapeake Utilities Corporation/Eastern Shore Natural Gas Company, is stricken from today's Agenda.

Public Hearing  
C/U #969

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 WITH HANGAR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 58.35 ACRES, MORE OR LESS" (C/U #969) filed on behalf of Robert D. Eckstine. The Public Hearing was left open for two weeks and action was deferred.

Public Hearing

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO SUBDIVISIONS AND COMMERCIAL

June 11, 1991

Public  
Hearing  
(Con't.)

AND INDUSTRIAL DEVELOPMENTS ALONG MAJOR ARTERIAL ROADWAYS." The Public Hearing was closed.

M 255 91  
Adopt  
Ordinance  
No. 768  
Amend  
Chapter  
99 of  
CODE

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Ordinance No. 768 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." Motion Adopted: 5 Yea.

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

Recess

President Dukes declared a recess at 5:05 p.m.

Reconvene

At 5:10 p.m., President Dukes called Council back into session.

M 256 91  
Approval  
of Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to approve the minutes of the previous meeting as submitted. Motion Adopted: 3 Yea; 2 Absent.

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

Corre-  
spondence

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

DELAWARE RIVER BASIN COMMISSION  
RE: Notice of Commission Meeting and Public Hearing.

Assess-  
ment Rolls  
for Sewer  
and Water  
Districts

Action on the Assessment Rolls for Sussex County Sewer and Water Districts was deferred on June 4, 1991, to allow for legal counsel regarding equalization of annual assessment charges within the Bethany Beach Sanitary Sewer District. Dennis L. Schrader, Assistant County Attorney, addressed the issue referenced in his letter to Council, dated June 10, 1991, by citing 9 Delaware Code § 6709(b) which specifically addresses "service charges" versus 9 Delaware Code § 6513 which provides the procedure for "annual assessment charges." The uniformity language contained in § 6709(b) applied to "service charges" rather than the "annual assessment charges" which are in question. Mr. Schrader advised Council that, in his opinion, the assessment charges for collection and transmission within the three constituent parts of the Bethany Beach Sanitary Sewer District are valid.

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M 257 91  
Adopt  
Assessment  
Rolls for  
County  
Sewer  
Districts

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council Adopt the Assessment Rolls and Rates for all Sussex County Operated and Maintained Sanitary Sewer Districts, as presented on June 4, 1991, for the period July 1, 1991, to June 30, 1992. Motion Adopted: 4 Yea; 1 Abstention.

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

Proposed  
Ordinance  
C/Z #1129

Mr. Stevenson introduced 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.15 ACRES, MORE OR LESS" (C/Z #1129) filed on behalf of Charles T. Wolstenholme T/A Milton Canvas Products. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1130

Mr. Dukes introduced 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.036 ACRES, MORE OR LESS" (C/Z #1130) filed on behalf of S. Layton and Star G. Ayers. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/U #975

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE (CONVENIENCE AND PRODUCE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS" (C/U #975) filed on behalf of Tyler L. Folke. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/U #976

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GOVERNMENTAL BUILDING-SCHOOL EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 107.66 ACRES, MORE OR LESS" (C/U #976) filed on behalf of Sussex County Vocational Technical School. The Proposed Ordinance will be advertised for Public Hearing.

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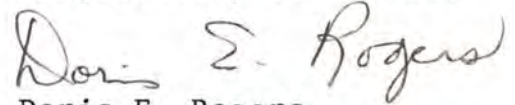
Proposed  
Ordinance  
C/U #977

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROPANE GAS SALES AS ACCESSORY TO AN EXISTING SEAFOOD BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRE, MORE OR LESS" (C/U #977) filed on behalf of Hickman's Seafood c/o William R. Hickman. The Proposed Ordinance will be advertised for Public Hearing.

M 258 91  
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 5:28 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council