

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JUNE 12, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, June 12, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice-President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 278 90
Approval
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

SANFORD Z. BERMAN, ESQUIRE, LAW OFFICES OF PICKETT, HOULON, AND BERMAN, HYATTSVILLE, MARYLAND
RE: Letter dated June 6, 1990 to Sea & Pines Consolidation Corporation regarding their failure to construct a street along Mr. Berman's property on Michelaine Circle at Breakwater Beach (Lot 17), Bethany Beach, Delaware.

Mr. Cole raised the question if this letter would have an impact upon the County. Mr. Lank, Director of Planning and Zoning, informed Council that the surveyor for this project had not designated all the Federal wetlands. Due to their finding the additional wetlands, the remainder of road construction for the Breakwater Beach project is pending approval from the Army Corps of Engineers.

DELAWARE DEPARTMENT OF AGRICULTURE, DOVER, DELAWARE
RE: Submitting June 1990 issue of "Delaware AGenda".

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON, DELAWARE
RE: Submitting June 1990 issue of "HANDi Network News".

Proposed
Ordinance/
Unclassi-
fied County
Employees

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 29 OF THE CODE OF SUSSEX COUNTY, TO REMOVE CERTAIN EMPLOYEES FROM THE CATEGORY OF UNCLASSIFIED SERVICE". This Proposed Ordinance will be advertised for a Public Hearing.

June 12, 1990

Three-Lot
Subdivi-
sions

Mr. Stickels, County Administrator, informed Council that the Planning and Zoning Commission has requested Council to consider rescinding a Resolution establishing policy regarding three-lot subdivisions. To this effect, Mr. Jones, Assistant County Attorney, read a letter received from Richard E. Berl, Jr., Attorney for the Planning and Zoning Commission. Mr. Jones reported to Council that anytime a roadway is created in a subdivision, a Public Hearing is required. Several years ago, this Resolution established policy that stated the County was going to allow three lot subdivisions, even though a roadway was created without the benefit of having a Public Hearing, which is against the County's Subdivision Ordinance. The Planning and Zoning Commission is requesting the Council to rescind the policy established by this Resolution and follow the procedures set out in the County's Subdivision Ordinance.

M 279 90
Rescind
Policy/
Three-Lot
Subdivi-
sions

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council rescind the Policy regarding three lot subdivisions; and be it further moved that all applications for three lot subdivisions after the adoption of this motion shall follow normal subdivision procedures pursuant to the County's Subdivision Ordinance. Motion Adopted: 5 Yea.

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

Apprecia-
tion Lunch-
eon/Dan
Kuennen

Mr. Stickels, County Administrator, reported to Council that the University of Delaware will be honoring Dan Kuennen at an appreciation luncheon on Wednesday, June 27, 1990, at 12:00 noon, at the Seaford Golf and Country Club. Mr. Kuennen has served the residents of Sussex County for eighteen (18) years at the University of Delaware Extension Center.

State
Office of
Budget
Director

Mr. Stickels, County Administrator, presented Council with copies of a memorandum from the State of Delaware's Office of Budget Director, which outlines State projects that have applied for federal funding.

Status of
Legisla-
tion in
Delaware
General
Assembly

Mr. Stickels, County Administrator, reported to Council that Representatives Schroeder, Ewing, Lee and West and Senators John Still, Minner, and Venables have agreed to sponsor the County's legislation that would authorize Sussex County to create lines of credit and issue promissory notes by Resolution for short-term borrowing purposes. Mr. Stickels anticipates this legislation to be introduced this week.

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Dagsboro/
Frankford
Sanitary
Sewer
District/
Public
Meeting

Mr. Stickels, County Administrator, informed Council that a public meeting will be held for the Dagsboro/Frankford Sanitary Sewer District on Wednesday, June 27, 1990, starting at 6:30 p.m. at the Indian River High School. Public comments will be taken on the E. J. Steen property and the Townsend property known as the Airport Farm.

Public
Hearing/
Adopt
Code of
Sussex
County

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO ADOPT THE CODE OF SUSSEX COUNTY". Mr. Robert V. Witsil, Jr., former County Attorney, appeared before Council and reported that General Code Publishers Corporation, of Rochester, New York, had completed the "CODE OF SUSSEX COUNTY, DELAWARE". Copies of the Code are now available in the Clerk of the County Council's office for a cost of \$150.00. A Zoning Supplementation to the Code is also available in the County's Planning and Zoning Office.

M 280 90
Adopt
Ordinance
No. 687
Sussex
County
Code

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adopt Ordinance No. 687 entitled "AN ORDINANCE TO ADOPT THE CODE OF SUSSEX COUNTY". Motion Adopted: 5 Yea.

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

Request/
Salt Pond
Residential
Planned
Community

Mr. Russell Archut, Chief of Planning and Permits, appeared before Council to review a letter Council received from James A. Fuqua, Esquire, of Fuqua and O'Neal, dated May 2, 1990. Mr. Fuqua's letter was written on behalf of Salt Pond Associates, developers of The Salt Pond Residential Planned Community, requesting the revision of the boundaries of the Bethany Beach Sanitary Sewer District to include the proposed Salt Pond Residential Community.

M 281 90
Salt Pond
Residential
Planned
Community/
Extension
of Bethany
Beach
Sanitary
Sewer
District

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, that the Sussex County Engineering Department is authorized to post notices for the extension of the Bethany Beach Sanitary Sewer District to include the proposed Salt Pond Residential Community in accordance with 9 Del. Code §6502(A). The area to be included is outlined in a letter from James A. Fuqua, Jr., Esquire, of Fuqua and O'Neal, to William D. Stevenson, Sr., President of the Sussex County Council, dated May 2, 1990. A Public Hearing on the issue will be held at 10:30 a.m. on July 10, 1990 in the Sussex County Council Chambers, Georgetown, Delaware. Motion Adopted: 5 Yea.

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(Cont.)

Page 5. Expenses

Frankford (Library)

Strike [\$41,471] and insert in lieu thereof
\$43,947;

Millsboro (Library)

Strike [\$36,509] and insert in lieu thereof
\$38,985;

Appropriated Reserve

Add: \$406,964;

Page 11. Grant-in-Aid Programs

Cheer's Meals Program
73-Grants

Add: \$20,000;

Human Service Grants
73-Grants

Strike [\$85,000] and insert in lieu thereof
\$95,000;

Page 44. Local Libraries

Frankford
75-Library Distribution

Strike [\$41,471] and insert in lieu thereof
\$43,947;

Millsboro
75-Library Distribution

Strike [\$36,509] and insert in lieu thereof
\$38,985;

Page 52. Appropriated Reserve

Add: \$406,964;

Page 66. Admin. & General - Engineering Administration

70-Other Expenditures

72-Contingencies

Strike [\$64,900] and insert in lieu thereof
\$45,900.

Motion Adopted: 4 Yea; 1 Nay.

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(Cont.) for the Council's morning session will take place at the commencement of the afternoon session.

Reconvene Council reconvened at 1:42 p.m.

Bank Accounts Mr. Purpur, Finance Director, appeared before Council with Proposed Resolutions for bank accounts to be opened with the Wilmington Trust Company (Paramedic Program), the Sussex Trust Company (Bond Issue 1990), and the Delaware Trust Company (Bond Issue 1990 Proceeds).

M 285 90 Adopt Resolution Numbers A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adopt the following Resolutions:

R 019 90;
R 020 90;
R 021 90
RESOLUTION NO. R 019 90 ENTITLED "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL";

RESOLUTION NO. R 020 90 ENTITLED "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT, R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"; and

RESOLUTION NO. R 021 90 ENTITLED "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 4 Yea; 1 Absent.

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

M 286 90
Sussex
4-H/
Council-
manic
Grant
A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to grant \$375.00 (\$75.00 from each Councilmanic Account) to the Sussex County 4-H Program to be used for the printing of a program booklet for a 4-H Horse Show. Motion Adopted: 3 Yea; 2 Absent.

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(Cont.)

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

M 287 90
Executive
Session
Request/
Laurel
Landfill

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to hold an Executive Session immediately following the morning Session of the County Council meeting scheduled for Tuesday, June 19, 1990, for the purpose of discussing pending litigation regarding the Laurel Landfill. Motion Adopted: 5 Yea.

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

Public
Hearing
C/U #935

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 PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #935) filed on behalf of Dr. Pravin O. Gohel.

M 288 90
Adopt
Ordinance
No. 688
(C/U #935)
with stip-
ulations

A Motion was made by Mr. Benson, seconded by Mr. Cole, to adopt Ordinance No. 688 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS (C/U #935) filed on behalf of Dr. Pravin O. Gohel subject to the following stipulations:

1. The parking area shall be located to the west of the existing driveway in the front yard, with a minimum of six (6) and a maximum of eight (8) parking spaces.
2. The residential character and appearance of the structure shall be retained.
3. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
4. One unlit sign, not to exceed 32 square feet per side, shall be permitted.

Motion Adopted: 5 Yea.

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

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Findings
of Facts
C/U #935

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the conditional use is of a public or semi-public character and is essential and desirable for the general convenience and welfare, and is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the conditional use is nearby and adjacent to similar uses. The area is evolving from residential to commercial.

Public
Hearing
C/Z #1067
Postpone
Action

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.14 ACRES, MORE OR LESS" (C/Z #1067) filed on behalf of Joseph Wayne Melvin. Due to the applicant not being present, action on this Change of Zone was tabled until the end of Council session.

Public
Hearing
C/Z #1068

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF MILLVILLE, BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.074 ACRES, MORE OR LESS" (C/Z #1068) filed on behalf John I. Shaffer, Jr. and Vernon O. Lutz, Jr.

M 289 90
Adopt
Ordinance
No. 689
(C/Z #1068)

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to adopt Ordinance No. 689 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF MILLVILLE, BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.074 ACRES, MORE OR LESS (C/Z #1068) filed on behalf of John I. Shaffer and Vernon O. Lutz, Jr. Motion Adopted: 3 Yea; 2 Nay.

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

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Findings
of Facts
C/Z #1068

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that there is currently a home-occupation beauty shop on-site, and this change of zone will be an extension of that use.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that there are other UB Urban Business uses in the immediate area.

Public
Hearing
C/Z #1069
**Action
Deferred**

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.8 ACRES, MORE OR LESS" (C/Z #1069) filed on behalf of David A. Shevock. The Public Hearing was closed and action was deferred.

Public
Hearing
C/Z #1070

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.298 ACRES, MORE OR LESS (C/Z #1070) filed on behalf of Indian River Homes.

M 290 90
Adopt
Ordinance
No. 690
(C/Z #1070)

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to adopt Ordinance No. 690 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.298 ACRES, MORE OR LESS" (C/Z #1070) filed on behalf of Indian River Homes. Motion Adopted: 5 Yea.

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

Findings
of Facts
C/Z #1070

The findings of facts and the recommendations of the Planning and Zoning Commission are incorporated into the record

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(Cont.)

and into the findings of facts of the Council. The Council found that the change of zone was appropriate legislative action based upon its findings that the proposed land use promotes the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

M 291 90
Laurel
School
District/
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to grant \$500.00 from Mr. Mariner's Councilmanic Account to the Laurel School District to be used to help build a handicapped ramp at the football field located at the Laurel Middle School. Motion Adopted: 5 Yea.

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

Recess

At 4:12 p.m., President Stevenson declared a 10 minute recess.

Reconvene

At 4:17 p.m., President Stevenson called Council back into session.

Continue
Public
Hearing
C/Z #1067
**Action
Deferred**

The Public Hearing on Change of Zone No. 1067, filed on behalf of Joseph Wayne Melvin, was continued due to the applicant now being present. The Public Hearing was closed and action was deferred.

M 292 90
Adjournment

At 4:25 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Benson, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Acting Clerk of the County Council