

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 16, 1992

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, June 16, 1992, 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 257 92      A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Approve      approve the minutes of the previous meeting dated June 9, 1992.  
Minutes      Motion Adopted by Voice Vote.

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

JOSEPH R. BIDEN, JR., UNITED STATES SENATOR, WASHINGTON, DC.  
RE: Infrastructure Growth and Employment Act of 1992.

SUSAN E. SCHMIDT, UNITED STATES POSTAL SERVICE, FACILITIES  
SERVICE CENTER, PHILADELPHIA, PENNSYLVANIA.  
RE: Post office building located at 2 The Circle, Georgetown.

GEORGE F. PURPUR, JR. AND HEINZ A. RETZLAFF, LAUREL SCHOOL  
DISTRICT, LAUREL.  
RE: Appreciation for donation to the Academic Achievement  
Dinner.

ANNA LEE GRAY, SELBYVILLE.  
RE: Extension of the Fenwick Island Sanitary Sewer District.

CHARLES J. BARTLETT, MAYOR, BETHANY BEACH.  
RE: Invitation to lunch on June 17, 1992, following the ground  
breaking ceremony for the South Coastal Library.

BETHANY BEACH VOLUNTEER FIRE CO., BETHANY BEACH.  
RE: Invitation to a Housing for the newest Fire Truck on  
Saturday, June 20, 1992.

UNITED STATES DEPARTMENT OF AGRICULTURE, SUSSEX COUNTY ASCS  
OFFICE, GEORGETOWN.  
RE: Newsletter entitled "The Farmers Corner".

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearing.

Letters  
(con't)

SMALL BUSINESS DEVELOPMENT CENTER, UNIVERSITY OF DELAWARE,  
NEWARK.

RE: Spring 1992 newsletter.

BUREAU OF ECONOMIC RESEARCH, UNIVERSITY OF DELAWARE, NEWARK.

RE: Spring 1992 newsletter.

DNREC/UNDERGROUND STORAGE TANK BRANCH, NEW CASTLE.

RE: June 1992 newsletter entitled "Think Tank".

DELAWARE NATURE SOCIETY, HOCKESSIN.

RE: Spring 1992 newsletter.

ALBERT OLIVER, COUNCILMAN, TOWN OF FRANKFORD, FRANKFORD.

RE: Appreciation for donation to the program "Caring  
About People".

Request- Mr. Stickels, County Administrator, discussed a request from  
Recognize the Long Neck Residents Committee that the Sussex County Council  
Long recognize Long Neck as an unincorporated community of Sussex  
Neck County. One of the primary objectives of the Long Neck Residents  
as Committee is to have Long Neck recognized and reflected on  
Community official maps and other documents and records.

On August 1, 1991, the United States Postal Service recognized Long  
Neck as a community by listing it in their National 5 Digit Zip  
Code Directory under 19966.

Mr. Paul Hewett, Chairman of the Long Neck Residents Committee,  
advised Council that DelDOT has recognized the county government  
as the controlling agency and consequently, the County must  
recognize the name and formally determine the boundaries prior to  
any signing effort on behalf of DelDOT.

Mr. Bayard, County Attorney, will take the matter under advisement  
and report back to Council at the next meeting.

Prime  
Hook  
National  
Wildlife  
Refuge

Mr. Stickels, County Administrator, reported that a check in the  
amount of \$34,838.00 has been received from the United States  
Department of the Interior, Fish and Wildlife Service, as a  
federal payment in lieu of taxes for the Prime Hook National  
Wildlife Refuge. The funds may be used by Sussex County for any  
governmental purpose. Mr. Stickels presented, for Council's  
authorization, the distribution of the Refuge Revenue Sharing  
Funds, as follows: Sussex County - \$6,543.30; Library - \$705.32;  
Vocational School District - \$2,475.93; Cape Henlopen School  
District - \$17,774.26; and Milford School District - \$7,339.19.

M 258 92 A Motion was made by Mr. Benson, seconded by Mr. Cole, that the  
Refuge Sussex County Council authorize the distribution of Refuge  
Revenue Revenue Sharing Funds from the Prime Hook National Wildlife  
Sharing Refuge, as follows: Sussex County - \$6,543.30; Library -  
Funds \$705.32; Vocational School District - \$2,475.93; Cape Henlopen  
School District - \$17,774.26; and Milford School District -  
\$7,339.19.

Motion Adopted: 5 Yea.

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

Appoint Mr. Stickels, County Administrator, reviewed for Council's  
Members consideration the names of members of the Library Advisory Board,  
Board of Adjustment, Planning and Zoning Commission and Building  
Code Appeal Board whose terms will expire in June, 1992.

M 259 92 A Motion was made by Mr. Benson, seconded by Mr. Cole, to  
Appoint appoint William Lowe, Jr., of Lewes, Delaware, to a three  
William year term on the Library Advisory Board.  
Lowe, Jr.

to Motion Adopted: 5 Yea.

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

M 260 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Appoint to appoint Margaret T. Hudson, of Millsboro, Delaware, to a three  
Margaret year term on the Board of Adjustment.  
Hudson

to Motion Adopted: 5 Yea.

Board of Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Adjust- Mr. Collins, Yea; Mr. Stevenson, Yea;  
ment Mr. Dukes, Yea

M 261 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,  
Appoint to appoint John Mills, of Seaford, Delaware, to a three year term  
John on the Board of Adjustment.  
Mills to

Board of Motion Adopted: 4 Yea; 1 Abstention.

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

M 262 92 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Appoint Margaret T. Monaco, of Seaford, Delaware, to a three  
Margaret Monaco year term on the Planning and Zoning Commission.

to P&Z Motion Adopted: 4 Yea; 1 Nay.  
Commis-

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

M 263 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Appoint James Walls, of Georgetown, Delaware, to a four year  
James Walls to term on the Sussex County Building Code Appeal Board repre-  
Building senting the Lower Delaware Home Builders Association.

Code Motion Adopted: 5 Yea.  
Appeal

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

Building Mr. Stevenson stated that he would speak with Finley B. Jones,  
Code Jr., regarding his reappointment to the Sussex County Building  
Appeal Code Appeal Board as representative of the Sussex County Fire-  
Board men's Association. Mr. Jones' term will expire on June 25, 1992.

Executive Mr. Stickels, County Administrator, recommended that an Executive  
Session Session be held at the completion of business as shown on the  
Agenda to discuss pending litigation. It was noted that Council  
would be in compliance with the 24 hour notification requirement  
due to the fact that the Executive Session was listed on the Agenda  
published on June 15, 1992.

M 264 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, that the  
Authorize Sussex County Council authorizes an Executive Session to be held  
Executive Tuesday, June 16, 1992, in the Sussex County Council Chambers  
Session immediately following the completion of business as shown on the  
Agenda dated June 16, 1992.

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 in his County Administrator's Report:

1. Federal Aviation Administration Funding Request

A delegation from United States Senator Joseph R. Biden's office visited the Sussex County Industrial Park on Friday, June 12, 1992. The delegation included Mr. Ted Kaufman from Senator Biden's Washington office, Mr. Bert DiClemente from the Wilmington office, and Mr. Kevin Smith from the Georgetown/Dover office. The tour of the park was given by Frank B. Calio, Director of the Industrial Park. Mr. Calio has written to Senators Biden and Roth, as well as Congressman Thomas R. Carper, requesting their support for extending funding of the FAA Airport Improvement Program which expires October of this year. The County has received letters of support from all three congressional members.

2. Infrastructure Program

NACo has joined with other groups in the Rural Local Governments Coalition to support legislation providing \$500 billion for environmental infrastructure facilities in rural areas. The program is included in the Water Resources Development Act (S. 2734) which authorizes flood control and water projects. The program would be administered by the Corps of Engineers. The bill has been approved by the Senate Environment and Public Works Committee.

The legislation would provide 90 percent federal grants to economically distressed communities under 25,000 population to comply with environmental mandates.

This program could be very beneficial to the proposed Ellendale Sanitary Sewer District. Mr. Stickels will continue to monitor Senate Bill 2734 and will write to congressional representatives to support this legislation.

M 265 92  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Town of Selbyville for the town's swimming pool operations.

Motion Adopted: 5 Yea.

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

M 266 92 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$300.00 from Mr. Dukes' Councilmanic Account to Seaford High School to sponsor six members of the Student Government who are going to Colorado for the National Association of Student Councils Leadership Conference.

Motion Adopted: 5 Yea.

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

M 267 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Nanticoke Rotary Club to help fund the establishment of the "Rotary House".

Motion Adopted: 5 Yea.

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

M 268 92 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$100.00 from Mr. Dukes' Councilmanic Account to Laurel High School to assist in the expenses of Karen Lynn Steele's trip to the Hugh O'Brian Alumni Association's National Convention in Pittsburgh, Pennsylvania.

Motion Adopted: 5 Yea.

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

M 269 92 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$1,000.00, \$200.00 from each Councilmanic Account, to Delaware Technical & Community College for the "Olde Fashioned July Fourth Celebration".

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 five minute recess at 10:55 a.m.
- Executive Session An Executive Session was held commencing at 11:00 a.m. for the purpose of discussing pending litigation. The Executive Session continued until 11:47 a.m.
- M 270 92 At 11:47 a.m., a Motion was made by Mr. Cole, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.  
Recess
- Public Hearing C/U #1002 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 USE OF PROPERTY FOR OUTDOOR YARD SALES ON WEEKENDS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.71 ACRES, MORE OR LESS" (C/U #1002) filed on behalf of Gerlinde Voegelé. The Public Hearing was closed and action was deferred.
- Public Hearing C/U #1003 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 BOAT STORAGE AND REPAIR WITH AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE OR LESS" (C/U #1003) filed on behalf of John J. Marsh. The Public Hearing was closed.
- M 271 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 837 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE AND REPAIR WITH AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE OR LESS" (C/U #1003) filed on behalf of John J. Marsh, with the following stipulations:  
Adopt Ordinance No. 837 (C/U #1003)
1. The site plan shall be developed per the revised site plan submitted by the applicant, with landscaping to be added, and shall be subject to review and approval by the Planning and Zoning Commission.
  2. One lighted on-premise sign, not to exceed 32 square feet per side or facing, shall be permitted.
  3. Hours of scheduled operation shall be from 8:00 a.m. to 5:00 p.m. daily.
  4. All permits from DNREC, DelDOT, State Fire Marshall and Sussex County Building Code Department shall be obtained and copies provided to the Planning and Zoning office.

M 271 92 5. No fuel shall be sold on site.  
(con't)

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

1. The applicant established by substantial evidence that the use proposed will serve a public demand and provide a facility licensed by DNREC.
2. The applicant established by substantial evidence that the use proposed will cause no adverse impact on property values in the neighborhood, the environment, or traffic in the area. The use proposed will be located and operated without adverse impact on the character of the neighborhood.
3. The use proposed is consistent with the purposes of the Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing  
C/U  
#1004

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 AN 82 LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41.1 ACRES, MORE OR LESS" (C/U #1004) filed on behalf of Nicholas P. DelCampo, Jr. and Cynthia S. DelCampo. The Public Hearing was closed.

M 272 92  
Adopt  
Ordinance  
No. 838  
(C/U  
#1004)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 838 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN 82 LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41.1 ACRES, MORE OR LESS" (C/U #1004) filed on behalf of Nicholas P. DelCampo, Jr. and Cynthia S. DelCampo, with the following stipulations:

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission. A playground and other

M 272 92  
(con't)

recreational facility shall be provided by the applicant, as a part of the final site plan.

2. The maximum number of lots in the expansion area (or the maximum number of houses) shall not exceed 82.
3. All septic or sewage effluent is to be disposed of on-site, under the terms of a DNREC central system permit.

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

Findings  
of Fact

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

1. The applicant established by substantial evidence that the use proposed will be an extension of a fully developed, fully leased manufactured home park and that the use proposed will serve a clear need for additional leased lots for manufactured homes in the Milford area.
2. The applicant established by substantial evidence that the existing park and the use proposed will be served by a central sewerage system with effluent treatment permitted by DNREC and that the use proposed will cause no adverse impact on the character of the neighborhood since it is an extension thereof, no adverse impact on traffic or the environment in the area.
3. The use proposed is consistent with the purposes and goals of the Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

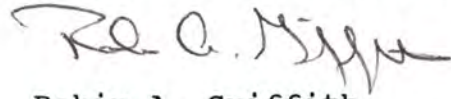
Public  
Hearing  
C/U  
#1005

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 BOAT AND TRAILER STORAGE, AND REPAIR OF FARM EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (C/U #1005) filed on behalf of James E. Harrington. The Public Hearing was closed and action was deferred.

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M 273 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Adjourn adjourn at 3:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council