

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 30, 1992

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, June 30, 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 284 92  
Approve  
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated June 23, 1992. Motion Adopted by Voice Vote.

Letters

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

HAITIAN DEVELOPMENT CENTER, SALISBURY, MARYLAND  
RE: Request for funding to finance projects.

AGNES STEVENSON, REHOBOTH BEACH  
RE: Bungee jumping problem.

WILLIAM V. ROTH, JR., UNITED STATES SENATOR, WASHINGTON, D.C.  
RE: \$20 billion public works bill that Senator Biden has introduced.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL, DIVISION OF WATER RESOURCES, DOVER.  
RE: Well completion reports and permit processing procedures.

FARMERS HOME ADMINISTRATION, DOVER.  
RE: Project known as Greentop Estates located on County Road 225 in Lincoln.

JOHN R. STENGER, MILTON  
RE: Letter to Governor Castle pertaining to tentative plans to locate a balloon factory site adjacent to the Cape Henlopen State Park.

County  
Artists  
Council

Mr. Stickels, County Administrator, introduced Jack Lewis, Sussex County Artist. Mr. Lewis thanked Council for their support of the Arts in Sussex County. Mr. Lewis discussed the activities of the County Artists Council, new activities being introduced, and plans and goals for the future. Mr. Lewis introduced several Cape artists who were also in attendance.

Roads Renaming Project

Dennis Norwood, Assessment Division, and Ed Carey, Emergency Operations Center Director, discussed the proposed Sussex County Roads Renaming Project. This project would be the first step in getting Sussex County to a total readdressing for the 911 Emergency Dispatch Center. The County has received a \$150,000 grant from the State to start the project; however, Mr. Norwood stated that the total cost of the project would be approximately \$1 million, excluding the \$150,000 grant. Mr. Stickels stated that attempts to lobby the General Assembly for legislation to support a monthly surcharge of .50 cents to \$1.00 on customers' telephone bills has been unsuccessful. This surcharge would help fund the cost of the project. A reduced monthly charge would help maintain the service.

Council questioned whether the readdressing is a requirement of the Licensing Agreement for the 911 Enhanced Emergency Reporting System. It was the consensus of Council that Mr. Bayard, County Attorney, review the Licensing Agreement and report back at the next meeting.

Statute Handicapped Motorists

Mr. Stickels, County Administrator, advised that, under State law, handicapped motorists are entitled to have gasoline pumped for them at self-service prices. The Delaware and Maryland Paralyzed Veterans Association has asked Council to assist in apprising handicapped motorists of this statute.

M 285 92 Adopt Resolution No. R 015 92

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 015 92 entitled "RESOLUTION REQUESTING THE SECRETARY OF PUBLIC SAFETY AND THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO APPRISE HANDICAPPED MOTORISTS OF A LAW INDICATING THEY ARE ENTITLED TO HAVE GASOLINE PUMPED FOR THEM AT SELF-SERVICE PRICES BY REQUIRING SERVICE STATIONS IN DELAWARE TO POST CONSPICUOUS SIGNS INDICATING SAME".

Motion Adopted: 5 Yea.

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

CDBG Awards

Mr. Stickels, County Administrator, reviewed a letter from Ms. Martha Harris, Director, Delaware State Housing Authority, listing the Sussex County Community Development Block Grant awards. Program activities were funded as follows:

<u>Community</u>	<u>Activity</u>	<u>Amount</u>
West Rehoboth	Rehabilitation	\$117,000
	Demolition	34,000
Ellendale	Rehabilitation	74,000

CDBG Awards (con't)	<u>Community</u>	<u>Activity</u>	<u>Amount</u>
	Millsboro	Rehabilitation	\$ 50,000
	Blades	Rehabilitation	60,000
	Scattered	Rehabilitation	135,000
		Demolition	28,100
		Survey	12,000
	Greenwood	Rehabilitation	60,000
	Bridgeville	Rehabilitation	60,000
	Georgetown	Rehabilitation/ Hookups	53,000
	Administration		<u>68,900</u>
	<b>TOTAL GRANT</b>		<b>\$752,000</b>

Fire Damaged Homes Council discussed a problem pertaining to fire damaged homes that are not repaired or demolished by the owner. At this time, no County ordinance exists compelling the clean-up of fire damaged homes. Council directed Mr. Lank, Director of Planning and Zoning, to research possible ways to address this problem.

Executive Session Mr. Stickels, County Administrator, recommended that an Executive Session be held on Tuesday, July 7, 1992, at 9:30 a.m., for the purpose of discussing land acquisition.

M 286 92 Executive Session A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council authorizes an Executive Session to be held Tuesday, July 7, 1992, at 9:30 a.m., in the Sussex County Council Chambers.

Motion Adopted: 5 Yea.

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

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

1. County Government Closing

Sussex County offices will be closed on Friday, July 3, 1992, in observance of National Independence Day.

Adminis-  
trator's  
Report  
(con't)

2. State Legislation - House Bill No. 630

House Bill No. 200, passed by the 136th General Assembly and signed into law by the Governor in July 1991, directs roll-back taxes pertaining to certain converted farmlands to the Delaware Agricultural Lands Preservation Foundation to fund the farmland preservation program. At the time, it was estimated roll-back taxes would provide approximately \$100,000 annually to the Foundation. Although the amount of roll-back taxes collected varies, the school districts in New Castle County have recently received significantly higher amounts and have come to rely on roll-back taxes as an anticipated source of revenue. As a means of accomodating the needs of the school districts while assuring a funding source for farmland preservation which is linked to conversion of farmlands, this legislation redirects the school tax component of roll-back taxes to the school districts. The legislation also clarifies when a conversion of agricultural lands enrolled in the special farmland assessment program occurs and provides for an enforcement and collection mechanism to assure that the roll-back tax is paid. The enhanced enforcement and collection mechanism will cause converted property to come onto the county tax rolls sooner, therefore increasing revenue to the counties. The counties will also receive seven and a half percent of the amount collected on behalf of the Foundation as an administrative charge. The legislation further equalizes the terms of Farm Bureau and State Grange representatives on the Foundation Board of Trustees.

3. Roadside Violations

As of June 29, 1992, seven hucksters have been violated for noncompliance of Sussex County Planning and Zoning Ordinances. Three of the violators are now in compliance with zoning regulations; the other four have not reappeared. There seems to be more people selling from vehicles in corporate limits, and they have moved out of the County's jurisdiction. The Planning and Zoning Department will continue to monitor huckster operations during the summer.

Call  
Check  
Recorders  
Quota-  
tions

Mr. Carey, Emergency Operations Center Director, opened the two quotations which were received for Call Check Recorders, as follows:

Spilsbury Comm. Ltd., Vancouver, BC, Canada	\$ 8,409
Dictaphone Inc., Conshohocken, PA	\$ 7,302
(Alternate #1)	\$ 6,596
(Alternate #2)	\$ 5,177

(con't) The quotations will be reviewed by Mr. Carey for a recommendation.

Proposed Ordinance Mr. Collins 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 4.0 ACRES, MORE OR LESS" (C/Z #1167) filed on behalf of Leslie J. Brown. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance 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 0.8642 ACRES, MORE OR LESS" (C/Z #1168) filed on behalf of Chaski Associates, L.P. The Proposed Ordinance will be advertised for Public Hearing.

M 287 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that Appoint Dale Callaway, Milton, Delaware, be appointed to the Board of Dale Callaway to Board of Adjust-ment

Motion Adopted: 5 Yea.

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

Directional Signs Council discussed a problem pertaining to directional signs for businesses. Council has been made aware of several cases where a County permit has been received for a sign and the State is requiring that the sign be removed. Mr. Lank, Director of Planning and Zoning, suggested that the County amend its regulations to conform to the State regulations. Mr. Lank was directed to set up a meeting with the State and report back to Council.

M 288 92 At 11:35 a.m., a Motion was made by Mr. Benson, seconded by Mr. Collins, 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 #1006) 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 FOURTEEN LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK (FISH HOOK) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.18 ACRES, MORE OR LESS" (C/U #1006) filed on behalf of Briggs Enterprises, Inc. The Public Hearing was closed and action was deferred.

Public Hearing (C/U #1007)

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 CRAB POT FLOATS, CRAFTS, AND TWO MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.93 ACRES, MORE OR LESS" (C/U #1007) filed on behalf of Hugh and Tina McBride. The Public Hearing was closed.

M 289 92 Adopt Ordinance No. 839 (C/U #1007)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 839 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CRAB POT FLOATS, CRAFTS, AND TWO MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.93 ACRES, MORE OR LESS" (C/U #1007) filed on behalf of Hugh and Tina McBride, with the following stipulations:

Stipulations

1. A twenty foot wide non-disturbed buffer be retained along the rear property line.
2. One lighted ground sign, not exceeding 32 square feet per side or facing, shall be permitted.
3. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
4. The applicant shall conform to all statements made by the applicant or their representative during the public hearing.
5. Sunday hours, if any, shall begin no earlier than 12:00 noon.

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

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 proposed use will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed use will provide a unique and useful product to the public and will promote employment.
3. The proposed use is not in conflict with the Comprehensive Land Use Plan.

Findings (con't) 4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U #1008) 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 AUTOMOTIVE BATTERIES AND RELATED PARTS AS STORAGE AND DISTRIBUTORSHIP AS AN ACCESSORY USE TO THE DWELLING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS" (C/U #1008) filed on behalf of Richard L. and Pamela L. Rush. The Public Hearing was closed.

M 290 92 Adopt Ordinance No. 840 (C/U #1008) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 840 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE BATTERIES AND RELATED PARTS AS STORAGE AND DISTRIBUTORSHIP AS AN ACCESSORY USE TO THE DWELLING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS" (C/U #1008) filed on behalf of Richard L. and Pamela L. Rush, with the following stipulations:

- Stipulations
1. All appropriate Federal and State approvals and permits for the use proposed shall be submitted with the final site plan.
  2. The site plan shall be subject to final review and approval by the Planning and Zoning Commission.
  3. There shall be no retail sales on site.

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 that the use proposed will better serve a public demand and will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed use is not in conflict with the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
#1164)

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20,075.19 SQUARE FEET, MORE OR LESS" (C/Z #1164) filed on behalf of Bennie Smith Funeral Home. The Public Hearing was closed.

M 291 92  
Adopt  
Ordinance  
No. 841  
(C/Z  
#1164)

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Ordinance No. 841 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20,075.19 SQUARE FEET, MORE OR LESS" (C/Z #1164) filed on behalf of Bennie Smith Funeral Home.

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 change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the change of zone will serve a continuing public demand and will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed change of zone is consistent with the purposes of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Mr. Dukes and Mr. Bayard left the meeting.

Public  
Hearing  
(C/Z  
#1165)

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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE OR LESS" (C/Z #1165) filed on behalf of T. S. Smith & Sons, Inc. The Public Hearing was closed.

M 292 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to  
Adopt Ordinance No. 842 entitled "AN ORDINANCE TO AMEND THE  
Ordinance No. 842 COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-  
(C/Z CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL  
#1165) DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTH-  
WEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE  
OR LESS" (C/Z #1165) filed on behalf of T. S. Smith & Sons,  
Inc.

Motion Adopted: 4 Yea, 1 Absent.

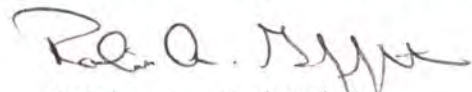
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Absent

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

1. The proposed change of zone is consistent with the purposes of the Comprehensive Land Use Plan.
2. The proposed change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
3. The applicant established by substantial evidence the need for the service.
4. The applicant established by substantial evidence that the location is a good location for the service.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 293 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Adjourn adjourn at 3:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council