

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 28, 1992

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, July 28, 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 318 92
Approve
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated July 21, 1992. Motion Adopted by Voice Vote.

Letters

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

LEWES CONVALESCENT CENTER, LEWES
RE: Invitation to attend the 20th Anniversary of Lewes Convalescent Center.

UNKNOWN
RE: Cartoon on bungee jumping.

UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, SUSSEX COUNTY ASCS OFFICE, GEORGETOWN
RE: July 23, 1992, newsletter entitled "The Farmers Corner".

MILFORD MEMORIAL HOSPITAL, MILFORD
RE: May/June newsletter entitled "Monitor".

DEPARTMENT OF THE ARMY, PHILADELPHIA DISTRICT, CORPS OF ENGINEERS, PHILADELPHIA
RE: Notice of study initiation of the feasibility phase for the Delaware Coast from Cape Henlopen to Fenwick Island shoreline protection study.

ROBERT A. MCCARTHY, BETHANY BEACH
RE: Approval of Sea Colony application.

JAMES P. SCOTT AND HARVEY SPICER, MASON-DIXON PARK
RE: Proposed Fenwick Island Water District.

Septic
Haulers

Mr. Stickels, County Administrator, discussed a concern of some Long Neck area residents regarding land application of untreated septic tank wastes by septic haulers. It is felt that the continued dumping into the fields will lead to the degradation of the bays. Many septic haulers still have land-application

Septic
Haulers
(con't)

permits from the State of Delaware Department of Natural Resources and Environmental Control. The permits, many of which do not expire for several years, allow the septic haulers to legally dump wastewater on farmland under strict environmental guidelines. A suggestion was made that the Long Neck Sewer District treatment plant accept the waste. Mr. Stickels advised that, at this time, the Long Neck Sewer District treatment plant cannot accept waste from septic haulers. Mr. Stickels was instructed by Council to schedule a meeting with officials of DNREC to discuss possible solutions to the problem.

M 319 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, that Executive Session the Sussex County Council authorizes an Executive Session to be held Tuesday, July 28, 1992, immediately following the Public Hearings, in the Sussex County Council Chambers, for the purpose of discussing land acquisition.

Motion Adopted: 5 Yea.

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

M 320 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, that Executive Session the Sussex County Council authorizes an Executive Session to be held Tuesday, August 4, 1992, at 9:15 a.m., in the Sussex County Council Chambers, for the purpose of discussing pending litigation.

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 included in his County Administrator's Report:

1. Correspondence - Joanne W. Pisapia, Beach Day Coordinator, Delaware Health and Social Services

Included in this report was a copy of a letter from Ms. Pisapia thanking the Council for its support in providing transportation for Senior Beach Day to be held September 25, 1992, in Rehoboth Beach. Ms. Pisapia states that many of the seniors could not participate without transportation to take them from one site to another during the day. Council's contribution to this program makes this day possible.

Adminis-
trator's
Report
(con't)

2. Correspondence - Janice Mitchell, Director, Sussex Crisis Pregnancy Center

Included in this report is a copy of a letter from Ms. Janice Mitchell, Director, Sussex Crisis Pregnancy Center (SCPC). Ms. Mitchell has advised that SCPC has purchased the following equipment with the funding made possible by the County Council: 11 cribs; 12 car seats; bassinets; accessories/hardware; and one mattress. Ms. Mitchell thanks the County Council for the help that it has been able to provide the women and children of Sussex County.

3. United States House of Representatives - H.R. 5653

The latest proposed unfunded federal mandate would require counties to prepare and send special property tax notices to taxpayers and the Internal Revenue Service. The notice would have to state which taxes are deductible for federal income tax purposes. Included in this report is a copy of a "NACo Alert" regarding this legislation. The alert states that "It is clear that little thought and research has been given to this legislation." Mr. Stickels has notified Congressman Thomas R. Carper that this legislation would have an adverse affect on the three counties in Delaware, both administratively and financially.

4. Certificate of Public Convenience and Necessity

Ms. Carol E. Webb, Environmental Program Manager, Water Utility Certification Program, Division of Water Resources, Department of Natural Resources and Environmental Control, has advised that a Certificate of Public Convenience and Necessity has been issued to the City of Milford to provide public water service to the areas contained within municipal boundaries of the city.

FAA
Grant
Master
Plan

Frank Calio, Director of Airport and Industrial Park Operations, informed Council that a grant to the Georgetown Airport in the amount of \$76,500 has been received from the Federal Aviation Administration (FAA). This amount is part of the \$900,000 pre-application recently requested from the FAA and will be used for a master plan for the airport. The FAA grant represents 90% of the request for the master plan. The State of Delaware and the County fund the remaining 10%; however, the County's portion will be picked up by DelDOT Aeronautics Division, allowing the grant to be funded 100% without any county funds being expended. Mr. Izzo, Assistant County Engineer, will prepare bid specifications and will interview consultants to contract for the master plan. Input into the master plan will come from the County Council, the Airport Director's office, the County Engineer's office, users of the airport, and the public.

- Tower Lease Agreement** Mr. Carey, Emergency Operations Center Director, discussed a proposed lease agreement, which represents an extension of an existing agreement, and an addendum. The existing agreement was entered into for the purpose of moving the County's fire and EMS dispatch radio transmitters to remote sites in the County. This agreement is for the moving of two transmitters from Milford and Nanticoke Hospital to the Bridgeville tower site. Action was deferred on this matter until the County Attorney has had time to review the agreement.
- Proposed Ordinance** Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (C/Z #1170) filed on behalf of Earl Harry Holden. 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 30.54 ACRES, MORE OR LESS" (C/Z #1171) filed on behalf of Jack Mears, Jack Reynolds, and Bruce Moore. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance** Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION AND EXPANSION TO CONDITIONAL USE NO. 786 FOR AN AUTO RECYCLING CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (C/U #1015) filed on behalf of Joe C. and Toni Johnson, T/A Bridgeville Auto Center. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance** Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN INDEPENDENT SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 40,651 SQUARE FEET, MORE OR LESS" (C/U #1016) filed on behalf of Jefferson Learning Foundation. The Proposed Ordinance will be advertised for Public Hearing.
- Specialized Transportation Funding (DAST)** Mr. Stickels, County Administrator, advised Council that an agenda item for the August 4, 1992, meeting will be FY'93 recommendations for the Sussex County Specialized Transportation Funding as recommended by the Delaware Administration for Specialized Transportation (DAST). The Director of this Program will be in attendance to answer questions.

M 321 92 At 11:15 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Stevenson, 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 A Public Hearing was held on Proposed Ordinance entitled "AN
Hearing ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY
RELATING TO DAY CARE CENTERS AND HOME OCCUPATIONS". The Public
Hearing was closed.

M 322 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt
Adopt Ordinance No. 847 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF
Ordinance THE CODE OF SUSSEX COUNTY RELATING TO DAY CARE CENTERS AND HOME
No. 847 OCCUPATIONS".

Motion Adopted: 5 Yea.

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

Draft New Councilman Cole recommended that a new ordinance be drafted to
Ordinance require notification of adjoining property owners when a home
Notify occupation is approved. It was the consensus of Council that
Adjoining an ordinance be drafted. Councilman Cole expressed concern that
Property adjoining property owners have no recourse regarding the approval
Owners of home occupations when it is a permitted use.

Public A Public Hearing was held on Proposed Ordinance entitled "AN
Hearing ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY
RELATING TO ZONING PROCEDURES, ADMINISTRATION AND ENFORCEMENT,
CHANGES AND AMENDMENTS, AND PROHIBITING THE APPLICATION FOR
CHANGES, AMENDMENTS, OR CONDITIONAL USES UNDER CERTAIN CIRCUM-
STANCES". The Public Hearing was closed.

M 323 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt
Adopt Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115
Proposed OF THE CODE OF SUSSEX COUNTY RELATING TO ZONING PROCEDURES,
Ordinance ADMINISTRATION AND ENFORCEMENT, CHANGES AND AMENDMENTS, AND
(Denied) PROHIBITING THE APPLICATION FOR CHANGES, AMENDMENTS, OR
CONDITIONAL USES UNDER CERTAIN CIRCUMSTANCES".

Motion Denied: 4 Nay; 1 Yea.

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

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M 324 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give
Council- \$250.00, \$50.00 from each Councilmanic Account, to the Seashore
manic Striders to help with the cost of sending three athletes to
Grant the National Championships.

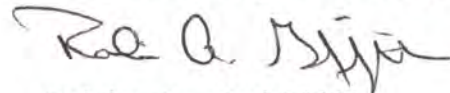
Motion Adopted: 5 Yea.

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

M 325 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adjourn to adjourn at 2:30 p.m.

Executive Immediately following the conclusion of the meeting, an
Session Executive Session was held regarding land acquisition.
The Executive Session concluded at 3:40 p.m.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council