

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 10, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 10, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	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 330 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve approve the minutes of the previous meeting dated August 3, 1993. Minutes Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

BIG BROTHERS/BIG SISTERS OF DELAWARE, INC., GEORGETOWN.
RE: Invitation to attend the Big Brothers and Big Sisters of Sussex at the third annual picnic to be held Saturday, August 14, 1993, at Trap Pond State Park.

LETA N. PARKER, MHDC HOUSING COORDINATOR, MILFORD HOUSING DEVELOPMENT CORPORATION, MILFORD.
RE: Farmers Home Administration's Environment Assessment on the proposed Greenwood Elderly Apartments.

JACK STRATTON, MANAGER, "BAD COMPANY" COED SOFTBALL TEAM, MILFORD.
RE: Request for financial assistance for attendance at the Regional Coed Softball Tournament in Pennsylvania.

JOSEPH P. LOBB, TOWN MANAGER, TOWN OF OCEAN VIEW, OCEAN VIEW.
RE: Appreciation for Mr. Cole's Councilmanic Grant of \$500.00 to be used for the construction of an open picnic pavilion in the town park.

Certifi- Mr. Stevenson presented Hugh P. Smith with a Certificate of cate of Appreciation from the Sussex County Council for devotion, Appreciation loyalty, and excellence in serving Sussex County as a member of the Planning and Zoning Commission from July 1, 1975, to June 30, 1993.

First Mr. Stickels, County Administrator, reviewed an Agreement between State Sussex County Council and First State Inspection Agency, Inc., Inspection for building inspection services for the Single Family and Multi Agency Family Building Codes. Also present for the discussion were Mr. Parker, Director of Assessments, and Mr. Morrison of First State Inspection Agency, Inc. Council will review the Agreement for action at the August 17, 1993, meeting.

Departure Mr. Collins departed the meeting at this time.

Five Year Library Plans Mr. Stickels, County Administrator, and Carol Fitzgerald, Director of Libraries, reviewed the Five Year Library Plan for the Greenwood Public Library, Milton Public Library, and South Coastal Public Library. As required by State Law, libraries must have a Five Year Plan to qualify to apply for funding.

M 331 93 Adopt Five Year Library Plans A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council, having met in public session, adopts the Five Year Library Plan for the Greenwood Public Library, Milton Public Library, and South Coastal Public Library, as recommended by the Sussex County Director of Libraries and Sussex County Administrator.

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

Request to Update County Land Use Plans Mr. Stickels, County Administrator, discussed a proposal for updating the County's Land Use Plans and requested permission to advertise for consulting services. Consulting services would include the review of the Coastal Land Use Plan and the Western Land Use Plan; the merging of the two plans; a review of the plans to make sure they are in compliance with Delaware "Quality of Life" legislation and preparation of necessary Ordinances that would support the Land Use Plan. The County is required by law to be in compliance by December, 1995. Proposals for consulting services would be due no later than October 29, 1993. Completion of all hearings is to be no later than October 28, 1994.

M 332 93 Advertise for Consulting Services for County Land Use Plan A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the Sussex County Council authorizes the Sussex County Administrator to advertise for services for preparation of a comprehensive plan for zoning, subdivisions, and other land use decisions as defined in 9 Delaware Code, § 6952.

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

Adminis-
trator's
Report

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

1. Sussex County Industrial Airpark

The First Annual Sussex County Air Show was held on Sunday, August 8, 1993, at the Georgetown Airport. It appears that the day was a success, with over 100 airplanes, including antique planes, landing at the airport. Approximately 500 people were in attendance and participated in different aviation activities. Activities included airplane rides given on a 1940 double winger aircraft. Planes from Virginia, Maryland, Pennsylvania, and New Jersey visited the airport on Sunday. Planning for next year's event will be discussed on Wednesday, September 1, 1993, at the monthly Airport Committee meeting.

2. Federal Legislation

Senator Dirk Kempthorne, Republican from Idaho, and Representative Gary Condit, Democrat from California, have introduced legislation, S. 993 and H.R. 140, freeing local governments from obligations to carry out future federal mandates unless federal funds are provided. Currently, there are 22 cosponsors in the Senate and 87 cosponsors in the House. Congressman Michael Castle is a cosponsor in the House. Mr. Stickels will write to Senators Roth and Biden asking them to cosponsor and support this legislation.

Proposed Ordinance Mr. Dukes introduced a 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 2.75 ACRES, MORE OR LESS" (C/Z #1208) filed on behalf of Everett H. and Bonnie H. Messick, T/A Messick Supply. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.01 ACRES, MORE OR LESS" (C/U #1055) filed on behalf of Francis and Gale Morris. The Proposed Ordinance will be advertised for Public Hearing.

M 333 93 Council-
manic
Grant A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$200.00, \$100.00 from Mr. Stevenson's Councilmanic Account and \$100.00 from Mr. Dukes' Councilmanic Account, to the Sussex Tech Raven Football Team to help fund a trip to Virginia.

- M 333 93 Motion Adopted: 3 Yea, 2 Absent.
(con't)
Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
Mr. Collins, Absent; Mr. Stevenson, Yea;
Mr. Dukes, Yea
- M 334 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Council- give \$200.00, \$100.00 from Mr. Collins' Councilmanic Account
manic and \$100.00 from Mr. Stevenson's Councilmanic Account, to the
Grant Bridgeville Softball League for A.J.'s Big Boys and P.S.
Treated Lumber to help fund a trip to Georgia.
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
- M 335 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Council- give \$100.00 from Mr. Stevenson's Councilmanic Account to the
manic Blazer's Softball Team, Georgetown Softball League, to help
Grant fund a trip to North Carolina.
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
- M 336 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Council- give \$100.00 from Mr. Stevenson's Councilmanic Account to the
manic Action Business Center Softball Team, Georgetown Softball
Grant League, to help fund a trip to Pennsylvania.
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
- M 337 93 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Council- give \$500.00, \$300.00 from Mr. Benson's Councilmanic Account
manic and \$200.00 from Mr. Stevenson's Councilmanic Account, to "Bad
Grant Company" Coed Softball Team to help fund a trip to Pennsylvania.
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

M 338 93 At 11:09 a.m., a Motion was made by Mr. Stevenson, seconded by
Recess Mr. Cole, to recess until 2:30 p.m. Motion Adopted by Voice
Vote.

Reconvene Mr. Dukes called Council back into session at 2:30 p.m.

Attorney Mr. Schrader, Assistant County Attorney, was the attorney in
attendance for the afternoon session.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1
#1202 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING
2.41 ACRES, MORE OR LESS" (C/Z #1202) filed on behalf of
Simpson's Log Homes, Inc. The Public Hearing was closed.

M 339 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Adopt Adopt Ordinance No. 913 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
No. 913 CULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL
(C/Z DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
#1202) NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES,
MORE OR LESS" (C/Z #1202) filed on behalf of Simpson's Log
Homes, Inc.

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

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

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1
#1203 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-
TAINING 5.03 ACRES, MORE OR LESS" (C/Z #1203) filed on behalf
of Maplewood Industries, Inc. The Public Hearing was closed
and action was deferred.

Public
Hearing
C/U
#1047

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FLEA MARKET (OUTSIDE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.34 ACRES, MORE OR LESS" (C/U #1047) filed on behalf of Bridgeville Flea Market. The Public Hearing was closed and action was deferred.

Public
Hearing
C/U
#1048

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION OF AN EXISTING PRODUCE MARKET FOR ADDITIONAL OFF-STREET PARKING AND FOOD SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.15 ACRES, MORE OR LESS" (C/U #1048) filed on behalf of John Hamstead. The Public Hearing was closed.

M 340 93
Adopt
Ordinance
No. 914
(C/U
#1048)

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Ordinance No. 914 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION OF AN EXISTING PRODUCE MARKET FOR ADDITIONAL OFF-STREET PARKING AND FOOD SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.15 ACRES, MORE OR LESS" (C/U #1048) filed on behalf of John Hamstead.

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

Findings
of Fact

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

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/U
#1049

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.36 ACRES, MORE OR LESS" (C/U #1049) filed on behalf of Myralon S. Webb. The Public Hearing was closed.

M 341 93 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Adopt Ordinance No. 915 entitled "AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT FOR A GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF
LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX
COUNTY, CONTAINING 21.36 ACRES, MORE OR LESS" (C/U #1049)
filed on behalf of Myralon S. Webb, with the following
stipulations:

1. The existing driveway from Route 9 shall be restricted to one way traffic during business hours. The driveway from Route 281 shall permit two-way traffic.
2. An entrance sign shall be placed at the entrance on Route 9.
3. One 32 sq. ft. unlighted sign shall be permitted in addition to traffic directional signs.
4. Business hours shall be posted on the business sign.
5. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.

Motion Adopted: 3 Yea, 2 Absent.

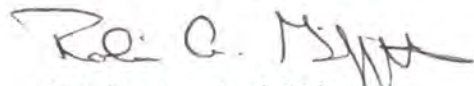
Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
Mr. Collins, Absent; Mr. Stevenson, Yea;
Mr. Dukes, Yea

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

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 342 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Adjourn adjourn at 3:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council