

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 15, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 15, 1995, 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
Ralph E. Benson	Member
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 365 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated August 8, 1995. Motion Adopted by Voice Vote.

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

SUSAN A. FRANK, DIRECTOR, DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE.

RE: Letter announcing that the newest public housing site, Hickory Tree Apartments, located in Selbyville, is now completed and fully occupied.

GLENN PHILLIPS, PRESIDENT, LAUREL POP WARNER, LAUREL, DELAWARE.

RE: Request for councilmanic funds to be used for operating expenses.

GUY C. HUDSON, PRESIDENT, SUSSEX COUNTY FIRE CHIEFS' ASSOCIATION, SUSSEX COUNTY, DELAWARE.

RE: Letter regarding Chapter 115 of the Code of Sussex County, Article III, on open burning. The Sussex County Fire Chiefs Association is still opposed to this Ordinance and is asking that the fire service be exempt from the Ordinance.

Dennis L. Schrader, Assistant County Attorney, Wilson, Halbrook & Bayard, Georgetown, Delaware.

RE: West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District - Easement and Land Acquisition.

Proposed Mr. Reeb, representative for the Delaware Department of Trans- MOU portation, discussed a Proposed "Memorandum of Understanding with Relating to the Comprehensive, Continuing, and Cooperative Delaware Transportation Planning and Programming Process" between the Department of Delaware Department of Transportation and the Sussex County Transportation Council. The Memorandum of Understanding provides for the formation of a Transportation Planning Advisory Committee (TPAC) that will assist in coordination of planning issues associated with the preparation of the Statewide Transporta-

Proposed
MOU
(con't)

tion Plan and the County Comprehensive Plan and will serve as a general voice for public opinion on transportation planning. Council members reviewed the composition of the TPAC as follows:

Agricultural Business	2 members
Environmental Groups	2 members
Tourist Industry	1 member
Civic Associations	(optional)
Chamber of Commerce	1 member
Shippers	1 member
Truckers	1 member
Delaware River & Bay Authority	1 member
Rail/short line	1 member
Sussex County Association of Towns	2 members
Sussex County Economic Development	1 member
Public Safety	1 member
Sussex County	
Department of Planning and Zoning	(resource people)
Delaware Department of Transportation	(resource people)

It was the consensus of Council that the number of members representing Civic Associations should be specified; consequently, it was decided that there shall be three representatives from Civic Associations: one from Western Sussex County, one from Central Sussex County, and one from Eastern Sussex County.

M 366 95
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A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Council President to execute the "Memorandum of Understanding Relating to the Comprehensive, Continuing, and Cooperative Transportation Planning and Programming Process" by and between the Delaware Department of Transportation and the Sussex County Council, with the amendment that there shall be three representatives from Civic Associations.

Motion Adopted: 5 Yea.

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

Draft
Ordinance
Relating
to the
Mobile
Homes

Mr. Stickels, County Administrator; Mr. Lank, Director of Planning and Zoning; and Mr. Jones, Assistant County Attorney, discussed a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND PROVISIONS RELATING TO THE PLACEMENT AND REGULATION OF MOBILE HOMES AND TO PROVIDE MINIMUM STANDARDS FOR SINGLE-FAMILY DWELLINGS AND SINGLE-FAMILY MOBILE HOMES IN CERTAIN DISTRICTS". Mr. Jones highlighted the changes contained within the draft ordinance:

Draft Ordinance (con't)

1. The proposed ordinance treats single-family dwellings (defined as site-constructed homes and off-site-constructed homes) and single-family mobile homes the same. In other words, in all districts which now allow single-family dwellings, single-family mobile homes will also be allowed. Both single-family dwellings and single-family mobile homes will have to meet minimum standards, i.e. single-family homes will have a minimum width of twenty feet.
2. Single-wide mobile homes will be limited to mobile home parks and property zoned GR-General Residential.
3. The current procedure whereby persons seeking mobile homes on less than five acres have to apply to the Board of Adjustment will no longer exist. The only mobile home approvals which will go to the Board of Adjustment will be certain on-farm mobile homes, and mobile homes for business, commercial or industrial uses.
4. The proposed ordinance does not require a minimum square footage for mobile homes which are being treated as single-family dwellings. It does require, however, a minimum square footage of 400 feet for mobile homes located within mobile home parks and GR-General Residential zoning districts.
5. Existing mobile homes which are replaced will have to meet with the requirements of these new provisions.

A lengthy discussion ensued regarding strip development and farmland protection. It was the consensus of Council that the draft ordinance be presented to the County's Land Use Consultant, Whitman, Requardt and Associates, for the purpose of determining how this draft ordinance will mesh with the County's Comprehensive Land Use Plan.

Request for Reassignment of 1995 Volume Cap

Mr. Stickels, County Administrator, reported that a letter has been received from Robert W. Coy, Chairman of the Delaware Economic Development Office, requesting that any portion of the 1995 Volume Cap assigned to Sussex County which will not be allocated either to a qualified project prior to year-end or identified as eligible for carry-forward be reassigned to the Delaware Economic Development Authority. This request is being made to allow the State to maximize usage of its 1995 Private Activity Bond Volume Cap. The State assigned \$15,000,000 to Sussex County for Industrial Revenue Bonds in 1995. Mr. Stickels recommended that the Council authorize the reassignment of \$13,000,000

Request of the 1995 Volume Cap Allocation and that the Council reserve for \$2,000,000 for potential projects. It was noted that if it becomes necessary for the County to allocate Volume Cap to any particular project (in excess of the \$2,000,000 withheld), the amount will be reassigned to the County.

M 367 95 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, Authorize that the Sussex County Council authorizes the reassignment of \$12,000,000 of the 1995 Volume Cap Allocation as requested by the Delaware Economic Development Authority, and be it further moved that the \$3,000,000 balance shall be reassigned by December 15, 1995, contingent on the County not having any eligible projects.

Motion Adopted: 5 Yea.

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

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

1. Ocean Way Estates, Sections I and II

Mr. Stickels has received notice from the State of Delaware, Office of Budget Director, in its function as State Clearinghouse. It has reviewed the County's request for Federal funding in the amount of \$486,435 to be used for the expansion of the Bethany Beach Sanitary Sewer District for Ocean Way Estates, Sections I and II. The Budget Office has determined that this project is consistent with goals established for the State. Once the project has received State approval, funding can be considered by the Rural Economic and Community Development Agency.

2. Delaware Economic Development Office - News Release

In preparation for its 1996 Delaware Calendar of Events publication, the Delaware Tourism Office has sent listing forms to event planning organizations throughout the State. The annual Calendar of Events is one of the Delaware Tourism Office's (DTO) most requested pieces of travel information. With a circulation of approximately 100,000 printed copies, the Calendar reaches its audiences through mail fulfillment, travel trade shows and consumer shows, travel promotion agencies, and information centers. In addition, the Calendar is sent to travel editors, writers, and publications throughout the United States. In 1996, the DTO will also be developing event data for electronic information systems.

Adminis-
trator's
Report
(con't)

For an event to be considered for the 1996 Delaware Calendar of Events, it must be open to the general public. Events must also be geared to attract visitors to the State, County, or local community, or to support an existing tourism attraction or performing/cultural arts organization. Deadline for submissions is Monday, August 21, 1995.

For a complete set of guidelines and listing forms for the 1996 Delaware Calendar of Events, contact the Delaware Tourism Office, 99 Kings Highway, P. O. Box 1401, Dover, DE, (302) 739-4271 or (800) 441-8846.

M 368 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give Council- \$750.00 (\$350.00 from Mr. Cole's and Mr. Benson's Councilmanic manic Accounts and \$50.00 from Mr. Collins' Councilmanic Account) to Grant the YMCA of Delaware to help fund the extension work the YMCA is doing in Sussex County.

Motion Adopted: 5 Yea.

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

M 369 95 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Council- give \$500.00, \$250.00 from Mr. Stevenson's Councilmanic Account manic and \$250.00 from Mr. Collins' Councilmanic Account, to the Grant Sussex Central Football Boosters to assist in funding the purchase of t-shirts and shorts for the football team.

Motion Adopted: 5 Yea.

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

M 370 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Council- to give \$500.00 from Mr. Stevenson's Councilmanic Account to manic the Grand Slam Softball Team from Bridgeville for expenses Grant associated with travelling to Burlington, North Carolina, for national competition.

Motion Adopted: 5 Yea.

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

M 371 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$150.00 from Mr. Collins' Councilmanic Account to the
manic Millsboro Historical Society to support the ongoing restora-
Grant tion of the Godwin School.

Motion Adopted: 5 Yea.

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

M 372 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Council- give \$200.00 from Mr. Collins' Councilmanic Account to the
manic Indian River High School for improvements to the weight
Grant training room.

Motion Adopted: 5 Yea.

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

Agenda Mr. Collins requested that "Laurel Landfill Water System"
Item be placed on the August 22, 1995 Council meeting agenda.

M 373 95 At 11:30 a.m., a Motion was made by Mr. Collins, seconded
Recess by Mr. Benson, to recess until 1:30 p.m. Motion Adopted
by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m.

Public A Public Hearing was held on the Proposed Ordinance en-
Hearing titled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN
(C/U AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE
No. 1125) SALES (CLASSIC AND ANTIQUE VEHICLES) TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK
HUNDRED, SUSSEX COUNTY, CONTAINING 19.46 ACRES, MORE OR
LESS", (Conditional Use No. 1125) filed on behalf of
Cheryl E. Murphy, et. al. The Public Hearing was closed.

M 374 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Adopt to adopt the Proposed Ordinance entitled "AN ORDINANCE TO
Proposed GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
Ordinance RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES (CLASSIC AND
(C/U ANTIQUE VEHICLES) TO BE LOCATED ON A CERTAIN PARCEL OF
No. 1125) LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 19.46 ACRES, MORE OR LESS" (Conditional Use No.
1125) filed on behalf of Cheryl E. Murphy, et. al.

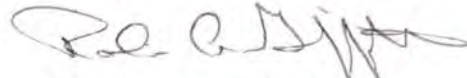
Motion Denied: 5 Nay.

M 374 95 Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Nay;
(con't) Mr. Collins, Nay; Mr. Stevenson, Nay;
Mr. Dukes, Nay

Findings The findings of fact and recommendations of the Planning and
of Fact Zoning Commission were incorporated into the record. The
County Council found that the requested conditional use was
not in accordance with the Comprehensive Development Plan.
The County Council found that the applicant failed to establish
a need for the requested conditional use.

M 375 95 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adjourn to adjourn at 1:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council