

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 18, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 18, 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 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 357 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve Minutes approve the minutes of the previous meeting dated August 11, 1992. Motion Adopted by Voice Vote.

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

WILLIAM W. PLEASANTS, P.E., ENGINEERING CONSULTANT, BETHEL
RE: Letter to Environmental Protection Agency requesting the Laurel Landfill be removed from the National Priorities List. (Mr. Stickels, County Administrator, will forward a copy of this letter to Representative Carper, Senator Biden, and Senator Roth.)

A.O.K. Mr. Stickels, County Administrator, requested permission from Literacy Council to apply for funding in the amount of \$10,170 for a Program Grant Request literacy program entitled A.O.K. A.O.K. (Assisting Our Children) is a library based family literacy program involving parents and their children in the joys of books and reading together. It is an outreach program designed for on-site presentation in the community. This request for funding will enable the continuation of this program.

M 358 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that Authorize the Sussex County Council authorizes the Sussex County Administra- Application for Grant for amount of \$10,170 for the A.O.K. literacy program.

A.O.K. Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Stickels, County Administrator, discussed a letter from the Resolu- tion Oak Orchard Interest Organization asking Council to support petitions requesting the State of Delaware to purchase property located at the southeast end of Route 5 in Oak Orchard, known as the old hotel and grove area. The purchase of this property would provide local residents more access to the river from the

Proposed north side. Mr. Stickels read in its entirety a Proposed Resolution entitled "RESOLUTION ENCOURAGING THE STATE OF DELAWARE TO INVESTIGATE THE PURCHASE OF LAND KNOWN AS OAK ORCHARD GROVE AREA".
Resolu- tion (con't)

M 359 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Resolution R 020 92 entitled "RESOLUTION ENCOURAGING THE STATE OF DELAWARE TO INVESTIGATE THE PURCHASE OF LAND KNOWN AS OAK ORCHARD GROVE AREA".
Resolu- tion R 020 92

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. Library Staff Development Day

Carol Fitzgerald, Director of County Libraries, has requested that all independent libraries be closed on Thursday, September 17, 1992, from 8:30 a.m. to 4:30 p.m. The purpose of the closing would be to allow staff to attend the Staff Development Day to be held at the Higher Education Building, Delaware Technical and Community College. County Council members are encouraged to visit as many workshops as they can on this day.

2. U.S. 113 Widening

The Federal Highway Administration has approved the bidding for widening U.S. 113 north of Georgetown this week. Federal officials granted an unusual clearance to allow the bidding before the Department of Transportation receives official environmental permits. The approval was based on assurance from other agencies that the permit is unopposed and will be approved shortly. Council's Resolution endorsing this project was forwarded to the Delaware Department of Transportation along with a letter requesting that the department consider safety precautions for the portion of road that will not be widened under the first phase. The first phase of the project will widen the highway to four lanes from just north of Georgetown to Sussex 579. Two other sections will be bid together to widen the road from Sussex 579 to Delaware 16 and Delaware 16 to Milford.

3. Division of Revenue License Application

The State of Delaware Division of Revenue has agreed to add the

Adminis-
trator's
Report
(con't)

following statement on its license application for any new businesses:

"Although a Delaware license is an important step in state tax compliance, each business must achieve compliance with the county zoning requirements, as your business must be zoned properly. A Delaware business license does not exempt you from compliance with the respective county zoning ordinances."

By placing this statement on the application, all businesses will have been forewarned that they must comply with county zoning. This should alleviate the problem of businesses who state they were unaware that the zoning was necessary.

Old
Business
C/U
No. 1006

Conditional Use No. 1006, filed on behalf of Briggs Enterprises, Inc., was discussed. A Public Hearing was held on June 30, 1992, at which time the Public Hearing was closed and action was deferred.

M 360 92
Adopt
Ordinance
No. 852
(C/U
#1006)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 852 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., with the following stipulations:

1. This expansion shall be limited to no more than fourteen sites for lease.
2. The expansion area shall have access to the existing Jane Street.
3. No additional ingress/egress locations shall be created from Route 318 for the existing park or expansion area.
4. Buffer zone in expansion area shall be landscaped for the purpose of creating screening. The plantings for screening shall be subject to the approval of the State Forester and the Planning and Zoning Commission. The buffer area shall remain free of any buildings or streets.
5. The minimum lot size per lot shall be 8,000 square feet as submitted by the applicant. All lot corners shall be visibly marked by permanent markers.
6. Off street parking spaces shall be provided at a ratio of two spaces, 10' by 20', per lot.

M 360 92
(con't)

7. Streets shall be built to Subdivision Street Standards of Chapter 99 of the Code of Sussex County.
8. Site Plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all required agency approvals.
9. The project shall be substantially underway within one year.
10. All homes within this project shall be no smaller than 14' x 70'.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
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 a clear need exists for additional lots for manufactured homes in the area and that as an expansion to an existing park, this development will be of a consistent high quality.
2. The applicant established by substantial evidence that the proposed expansion will cause no adverse impact on the character of the neighborhood, property values therein, traffic in the area, the local school district or the environment in the area.
3. The proposed expansion is consistent with the purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Bahamas
Beach

Mr. Green, Utilities Construction Division Director, discussed a "Beneficial Acceptance" for the wastewater facilities constructed in "Bahamas Beach Cottages", Phase I, located in the South Bethany Sanitary Sewer District.

M 361 92
Grant
Bene-
ficial
Accep-
tance
Bahamas
Beach

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant "Beneficial Acceptance" for the wastewater facilities constructed in "Bahamas Beach Cottages", Phase I, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

M 361 92 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESI-
DENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE TO FORESTED LAND
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.78 ACRES, MORE
OR LESS" (C/U #1017) filed on behalf of Townsends, Inc. The
Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR AN INDIAN CENTER (TRIBAL OFFICE AND
MEETING PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING
39,804 SQUARE FEET, MORE OR LESS" (C/U #1018) filed on behalf of
Nanticoke Indian Association. The Proposed Ordinance will be
advertised for Public Hearing.

Proposed Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE
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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 29,072.93 SQUARE
FEET, MORE OR LESS" (C/Z #1174) filed on behalf of James P. and
Eileen M. McCall. The Proposed Ordinance will be advertised for
Public Hearing.

M 362 92 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to
Council- give \$400.00 (\$100.00 from Mr. Benson's Councilmanic Account,
manic \$100.00 from Mr. Collins' Councilmanic Account, \$100.00 from Mr.
Grant Dukes' Councilmanic Account, and \$100.00 from Mr. Stevenson's
Councilmanic Account) to A.J.'s Big Boyz Softball Team to help
offset trip expenses to the national championships in Miami,
Florida.

Motion Adopted: 4 Yea, 1 Absent.

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

M 363 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$400.00 (\$100.00 from Mr. Benson's Councilmanic Account,
manic \$100.00 from Mr. Collins' Councilmanic Account, \$100.00 from Mr.
Grant Dukes' Councilmanic Account, and \$100.00 from Mr. Stevenson's
Councilmanic Account) to Milford Merchants Softball Team to help
offset trip expenses to the Class D National Softball Tournament
in Staten Island, New York.

M 363 92 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

M 364 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$500.00 (\$250.00 from Mr. Benson's Councilmanic Account and
manic \$250.00 from Mr. Stevenson's Councilmanic Account) to Casablanca
Grant Softball Team to help offset trip expenses to the Major Class
National Softball Tournament in Alabama.

Motion Adopted: 4 Yea, 1 Absent.

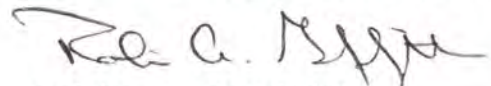
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Draft President Dukes discussed complaints he has received regarding
Ordinance the County's ordinance pertaining to restrictions on tents. Mr.
Relating Stickels, County Administrator, and Mr. Lank, Director of Planning
to Tents and Zoning, will draft a less cumbersome ordinance pertaining to
tents for Council's consideration.

Inland Mr. Stickels, County Administrator, announced that the Inland
Bays Bays Workshop and tour of the inland bays scheduled for this date
Workshop was canceled due to the weather. The workshop and tour will
& Tour be rescheduled for Tuesday, September 22, 1992.

M 365 92 A Motion was made by Mr. Benson, seconded by Mr. Collins, to
Adjourn adjourn at 11:00 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council