

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 19, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 19, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 415 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Amend and Approve Agenda approve the Agenda, with the following amendment:
Add:

"Introduction of Proposed Zoning Ordinances"

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 416 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting, dated August 12, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

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

PATRICIA FLEETWOOD, EXECUTIVE DIRECTOR, NANTICOKE SENIOR CENTER, SEAFORD, DELAWARE.

RE: Letter of appreciation for Council's support concerning specialized transportation funding.

MARTIN B. DONOVAN, PRESIDENT, GEORGETOWN CHAMBER OF COMMERCE, GEORGETOWN, DELAWARE.

RE: Letter of appreciation to Sussex County's Economic Development Office for participation in the 1997 Sussex County Fair.

Corre- ALISON CATHERINE WHITE, 1997 MISS DELAWARE, MILLSBORO, DELAWARE.
spondence RE: Letter of appreciation for Councilmanic Grant.
(con't)

PAT ANDREWS, FUTURE PROGRAM'S 3RD AFRICAN AMERICAN FESTIVAL,
SEAFORD, DELAWARE.
RE: Letter of appreciation for Councilmanic Grant.

JANE HAGUE, CHAIR, METROPOLITAN KING COUNTY COUNCIL, SEATTLE,
WASHINGTON.
RE: Letter of appreciation to Mr. Dukes for his involvement in
NACo's Energy, Environment and Land Use Steering Committee.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice of an application for a Department of the
Army permit. Applicant: Pine Acres, Incorporated. Waterway:
Guinea Creek.

MARY HARRINGTON, OCEAN VIEW LEISURE CENTER, OCEAN VIEW,
DELAWARE.
RE: Letter regarding the Center's bus service and lack of
a center of their own.

M 417 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt the Proclamation entitled "PROCLAIMING TUESDAY, AUGUST
Procla- 19, 1997, AS A DAY OF REMEMBRANCE OF JOHN W. JOHNSON, SR."
mation

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 418 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt the Proclamation entitled "HONORING WARRINGTON,
Procla- PENNSYLVANIA, MAJOR GIRLS LITTLE LEAGUE TEAM".
mation

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Presiding Mr. Dukes turned the meeting over to Mr. Collins due to a
Officer possible conflict of interest with the agenda item entitled
"Appeal - Subdivision No. 96-18, Donald M. Martin".

Appeal/ Mr. Stickels, County Administrator, discussed an appeal of
Sub- the Sussex County Planning & Zoning Commission's decision to
division deny an application (Subdivision Application No. 96-18) of
Applica- Donald M. Martin for the subdivision of land in an AR-1 Agri-
tion cultural Residential Zoning District in Nanticoke Hundred by

Appeal/
Sub-
division
Applica-
tion
No.
96-18
(con't)

dividing 4.58 acres into four lots, located at the end of Pit Road, 1,720 feet southeast of Road 530. Mr. Lank, Director of Planning and Zoning, advised that on August 14, 1997, the Planning and Zoning Commission denied the final subdivision plan of Subdivision Application No. 96-18. Previously, on December 5, 1996, the Planning & Zoning Commission denied the preliminary plans of this application; this decision was appealed and the Commission's decision was reversed by the County Council on March 25, 1997. Mr. Bayard, County Attorney, advised that a decision should not be made on the current appeal at this meeting; that the Planning and Zoning Commission denied the application on August 14, 1997, and the appeal was placed on the Sussex County Council agenda for August 19, 1997; that as a matter of due process, three days notification is not sufficient time for interested parties to be made aware of the appeal. Mr. Bayard recommended that the appeal request be placed on the September 9, 1997, agenda.

M 419 97
Defer
Action/
Appeal/
Sub-
division
Applica-
tion
No.
96-18

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to defer action on the appeal of Donald M. Martin (Subdivision No. 96-18) and; further, that the appeal of Donald M. Martin be placed on the September 9, 1997, agenda.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Absent.

Officer

Mr. Collins turned the meeting back over to Mr. Dukes.

Old
Business
Proposed
Ordinance
Relating
to
Unsafe
Buildings

The Proposed Ordinance entitled "AN ORDINANCE RELATING TO PROPERTY MAINTENANCE AND UNSAFE BUILDINGS" was discussed. A Public Hearing was held on the Proposed Ordinance on August 13, 1996, at which time action was deferred. Mr. Parker, Director of Assessments, and Mr. Milligan, Supervisor of Building Code, discussed how the Proposed Ordinance would effect owner-occupied homes; that owner occupied homes would have to meet the housing standards outlined in the Code of Sussex County (Chapter 71). A lengthy discussion ensued regarding the Proposed Ordinance, as written; concerns were expressed that the Proposed Ordinance needs to be more specific, that guidelines should be drawn up in the form of a check-list, that the issue regarding who will have the authority to condemn needs to be addressed, and that a clause needs to be incorporated specifying an amount of time a homeowner would have to correct violations. It was the consensus of Council that an Ordinance is needed to enforce standards for owner-occupied homes; however, the Proposed Ordinance, in its current form, is unacceptable and therefore it should be redrafted.

M 420 97 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Adopt Adopt the Proposed Ordinance entitled "AN ORDINANCE RELATING
Proposed TO PROPERTY MAINTENANCE AND UNSAFE BUILDINGS".
Ordinance
Relating Motion Denied: 3 Nay, 2 Not Voting.
to
Unsafe Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Not Voting;
Buildings Mr. Jones, Not Voting; Mr. Collins, Nay;
Mr. Dukes, Nay

Voting Mr. Rogers and Mr. Jones were ineligible to vote due to the
Ineligi- fact that they were not members of the Sussex County Council
bility on August 13, 1996, the date of the Public Hearing.

Draft Mr. Stickels, County Administrator, advised that a new
Ordinance Ordinance will be drafted relating to property maintenance
and unsafe buildings and will be submitted to Council for
consideration.

Adminis- Mr. Stickels, County Administrator, read the following informa-
trator's tion in his County Administrator's Report:
Report

1. Carolling on The Circle

I would appreciate assistance from the media in letting the residents of Sussex County know that auditions will be conducted at Possum Hall in Georgetown by the Possum Point Players on Sunday, September 7, 1997, at 2:00 p.m. and Tuesday, September 9, 1997, at 7:00 p.m. Students should come prepared to sing one Christmas song, a cappella, of their choosing and may be asked to sing additional songs; words and music to be provided. Auditions are open to all students in the County, grades one through 12, that will be attending Sussex County schools in the 1997-1998 school year.

Carolling on The Circle will be held December 8, 1997. Ten students will be selected from the auditions. The ten selected students will be required to attend at least four group rehearsals. Students that are not able to commit the necessary time should not audition.

Carolling on The Circle is the County's largest food drive to benefit the residents of Sussex County.

2. Extended Hours

The following hours of service were performed on Wednesday, August 6, 1997:

- (a) Planning and Zoning - No activity from 7:30 to 8:30 a.m., four building permits and one tax release issued from 4:30 to 7:30 p.m.;

Adminis-
trator's
Report
(con't)

- (b) Clerk of the Peace - Two wedding licenses issued and one wedding performed from 4:30 to 7:30 p.m.;
- (c) Treasury Division - No activity from 7:30 to 8:30 a.m., one inquiry from 4:30 to 7:30 p.m.;
- (d) Utility Billing - No activity;
- (e) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., two public information contacts, one telephone inquiry, and 11 document recordings from 4:30 to 7:30 p.m.

3. PATS, Inc., Settlement

On Wednesday, August 13, 1997, Dale R. Dukes, Sussex County Council President, and Robert L. Stickels, Sussex County Administrator, participated in settlement procedures for the transfer of Georgetown Aircraft Development Corp. buildings at the Sussex County Industrial Airpark to PATS, Inc., of Columbia, Maryland. The closing took place at the law firm of Bachner, Tally, Polevoy & Misher, Madison Avenue, New York, New York. Other participants in the closing included Larry Ohler, Vice President, PATS, Inc.; Thomas Gollicker, President, Thomas Gollicker & Company; Raymond Acquadro, Vice President, Helmsley Enterprises; Abe Wolf, Secretary, Helmsley Enterprises; and Harold A. Meriam, Legal Counsel, Helmsley Enterprises.

PATS, Inc. will start renovation of the two hangars located at the Georgetown Industrial Park with a ribbon cutting anticipated to take place mid-September. PATS has a long-term agreement with Boeing to manufacture and install the extra fuel tanks which will give Boeing business jets intercontinental range. Unlike airline-owned Boeing 737's which have standard interiors, each Boeing business jet will be configured individually to meet the owner's requirements. Boeing will build the basic aircraft, but will not provide or install accessories, systems, or interiors. When an aircraft is completed at Boeing's Renton, Washington, factory, it will be flown to the Georgetown Industrial Park where PATS fuel tanks will be installed.

It is anticipated that PATS will hire up to 150 employees. Anyone interested in making application for employment should contact the State of Delaware employment office in Georgetown.

I would like to thank Mr. Frank Calio, Sussex County Economic Development Office, and Mr. Robert Coy, Director, and Mr. Gary Smith, Business Development Specialist, Delaware Economic Development Office, for their assistance in this transaction.

Adminis-
trator's
Report
(con't)

4. Outstanding Service to Agriculture Award for Sussex County

I am pleased to inform the Council that Councilman George J. Collins was recognized on Tuesday, August 12, 1997, for outstanding service to agriculture. Mr. Collins was presented with the Outstanding Service to Agriculture Award for Sussex County by the Sussex County Service Clubs at the annual picnic at the University of Delaware Research and Education Center in Georgetown. For 40 years, Mr. Collins and his wife, Marlene, worked their Laurel farm and raised two children--a daughter, Karen, and a son, Mark, who joined his father on the family farm in 1980. Mr. Collins was recognized for his conservation practices in use of no-till techniques to reduce soil erosion and routine soil testing to determine accurate lime and fertilizer needs. He was among the first farmers on Delmarva to build a dead-bird composter and a manure storage building.

In addition to Mr. Collins' activity as a Councilman, Mr. Collins is also a member and past president of the Mar-Del Watermelon Growers Association, past director and president of the Southern Delaware Truck Growers Association, past director of the Laurel Grain Company, and is a member of the Henlopen No. 20 Grange, the Farm Bureau, and current chair of the Sussex County Agricultural Lands Preservation Advisory Board.

I would also like to mention that this is not the first agriculture award that Mr. Collins has received. In 1991, Mr. Collins and his son, Mark, won the Master Farmer Award presented by Pennsylvania Farmer magazine and the Cooperative Extension Service.

The County Council would also like to extend congratulations to Mr. Collins for his lifelong activities in farming.

Proposed
Resolu-
tions/
Bank
Account

Mr. Baker, Finance Director, discussed two Proposed Resolutions relating to the opening of one new bank account at the Wilmington Trust Company. The purpose of this account is to deposit and disburse the transmission portion of connection fees collected from sewer and water districts. The County currently has an account like this located with CoreStates Bank. With the County's new accounting system, there are advantages to having this account and the expansion fee account at the same Bank. In addition, the new account will be interest bearing; the current "Transmission Fees" account is not interest bearing.

M 421 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt
Adopt Resolution No. R 025 97 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON
tion TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES,
No. PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER,
R 025 97 FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED
ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 422 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Adopt Resolution No. R 026 97 entitled "CASH MANAGEMENT ACCOUNT
Resolu- RESOLUTION".
tion

No. Motion Adopted: 5 Yea.
R 026 97

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESI-
DENTIAL DISTRICT FOR A FOUR UNIT MULTI-FAMILY DWELLING STRUCTURE
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 27,035
SQUARE FEET, MORE OR LESS" (Conditional Use No. 1204) filed on
behalf of Mary A. Bensinger. The Proposed Ordinance will be
advertised for Public Hearing.

Proposed Mr. Rogers introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRI-
CULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL
USE NO. 1014 (PUBLIC SCHOOL) FOR PLAY AND RECREATION AREA TO
BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES,
MORE OR LESS" (Conditional Use No. 1205) filed on behalf of
Milford School District. The Proposed Ordinance will be
advertised for Public Hearing.

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN
Ordinance 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING
1.0 ACRES, MORE OR LESS" (Change of Zone No. 1316) filed on
behalf of Robert Littleton. The Proposed Ordinance will be
advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.11 ACRES, MORE OR LESS" (Change of Zone No. 1317) filed on behalf of Diane L. Breeding. The Proposed Ordinance will be advertised for Public Hearing.

M 423 97 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$200.00 from Mr. Cole's Councilmanic Account to the Delaware State University Band fund to help defray transportation costs to Rehoboth Beach for a bandstand performance.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 424 97 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole's Councilmanic Account to the Phillip C. Showell, PTA for improvements to the playground.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 425 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$400.00 from Mr. Jones' Councilmanic Account to the Bi-Rite Softball Team to help defray transportation and lodging expenses to Miami, Florida, where they will play in the Mens Modified National Softball Tournament.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 426 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$400.00 from Mr. Jones' Councilmanic Account to the Town of Greenwood for the "Greenwood Day" celebration.

Motion Adopted: 5 Yea.

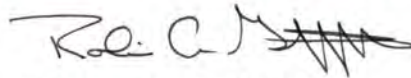
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Repre- Mr. Collins recommended that Mr. Rex Powell serve as the
sentative County's representative for an application to have two farms
placed into a Farmland Preservation District.

Land Mr. Cole discussed supporting ordinances for the Comprehensive
Use Land Use Plan. It was discussed whether ordinances should be
Plan considered one at a time or all at the same time. Council was
advised that each ordinance should be considered separately;
however, all related public hearings could be scheduled for
the same day. The matter will be taken under advisement.
Mr. Stickels, County Administrator, will submit to Council a
list of all related pending ordinances.

M 427 97 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Adjourn adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the county Council