

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-SEPTEMBER 24, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, September 24, 1991, 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 409 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

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

DEBBIE HOLSON, CHAIRMAN, GEORGETOWN 200 COMMITTEE, GEORGETOWN
RE: Thanks for the donation that will be used for the downtown revitalization effort. Upon completion of the project, colonial style lampposts, burial of overhead wires, improved storefronts, and an attractive shopping area will compliment the Circle and Sussex County Courthouse.

DOUG MILLER, PRESIDENT, SAVE OUR SUSSEX COMMITTEE (S.O.S.C.)
RE: Thanks for the support shown the S.O.S.C. by the Sussex County Council and Administrator, Legislators, and the 350 persons who attended DelDOT's meeting concerning the East-West Corridor.

JOBS FOR DELAWARE GRADUATES, INC., DOVER
RE: Their publication entitled "NAME ME" for September.

WAYNE RIGBY, THE SEAFORD VOLUNTEER FIRE DEPARTMENT, INC., SEAFORD
RE: Seeking Council's support in opposing the relocation of the Delaware State Police dispatch (Suscom) to the new Troop 4 complex. They believe that if Suscom were to relocate and take the Enhanced 911 system with them, the people of Sussex County would not receive the quality service that they have come to expect through the joint operation of the combined effort at the Emergency Operations Center (EOC).

September 24, 1991

Comments
Concerning
Corres-
pondence

President Dukes commented that Council has previously taken the position of opposing the relocation of the State Police dispatch (Suscom) to the new Troop 4 complex. In addition, an offer has been made to enlarge the dispatch area at the EOC facility to accommodate their needs. The same funding procedure as is currently being used for the State lease with the courthouse could be used. The County Administrator was directed to inform Seaford Volunteer Fire Department of Council's position on this matter.

Agricul-
tural
Rollback
Taxes

Mr. Stickels, County Administrator, read a letter into the record from R. Thomas Wagner, Jr., Auditor of Accounts, State of Delaware, concerning rollback taxes which became effective on June 18, 1973. In accordance with the Auditor's findings, Sussex County has not been assessing and collecting rollback taxes and subsequently placing the County in non-compliance with 9 Delaware Code §8335(d). Mr. Wagner stressed the importance of the distribution of all fees and assessments to which government agencies (schools, ditch companies, libraries, and the County) are entitled. Tax revenues have been lost during the past 19 years due to the lack of enforcement/compliance with Delaware Code. Sussex County Council was asked to develop written policies and procedures addressing methods by which these taxes would be assessed, recorded, and collected, plus the issue of previously unassessed rollback taxes, thereby making it possible to attain full compliance with 9 Delaware Code §8335(d) as soon as possible.

Ms. Lord, Director of Treasury, Mr. Parker, Director of Assessment, and Mr. Lank, Director of Planning and Zoning, were present to discuss past procedures concerning this issue and suggest new procedures that could be used to bring the County into compliance with the law.

Mr. Stickels, County Administrator, informed Council that reassessment for zoning changes will take place when a property has been rezoned. Past zoning, however, will remain the same until the property use is changed.

The State Farmland Evaluation Act, 9 Delaware Code, Section 8335, provides for special assessment of property actively devoted to agricultural, horticultural or forestry use. If a change in the use of the land occurs, then the land is subject to rollback taxes for five years immediately preceding in which the land was valued under the Act.

September 24, 1991

Agricultural
Rollback
Taxes

At what time previously assessed agricultural land loses its eligibility under the State Farmland Evaluation Act and rollback taxes are applied was discussed. According to Section 8335, the eligibility is no longer applicable when the property is used for some purpose other than agriculture, horticulture or forestry.

An excerpt was read from past correspondence by the Assistant County Attorney, Mr. Schrader, concerning the assessment of subdivisions in previously devoted agricultural land as follows:

"In my opinion, the change in use occurs when the subdivision has been approved, the subdivision plot has been recorded, and either building permits for the placement of infrastructures have been granted or bonding has been placed, and the developer has begun to offer for sale the lots in the subdivision."

Mr. Bayard, County Attorney, also advised that the rollback is triggered when the land use changes, and the rollback tax is the liability of the buyer.

The County Administrator will notify the Auditor of Accounts that Sussex County will take steps to assess and collect these taxes and bring Sussex County into compliance with 9 Delaware Code §8335(d).

Remapping
Zoning
Districts

In response to Mr. Cole's request that consideration be given to amending the Official Zoning Map, Mr. Lank, Planning and Zoning Director, reviewed two zoning districts. One report was prepared for a General Residential District, an area near Roxana, and the other for a Commercial District, an area along U. S. Route 113, north of Selbyville. The reports clearly illustrate the number of properties that could be affected by rezoning to a more restrictive category.

The procedure used for the creation and adoption of the original Official Zoning Map, plus the options that could be used today for amending the map, were discussed. Mr. Bayard, County Attorney, advised that he believes each property owner would have to be notified and a public hearing held on each parcel if the owner so requested. He also advised against breaking the mapping process down into districts or hundreds; it could be considered discrimination.

Mr. Bayard, County Attorney, will research the many possibilities that were discussed today for creating an amendment to the Official Zoning Map and prepare a recommendation for Council.

September 24, 1991

Millville's
Zoning
Moratorium

Mr. Stickels, County Administrator, reviewed the history of the moratorium on zoning changes in the Town of Millville. On April 23, 1991, in accordance with a request by the Town of Millville, the Sussex County Council placed a moratorium on all zoning changes within the town through July 1, 1991. As requested by the town on June 25, 1991, the moratorium was extended until September 30, 1991. The Mayor and Planning Commission of Millville expect their new Zoning Ordinance to be ready for adoption by the Town Council on or about the end of November, 1991. Based upon this time schedule, an extension to the moratorium is being sought until January 1, 1992.

M 410 91
Extend
Millville
Moratorium

A Motion was made by Mr. Cole, seconded by Mr. Collins, authorizing the extension of the zoning change moratorium in the Town of Millville, Sussex County, Delaware, until January 1, 1992, at which time the moratorium order will expire. Motion Adopted: 5 Yea.

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

Sediment &
Stormwater
Management
Advisory
Committee

Mr. Stickels, County Administrator, reported that Ms. Elizabeth (Beth) Horsey asked that her name be withdrawn from the Sediment and Stormwater Management Advisory Committee. As Sussex Conservation District Coordinator, she would be the person to whom an appeal would be made and in turn would be responsible for presenting the appeal to the Advisory Committee.

M 411 91
Appoint-
ment
Sediment &
Stormwater
Advisory
Committee

A Motion was made by Mr. Collins, seconded by Mr. Benson, appointing Mr. Pat Ryan as Chairperson of the Sediment and Stormwater Management Advisory Committee. Motion Adopted: 5 Yea.

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

M 412 91
Appoint-
ments
Sediment &
Stormwater
Advisory
Committee

A Motion was made by Mr. Cole, seconded by Mr. Collins, appointing Mr. Ronald Gronwald, USDA Soil Conservation Service representative, and Mr. John M. Garcia, Jr., Sussex Conservation District representative, to the Sediment and Stormwater Management Advisory Committee. Motion Adopted: 5 Yea.

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

September 24, 1991

1992
Holiday
Schedule

Mr. Stickels, County Administrator, reviewed the 1992 Sussex County Holiday Schedule.

M 413 91
Adopt
Holiday
Schedule

A Motion was made by Mr. Cole, seconded by Mr. Collins, authorizing the adoption of the 1992 Sussex County Holiday Schedule as presented by the Administrator:

1992 Sussex County Holiday Schedule

New Year's Day	Wednesday, January 1
Martin Luther King Day	Monday, January 20
Presidents' Day	Monday, February 17
Good Friday	Friday, April 17
Memorial Day	Monday, May 25
Independence Day	Friday, July 3
Labor Day	Monday, September 7
Columbus Day	Monday, October 12
Election Day	Tuesday, November 3
Return Day	Thursday, November 5
Veterans' Day	Wednesday, November 11
Thanksgiving Day	Thursday, November 26
Thanksgiving Friday	Friday, November 27
Christmas Eve	Thursday, December 24
Christmas Day	Friday, December 25

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 Administrator's Report:

September 24, 1991

Adminis-
trator's
Report
(Con't.)

1. Sussex County Volunteer Firemen's Association Monthly Meeting - The meeting will be held tonight at the Bethany Beach Fire Company, Bethany Beach.
2. Sussex County Community Partnership - Notice has been received from the United States Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, that the Sussex County Community Partnership application in the amount of \$1,311,547 will not be recommended for funding. The funding request was to establish a Community Partnership which would promote and develop a comprehensive long-term substance abuse prevention planning system. The proposal allowed for the Sussex County Government to formally coordinate education and prevention efforts within the County. A partnership was to be formed with the County Council and other local governments in the County. The basic element of the plan included prevention programming for at-risk population, community awareness campaigns, and community education programs.

Mr. Robert Betts, who coordinated the application on the County's behalf, will be meeting with the towns of Georgetown, Milford, Seaford, and Laurel to consider resubmitting another application.

3. Planning and Zoning Agenda Procedures - Effective September 19, 1991, the Planning and Zoning Office will no longer schedule an item on its agenda for final approval until the Planning and Zoning Office is in receipt of all required agency approvals.

To ensure that an item will be placed on the agenda, the Planning and Zoning Office now requires an applicant to have all necessary approvals and plats in the Planning and Zoning Office by 12:00 noon on the Wednesday before the next regular meeting of the Planning and Zoning Commission. This policy is necessary, since items are being scheduled and then have to be removed because approvals have not been received. This will help alleviate problems that have arisen from an item being placed on the agenda and the applicant not securing all necessary approvals.

Map
Presenta-
tion

Mr. Masten, Economic Development Director, and Mr. Francis Raskauskas, Past Chairman of Sussex County Convention and Tourism Commission, presented the new Sussex County Convention and Tourism Commission Map. The combination tourist map and brochure features an artistic, fish-eye-view of Sussex County and is highlighted by tourist attractions throughout the County.

September 24, 1991

Map
Presenta-
tion
(Con't.)

The project was funded by the Sussex County Convention and Tourism Commission along with a grant from the Delaware Development Office. The project has been underway for about one year as a joint effort with the Chambers of Bethany Beach-Fenwick Island, Delmar, Georgetown, Laurel, Lewes, Milford, Millsboro, Milton, Rehoboth Beach-Dewey Beach, Seaford and Selbyville.

The map will be used for promotion of Sussex County at trade shows and at Tourist Information Centers throughout the State. It will not replace the popular Sussex County map now in use, but will supplement that map in terms of tourism.

Ms. Kate Wheeler, Director-Delaware Tourism Office, praised the project; it will be a very useful tool in marketing and it is in keeping with the official plan of the State Tourism Office.

In addition to Mr. Raskauskas, Ms. Kay Anderson, Bethany-Fenwick Area Chamber of Commerce, Ms. Barbara Fleetwood, Chamber of Commerce of Milton, and Ms. G. Jane Drace, Greater Seaford Chamber of Commerce, were present for the presentation.

A framed map was presented to the Council and copies of the folded map and brochure are available upon request.

President Dukes thanked the Sussex County Convention and Tourism Commission for the framed map and commended them on the finished product, as well as the presentation today.

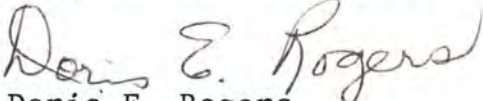
President
Dukes'
Statement

President Dukes took the opportunity to thank the news media for their coverage of County Council meetings. A recent article by one of the reporters had praised the Council for their action, and he wanted to acknowledge their support and work.

M 414 91
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to adjourn at 11:40 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council