

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 30, 1997

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, September 30, 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 483 97      A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Agenda      approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 484 97      A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes      approve the minutes of the previous meeting, dated September 23, 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. Stickels, County Administrator, read the following spondence      correspondence:

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,  
DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.  
RE: Legal Notice regarding a new regulation to the State of Delaware Regulations Governing the Control of Air Pollution, Regulation No. 34 - Emission Banking and Trading Program.

MID-SUSSEX AARP, MILLSBORO, DELAWARE.  
RE: Letter of appreciation for County Administrative Office Building tour.

LEW TALLEY, DEPUTY CHIEF, MILLSBORO FIRE COMPANY, MILLSBORO, DELAWARE.  
RE: Letter to Clay Yocum, President, Sussex County Volunteer Firemens Association, regarding the Millsboro Fire Company receiving possession of the Millsboro V.F.W. Ambulance Service B.L.S. ambulance.

MICHAEL T. BOOKER, TOWN MANAGER, TOWN OF BETHANY BEACH, BETHANY BEACH, DELAWARE.  
RE: Letter of appreciation for Mr. Cole's Councilmanic Grant.

Corre- DELAWARE STATE UNIVERSITY BAND COMMITTEE, DOVER, DELAWARE.  
spondence RE: Letter of appreciation for Mr. Cole's Councilmanic Grant.  
(con't)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER 5 THROUGH 11, 1997, AS 'RESIDENTS' RIGHTS WEEK' IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Surplus Mr. Stickels, County Administrator, advised that the County  
Office has surplus office furniture in storage as a result of the  
Furniture purchase of new office furniture for the County Adminis-  
trative Office Building. The surplus office furniture con-  
sists of 120 office desks, 173 office chairs, 14 tables, 12  
typewriter stands, 9 bookcases, and 11 computer stands. Mr.  
Webb, Facilities Manager, has recommended that these items  
be sold at Wilson's Auction, as has been done in the past  
with surplus office furniture and equipment.

M 485 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, that  
Authorize the Sussex County Council authorizes the sale of surplus office  
Auction furniture at Wilson's Auction.

of  
Surplus Motion Adopted: 5 Yea.  
Office

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

Lease Mr. Stickels, County Administrator, discussed a Lease Agree-  
Agreement ment between the Town of Greenwood and Sussex County for the  
with Town land on which the Greenwood Library is located and for the  
of Green- land on which it is proposed that an addition to the existing  
wood for Greenwood Library will be constructed. The term of this Lease  
Greenwood is twenty-five years with Sussex County having the option to  
Library extend it for a second twenty-five year term. The rent is  
Site \$10.00 per year.

M 486 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, that  
Execute the President of the Sussex County Council be authorized to  
Lease execute a Lease Agreement with the Town of Greenwood for the  
Agreement land on which the Greenwood Library and its proposed expansion  
with Town is located.

of Green- Motion Adopted: 5 Yea.  
wood for

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

Deed  
and Bill  
of Sale/  
Greenwood  
Library

Mr. Stickels, County Administrator, advised that the Greenwood Library building was constructed in 1988 by the Friends of the Greenwood Library and Sussex County. Ownership of the building has never been transferred from the Friends to Sussex County. Mr. Stickels reviewed a Deed and Bill of Sale between the Friends of the Greenwood Library and Sussex County for the conveyance of the Greenwood Library building to the County for and in consideration of the sum of \$1.00.

M 487 97  
Execute  
Deed  
and Bill  
of Sale/  
Greenwood  
Library

A Motion was made by Mr. Jones, seconded by Mr. Collins, that the President of the Sussex County Council be authorized to execute a Deed and Bill of Sale between the Friends of the Greenwood Library and Sussex County for the conveyance of the Greenwood Library building to the County for the sum of \$1.00.

Motion Adopted: 5 Yea.

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

Adminis-  
trator's  
Report

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

1. Extended Hours

The following hours of activity took place on Wednesday September 17, 1997:

- (a) Clerk of the Peace - Seven wedding licenses issued and two marriages performed between 4:30 and 7:30 p.m.
- (b) Utility Division - No activity from 7:30 to 8:30 a.m., one telephone inquiry from 4:30 to 7:30 p.m.
- (c) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., one public assistance, two telephone calls, and eleven recordings from 4:30 to 7:30 p.m.
- (d) Assessment/Planning and Zoning - One building permit issued from 7:30 to 8:30 a.m., two building permits issued, one tax release, and one plan review from 4:30 to 7:30 p.m.
- (e) Treasury Division - No activity from 7:30 to 8:30 a.m., one tax payment from 4:30 to 7:30 p.m.

2. Discover Card Payments

Please be advised that starting Thursday, September 25, 1997, the Assessment Division, Planning and Zoning, and Building Code began accepting payments for permits, hearing

Adminis-  
trator's  
Report  
(con't)

fees, and plan review fees by Discover Card. This procedure will afford customers an alternative to paying with cash or check. There will be an additional fee added to each transaction, based on the amount of each transaction. Attached with this report is a copy of the fee schedule.

This new procedure will also provide the opportunity for certain permits to be processed by use of a fax machine. A working procedure has been established with Larry's Homes, which will be of great benefit to both the dealer and the County staff. This procedure will prevent a dealer from having to send an employee to our office to fill out permit forms, thus relieving some of the burden on our counter staff. It is the County's intention to offer this procedure to other manufactured home dealers, as well as park owners.

Anyone having questions concerning this matter should contact Eddy Parker or Suzanne Messick in the Assessment Division at 855-7824.

3. Proposed Ellendale Sanitary Sewer District - Town Referendum

The Town Council of Ellendale held a non-binding referendum on Saturday, September 27, 1997, to determine if the Town would participate in the proposed Ellendale Sanitary Sewer District. Russell Archut, Assistant County Engineer, has been informed by the Mayor of Ellendale that the results were two-to-one against participating in the proposed project.

Representatives from the County Engineering Department will be meeting on October 8, 1997, with the Department of Natural Resources and Environmental Control, the Rural Development Agency, representatives from the Governor's Office, and Mr. Harold Truxon, representing residents in the unincorporated area of Ellendale. The purpose of the meeting will be to discuss the future of the project. At this time, it appears that any planning will be done without consideration for the Town of Ellendale.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HEATING AND AIR WORKSHOP (HVAC) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.00 ACRES, MORE OR LESS" (Conditional Use No. 1212) filed on behalf of Glenn S. and Patti J. Roberts. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A

**Proposed Ordinance (con't)** C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS" (Change of Zone No. 1320) filed on behalf of Avian Aquatics, Inc. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed Ordinance** Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22.03 ACRES, MORE OR LESS" (Change of Zone No. 1321) filed on behalf of H. Spencer Hart and Joyce W. Hart. The Proposed Ordinance will be advertised for Public Hearing.

**M 488 97 Councilmanic Grant** A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$250.00 from Mr. Jones' Councilmanic Account to the New Century Club for the 100th anniversary celebration.

Motion Adopted: 5 Yea.

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

**Pfies-teria** Mr. Collins initiated a discussion on recent reports that the agricultural community is a suspect in the Pfiesteria outbreak. In defense of the farming community, it was noted that other sources may be contributing to the outbreak, i.e. developments, golf courses, septic run-off, copper, etc.

**M 489 97 Recess** At 10:45 a.m., a Motion was made by Mr. Rogers, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

**Reconvene** Mr. Dukes called Council back into session at 1:35 p.m.

**Public Hearing (C/U No. 1202)** A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ANTIQUES AND GIFTS RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.51 ACRES, MORE OR LESS" (Conditional Use No. 1202) filed on behalf of James D. Atkins. There were no public comments and the Public Hearing was closed.

**M 490 97 Adopt Ordinance No. 1177 (C/U No. 1202)** A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Adopt Ordinance No. 1177 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ANTIQUES AND GIFTS RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.51 ACRES, MORE OR LESS" (Conditional Use No. 1202) filed on behalf of James D. Atkins, with the following conditions:

M 490 97  
(con't)

1. The site plan shall be reviewed and approved by the Planning and Zoning Commission.
2. A copy of the approved entrance plan from DelDOT shall be filed with the Commission at the time of final site plan approval.
3. Retail sales display and storage shall be limited to the existing 22' by 32' barn and the existing 20' by 54' pole shed.
4. One unlit sign, not to exceed 32 square feet per side or facing, is permitted.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

1. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values, traffic or the environment in the area, and will serve to preserve an older, well developed, well built property, at the same time will provide the applicant with a business opportunity.
2. With the conditions set forth hereafter, the proposed use meets with the purposes and goals of the Comprehensive Land Use Plan.

Public  
Hearing  
(C/Z  
No. 1310)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS" (Change of Zone No. 1310) filed on behalf of Charles and Mary Parks and William Friend. There were no public comments and the Public Hearing was closed.

M 491 97  
Adopt  
Ordinance  
No. 1178  
(C/Z  
No. 1310)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1178 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS" (Change of Zone No. 1310) filed on behalf of Charles and Mary Parks and William Friend.

M 491 97 Motion Adopted: 5 Yea.  
(con't)

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

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

1. The applicant established by substantial evidence that the Change of Zone will bring the property's zoning classification into conformity with its neighborhood and thereby will have no impact of any sort on the area. The Change of Zone also serves the purposes and goals of the Comprehensive Land Use Plan.

Public Hearing (C/Z No. 1311) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.77 ACRES, MORE OR LESS" (Change of Zone No. 1311) filed on behalf of Henry A. and Betty L. Hastings. There were no public comments and the Public Hearing was closed.

M 492 97 Adopt Ordinance No. 1179 (C/Z No. 1311) A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Ordinance No. 1179 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.77 ACRES, MORE OR LESS" (Change of Zone No. 1311) filed on behalf of Henry A. and Betty L. Hastings.

Motion Adopted: 5 Yea.

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

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

1. The applicant established by substantial evidence that the purposes of the Change of Zone are to preserve farmland and to bring the property's historic use and its zoning classification into conformity.
2. The Change of Zone has no adverse impact of any sort on the area, and, further, meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1312) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 195.98 ACRES, MORE OR LESS" (Change of Zone No. 1312) filed on behalf of Ralph E. Benson. There were no public comments and the Public Hearing was closed.

M 493 97 Adopt Ordinance No. 1180 (C/Z No. 1312) A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1180 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 195.98 ACRES, MORE OR LESS" (Change of Zone No. 1312) filed on behalf of Ralph E. Benson.

Motion Adopted: 5 Yea.

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

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

1. The applicant established by substantial evidence that the purposes of the Change of Zone are to preserve farmland and to bring the property's historic use and its zoning classification into conformity.
2. The Change of Zone has no adverse impact of any sort on the area, and, further, meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1313) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS OF A 14.3 ACRE TRACT" (Change of Zone No. 1313) filed on behalf of Mildred M. Long. There were no public comments and the Public Hearing was closed. It was the consensus of Council to defer action and to direct the Planning and Zoning Commission to consider reducing the application area to permit the area around the sign to remain C-1.

Public  
Hearing  
(C/Z  
No. 1314)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A H-1 HEAVY INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 107.57 ACRES, MORE OR LESS" (Change of Zone No. 1314) filed on behalf of E. I. duPont de Nemours & Co. There were no public comments and the Public Hearing was closed.

M 494 97  
Adopt  
Ordinance  
No. 1181  
(C/Z  
No. 1314)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1181 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A H-1 HEAVY INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 107.57 ACRES, MORE OR LESS" (Change of Zone No. 1314) filed on behalf of E. I. duPont de Nemours & Co.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

1. The applicant established by substantial evidence that the purposes of the Change of Zone are to preserve farmland and to bring the property's historic use and its zoning classification into conformity.
2. The Change of Zone has no adverse impact of any sort on the area, and, further, meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 495 97  
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Collins, to adjourn at 2:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council