

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 2, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, October 2, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 442 90  
Approve  
Minutes

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

Corre-  
spondence

Mr. Jones Acting County Attorney, read the following correspondence:

MRS. CHARLES HOOPER, LEAGUE OF WOMEN VOTERS OF SUSSEX COUNTY  
RE: Soliciting funds to be used for the printing of booklets entitled "They Represent You"; a pocket-size booklet compiled each January after newly elected officials are sworn in and distributed at no charge throughout the County to civic organizations, Chambers of Commerce, libraries, schools, real estate offices and the town and County offices as a non-partisan effort to assist residents.

Mr. Jones, Acting County Attorney, was asked to study this request for any possible conflict.

Courthouse  
Expansion

Mr. Stickels, County Administrator, reported that an agreement had not been reached on the State's proposal for a ninety-nine year lease for the entire Sussex County Courthouse. However, there is still an existing need by the Courts for additional space.

The County Administrator and Acting County Attorney met with the State Secretary of Administrative Services and representatives of the Court of Common Pleas and Superior Court and reached a verbal agreement for financing the expansion and renovation of the Courthouse. Mr. Stickels, County Administrator, reviewed the verbal agreement outlining the following stipulations:

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Courthouse  
Expansion  
(Con't.)

1. The State of Delaware will reimburse the County Council for all costs associated with the addition, to include design, construction, and financing.
2. The State of Delaware will pay all impact fees imposed by the Town of Georgetown.
3. The State will pay the cost of additional parking that is needed to comply with the Town of Georgetown's Zoning Ordinance, as well as providing the spaces that will be lost because of the addition.
4. The State will agree to reimburse the County for direct costs resulting from the County providing the following services:
  - (a) maintenance of heating and air conditioning systems;
  - (b) cleaning of ice and snow from sidewalks and parking areas;
  - (c) structural repairs of exterior walls, roof, walkways, and parking areas; and
  - (d) maintenance of lighting fixtures.

Mr. Stickels, County Administrator, advised Council that the above verbal agreement will be finalized and executed in written form upon authorization for the additional building and interior renovations to the Courthouse by Council. In response to Council's question, Mr. Stickels confirmed that the additional space being provided would be used only for the Court of Common Pleas and Superior Court.

M 443 90  
Authoriza-  
tion for  
Proposals  
Courthouse  
Expansion

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council authorize the solicitation of architectural and engineering proposals for the construction of an approximately four thousand (4,000) square foot addition and related interior renovations to the Sussex County Courthouse, to include holding cells, courtrooms, and office space to accommodate the Court of Common Pleas and Superior Court. Motion Adopted: 5 Yea.

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

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West  
Rehoboth  
Expansion  
Area  
Advisory  
Committee

Mr. Stickels, County Administrator, submitted suggestions for a West Rehoboth Expansion Area Citizens Advisory Committee. The list was presented for Council's review and will be placed on the Agenda in two weeks for recommendations and action by the Council. An Advisory Committee was appointed for the Long Neck Sanitary Sewer District and they have been very helpful.

Adminis-  
trator's  
Report

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

1. The Delaware Small Business Development Center will be conducting a seminar entitled "Starting Out In Business" on Wednesday, October 17, 1990 starting at 6:30 p.m. at the Kent County Administration Building, 414 Federal Street, Dover. The Delaware Small Business Development Center is a nonprofit organization which provides quality assistance to small businesses in order to promote growth, expansion, increased productivity, and management improvement.
2. The September recipients of the savings bonds for recycling were Deanna Baker, Bridgeville and Mary Massey, Milford.
3. The next meeting of the Nanticoke Watershed Planning Study Advisory Committee will be held on Monday, October 22, 1990 at 7:00 p.m. in the Seaford Police Station. The entire meeting will be devoted to land protection techniques and programs.
4. The State of Delaware Department of Public Safety, Emergency Planning and Operations has reviewed the Mountaire Emergency Response Plan. The plan is in conformance with the Emergency Planning and Community Right-To-Know Act of 1986.
5. A report of the construction progress for Long Neck Sanitary Sewer District. Plans are to release additional updates approximately every three (3) weeks.
6. The Western Sussex Land Use Plan Public Hearing has been scheduled for Tuesday, October 23, 1990 starting at 7:00 p.m. in the auditorium at Delaware Technical and Community College, Georgetown. After completion of the Public Hearing, the record will be left open until the close of business on Monday, November 5, 1990 to allow for public input for anyone who may not be able to attend the hearing.

October 2, 1990

Western  
Land Use  
Plan

Councilman Cole again reported a conflict that would prevent his attending the Western Land Use Plan Public Hearing on the evening of October 23, 1990, and reiterated his feeling that the Public Hearing should be held on a Saturday to better accommodate the public.

Hazardous  
Chemical  
Use

Councilman Cole questioned the statement in the Administrator's Report which says:

"State of Delaware Department of Public Safety, Emergency Planning and Operations has reviewed the Mountaire Emergency Response Plan. The plan is in conformance with the Emergency Planning and Community Right-To-Know Act of 1986".

The concern over the facts that have surfaced within the Indian River School District relating to the close proximity of the Selbyville Middle School and the use of chlorine by Mountaire was discussed. There are no state or federal regulations for chlorine use. The merits of establishing chemical restrictions for protecting County residents from the potential danger of hazardous chemical use and the possibility of ascertaining names of chemicals to be used on industrial sites before zoning is approved in agricultural residential areas were questioned. The County Administrator will research these questions and report his findings by the end of October.

Paramedic  
Program

Mr. Stevenson, Paramedic Program Director, discussed the following training program compromise made by the State:

- (a) 50% of the classroom training for the Kent County class will be provided at Milford Memorial;
- (b) Three (3) out of the five (5) classes will be taught downstate;
- (c) One (1) entire class in 1991 will be taught at a Sussex hospital; and
- (d) Room and board will be paid for by the State for any students sent over sixty (60) miles to class.

The Sussex County Volunteer Firemen's Association have asked that the County accept the State compromise and start hiring trainees. The Sussex County Paramedic Advisory Committee will consider the State compromise at their October 9th meeting. Their recommendation will be forwarded to the County Council for action.

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Paramedic  
Program  
(Con't.)

The Paramedic Program Director is continuing budget negotiations with the State concerning "indirect costs" which include: the dispatch center, rental or maintenance of facilities owned by the County; and overhead costs not specifically applied to the Program. The State will not reimburse the expense of liability insurance and the County is presently seeking a carrier.

The January 3, 1991 date for having a unit of Sussex County Paramedics on the road still stands.

Public  
Hearing -  
Amend  
Chapter  
110 of Code

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO SEWER CONNECTIONS WITHIN AREAS DESIGNATED AS 100 YEAR FLOOD ZONE." The Public Hearing was closed.

M 444 90  
Adopt  
Ordinance  
No. 723 -  
Flood  
Zones

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 723 entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO SEWER CONNECTIONS WITHIN AREAS DESIGNATED AS 100 YEAR FLOOD ZONES". Motion Adopted: 4 Yea; 1 Abstention.

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

Flood  
Zone  
Concerns

Since the Farmers Home Administration mandates that funding not be allowed for sanitary sewer connections within areas designated as one hundred (100) year flood zones, Councilman Cole questioned if the same policy should be established by the County.

Mr. Jones, Acting County Attorney, advised that the introduction of a Proposed Ordinance to lower density in flood zone areas would be more appropriate action.

Public  
Hearing  
Amend  
Ordinance  
No. 712

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 712, ADOPTED BY THE SUSSEX COUNTY COUNCIL ON AUGUST 21, 1990 (THE "ORDINANCE"), WHICH ORDINANCE AUTHORIZED AND PROVIDED FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO

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Public  
Hearing  
(Con't.)

EXCEED \$5,000,000, IN ORDER TO LEND THE PROCEEDS THEREOF TO PENINSULA UNITED METHODIST HOMES, INC., A DELAWARE NON-PROFIT CORPORATION, FOR THE PURPOSE OF FINANCING THE RENOVATION, REHABILITATION AND EXPANSION OF METHODIST MANOR HOUSE, A CONTINUING CARE FACILITY LOCATED WITHIN SUSSEX COUNTY BY AUTHORIZING AND OTHERWISE PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000". The Public Hearing was closed.

M 445 90  
Adopt  
Ordinance  
No. 724  
Amending  
Ordinance  
No. 712

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Ordinance No. 724 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 712, ADOPTED BY THE SUSSEX COUNTY COUNCIL ON AUGUST 21, 1990 (THE "ORDINANCE"), WHICH ORDINANCE AUTHORIZED AND PROVIDED FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000, IN ORDER TO LEND THE PROCEEDS THEREOF TO PENINSULA UNITED METHODIST HOMES, INC., A DELAWARE NON-PROFIT CORPORATION, FOR THE PURPOSE OF FINANCING THE RENOVATION, REHABILITATION AND EXPANSION OF METHODIST MANOR HOUSE, A CONTINUING CARE FACILITY LOCATED WITHIN SUSSEX COUNTY BY AUTHORIZING AND OTHERWISE PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000". Motion Adopted: 5 Yea.

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

Recess

President Stevenson declared a recess at 11:45 a.m.

Reconvene

President Stevenson called the Council back into session at 1:30 p.m.

Public  
Hearing  
C/U #949

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP AS AN ACCESSORY TO THE USE OF THE PREMISES FOR A RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS" (C/U #949) filed on behalf of Eugene and Susan Spatz. The Public Hearing was closed.

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M 446 90  
Adopt  
Proposed  
Ordinance  
C/U #949

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP AS AN ACCESSORY TO THE USE OF THE PREMISES FOR A RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS" (C/U #949) filed on behalf of Eugene and Susan Spatz. Motion Denied: 5 Nay.

Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Nay;  
Mr. Dukes, Nay; Mr. Mariner, Nay;  
Mr. Stevenson, Nay

Findings  
of Facts  
C/U #949

The findings of facts and the recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council.

The Council found that the proposed Conditional Use was out of character with the agricultural residential area and would not promote the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

The Council found that the applicant owns commercial property on Route 113 that could be utilized for this purpose.

The Council specifically adopted the recommendations and findings of the Planning and Zoning Commission.

Public  
Hearing  
C/U #950

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN UB URBAN BUSINESS DISTRICT FOR A CUSTOM WOODWORKING SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF FRANKFORD, DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.05 ACRES, MORE OR LESS" (C/U #950) filed on behalf of Thomas Esender. The Public Hearing was closed and action was deferred.

Public  
Hearing  
C/Z #1088

A Public Hearing was held on 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 2.48 ACRES, MORE OR LESS" (C/Z #1088) filed on behalf of Great Eastern, Inc. The Public Hearing was closed and action was deferred.

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C/Z #1089

A Public Hearing scheduled for Change of Zone No. 1089 filed on behalf of W. Nelson Hall was not held due to failure of the applicant to appear. County Council policy states the applicant, or agent on behalf of the applicant, must appear at all hearings regarding their zoning request.

M 447 90  
Deny  
C/Z #1089  
and waive  
one year  
waiting  
restriction

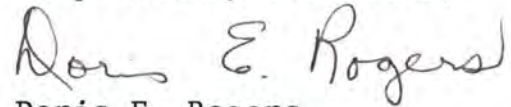
A Motion was made by Mr. Cole, seconded by Mr. Benson, to Deny the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 28.15 ACRES, MORE OR LESS" (C/Z #1089) filed on behalf of W. Nelson Hall and waive the one year waiting restriction should the applicant wish to reapply; in addition, the applicant must pay the full filing fee for the readvertising and scheduling of a new hearing. Motion Adopted: 5 Yea.

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

M 448 90  
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to adjourn at 3:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council