

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 28, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 28, 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 542 97 A Motion was made by Mr. Jones, seconded by Mr. Cole, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

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

DON POST, AMERICAN DIABETES ASSOCIATION, DELAWARE AFFILIATE, INC./SUSSEX CHAPTER, MILTON, DELAWARE.
RE: Letter in appreciation of Councilmanic Grants for Walktoberfest.

CHERYL L. JONES, LAUREL LIONS CLUB, LAUREL, DELAWARE.
RE: Letter in appreciation of "Vision Days Proclamation" and for Councilmanic Grants.

RENEE P. WRIGHT, DELAWARE STATE UNIVERSITY, DOVER, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

RICHARD B. HARPER, JR., CHEER, SUSSEX COUNTY SENIOR SERVICES, INC., GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Council's support of Beach Day '97.

M 543 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Procla- Adopt the Proclamation entitled "PROCLAIMING, SATURDAY, NOVEMBER 1, 1997, AS A DAY TO HONOR THOMAS R. PURNELL". 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 544 97
Adopt
Procla-
mation

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF NOVEMBER AS 'HOME CARE AND HOSPICE MONTH'".

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. Public Auction

Wilson's Auction Sales, Inc., will be conducting two public auctions, the first on Saturday, November 1, 1997, at 6:00 p.m. at Wilson's Auction Sales, Inc., Route 113, Lincoln, Delaware. Approximately 60 office desks, 85 office chairs, 7 tables, 6 typewriter stands, 4 bookcases, and 6 computer stands will be offered for sale. The items are all surplus County furniture. The terms of the sale will be cash, certified funds, or approved check with current letter of credit from your bank. All merchandise is sold as is-where is, with no expressed or implied warranty. Inspection of the furniture will be Friday, October 31, from 1:00 to 6:00 p.m.

A second sale will be held on Saturday, November 8, 1997, at 6:00 p.m., same location, with inspection of the furniture on Friday, November 7, 1997, from 1:00 to 6:00 p.m.

2. Extended Hours

The following activities took place on Wednesday, October 15, 1997:

- (a) Assessment/Planning and Zoning - No activity from 7:30 to 8:30 a.m., one building permit issued and one plan review from 4:30 to 7:30 p.m.
- (b) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., three public information inquiries, two telephone calls, and three recordings from 4:30 to 7:30 p.m.
- (c) Treasury Division - Three telephone calls from 7:30 to 8:30 a.m. inquiring if mortgage accounts had been paid, no activity from 4:30 to 7:30 p.m.
- (d) Clerk of the Peace - Four wedding licenses issued and three marriages performed from 4:30 to 7:30 p.m.

Adminis-
trator's
Report
(con't)

3. Sussex County Status Report, Third Quarter 1997 - Delaware State Police

The following hours of activity took place at Troops 4, 5, and 7 in Sussex County between July 1, 1997, and September 30, 1997:

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	12,868	12,366	16,030
Hours Assisted Other Agencies	145	49.5	74.5
Total Traffic Arrests	2,430	2,965	2,876
Total DUI's	79	137	172
Accident Reports:			
Property Damage	154	201	415
Personal Injury	<u>48</u>	<u>94</u>	<u>114</u>
Total Accident Reports	202	295	529
Criminal Arrests:			
Felony	84	108	140
Misdemeanor	<u>390</u>	<u>330</u>	<u>782</u>
Total Criminal Arrests	474	438	922
Total 10-29 P's (wanted Persons)	217	207	187
Total Number of Complaints	2,500	3,803	5,064

4. Building Code Enforcement - Town of Milton

Effective October 20, 1997, the Town of Milton has taken back the responsibility of Building Code enforcement. The Sussex County Council had authorized the Sussex County Building Code Department to provide services to the Town of Milton until they hired a new building inspector. Mayor John F. Bushey has informed me that the new inspector has been hired, and they are ready to resume the responsibilities again.

5. Sussex County Association of Volunteer Firemen Monthly Meeting

The monthly meeting of the Sussex County Association of Volunteer Firemen will be held Tuesday night, October 28, 1997, at the Dagsboro Fire Hall. During that meeting, the County Council will distribute over \$313,000 to the fire companies.

6. Harvey Donovan, Sr.

It is with sadness that I inform the Council of the passing of Harvey Donovan, Sr. Mr. Donovan was very active with the Democratic Party and served as Register in Chancery for Sussex County for many years.

Public Hearing (C/Z No. 1307) The Public Hearing 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26.91 ACRES, MORE OR LESS" (Change of Zone No. 1307), filed on behalf of Nola Marvil Arnold and Arline Hudson Marvil, was continued. The initial Public Hearing was held on September 9, 1997, at which time the Council did not take action since the applicant/representative was not present; Council chose to recess the Public Hearing due to the fact that the application was for a down-zoning. It was noted that the applicant was present at this meeting. There were no public comments and the Public Hearing was closed.

M 545 97 Adopt Ordinance No. 1189 (C/Z No. 1307) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1189 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26.91 ACRES, MORE OR LESS" (Change of Zone No. 1307) filed on behalf of Nola Marvil Arnold and Arline Hudson Marvil.

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 findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The applicant established that the change of zone will meet the purposes of the County's downzoning initiative and will meet the purposes and goals of the Comprehensive Land Use Plan.

Rehoboth Shores Assoc. Mr. Green, Director of Utility Construction, discussed a Construction Administration and Construction Inspection Agreement with Rehoboth Shores Association II, L.L.C. for the construction of wastewater facilities.

M 546 97 Execute Agreements/ Rehoboth Shores Assoc. A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Rehoboth Shores Association II, L.L.C. for wastewater facilities to be constructed in Rehoboth Shores, Phase III, located in the Long Neck Sanitary Sewer District.

M 546 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

M 547 97 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Council- give \$200.00 from Mr. Collins' Councilmanic Account to
manic Millsboro Hut, Inc. for scouting programs in Millsboro.
Grant

Motion Adopted: 5 Yea.

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

Recess At 10:30 a.m., Mr. Dukes declared a recess until 11:00 a.m.

Reconvene Mr. Dukes called Council back into session at 11:00 a.m.

Public Hearing/ A Public Hearing was held to consider extending the boundaries
Water- of the South Bethany Sanitary Sewer District to include the
side Waterside subdivision and two adjacent parcels. There were
no public comments and the Public Hearing was closed.

M 548 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to
Adopt Adopt Resolution No. R 034 97 entitled "A RESOLUTION TO EXTEND
Resolu- THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT
tion No. (SBSSD) TO ENCOMPASS THE WATERSIDE SUBDIVISION AND TWO
R 034 97 ADJACENT PARCELS, LYING CONTIGUOUS TO THE SBSSD, SITUATE
NORTH OF COUNTY ROAD 361 AND WEST OF THE ASSAWOMAN CANAL,
AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

M 549 97 At 11:07 a.m., a Motion was made by Mr. Collins, seconded
Recess by Mr. Jones, to recess until 11:30 a.m. Motion Adopted by
Voice Vote.

Location The meeting moved from the Sussex County Council Chambers to
Change the Theater at Delaware Technical and Community College.

Reconvene Mr. Dukes called Council back into session at 11:35 a.m.

Public Hearing/ A Public Hearing was held on the Proposed Ordinance entitled
Owner- "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, TO CREATE
Occupied A HOUSING CODE FOR OWNER-OCCUPIED STRUCTURES". Mr. Dukes
opened the meeting by explaining the reasons for the Public

Public
Hearing
(con't)

Hearing; by providing a background as to why the Proposed Ordinance was drafted; and by stating that the Proposed Ordinance would not be supported by any of the Councilmen. Statements were made by each of the Councilmen. Public comments were received from the floor; many citizens spoke in strong opposition to the Proposed Ordinance. Petitions and statements from the public were incorporated into the record. The Public Hearing was closed.

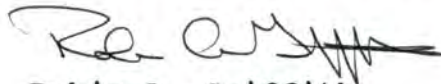
M 550 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND
Proposed THE CODE OF SUSSEX COUNTY, TO CREATE A HOUSING CODE FOR
Ordinance OWNER-OCCUPIED STRUCTURES".
(Denied)

Motion Denied: 5 Nay.

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

M 551 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adjourn adjourn the meeting at 2:16 p.m. Motion Adopted by Voice
Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council