

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-NOVEMBER 2, 1993

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, November 2, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	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 459 93
Approve
Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to approve the minutes of the previous meeting dated October 26, 1993. Motion Adopted by Voice Vote.

Corre-
spondence

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

STEPHEN P. ELLIS, SERGOVIC & ELLIS, P.A., GEORGETOWN, DELAWARE

RE: Copy of a letter to Dennis L. Schrader, Esquire, enclosing the fully executed Deed between Mrs. Charlotte Nelte and Sussex County for the purchase of Angola Landfill property.

RANDY REDARD, MILTON, DELAWARE

RE: Thanking Mr. Benson for Councilmanic Grant and continued support of the Milton Youth Soccer Program.

South
Coastal
Library/
Cultural
Center

Mr. Stickels, County Administrator, updated Council on the status of the South Coastal Library/Cultural Center. Conveyance of the building to Sussex County was effective as of October 1, 1993. Concern has been expressed by the Friends of the South Coastal Library (the "Friends") regarding control of the Cultural Center, which was extended to the Town of Bethany Beach through a Joint Use Agreement with the County dated June 14, 1993. The Friends feel that the Joint Use Agreement is in violation of their original agreement with Sussex County, dated June 30, 1988, which states in Article IX that ". . . Sussex County shall not assign any duties or responsibilities set forth under this agreement to any person, persons, or corporations not a party hereto."

At a meeting of the Bethany Beach Town Council on October 15, 1993, a Motion was unanimously approved "that the Joint Use Agreement of June 14, 1993, between Sussex County and the Town of Bethany Beach be rescinded based on acceptance of Sussex County for full control of the library

South Coastal Library (continued)

and all adjoining cultural facilities". Mr. Stickels recommended that Council honor the request of the Town of Bethany Beach to rescind the Joint Use Agreement dated June 14, 1993, thereby returning control of the Cultural Center adjoining the South Coastal Library to Sussex County.

M 460 93 Rescind Joint Use Agreement Between Town of Bethany Beach and Sussex County

A Motion was made by Mr. Cole, seconded by Mr. Collins, to rescind the Joint Use Agreement between Sussex County and the Town of Bethany Beach pertinent to the South Coastal Library/Cultural Center, dated June 14, 1993.

Motion Adopted: 5 Yea.

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

South Coastal Library/Cultural Center (continued)

Betsy Baxter, President of the Friends of the South Coastal Library, was present and suggested that an advisory group be formed to allow for public input into the operation of the South Coastal Library/Cultural Center. It was the consensus that said advisory group will be created.

Mr. Stickels informed Council that the existing Bethany Beach Library will be closed effective 2:00 p.m. on Saturday, November 13, 1993, and the new South Coastal Library will open on Monday, January 3, 1994, at 10:00 a.m. The Cultural Center adjoining the library will be available for scheduled activities beginning November 15, 1993.

Proposed Ordinance (Outdoor Burning)

Mr. Stickels, County Administrator, discussed a Proposed Ordinance prohibiting the outdoor burning of wood, wood by-products, and other materials as part of debris removal for a development or construction project during the months of April through September in all zoning districts of Sussex County. Out-of-doors burning for agricultural purposes and outdoor burning by the State of Delaware would be exempt from this ban.

Proposed Ordinance

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE III, OF THE CODE OF SUSSEX COUNTY, DELAWARE RELATING TO OUTDOOR BURNING IN ALL DISTRICTS". The Proposed Ordinance will be advertised for Public Hearing before Council on January 4, 1994.

Proposed Ordinance (Emergency Permits for Manufactured Homes)

Mr. Stickels, County Administrator, discussed a Proposed Ordinance allowing for the issuance of an emergency permit by the Director of Planning and Zoning for placement of a manufactured home, upon a determination that a dwelling has been made uninhabitable by certain natural or manmade disasters. Concern has arisen that such emergency permits may violate recorded private deed restrictions or

Proposed Ordinance (continued)

covenants. Additionally, there is currently no time limit during which repairs and/or construction must begin following the issuance of said permits.

Proposed Ordinance

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XXVIII, RELATING TO THE ISSUANCE OF EMERGENCY PERMITS FOR MANUFACTURED HOMES". The Proposed Ordinance will be advertised for Public Hearing before Council on January 4, 1994.

Land Use Consultant Proposals

Mr. Stickels, County Administrator, advised Council that the deadline for receiving Land Use Consultant Proposals for compilation of the Western Sussex Land Use Plan and Coastal Sussex Land Use Plan into one document, including review of the plans to assure compliance with Delaware "Quality of Life" legislation, was Friday, October 29, 1993. The following consultants submitted a response to the Request for Proposals:

1. Whitman, Requardt and Associates
Baltimore, Maryland
2. Whitney-Bailey-Cox-Magnani
Timonium, Maryland
3. Wiles-Dailey-Pronske
Reston, Virginia

The proposals will be reviewed and each of the three consultants scheduled for interview by a committee comprised of Peter B. Jones, Assistant County Attorney; Mr. Lank, Director of Planning and Zoning; and Mr. Stickels, County Administrator.

Administrator's Report

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

1. County Government Offices Closing

On Thursday, November 11, 1993, County Government offices will be closed in observance of Veterans Day. Offices will reopen with regularly scheduled hours at 8:30 a.m. on Friday, November 12, 1993.

2. Notice of Public Meeting

There will be a meeting of the Mobile Home Study Committee on Wednesday, November 3, 1993, at 1:00 p.m. in the Modern Maturity Center, 1121 Forrest Avenue (Route 8), Dover, Delaware. The purpose of the meeting

Adminis-
trator's
Report
(continued)

will be to hear and consider interim reports of the following subcommittees:

- (a) Rental Agreements;
- (b) Rules and Regulations;
- (c) Conversion/Receivership;
- (d) Summary Possession.

The Committee will also consider items of new business raised by members of the Committee. The meeting is open to the public.

3. Guide To County Government

Included with the report was a copy of a "Guide To County Government". This guide was compiled by the Personnel Department in an attempt to make County Government more accessible to the public.

Proposed
Ordinance

Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23,801 SQ. FT., MORE OR LESS" (C/Z #1216) filed on behalf of Clarence George Murray. The Proposed Ordinance will be advertised for Public Hearing.

M 461 93
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to grant \$200.00 from Mr. Collins' Councilmanic Account to Millsboro Hut, Inc., to support the scouting programs (DelMarVa Council, Boy Scouts of America, and Chesapeake Bay, Girl Scouts Council, Inc.) in Millsboro.

Motion Adopted: 5 Yea.

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

M 462 93
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to grant \$300.00 from Mr. Collins' Councilmanic Account to Delmar Wildcat Band Patrons for uniforms.

Motion Adopted: 5 Yea.

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

M 463 93
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to grant \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and \$150.00 from Mr. Dukes' Councilmanic Account, to Charity Lodge No. 27, I.O.O.F., for repair or replacement of hospital and sick room equipment used in their lending program.

Motion Adopted: 5 Yea.

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

M 464 93
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to grant \$350.00 from Mr. Cole's Councilmanic Account to the Village Improvement Association (Rehoboth Beach) for decorations for the Christmas Islands display.

Motion Adopted: 5 Yea.

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

Donation
of Sussex
County
Flags

Per the request of Mr. Bill Wyatt, Scoutmaster of Troop 2540, a Sussex County Flag will be donated to Scout Pack 2540 and one to Scout Troop 2540 by Mr. Benson and Mr. Cole, respectively, for use in parades and Scout ceremonies.

Recess

At 10:49 a.m., Mr. Dukes declared a recess until 11:00 a.m.

Reconvene

Mr. Dukes called Council back into session at 11:03 a.m.

Public
Hearing/
Proposed
Resolution
(Laurel Fire
Dept., Inc.)

A Public Hearing was held on a Proposed Resolution entitled "RESOLUTION APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE LAUREL FIRE DEPT., INC.". The proceeds of the bonds or notes, in an aggregate principal amount not to exceed \$350,000, are to be used to fund the purchase of a new pumper truck. Present to discuss the issuance were John E. Messick, Attorney; W. Jack Northam, President; and Jeff Hill, Chief, Laurel Fire Department, Inc. The Public Hearing was closed.

M 465 93
Adopt
Resolution
R 020 93
and
Applicable
Agreement
(Laurel Fire
Dept., Inc.)

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to adopt Resolution No. R 020 93 entitled "RESOLUTION APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE LAUREL FIRE DEPT., INC." and the applicable written agreement.

Motion Adopted: 5 Yea.

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M 465 93
(continued)

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

M 466 93
Adjourn

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

Respectfully submitted,

Susan W. Webb

Susan W. Webb
Acting Clerk of the County Council