

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 1, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 1, 1992, 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 500 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to
Approve approve the minutes of the previous meeting dated November 24,
Minutes 1992. Motion Adopted by Voice Vote.

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY
RE: Notice of Commission Meeting, Public Hearing and Public Briefings.

Mr. Stevenson read the following correspondence:

RICHARD WATKINSON, GREENWOOD VOLUNTEER FIRE COMPANY
RE: Appreciation for recent donation.

Mr. Cole read the following correspondence:

DIAZ J. BONVILLE, CITY OF REHOBOTH BEACH
RE: Appreciation for recent donation.

Grant Mr. Stickels, County Administrator, discussed two requests for
Requests Human Service Grants.

M 501 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give
Human \$1,000.00 from the Human Service Grant fund to the Sussex
Service District of the Boy Scouts of America.
Grant

Motion Adopted: 5 Yea.

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

M 502 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Human Service and Councilmanic Grant give \$1,210.00 (\$1,050.00 from the Human Service Grant fund and \$32.00 from each Councilmanic Account) to the League of Women Voters of Sussex County for the publication of their directory listing Sussex County officials, Sussex State Representatives, Sussex County town officials, school board members, and voting information.

Motion Adopted: 5 Yea.

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

M 503 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, that
Executive Session Sussex County Council authorizes an Executive Session to be held on Tuesday, December 8, 1992, at 9:00 a.m. in the Sussex County Council Chambers, for the purpose of discussing pending litigation.

Motion Adopted: 5 Yea.

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

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

1. Recyclers of the Month

W. P. Stewart of Seaford, Delaware, and Danny Godwin of Georgetown, Delaware, are the recipients of the two \$50 U.S. Savings Bonds for participating in the County Council's Recycling Program for the month of November. Four hundred sixty-eight people participated in the program during the month of November, compared to 537 for the month of October.

2. Memorial Services

Services will be held for Calvin C. O'Day at 1:00 p.m. on Wednesday, December 2, 1992, at Hardesty Funeral Home, 202 Laws Street, Bridgeville, Delaware. Mr. O'Day was Director of the Building Code Department for Sussex County for the past nine years. He was past president of the Lower Delaware and Maryland Building Officials Association and a member of the Delaware Homebuilders Association and the Southern Building Code Congress International. Flags will be flown at half-staff in memory of Mr. O'Day this week.

Adminis-
trator's
Report
(con't)

Services will be held for George Predeoux at 1:00 p.m. on Saturday, December 5, 1992, at Calvary Pentecostal Church, RT 113, Bishopville, Maryland. Mr. Predeoux was hired by the County as a custodian in February, 1978, and was promoted to Night Custodial Supervisor in April, 1978. Mr. Predeoux retired in May, 1988, due to poor health.

C/Z No. 1163 Change of Zone No. 1163, filed on behalf of Wheatley Farms, Inc., was discussed. A Public Hearing was held on June 2, 1992, at which time the Public Hearing was closed and action was deferred.

M 504 92 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, Adopt to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO Proposed AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN Ordinance AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL C/Z No. 1163 RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND Denied 1163 BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 80.23 ACRES, MORE OR LESS (C/Z #1163) filed on behalf of Wheatley Farms, Inc.

Motion Denied: 5 Nay.

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

C/U No. 997 Conditional Use No. 997, filed on behalf of T. J. Tennefoss, was discussed. A Public Hearing was held on May 12, 1992, at which time the Public Hearing was closed and action was deferred.

M 505 92 A Motion was made by Mr. Cole to defer action on Conditional Defer Use No. 997 until the mobile home violation has been corrected. Action The Motion died for the lack of a second.

M 506 92 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, Adopt to Adopt Ordinance No. 865 entitled "AN ORDINANCE TO GRANT A Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL No. 865 DISTRICT FOR WOODEN PALLET REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 13.5 ACRES, MORE OR LESS" (C/U #997) filed on behalf of T. J. Tennefoss, with the following stipulations:

1. The area utilized for the wooden pallet repair business shall begin 250 feet north of the right of way of Route 36.
2. The area utilized shall not exceed three acres and shall be contained around the area of the existing masonry foundation.

M 506 92
(con't)

3. All outside storage of pallets shall remain in an orderly manner and shall be contained within 50 feet of the existing masonry foundation.
4. Stockade fencing, at least 6 feet high, shall be placed across the property at a point 250 feet north of the northerly right of way of Route 36.
5. Pallets and materials stored shall not exceed the height of the stockade fencing.
6. The three (3) manufactured homes on the site shall be removed from the premises, since the units are in violation, within 60 days of this approval, or this approval is void and the use on-site shall cease forthwith.
7. Signage shall be limited to one unlighted sign, not exceeding 32 square feet per side or facing.
8. Any building construction related to the business shall be located in the area of or on the existing masonry foundation. Any construction shall be subject to approval of the Sussex County Building Code Department and the Office of the State Fire Marshal.
9. Any sawmill operation shall be related only to pallet repair and pallet construction. There shall be no customer sawing of logs or lumber.
10. Hours of operation shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, only.

Motion Adopted: 4 Yea; 1 Nay.

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will serve the needs of various local businesses and will promote conservation and recycling of wood products.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic, or the environment in the area.

Findings
of Fact
(con't)

3. The proposed use is consistent with the purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Planning
Study
Contract
Long
Neck

Mr. Izzo, Public Works Division Director, and Mr. Preston Lee of Tatman and Lee Associates, Inc., were present to discuss a planning study contract to consider the expansion of the Long Neck Sanitary Sewer District. The planning study will evaluate the sanitary sewer needs of the Long Neck area. The planning study will address potential connection points and any improvements to the sanitary sewer system that will be necessary. The planning study is contingent upon the receipt of a cash advance from the representatives of a proposed development in the planning area, who in return for the cash advance will receive a credit of an equal amount applied to the standard connection fees for the development, if the district expansion is approved. There will be no cost to the County for this study.

M 507 92
Approve
Planning
Study
Contract
Long
Neck

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute a contract with Tatman and Lee Associates, Inc., in the amount of \$24,500.00, to complete a planning study to consider expansion of the Long Neck Sanitary Sewer District, contingent upon the receipt of a cash advance from the representatives of a proposed development in the planning area, who in return for said cash advance shall receive a credit of equal amount applied to the standard connection fees for the development, when, and if, the district expansion is approved.

Motion Adopted: 4 Yea; 1 Nay.

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

M 508 92
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Bethany-Fenwick Area Chamber of Commerce for consultant costs and expenses for the program development of the James Farm tract.

Motion Adopted: 5 Yea.

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

M 509 92 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$300.00, \$60.00 from each Councilmanic Account, to the Town of Georgetown to pay for the services of a quality sound technician for Carolling on the Circle on December 14, 1992.

Motion Adopted: 5 Yea.

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

M 510 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$1,300.00 (\$300.00 from Mr. Collins' Councilmanic Account and \$1,000.00 from Mr. Dukes' Councilmanic Account) to the Laurel Senior Center, Inc. to help fund the installation of new carpet in the dining room area.

Motion Adopted: 5 Yea.

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

M 511 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$1,000.00 from Mr. Dukes' Councilmanic Account to the Nanticoke Senior Center, Inc. to help fund the repairing and painting of the walls and ceilings at the Center.

Motion Adopted: 5 Yea.

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

M 512 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$300.00 from Mr. Dukes' Councilmanic Account to Laurel Pop Warner to help fund the purchase of jackets.

Motion Adopted: 5 Yea.

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

M 513 92 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$100.00 from each Councilmanic Account, to CHEER to help fund the mobile-mini market project.

Motion Adopted: 5 Yea.

M 513 92 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 514 92 At 11:20 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Reconvene President Dukes called Council back into session at 1:30 p.m.

Public Hearing C/Z No. 1175 A Public Hearing was held on 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS" (C/Z #1175) filed on behalf of American Legion Oak Orchard - Riverdale Post #28. The Public Hearing was closed.

M 515 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Ordinance No. 866 entitled "AN ORDINANCE TO AMEND THE
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1
No. 866 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSI-
NESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE,
MORE OR LESS" (Change of Zone No. 1175) filed on behalf of
American Legion Oak Orchard - Riverdale Post #28.

Motion Adopted: 5 Yea.

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

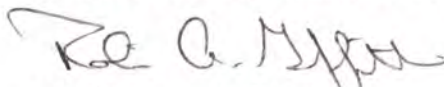
Findings of Fact The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
2. The applicant established that no negative impact is anticipated on the neighborhood or property values.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

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M 516 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adjourn adjourn at 1:58 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council