

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 9, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 9, 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
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.

Carols Children from Small Wonder Ones Child Care entertained Council with Christmas carols.

M 600 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.

M 601 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated December 2, 1997.

Motion Adopted: 4 Yea, 1 Absent.

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

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

BONNIE WORKMAN, CHAIRMAN, APPLE-SCRAPPLE FESTIVAL COMMITTEE, BRIDGEVILLE, DELAWARE.

RE: Letter of appreciation for Council's support of the Bridgeville Apple-Scrapple Festival.

MILFORD BOYS & GIRLS CLUB, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MARGARET TERRY, SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MEL ANDERSON, PROGRAM DIRECTOR, ARTHRITIS FOUNDATION, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MARK E. STEINER, AMERICAN HEART ASSOCIATION, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Corre-
spondence
(con't)

NANCY M. O'BRIEN, REHOBOTH ART LEAGUE, INC., REHOBOTH BEACH,
DELAWARE.

RE: Letter in appreciation of Human Service Grant.

POSSUM POINT PLAYERS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CHILDREN & FAMILIES, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Awards

Habitat for Humanity awards were presented to Mr. Lecates and Mr. Phillips of the Sussex County Community Development & Housing Office.

1997
Volume
Cap

Mr. Stickels, County Administrator, reported that a letter has been received from Mr. John Carney, State of Delaware, Department of Finance, requesting that any portion of the 1997 Volume Cap assigned to Sussex County which will not be allocated either to a qualified project prior to year-end or identified as eligible for carryforward be reassigned to the State for reallocation between the Delaware State Housing Authority and/or the Delaware Economic Authority. This request is being made to allow the State to maximize its usage of its 1997 Private Activity Bond Volume Cap. The State assigned \$15,000,000 to Sussex County for 1997; Sussex County currently has an unused balance of \$12,600,000. Mr. Stickels recommended that Council authorize the reassignment of the unused balance of the 1997 Volume Cap allocation.

M 602 97
Reassign
1997
Volume
Cap
Balance

A Motion was made by Mr. Collins, seconded by Mr. Jones, that the Sussex County Council, pursuant to the provisions of 29 Delaware Code, Section 5091(f), hereby assigns to the State of Delaware \$10,600,000 of its unallocated Private Activity Bond Volume Cap for 1997.

Motion Adopted: 4 Yea, 1 Absent.

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

Human
Service
Grant
Requests

Mr. Stickels, County Administrator, discussed two requests for Human Service Grants. Currently, there is \$3,800 remaining of the \$100,000 allocated for Human Service Grants in Fiscal Year 1998.

M 603 97
Human
Service
Grants

A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$750.00 from Human Service Grants to Wildlife Habitat, Inc. and \$750.00 from Human Service Grants to Aid in Dover, Inc.

M 603 97 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

Down-
zoning
Policy
Deadline

Mr. Stickels, County Administrator, advised that since April of 1997, the Assessment Division has contacted approximately 30 property owners along Route 113 from Selbyville to Milford concerning their option of retaining C-1 Zoning or continuing to receive farmland assessment. To date, 19 cases have been heard by the Planning and Zoning Commission, some of which are in other areas of the County. There are still properties in the Farmland Assessment Program which will need action by the County to downzone. The County has added over \$550,000 of taxable assessments to the rolls as a result of this downzoning initiative. Mr. Parker, Director of Assessments, has indicated that changes on Route 1 and Route 13 could be completed by the end of June. The deadline for this policy was set at December 31, 1997; Mr. Stickels recommended that the deadline be extended to June 30, 1998.

M 604 97 A Motion was made by Mr. Collins, seconded by Mr. Rogers, that
Extend the Sussex County Council authorizes the waiving of fees on
Down- change of zone applications for downzoning until June 30, 1998.

zoning
Policy
Deadline

Motion Adopted: 4 Yea, 1 Absent.

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

Buy-out
of
Delmarva
Aircraft
Lease

Mr. Stickels, County Administrator, advised that on July 22, 1997, Council authorized the negotiation of a buy-out of an existing lease with Delmarva Aircraft to gain full control of the airport operations and more than 350 acres of land. Since that time, negotiations have taken place and have resulted in a buy-out purchase price in the amount of \$150,000. The \$150,000 buys the remaining years Delmarva Aircraft has on their lease with the County. Funds used to buy-out the lease will not be funded by property tax income but will be funded by income generated by the Economic Development Office. This buy-out is expected to result in a payback to the County in four years in the amount of \$41,059 per year. Mr. Stickels discussed various options that Council will need to consider once the buy-out is authorized: lease to the Delaware River and Bay Authority, lease to a private sector Fixed Base Operator (FBO), or the County become the FBO. Mr. Stickels recommended that the County buy out the lease and give consideration to retaining the land rights and seeking a private sector FBO. Future consideration also must be given as to who will run the fuel farm, the County or the FBO; Mr. Stickels emphasized that the fuel farm is a key source of income at the airport.

M 605 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, author-
Authorize izing the Sussex County Council President to execute an agree-
Buy-out ment with Delmarva Aircraft for a lease buy-out in an amount
of not to exceed \$150,000.
Delmarva
Aircraft Motion Adopted: 4 Yea, 1 Absent.
Lease

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

Adminis- Mr. Stickels, County Administrator, read the following informa-
trator's tion in his County Administrator's Report:
Report

1. Correction - Date and Time of Public Hearing

A Public Hearing on "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION DEBT OF SUSSEX COUNTY TO EXPAND THE WASTE-WATER COLLECTION SYSTEM TO PROVIDE SEWER SERVICES FOR THE AREAS IN PHASE III OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT" will be held on Tuesday, December 16, 1997, at 11:15 a.m. in the Council Chambers. It was originally announced that this hearing would be held on Tuesday, December 9, 1997. The proper legal notifications of correction of date and time have been completed.

2. Historic Planner Grant

I have received notification that the Delaware Historic Preservation Review Board Grant Selection Committee has approved the County's Historic Planner position. The Grant Selection Committee has awarded the County \$24,500. This will help fund the position from July 1, 1998, through June 30, 1999. Mark Rayburn, the County's Historic Planner, has been very instrumental in helping the County reduce historic investigation costs for Phase III of West Rehoboth. Mr. Rayburn is also available to work with local governments within Sussex County, assisting in historic preservation.

3. Extended Hours

The only County office that was open on the eve of Thanksgiving on Wednesday, November 26, 1997, was Clerk of the Peace. From 4:30 to 7:30 p.m., three wedding licenses were issued.

4. Inland Bays Regional Wastewater Facility

Included with this report is a copy of an article featuring Loran George, Sussex County Inland Bays Wastewater District Manager in the Long Neck Facility. This article appeared in the magazine entitled Irrigation Advances, Fall 1997.

Adminis-
trator's
Report
(con't)

5. Logging Recorder Bid Opening

On Monday, December 8, 1997, bids were opened in the County Council Chambers at 10:00 a.m. for Project 97-EOC-02, Digital Logging Recording System. We received two bids. Delaware Office Equipment, Wilmington, Delaware, submitted a bid for \$35,051. Dictaphone Corporation, Mt. Laurel, New Jersey, submitted a bid for \$30,587. The budgeted estimate for County expenditure was \$35,000. This funding will be provided from the Rural Development Agency (RDA). Prior to final recommendation to the County Council, RDA will review the bids.

Bid
Results/
Mailing
Machine

Mr. Baker, Finance Director, discussed bid results for a Mailing Machine - Folder Inserter System. The following bids were received:

<u>Vendor/Model</u>	<u>Bid Amount</u>
Pitney Bowes - Spectrum Modular Inserting System	\$24,634
Pitney Bowes - Number 8 Series	\$64,500
MSC Office Solutions - Neopost Mailer 4 System	\$26,674

The Project budget is \$25,000.

M 606 97
Approve
Purchase
of
Mailing
Machine

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council approves the purchase of a Pitney Bowes - Spectrum Modular Mailing Machine for a price of \$24,634, subject to approval by the County Attorney.

Motion Adopted: 4 Yea, 1 Absent.

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

Old
Business/
C/U
No. 1208

Conditional Use No. 1208 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 43,318 SQUARE FEET, MORE OR LESS (Conditional Use No. 1208), filed on behalf of Gene Wildonger, was discussed. A Public Hearing was held on this application on November 18, 1997, at which time action was deferred. The recommendation of the Planning and Zoning Commission was incorporated into the record.

M 607 97
Adopt
Proposed
Ordinance

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CER-

M 607 97 TAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX
(con't) COUNTY, CONTAINING 43,318 SQUARE FEET, MORE OR LESS" (Conditional
Use No. 1208) filed on behalf of Gene Wildonger.

Motion Denied: 4 Nay, 1 Absent.

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

Proposed Mr. Dukes introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRI-
CULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIR STRIP TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 79.00 ACRES, MORE OR
LESS" (Conditional Use No. 1224) filed on behalf of Thomas M.
and Amanda L. Rosenthal. The Proposed Ordinance will be
advertised for Public Hearing.

Proposed Mr. Collins introduced the Proposed Ordinance entitled "AN
Ordinance 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY,
CONTAINING 23.41 ACRES, MORE OR LESS" (Change of Zone No.
1331) filed on behalf of Joseph W. McQuaide and Bettina M.
McQuaide. The Proposed Ordinance will be advertised for
Public Hearing.

M 608 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Council- give \$200.00 from Mr. Jones' Councilmanic Account to the
manic Greenwood Lions Club for the Vision Camera fund drive.
Grant

Motion Adopted: 4 Yea, 1 Absent.

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

M 609 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Council- give \$600.00 from Mr. Rogers' Councilmanic Account to the
manic Milton Fire Department, Inc. for assistance in making repairs
Grant to the department's mini-pumper.

Motion Adopted: 3 Yea, 1 Absent, 1 Abstention.

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

M 610 97 At 11:10 a.m., a Motion was made by Mr. Jones, seconded by
Recess Mr. Collins, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

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

Public Hearing (C/Z No. 1321) A Public Hearing was held on 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. There were no public comments and the Public Hearing was closed.

M 611 97 Adopt Ordinance No. 1195 (C/Z No. 1321) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1195 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.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Absent; 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 serve to protect prime farmland and to conform the property's zoning classification with its historic use as lands under cultivation.
2. The change of zone will meet the purposes and goals of the Comprehensive Land Use Plan and the State's agricultural preservation initiative.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U No. 1212) 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 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. Public comments were heard and the Public Hearing was closed. Action was deferred.

Public
Hearing
(C/U
No. 1213)

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 A CONTRACTOR'S STORAGE YARD AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS" (Conditional Use No. 1213) filed on behalf of Robert M. Davidson. There were no public comments and the Public Hearing was closed.

M 612 97
Adopt
Ordinance
No. 1196
(C/U
No. 1213)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1196 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR'S STORAGE YARD AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS" (Conditional Use No. 1213) filed on behalf of Robert M. Davidson, with the following stipulations:

1. The proposed storage building shall be set back at least 350 feet from the right of way of Route 9.
2. The storage building shall not exceed 40' x 60'.
3. No storage of structures in the process of being relocated shall be permitted on-site. All other storage, i.e. dolly wheels, axles, timbers, etc...shall be located to the rear of the storage building.
4. Signage shall not exceed 32 square feet, per side or facing, and shall be unlighted.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Absent; 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, although in an agricultural district, is located on a site that has no agricultural value or ability. The proposed use, given the unique site conditions, and given neighboring properties' use, will have no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

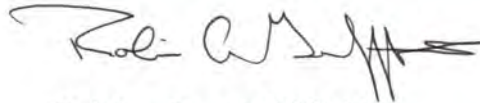
Public
Hearing
(C/Z
No. 1320)

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 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. There were no public comments and the Public Hearing was closed. Action was deferred.

M 613 97
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Jones, to adjourn at 3:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council