

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

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, January 2, 1990, at 10 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
Dale R. Dukes	Member

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

M 001 90
Approval
of 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.

M 002 90
Election
of President

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to nominate William D. Stevenson, Sr. for election as President of the Sussex County Council for 1990. Motion Adopted: 4 Yea; 1 Absent.

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

M 003 90
Election
of Vice
President

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to nominate R. James Mariner for election as Vice President of the Sussex County Council for 1990. Motion Adopted: 4 Yea; 1 Absent.

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

Mr. Cole entered the meeting.

Corre-
spondence

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

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

January 2, 1990

Selbyville
Request -
Mill
Pond
Estates
Sewer

The request from the Town of Selbyville to Amend their Agreement for the discharge of treated sewage into the County's Ocean Outfall and allowing for the acceptance of wastewater from twenty-four (24) units at Mill Pond Estates, tabled at the December 27, 1989 meeting, was discussed. Mr. Messick, Selbyville's Solicitor, was present to answer questions. Mill Pond Estates is located on a single tract of land with the boundaries extending into Maryland. The portion of land in Delaware has been developed and the developer now wishes to develop the Maryland side, thus the additional twenty-four (24) units. Concerns expressed by the Councilmen included:

1. Overloading the South Coastal Regional Wastewater Facility, and in the future being placed in a position of not having adequate facilities for annexation of Towns and developments served by the Facility; and
2. Maryland residents being connected to the system without the assessment of a user's fee.

Action was tabled.

West
Rehoboth
Moratorium
Area

Mr. Esposito, Deputy Director, Water Resources, Department of Natural Resources and Environmental Control, reviewed the boundaries, defined and established by DNREC, for the West Rehoboth Moratorium area. The Voucher System that will be used by DNREC, allowing for "limited" development to continue, was explained. The importance of the execution of the Memorandum of Understanding, prepared by DNREC, establishing the time frame for the completion of the County's Proposal for the West Rehoboth Extension of the Dewey Beach Sanitary Sewer District was also stressed.

M 004 90
Holding
Tanks
(No Action)

A Motion was made by Mr. Cole to limit the number of holding tanks in the West Rehoboth Moratorium area from which waste would be accepted at the South Coastal Regional Wastewater Facility. Mr. Cole agreed to hold the Motion.

MOU
DNREC -
W. Rehoboth
Extension
of Dewey
Beach
Sewer

Mr. Stickels, County Administrator, the Engineering Department, and George, Miles and Buhr will critique the Memorandum of Understanding prepared by the Department of Natural Resources and Environmental Control for the construction of the Proposed West Rehoboth Extension of the Dewey Beach Sanitary Sewer District. After completion of this, the Memorandum of Understanding will be placed on the Agenda for further discussion.

January 2, 1990

Administrator's
Report

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

1. Delaware Small Business Development Center will be conducting a training seminar at Delaware Technical and Community College, Georgetown, on January 11th entitled "How To Handle Small Business Taxes".
2. Thursday, January 4th, a local citizen group, calling themselves S.O.S., Save Our Sussex, will be meeting to express their concerns regarding the proposed incinerator to be located near Jones Crossroads, Millsboro.
3. The Inland Bays Estuary Program Citizens Advisory Committee will meet January 8th at Delaware Technical and Community College, Georgetown.

M 005 90
Award
Contract
No. 88-12 -
Timber
Sale

A Motion was made by Mr. Benson, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council award Sussex County Project No. 88-12, Timber Stumpage Sale for the Long Neck Treatment Site, to the Chesapeake Corporation of West Point, Virginia, the high bidder, at an amount equal to \$146,695.00. Motion Adopted: 5 Yea.

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

M 006 90
Adopt
Resolution
R 001 90

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Resolution No. R 001 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL". Motion Adopted: 5 Yea.

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

M 007 90
Adopt
Resolution
R 002 90

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to Adopt Resolution No. R 002 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON

January 2, 1990

M 007 90
(Con't.)

DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL". Motion Adopted: 5 Yea.

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

M 008 90
Adopt
Resolution
R 003 90

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Resolution No. R 003 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL". Motion Adopted: 5 Yea.

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

M 009 90
Adopt
Resolution
R 004 90

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Resolution No. R 004 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL". Motion Adopted: 5 Yea.

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

M 010 90
Adopt
Resolution
R 005 90

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to Adopt Resolution No. R 005 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL". Motion Adopted: 5 Yea.

January 2, 1990

M 010 90
(Con't.)

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

M 011 90
Adopt
Resolution
R 006 90

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Resolution No. R 006 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR". Motion Adopted: 5 Yea.

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

M 012 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$1,000.00, \$200.00 from each of the five (5) Councilmanic Accounts, to The Pioneer Club/Visually Impaired of Sussex County to provide financial assistance for transportation of their members to their weekly meetings. Motion Adopted: 5 Yea.

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

C/U #923

Mr. Spyro T. Stamat, Lincoln, read into the record a copy of a letter he had sent to Attorney General Oberly requesting an investigation into the circumstances relating to the Council's vote on December 27, 1989 for Ordinance No. 644, granting Conditional Use No. 923 for a radio station and 322 foot antenna, filed on behalf of William T. Sammons, Jr.

C/U #923

Mr. G. Scott Rose, Greenwood, also read into the record a letter addressed to the County Administrator questioning the December 27th vote for Ordinance No. 644, Conditional Use No. 923, filed on behalf of William T. Sammons, Jr.

M 013 90
Recess

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to recess at 11:35 a.m. Motion Adopted by Voice Vote.

January 2, 1990

Reconvene

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

Public
Hearing
C/U #924

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 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 15.35 ACRES, MORE OR LESS, OF A 23.4 ACRE TRACT" (C/U #924) filed on behalf of Ronald E. Hastings and W. W. Harper, Jr. The Public Hearing was closed and action was deferred.

Public
Hearing
C/Z #1036

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.8 ACRES, MORE OR LESS" (C/Z #1036) filed on behalf of Virginia Steele. The Public Hearing was closed and action was deferred.

Public
Hearing
C/Z #1037

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 MULTI-FAMILY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.4 ACRES, MORE OR LESS" (C/Z #1037) filed on behalf of Gray Farm Farmers. The record is to be kept open for two (2) weeks and action was deferred.

Recess

A five (5) minute recess was declared by President Stevenson.

Reconvene

Council was called back in Session at 3:45 p.m.

Public
Hearing
C/Z #1038

A Public Hearing was held on 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 0.53 ACRE, MORE OR LESS" (C/Z #1038) filed on behalf of Jack C. Hallman and Anne W. Hallman. The Public Hearing was closed.

January 2, 1990

M 014 90
Adopt
Ordinance
No. 645
(C/Z #1038)

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 645 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 0.53 ACRE, MORE OR LESS" (C/Z #1038) filed on behalf of Jack C. Hallman and Anne W. Hallman. Motion Adopted: 5 Yea.

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

Findings
of Facts
C/Z #1038

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By Adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that the site has been approved for septic and an on-site well is proposed. Adequate space exists for on-site parking.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the surrounding area is a mix of housing and commercial/business uses and zoning classifications, and the rezoning would not have a negative impact on the area.
3. There would be no affect on traffic.

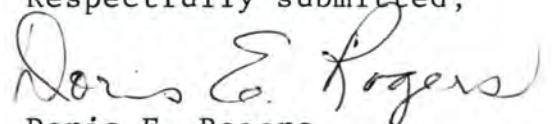
Public
Hearing
Amend
Ordinance
No. 97

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, TO PROVIDE FOR A CONDITIONAL USE OF LAND FOR THE LAND APPLICATION OF SLUDGE". The Public Hearing was closed and action was deferred.

M 015 90
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 5:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council