

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 2, 2001

Swearing-In Ceremony A Swearing-In Ceremony of Elected Officials was held Tuesday, January 2, 2001, at 9:20 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with The Honorable T. Henley Graves and The Honorable William B. Chandler, III presiding. The following elected officials were sworn in: Dale R. Dukes, Sussex County Council; Finley B. Jones, Jr., Sussex County Council; Lynn J. Rogers, Sussex County Council; and John F. Brady, Sussex County Register in Chancery.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 2, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

| | |
|----------------------|----------------------|
| Lynn J. Rogers | President |
| Dale R. Dukes | Vice President |
| George B. Cole | Member |
| Finley B. Jones, Jr. | Member |
| Vance Phillips | Member |
| Robert L. Stickels | County Administrator |
| David Baker | Finance Director |
| Eugene Bayard | County Attorney |

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

M 001 01 Approve Agenda A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 5 Yea.

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

M 002 01 Elect President A Motion was made by Mr. Jones, seconded by Mr. Phillips, that Dale R. Dukes be elected to serve as President of the Sussex County Council for the year 2001.

Motion Adopted: 5 Yea.

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

M 003 01
Elect
Vice
President

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that Finley B. Jones, Jr. be elected to serve as Vice President of the Sussex County Council for the year 2001.

Motion Adopted: 5 Yea.

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

Pass the
Gavel

President Rogers passed the gavel to the newly elected President, Dale R. Dukes.

M 004 01
Reappoint
Legal
Counsel

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to reappoint Eugene H. Bayard as County Attorney and legal counsel for the Sussex County Council; to reappoint Dennis L. Schrader as Assistant County Attorney and legal counsel for the Planning & Zoning Commission; and to reappoint Richard E. Berl, Jr. as Assistant County Attorney and legal counsel for the Board of Adjustment; for the year 2001.

Motion Adopted: 5 Yea.

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

M 005 01
Readopt
Rules of
Procedure

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to readopt the "Rules of Procedure of the Sussex County Council of Sussex County, Delaware", as written.

Motion Adopted: 5 Yea.

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

Committee
Appoint-
ments

It was the consensus of Council that Mr. Jones will remain as the Sussex County Council's representative on the Soil Conservation Committee; that Mr. Rogers will remain as the Sussex County Council's representative on the Airport Advisory Committee; and that Mr. Jones will remain as the Sussex County Council's representative on the Pension Committee.

Corre-
spondence

Mr. Bayard read the following correspondence:

GRACE JACKSON, LINCOLN, DELAWARE.

RE: Letter of appreciation for repairs to her home through the CDBG program.

Correspondence
(continued)

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.

RE: Three public notices to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit. (Kevin Sagers, White Creek; Robert D. Maedler, Lewes and Rehoboth Canal; Delaware Department of Transportation, Assawoman Bay).

Public Official of the Year/
Robert L. Stickels

Mr. Dukes announced that Mr. Stickels has been named Delaware State Chapter, American Public Works Association, "Public Official of the Year". Mr. Stickels was recognized in appreciation of his valuable contribution toward advancement of the public works profession. On behalf of the Sussex County Council, Mr. Dukes congratulated Mr. Stickels.

Caroling on The Circle Food Drive/
Recognition

The Sussex County Council recognized three groups for their help in making the 18th annual Caroling on The Circle food drive so successful. Over 24,000 items of food were raised. Sixteen thousand (16,000) items were donated by the Sussex County Mobile Home Tenants Association; one thousand two hundred and twenty-four (1,224) items were donated by the Georgetown Elementary School; and two thousand (2,000) items were donated by the Sussex Correctional Institution. Alex Dubrick, a student at Georgetown Elementary School, was recognized for donating 200 items of food by himself. The Sussex Correctional Institute was recognized for its efforts in growing vegetables at its Georgetown facility; the vegetables were then canned at First State Community Action. The items of food that were raised were distributed to pantries in Sussex County to help feed Sussex County residents.

Recognition/
McGlauglin

Mr. Stickels announced that it was necessary to delay the recognition of Meehris McGlauglin as she was unable to attend the Council meeting due to illness.

DelDOT/
MOA/
Route 1
Grid
Program

Mr. Stickels presented for discussion a Memorandum of Agreement (MOA) between the Sussex County Council and the Delaware Department of Transportation regarding the development of the State Route 1 Grid Program for the County's Comprehensive Land Use Plan update. The area covers from the intersection of Route 1 at the Five Points area west of Lewes to the city limits of Rehoboth at Rehoboth Avenue. The Delaware Department of Transportation Capital Improvement Program includes \$25 million over the next six years to plan, design, obtain right-of-ways, and for construction improvements along this corridor.

The purpose of this MOA is to form a basis for jointly developing the State Route 1 – Land Use/Transportation Study and the mutual adoption and implementation of its findings.

MOA
(continued)

The goal of the State Route 1 – Land Use/Transportation Study is to develop a series of three land use projections for the Rehoboth/Lewes area and use these scenarios to assess the travel demands for the area. The Study will develop base, high, and low land use scenarios from population and employment forecasts, current land use trends, and current zoning and comprehensive plan guidelines. The Department and the County will use these scenarios to better define the “Grid” system concept previously developed. For each of the three scenarios, the “Grid” system will be defined in terms of function, lane requirements and intersection controls. Additional transportation improvements such as public transit services and pedestrian and bicycle facilities will also be defined for each scenario. The transportation improvement requirements for each scenario will be identified and the improvements will be prioritized by the Department and the County for project planning and development.

Under the Agreement, DelDOT and the County will appoint a Public Advisory Committee that will assist in the coordination of planning issues associated with the preparation of the Study.

Tricia Faust, Senior Transportation Planner, and Joe Cantalupo, Assistant Director of Planning, were in attendance representing the Delaware Department of Transportation. Council members questioned Ms. Faust and Mr. Cantalupo at length on the Agreement. Council members requested additional time to review the document. Concern was expressed that the Agreement could be changed with the new administration taking over. Mr. Cole expressed that this Agreement is only for a study to be performed and he encouraged the other Council members to get their questions to DelDOT within the next couple of weeks. No action was taken.

Adminis-
trator’s
Report

Mr. Stickels read the following information in his County Administrator’s Report:

1. Milton Library

I am pleased to inform the Council that on Thursday, November 30, 2000, the trustees of the Marmot Foundation approved funding for the Milton Library expansion in the amount of \$10,000. This brings the Friends fundraising efforts to \$210,000 at this time.

2. Delaware Department of Transportation – Five Year Capital Improvement Plan

The Delaware Department of Transportation will be conducting a public workshop and hearing on Thursday, January 11, 2001, at Delaware Technical & Community College, Jack F. Owens Campus, Georgetown, Delaware, in the Carter Partnership Building, Room

Adminis-
trator's
Report
(continued)

529. The public workshop will start at 6:00 p.m., with public comments for the hearing portion being taken at 7:00 p.m. I would encourage residents of Sussex County who have road concerns to attend this meeting.

3. Airport Committee Meeting

The Sussex County Airport Advisory Committee will be meeting on Wednesday, January 3, 2001, at 10:00 a.m. at the County West Complex Conference Room. All Airport Advisory Committee meetings are open to the media, as well as the general public.

Bank
Resolutions

Mr. Baker reviewed the seven Proposed Resolutions listing the bank accounts of the Sussex County Council. The adoption of the Proposed Resolutions would reauthorize the accounts for the year 2001.

M 006 01
Adopt
Bank
Resolutions

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 001 01 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"; and

To Adopt Resolution No. R 002 01 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 DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR"; and

To Adopt Resolution No. R 003 01 entitled "CASH MANAGEMENT ACCOUNT RESOLUTION"; and

To Adopt Resolution No. R 004 01 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 DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"; and

To Adopt Resolution No. R 005 01 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK

M 006 01
(continued)

BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”; and

To Adopt Resolution No. R 006 01 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR”; and

To Adopt Resolution No. R 007 01 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

Motion Adopted: 4 Yea, 1 Abstention.

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

Mr. Dukes is a member of the Board of Directors of Delaware National Bank and did not vote due to a possible conflict of interest.

Public
Hearing/
CDBG

A Public Hearing was held to give all citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program for a grant under the provisions of the Community Development Act of 1977. The primary objective of the Community Development Program is the development of viable urban communities including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. It is also a primary objective to alleviate physical and economic distress through the stimulation of private investment and community revitalization in areas of population out-mitigation or a stagnating or declining tax base.

The Community Development Block Grant is a federal grant from the Department of H.U.D. to the Delaware State Housing Authority. Kent and Sussex Counties compete for the approximately \$1.9 Million in funding by making application to the Delaware State Housing Authority. Historically, 70 percent of the funding is for housing rehab, demolition

Public
Hearing/
CDBG
(continued)

or code enforcement and 30 percent is for infrastructure projects (streets, walks, water projects and sewer projects). All funding for infrastructure projects must have match funds by the local community. The maximum grant is \$800,000 unless there is an infrastructure project involved.

Mr. Lecates reviewed the income guidelines, which have been established, and other criteria which applicants must meet to be eligible to receive funding under the CDBG Program.

Mr. Lecates reported that the only new guideline associated with CDBG funding is that lead paint testing will be required prior to and following construction.

Mr. Stickels advised that Sussex County will be applying for over \$3 Million of the \$1.9 Million available to Kent and Sussex Counties. The application will consist of projects in the County and fifteen (15) towns.

A Proposed Resolution entitled “ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS” was presented to Council for consideration. The Proposed Resolution lists the following projects to be submitted to the Delaware State Housing Authority for funding:

Application No. 1:

| | | |
|--------------------------|----------------|---------------|
| Lucas Development | 64,000 | Housing Rehab |
| Rural Lincoln | 84,000 | Housing Rehab |
| Coverdale Crossroads | 36,000 | Housing Rehab |
| West Rehoboth | 20,000 | Hookups |
| Rural Middleford | 60,000 | Housing Rehab |
| Rural Dagsboro/Millsboro | 60,000 | Housing Rehab |
| Scatter Site | 356,000 | Housing Rehab |
| Administration | <u>120,000</u> | |
| Total | 800,000 | |

Application No. 2:

| | | |
|--------|---------|------------------|
| Bethel | 10,000 | Code Enforcement |
| | 180,000 | Housing Rehab |

Application No. 3:

| | | |
|--------|---------|------------------------|
| Blades | 140,000 | Infrastructure |
| | 30,000 | Handicap Accessibility |
| | | Town Hall |

Public
Hearing/
CDBG
(continued)

Application No. 4:

| | | |
|-------------|--------|-------------------------------------|
| Bridgeville | 90,000 | Housing Rehab |
| | 12,000 | Handicap Accessibility Town Hall |

Application No. 5:

| | | |
|----------|--------|---------------|
| Dagsboro | 72,000 | Housing Rehab |
|----------|--------|---------------|

Application No. 6:

| | | |
|-----------|---------|----------------|
| Ellendale | 300,000 | Infrastructure |
| | 90,000 | Housing Rehab |
| | 12,000 | Demo |

Application No. 7:

| | | |
|-----------|--------|---------------|
| Frankford | 44,000 | Demo/Hook-ups |
|-----------|--------|---------------|

Application No. 8:

| | | |
|------------|---------|--------------------|
| Georgetown | 218,049 | Infrastructure |
| | 30,000 | Housing Rehab/Demo |

Application No. 9:

| | | |
|-----------|--------|----------------|
| Greenwood | 77,760 | Infrastructure |
| | 15,000 | Demo |

Application No. 10:

| | | |
|--------|---------|---------------|
| Laurel | 162,000 | Housing Rehab |
|--------|---------|---------------|

Application No. 11:

| | | |
|-----------|---------|----------------|
| Millsboro | 119,842 | Infrastructure |
|-----------|---------|----------------|

Application No. 12:

| | | |
|---------|--------|---------------|
| Milford | 90,000 | Housing Rehab |
|---------|--------|---------------|

Application No. 13:

| | | |
|--------|---------|----------------|
| Milton | 155,176 | Infrastructure |
|--------|---------|----------------|

M 009 01
Adopt
R 010 01

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Resolution No. R 010 01 entitled "FAIR HOUSING FOR THE CITIZENS OF SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Public
Hearing/
Additional
Smoke
Detectors

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO ADOPT SECTION 316 OF THE CABO SINGLE FAMILY BUILDING CODE SO AS TO REQUIRE ADDITIONAL SMOKE DETECTORS". The 1992 version of the CABO Code adopted by Sussex County requires smoke detectors to be installed outside of each separate sleeping area in a dwelling. The 1995 version requires that smoke detectors also be installed in each bedroom, in addition to the smoke detectors required by the previous code. This ordinance, if adopted would bring the County's building code up to the 1995 edition of the CABO code as it relates to smoke detectors for one and two-family dwellings. This ordinance would strengthen the County's Code, which now requires only that a hard-wired smoke detector be placed in hallways outside sleeping areas in newly constructed or remodeled homes. With the adoption of this ordinance, all new construction and remodeling projects will also be required to install hard-wired smoke detectors with battery back-ups inside sleeping areas in addition to the hallway detectors.

Jim King of the Volunteer Firemen's Association of Sussex County was in attendance and advised Council that the Volunteer Firemen's Association of Sussex County, the Sussex County Fire Chiefs Association, and the Delaware State Fire Prevention Commission endorse the Proposed Ordinance.

There was discussion about the changes this ordinance would create. Concern was expressed that because the ordinance applies to any alteration or repair, that the County's inspectors would require homeowners to bring their entire home up to code, even if they were just adding a deck, screened porch, or new roof. Council members believed this could be an inconvenience and making the decision whether or not to enforce the new requirement would be a judgement call.

Mr. Milligan, Supervisor of the Building Code Department, stated that the only change that would result from the adoption of the Proposed Ordinance would be the requirement that smoke detectors be installed inside each bedroom.

Public
Hearing
(continued)

Public comments were heard from one person relating to the wording of the Proposed Ordinance as it relates to single-family and two-family dwellings. No one spoke in opposition to the Proposed Ordinance. The Public Hearing was closed.

M 010 01
Adopt
Ordinance
No. 1422

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No.1422 entitled "AN ORDINANCE TO ADOPT SECTION 316 OF THE CABO SINGLE FAMILY BUILDING CODE SO AS TO REQUIRE ADDITIONAL SMOKE DETECTORS".

Mr. Phillips questioned whether he could amend the Motion to eliminate Section 316.1.1. Mr. Phillips was advised that there was a Motion and a Second on the floor and therefore the vote had to be taken on the Motion, as made, without amendment.

Mr. Milligan advised that if there is a case where someone disagrees with a decision, there is an appeal process.

Mr. Dukes called for the vote.

Motion Adopted: 5 Yea.

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

Waste-
water
Facilities

Mr. Green discussed wastewater facilities constructed in Land of Beneficial National Bank, Phase II, located in the Fenwick Island Sanitary Sewer District and in Bethany Marina Townhouses, Phase III, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

M 011 01
Grant
Conditional
Acceptance/
Beneficial
National
Bank

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Land of Beneficial National Bank, Phase II, located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 012 01
Grant
Conditional
Acceptance/
Bethany
Marina
Town-
houses

A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Bethany Marina Townhouses, Phase III, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

Mary
Burton

Mr. Stickels informed Council of the passing of Mary Burton and extended condolences to her family and friends.

Richard
Atkins

Mr. Dukes informed Council of the passing of Richard Atkins, Wicomico County Councilman and extended condolences to his family and friends.

M 013 01
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$1,000.00 from Mr. Cole's Councilmanic Account to the Town of Selbyville for the new ball field.

Motion Adopted: 5 Yea.

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

Recess

At 11:40 a.m., Mr. Dukes declared a recess until 1:30 p.m.

Reconvene

Mr. Dukes called Council back into session at 1:35 p.m.

Public
Hearings
C/U No.
1372 and
C/U No.
1373)

Public Hearings were held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE (PICKLE PROCESSING WASTE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 220 ACRES, MORE OR LESS" (Conditional Use No. 1372) filed on behalf of SYNAGRO-WWT, Inc.; and the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE (PICKLE PROCESSING WASTE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 88.0 ACRES, MORE OR LESS" (Conditional Use No. 1373) filed on behalf of SYNAGRO-WWT, Inc.

Public
Hearings
(continued)

The Planning and Zoning Commission held Public Hearings on these applications on December 14, 2000, at which time they recommended approval of both applications, with stipulations.

Mr. Lank advised that Conditional Use No. 1372 is an extension to Conditional Use No. 1086 and Conditional Use No. 1373 is an extension to Conditional Use No. 970.

Sharon Hogan was present on behalf of the application and stated that SYNAGRO Mid-Atlantic (Baltimore) is the contractor that provides the recycling service to Vlastic Foods, Inc. and other industrial and municipal wastewater generators, and is the current permit holder on the Baxter site. Ms. Hogan emphasized that this is not a disposal process; it is an agricultural fertilizer application process.

Ms. Hogan noted that two changes from the previous conditions are being requested: (1) an indefinite time period for the conditional use contingent on a DNREC permit and (2) permitting other similar materials to be brought to the site if approval was received through the DNREC review process.

Ms. Hogan advised that the Town of Laurel has several wastewater treatment lagoons that are at capacity and for this reason, Ms. Hogan requested that the conditional use be expanded to include a one-time, 80-acre application of wastewater from the Town of Laurel.

Mr. Bayard advised that the conditional use applications are proposed ordinances to grant permits for land application of pickle processing waste only. The request for the Town of Laurel is beyond the scope of the two proposed ordinances and the legislation cannot be amended to make it more expansive.

Ms. Hogan reported that they did apply by conditional use for land application of Vlastic's waste and other wastes approved by DNREC. Mr. Bayard stated that this is not the way the ordinances were introduced and advertised; and therefore, the applications cannot be expanded to include other wastes.

It was acknowledged that there was some confusion as to how the proposed ordinances were advertised and what the applicant was asking for. Council members discussed waiving the fee for a new conditional use application to permit the application of other wastes approved by DNREC.

There were no public comments and the public hearing was closed.

M 014 01
Adopt
Ordinance
No. 1423
(C/U
No. 1372)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adopt Ordinance No. 1423 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE (PICKLE PROCESSING WASTE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 220 ACRES, MORE OR LESS" (Conditional Use No. 1372) filed on behalf of SYNAGROW-WWT, Inc., with the following conditions:

1. Application of sludge shall be subject to State DNREC approval.
2. Sludge applied shall be limited to sludge from the Vlastic Foods Plant site near Millsboro.
3. Maximum number of applications of sludge on this site shall be once per year; subject to the approval of the State DNREC.
4. There shall be no stockpiling of sludge materials on site.
5. The conditional use will be valid concurrent with the State DNREC permit.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, 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 that the proposed use is an expansion of a prior conditional use and will serve both an industrial business and an active farming operation, without adverse impact of any sort, consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 015 01
Adopt
Ordinance
No. 1424
(C/U
No. 1373)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1424 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE (PICKLE PROCESSING WASTE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 88.0 ACRES, MORE

M 015 01
(continued)

OR LESS” (Conditional Use No. 1373) filed on behalf of SYNAGRO-WWT, Inc., with the following conditions:

1. Application of sludge shall be subject to State DNREC approval.
2. Sludge applied shall be limited to sludge from the Vlastic Foods Plant site near Millsboro.
3. Maximum number of applications of sludge on this site shall be once per year; subject to the approval of the State DNREC.
4. There shall be no stockpiling of sludge materials on site.
5. The conditional use will be valid concurrent with the State DNREC permit.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, 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 that the proposed use is an expansion of a prior conditional use and will serve both an industrial business and an active farming operation, without adverse impact of any sort, consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 016 01
Waive
Application
Fee/
SYNAGRO-
WWT,
Inc.

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to waive the application fee for SYNAGRO-WWT, Inc. to apply for a conditional use permit for the application of sludge from the Town of Laurel treatment facility.

Motion Adopted: 5 Yea.

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

Public
Hearing

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

Public
Hearing
(C/U
No. 1375)
(continued)

CHIROPRACTIC OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23,877 SQUARE FEET, MORE OR LESS (Conditional Use No. 1375) filed on behalf of Herring Chiropractic.

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2000, at which time they recommended approval, with stipulations.

Dr. Christopher Herring was in attendance on behalf of his application. Dr. Herring stated that he proposes a chiropractic office on the property where he resides and expects minimal impact on the neighborhood.

There were no comments in opposition to the application and the Public Hearing was closed.

M 017 01
Adopt
Ordinance
No. 1425
(C/U
No. 1375)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1425 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CHIROPRACTIC OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23,877 SQUARE FEET, MORE OR LESS (Conditional Use No. 1375) filed on behalf of Herring Chiropractic, with the following conditions:

1. Days of operation shall be Monday through Saturday with no Sunday hours.
2. One (1) lighted ground sign, not exceeding 32 square feet per side or facing, may be permitted.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, 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 is located in a mixed neighborhood business/residential area and since the appearance of the structure will remain residential, there

Findings
of Fact
(continued)

will be no adverse impact on property values, nor any other adverse impacts.

2. The proposed use will serve the needs and the convenience of area residents.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1376)

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 MULTI-FAMILY DWELLINGS (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.89 ACRES, MORE OR LESS" (Conditional Use No. 1376) filed on behalf of David S. Elechko.

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2000, at which time they recommended that the application be denied.

Mr. Elechko was present on behalf of his application and explained that he presently has an apartment over a garage; that the apartment is rented; that he was cited by the County for not having the proper permits; that he is building a home on the same property; and that he plans to continue to rent the apartment to supplement his mortgage.

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

M 018 01
Adopt
Ordinance
No. 1426
(C/U
No. 1376)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1426 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.89 ACRES, MORE OR LESS" (Conditional Use No. 1376) filed on behalf of David S. Elechko, based on the following conditions:

1. The configuration of the garage/apartment shall remain unchanged.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

M 018 01
(continued)

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, 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 will have no adverse impact of any sort with the conditions heretofore imposed and will meet the purposes and goals of the Comprehensive Land Use Plan.

Public
Hearing
(C/U
No. 1374)

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 AN ICE CREAM AND COLD SANDWICH SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.51 ACRES, MORE OR LESS" (Conditional Use No. 1374) filed on behalf of Lucy Millaway.

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2000, at which time they recommended that the application be denied.

It was noted that the applicant was not present and therefore, no record of support was presented for this application.

The Public Hearing was closed.

M 019 01
Adopt
Proposed
Ordinance
(C/U
No. 1374)

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ICE CREAM AND COLD SANDWICH SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.51 ACRES, MORE OR LESS" (Conditional Use No. 1374) filed on behalf of Lucy Millaway.

Motion Denied: 5 Nay.

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

Symposium

Mr. Stickels announced that the Biodiversity Symposium (Protecting Delaware's Living Resources: Building Support for a Statewide Strategy) has been scheduled to be held on Tuesday, February 20, 2001,

Symposium
(continued)

in Dover, Delaware.

Mr. Stickels stated that he needs to know who will be attending. Due to the fact that it is scheduled on Tuesday, Council members would not be able to attend the morning session. For this reason, Mr. Stickels questioned whether the Council would like to send a representative. Mr. Phillips recommended that the Chairman of the Land Use Advisory Committee, Rich Collins, attend.

M 020 01
Authorize
Rich
Collins
to Attend
Symposium

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that Rich Collins, the Chairman of the Land Use Advisory Committee, attend the Biodiversity Symposium (Protecting Delaware's Living Resources: Building Support for a Statewide Strategy) on Tuesday, February 20, 2001, and that any registration fees be paid by the County.

Motion Adopted: 3 Nay, 2 Yea.

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

M 021 01
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to allocate the \$45.00 registration fee from Mr. Phillips' Councilmanic Account for Rich Collins, the Chairman of the Land Use Advisory Committee, to attend the Biodiversity Symposium (Protecting Delaware's Living Resources: Building Support for a Statewide Strategy) on Tuesday, February 20, 2001.

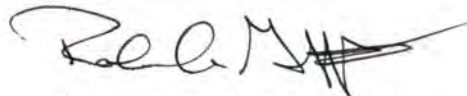
Motion Adopted: 5 Yea.

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

M 022 01
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 3:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted



Robin A. Griffith
Clerk of the Council