

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 13, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, February 13, 1990, at 10:00 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
George B. Cole	Member
Dale R. Dukes	Member

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

M 076 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.

Corre-  
spondence

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

JEAN T. RICKS, SECRETARY, CITIZENS CONCERNED ABOUT SLUDGE, SEAFORD

RE: Requesting the Sussex County Council to hold public hearings on each sludge application site.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, USDA, SUSSEX COUNTY OFFICE, GEORGETOWN

RE: Winter newsletter.

DELAWARE DEPARTMENT OF AGRICULTURE, DOVER

RE: Newsletter for February - "Delaware Agenda".

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON

RE: Publication of the Handicap Advocacy Network News for February, 1990.

BIRDIE GALBRAITH, EXECUTIVE DIRECTOR, LEWES SENIOR CITIZENS CENTER, INC., LEWES

RE: Thanks for the County Human Service Grant to their Center.

MOU  
DNREC -  
Sludge

Mr. Robert Zimmerman, DNREC, reviewed the Proposed Memorandum of Understanding (MOU) between the Division of Water Resources, DNREC, and Sussex County Council concerning

February 13, 1990

MOU  
DNREC  
(Con't.)

granting permits for the land application of sludge. Items of concern, as set out in the minutes of the County Council Meeting held January 30, 1990, were considered by DNREC and a new revised proposal was submitted.

Additions and changes in the revised MOU include:

1. A new section outlining DNREC's objectives for maintaining the established regulatory objectives for land treatment in Delaware. The objectives were: to assure long-term productivity; protect groundwater quality; safeguard public health; improve the regulatory climate for land application of wastes; public understanding; implementation of current and evolving technology by municipalities and industries; to assist citizens in making an informed and objective evaluation of proposed land treatment systems; and create a foundation for a cooperative working agreement.
2. The County's responsibility in the revised MOU included two (2) additional steps: (1) a public hearing to be held at the next regularly scheduled meeting of the Council following the public announcement of the proposed sludge application site; and (2) transmitting any findings of fact based upon the hearing to DNREC and a recommendation may be included.

Council questioned the merit of holding public hearings on the applications if they have no regulatory power. To be in compliance with 7 Delaware Code, Chapter 60, DNREC states that the final decision would be made on the application by DNREC's Secretary.

Educational  
Sludge  
Meeting  
Scheduled  
by DNREC

DNREC has scheduled an educational meeting to be held Saturday, March 24, 1990, from 9:00 a.m. to 12:30 p.m., at Delaware Technical and Community College in Georgetown. This meeting will be geared to developing public understanding of the land application of sludge.

M 077 90  
MOU  
DNREC  
(Denied)

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to Adopt the Memorandum of Understanding with DNREC, concerning granting permits for the land application of sludge. Motion Denied: 5 Nay.

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

February 13, 1990

Community  
Development  
Plan

The Community Housing & Development Plan, as prepared by the County's Division of Community Development and Housing, was reviewed. The Plan serves as a guide for implementing Community Development policies and planning, as required by the 1983 amendments to the Housing and Community Development Act by the U.S. Congress. It is limited geographically to Sussex County and any incorporated municipality which may need assistance in applying for grant funds.

M 078 90  
Adopt  
Community  
Development  
Plan

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adopt the FY '90 through '92 Community Development Plan as presented. Motion Adopted: 5 Yea.

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

Proposed  
Resolution

Mr. Stickels, County Administrator, read in its entirety 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".

M 079 90  
Adopt  
Resolution  
No. R 009 90

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Resolution No. R 009 90 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". Motion Adopted: 5 Yea.

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

Paramedic  
Advisory  
Council

The Governor's Office had requested the appointment of a representative from the County Council to serve on the Paramedic Advisory Council.

M 080 90  
Appointment  
Paramedic  
Advisory  
Council

A Motion was made by Mr. Dukes, seconded by Mr. Mariner, to appoint Councilman Cole to serve on the Paramedic Advisory Council. Motion Adopted: 5 Yea.

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

February 13, 1990

Selbyville  
Storm  
Update

Mr. Stickels, County Administrator, reviewed a report on the Small Business Administration Applications for loans resulting from the 1989 Selbyville Flood. Fifty-four (54) applications were made and to date fourteen (14) have been approved, including eight (8) home owner applications and six (6) small business applications totaling \$908,300.

Policy  
Change

Mr. Stickels, County Administrator, reviewed a Proposed Policy for Change of Zone and Conditional Use Procedures.

M 081 90  
Adopt  
Policy  
for C/Z  
and C/U  
Procedures -  
"Old  
Business"

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt and place in effect immediately the following Policy for Change of Zone and Conditional Use Procedures for "Old Business" as follows:

All change of zone or conditional use applications shall be placed on the agenda only by the President of the Sussex County Council or the Council member representing the district the application request is in. Any change of zone or conditional use application may be placed on the agenda by the President of the County Council if action is not taken within forty-five (45) days of the County Council's public hearing on the application.

Motion Adopted: 5 Yea.

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

Administra-  
tor's  
Report

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

1. Mr. Wood, County Engineer, is attending a conference in San Diego, California and while there he will visit the Upland, California area to investigate waste distillation technology equipment. He will report his findings to the Council on Tuesday, February 20th.
2. The Delaware League of Local Governments will be holding their monthly meeting Thursday, February 22nd, Dinner Bell Inn, Dover. Colonel Clifford M. Gravier, Superintendent, Delaware State Police will be presenting the program.
3. A seminar on "Starting Out in Business" will take place Thursday, February 22nd, from 6:30 to 9:00 p.m. at Delaware Technical and Community College in Georgetown.

February 13, 1990

Bid Award  
Stricken

The Georgetown Marble and Granite Works Contract Award was stricken from the Agenda.

M 082 90  
Council-  
manic  
Grant

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$350.00, from Mr. Benson's Councilmanic Account, to the Sussex County Fire Police Association for assistance in sending their President to the Congressional Fund Raising Dinner in Washington, D.C. Motion Adopted: 5 Yea.

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

Trailer  
Park  
Concerns

Ms. Shirley Wilson addressed concerns with South Inlet and Rock Turn Trailer Parks.

M 083 90  
Recess

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to recess at 11:30 a.m. Motion Adopted by Voice Vote.

Reconvene

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

Public  
Hearing  
C/U #928

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 BY AMENDING CONDITIONAL USE NO. 413 FOR A MEDICAL OFFICE BUILDING BY EXPANSION OF A TANNING SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 1.85 ACRES, MORE OR LESS" (C/U #928) filed on behalf of Jeffrey S. Todd. The Public Hearing was closed and action was deferred.

Public  
Hearing  
C/Z #1045

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (C/Z #1045) filed on behalf of Richard A. Hudson and Melody A. Hudson.

M 084 90  
Adopt  
Ordinance  
No. 659  
C/Z #1045

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to Adopt Ordinance No. 659 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

February 13, 1990

M 084 90  
(Con't.)

DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (C/Z #1045) filed on behalf of Richard A. Hudson and Melody A. Hudson. Motion Adopted: 4 Yea; 1 Abstention.

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

Findings  
of Facts  
C/Z #1045

The findings of facts and recommendations of the Planning and Zoning Commission are hereby incorporated into the record. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based on Council's findings that the proposed land use promotes the health, safety, and morale, and the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County. The Council found that there are other commercial uses in the area.

Public  
Hearing  
C/Z #1046

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 HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.39 ACRES, MORE OR LESS" (C/Z #1046) filed on behalf of Concrete Building Systems, Inc. The Public Hearing was closed and action was deferred.

Public  
Hearing  
C/Z #1048

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 1.32 ACRES, MORE OR LESS" (C/Z #1048) filed on behalf of Martha S. and Michael J. Marciano.

M 085 90  
Adopt  
Ordinance  
No. 660  
C/Z #1048

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 660 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 1.32 ACRES, MORE OR LESS" (C/Z #1048) filed on behalf of Martha S. and Michael J. Marciano. Motion Adopted: 4 Yea; 1 Abstention.

February 13, 1990

M 085 90  
(Con't.)

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

Findings  
of Facts  
C/Z #1048

The findings of facts and recommendations of the Planning and Zoning Commission are hereby incorporated into the record. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based on the Council's findings that the proposed land use promotes the health, safety, and morale, and the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County. The Council found that there are other commercial uses in the area.

DNREC  
Sludge  
Applica-  
tion

Mr. Stickels, County Administrator, reported that Mr. Zimmerman, DNREC, had called stating that Secretary Clark will start the necessary procedures for changing 7 Delaware Code, Chapter 60, that mandates the final decision for hearings for sludge application sites be made by the Secretary of DNREC.

M 086 90  
Requesting  
Moratorium  
on Sludge  
Application  
Permits

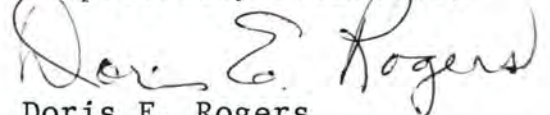
A Motion was made by Mr. Benson, seconded by Mr. Stevenson, requesting DNREC to place a moratorium on all permit applications for land treatment of sludge in Sussex County until such time as the regulations governing public hearings as written in 7 Delaware Code, Chapter 60 are changed.  
Motion Adopted: 5 Yea.

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

M 087 90  
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 3:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council