

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

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, March 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.

Agenda
Change

President Stevenson announced that Change of Zone No. 818, filed on behalf of C & C Engineering, Inc., is stricken from the Agenda for today.

M 126 90
Amend
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Amend Motion M 123 90 in the Minutes of March 6, 1990 by striking the word [Band] and inserting in lieu thereof Odyssey of the Mind Teams for 1990. Motion Adopted by Voice Vote.

M 127 90
Approve
Minutes as
Amended

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to approve the minutes of the previous meeting as amended. Motion Adopted by Voice Vote.

Corre-
spondence

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

TRUSTEES, BRIDGEVILLE PUBLIC LIBRARY, BRIDGEVILLE
RE: Invitation to an open house to celebrate the renovation of the Bridgeville Library on Tuesday, March 20, 1990 from 5:00 to 7:00 p.m.

DELAWARE NATURE SOCIETY, HOCKESSIN
RE: Their winter newsletter.

DELAWARE DEPARTMENT OF AGRICULTURE, DOVER
RE: Newsletter "Delaware Agenda", March 1990.

Proposed
Resolution

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "REQUESTING REDUCTION IN MEDICARE ENROLLMENT WAITING PERIOD WAIVER".

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M 128 90
Adopt
Resolution
No. R 011 90

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 011 90 entitled "REQUESTING REDUCTION IN MEDICARE ENROLLMENT WAITING PERIOD WAIVER". Motion Adopted: 5 Yea.

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

Gibbs
vs.
Hargett

Mr. Jones, Assistant County Attorney, received notice from the New Castle County Superior Court that a Motion for Summary Judgement has been granted the Sussex County Council and Joseph T. Conaway in the Gibbs vs. Hargett civil action concerning a March 1985 incident.

Recycling
Program

Mr. Stickels, County Administrator, discussed the Recycling Program. He reported finding support in the Delaware General Assembly for legislation to create a \$.50 per ton tipping fee on all trash disposed of at the Delaware Solid Waste Authority's Southern Solid Waste Facility and funds being generated from this fee being used for a Recycling Program.

In response to the request for additional information regarding the amount of tonnage disposed of by Sussex County at the Delaware Solid Waste Authority's Southern Solid Waste Facility versus the savings which would be accrued with inception of a Recycling Program, Mr. Stickels reviewed the following information:

PROPOSED RECYCLING FUND SOURCE

FY 91 - 18,000 tons of waste will be transferred to the Delaware Solid Waste Authority Landfill by Sussex County

FY 91 - 18,000 Tons x Tipping Fee of \$38.18 = \$ 687,240.00

FY 94 - 18,000 Tons x Tipping Fee of \$60.00 = \$1,080,000.00

Recycling Cost - 18,000 Tons x \$.50 = \$9,000.00

Recycling Reduction Cost Savings

FY 91

18,000 Tons Recycling - 3% - 540 Tons x \$38.18 = \$ 20,617.20
18,000 Tons Recycling - 5% - 900 Tons x \$38.18 = \$ 34,362.00
18,000 Tons Recycling - 15% - 2,700 Tons x \$38.18 = \$103,086.00

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Recycling
Program
(Con't.)

Recycling Reduction Cost Savings (Continued)

FY 94

18,000 Tons Recycling - 3% - 540 Tons x \$60.00 = \$ 32,400.00
18,000 Tons Recycling - 5% - 900 Tons x \$60.00 = \$ 54,000.00
18,000 Tons Recycling - 15% - 2,700 Tons x \$60.00 = \$162,000.00

M 129 90
Supporting
Countywide
Recycling
Program

A Motion was made by Mr. Benson, seconded by Mr. Mariner, that the Sussex County Council go on record supporting a Countywide Recycling Program and the \$.50 per ton tipping fee on all trash disposed of at the Delaware Solid Waste Authority's Southern Solid Waste Facility be used to subsidize a private entrepreneur in establishing the Recycling Program. 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. The next Sussex County Council meeting will be Thursday, March 22nd. County Council members will be attending the National Association of Counties (NACo) Legislative Conference in Washington, D.C. from March 17 through March 20, 1990.
2. A luncheon meeting will be held at the Sussex County Vocational-Technical School, Thursday, March 22nd, to discuss the needs for a new bridge crossing of the Chesapeake and Delaware Canal.
3. An Advisory Committee meeting will be held March 15, 1990 at 7:30 p.m. in the Sussex County Council Chambers to discuss the Preliminary Analysis Draft of the Western Sussex Land Use Plan.
4. The Department of Natural Resources and Environmental Control will be conducting a Seminar on Land Treatment of Wastes on Saturday, March 24th, starting at 9:00 a.m., in the Auditorium of the Delaware Technical and Community College, Georgetown. The seminar will include review of current land technology and DNREC regulations, as well as the health and agricultural issues associated with land application of sludge and spray irrigation of wastewater.

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Administrator's
Report
(Con't.)

5. The Chamber of Commerce for Greater Milford will be hosting their first breakfast forum on Thursday, March 22, 1990 at the Colony Inn in Milford, starting at 7:30 a.m. The guest speaker will be Governor Michael N. Castle.
6. The next monthly meeting of the Delaware League of Local Governments will be held on Thursday, March 22, 1990 starting at 6:00 p.m. The Honorable Janet C. Rzewnicki, Treasurer of the State of Delaware, will be the guest speaker.

Audit
Report

Jennings Hastings and Janis Nesterak, Faw, Casson & Co., reviewed the Sussex County Audited Financial Statements and Supplemental Information for the year ending June 30, 1989. Their report revealed that the County's financial position is in conformity with generally accepted accounting principles.

Sewer
Boundaries-
W. Rehoboth
Expansion

Mr. Archut, Chief of Planning and Permits, reported that the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundaries was posted February 21, 1990. To date, no comments have been received by the Engineering Department. A Proposed Resolution will be presented at the next regularly scheduled Council meeting to establish the boundaries.

M 130 90
Bid Award
No. 89-18
TV Sewer
Inspection

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Engineering Department, to authorize the award of the TV Sewer Inspection contract for Sussex County Project No. 89-18 to Video Pipe Services, Inc., the low bidder, at a cost of \$7,920.00. Motion Adopted: 5 Yea.

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

Proposed
Ordinance
C/U #934

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND C/U #473 BY ADDING AUTO SALES AND SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.86 ACRES, MORE OR LESS" (C/U #934) filed on behalf of Georgetown Auto Sales, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/U #935

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #935) filed on behalf of Dr. Pravin O. Gohel. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/U #936

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS EQUIPMENT AND MATERIALS STORAGE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS" (C/U #936) filed on behalf of Benjamin F. Burris. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1068

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF MILLVILLE, BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.074 ACRES, MORE OR LESS" (C/Z #1068) filed on behalf of John I. Shaffer, Jr. and Vernon O. Lutz, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1069

Mr. Benson introduced 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.8 ACRES, MORE OR LESS" (C/Z #1069) filed on behalf of David A. Shevock. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1070

Mr. Mariner introduced 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 1.298 ACRES, MORE OR LESS" (C/Z #1070) filed on behalf of Indian River Homes. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/Z #1071

Mr. Dukes introduced 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.01 ACRES, MORE OR LESS" (C/Z #1071) filed on behalf of Glenn H. Griffin and Linda R. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1072

Mr. Cole introduced 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 3.9 ACRES, MORE OR LESS" (C/Z #1072) filed on behalf of Dorothy Kelly, David Dekowsky and Erin Rogers. The Proposed Ordinance will be advertised for Public Hearing.

M 131 90
Councilmanic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$150.00, from Mr. Mariner's Councilmanic Account, to the Town of Laurel to support the Laurel Park & Recreation Committee's 4th of July fireworks display. Motion Adopted: 5 Yea.

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

M 132 90
Councilmanic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$200.00, from Mr. Mariner's Councilmanic Account, to Laurel High School Band to help in purchasing new uniforms. Motion Adopted: 5 Yea.

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

M 133 90
Councilmanic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$200.00, from Mr. Benson's Councilmanic Account, to the Milford Middle School Awards Program sponsored by the Milford Rotary Club. Motion Adopted: 5 Yea.

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

March 13, 1990

Trash
Violation

A letter was read from legal counsel for Mr. Randall Godwin, concerning a Notice of Violation for trash and other material accumulated on premises located at Tower Shores, Nomad Village, Inc., Route 1, Bethany Beach.

M 134 90
Councilmanic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$500.00, \$250.00 from Mr. Benson's Councilmanic Account and \$250.00 from Mr. Cole's Councilmanic Account, to Cape Henlopen High School Band to help with expenses for traveling to the All-American Music Festival. Motion Adopted: 5 Yea.

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

Recess

President Stevenson declared a recess at 11:10 a.m.

Reconvene

The Council was called back into session at 1:30 p.m. by President Stevenson.

C/Z #1054
Withdrawn

Change of Zone No. 1054, filed on behalf of Great Eastern, Inc., was withdrawn by the applicant.

Public
Hearing
C/Z #1055

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 LEWES/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.91 ACRES, MORE OR LESS" (C/Z #1055) filed on behalf of Joseph Brinton.

M 135 90
Adopt
Ordinance
No. 667
C/Z #1055

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Ordinance No. 667 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 LEWES/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.91 ACRES, MORE OR LESS" (C/Z #1055) filed on behalf of Joseph Brinton. Motion Adopted: 5 Yea.

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

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Findings
of Facts
C/Z #1055

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 no adverse impact upon property values is anticipated.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the proposed use as a sales lot for recreational vehicles and a sales store for parts and accessories for recreational vehicles compliments the surrounding manufactured home park and campground.
3. Traffic should not be negatively affected by this application.

Public
Hearing
C/Z #1056

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.70 ACRE, MORE OR LESS" (C/Z #1056) filed on behalf of Margaret L. Isaac. The Public Hearing was closed and action was deferred.

Public
Hearing
Amend
Ordinance
No. 90

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 90, AS AMENDED, SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE 7, SECTION 2, TO IMPOSE A BUFFER ZONE BETWEEN RESIDENTIAL SUBDIVISIONS AND AGRICULTURAL OPERATIONS". The Public Hearing was left open for further comments.

M 136 90
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to adjourn at 3:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Doris E. Rogers

Doris E. Rogers
Clerk of the County Council