

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MAY 8, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, May 8, 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 221 90  
Approve  
Minutes

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

5-Mile  
Nature  
Walking  
Path

A deviation was made to the Agenda and Mr. Robert Raley was recognized. He extended an invitation to the Council to participate in the ribbon cutting ceremony for the Delaware Recreational Association's Five Mile Nature Walking Path to be held at Holly Lake Camp Site on Sunday, May 20, 1990 at 1:00 p.m.

Corre-  
spondence

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

JAMES A. FUQUA, JR., ATTORNEY, GEORGETOWN  
RE: Requesting the revision of the boundaries of the Bethany Beach Sanitary Sewer District so as to include The Salt Pond Development as a self-supported subdistrict.

SHELLY BILLINGS, LEWES  
RE: Photographs and concerns involving a dump site across from Atlantic Concrete Company, off Road 269A in Lewes.

ELIZABETH CRANSTON BAXTER, PRESIDENT, FRIENDS OF THE SOUTH COASTAL LIBRARY  
RE: Thanks for Council's support on behalf of their Library.

ARLENE S. LITTLETON, EXECUTIVE DIRECTOR, CHEER, SUSSEX COUNTY SENIOR SERVICES, INC.  
RE: Requesting \$63,000.00 for fiscal year 1991 to help their program.

May 8, 1990

Corre-  
spondence  
(Con't.)

Questions were raised concerning County funding in past years; possible considerations for future funding; and the exploration of possible changes being made by CHEER, which could result in savings and perhaps make little difference in the overall program.

S. BEACH JONES, VICE PRESIDENT AND CHAIRMAN, SOUTHERN DELAWARE COMMITTEE, DELAWARE SYMPHONY

RE: The Delaware Symphony will again present the "Evening of Music" concert at the campus of the University of Delaware's College of Marine Studies in Lewes, on Saturday, July 21, 1990 (rain date July 22). Appreciation of Council's past support and asking for favorable consideration again to help bring the event to Sussex County.

KERMIT H. JUSTICE, SECRETARY, DELDOT

RE: Dates for Public Workshops for the Sussex East-West Corridor Study.

DELAWARE DEPARTMENT OF AGRICULTURE, DOVER

RE: Their newsletter "Delaware Agenda" for May.

Nanticoke  
River  
Dredging  
Report

Mr. Stickels, County Administrator, read a report stating that the dredging of the Nanticoke River, near the City of Seaford, has been completed. The \$500,000 project was funded cooperatively by the Sussex County Council and the Federal Government. Two and five-tenths (2.5) miles of the channel has been restored to its federally authorized depth of twelve (12) feet at mean low water. The River directly supports 3,000 jobs in Sussex County and other indirect jobs in the Sussex County area. The completion of the project marks one more success for the cooperative efforts of business, industry, and local, county, state, and federal governments working together to improve commerce in Sussex County.

Building  
Code  
Board of  
Adjustment  
and  
Appeals

Mr. Stickels, County Administrator, reported that the terms of the present members serving on the Building Code Board of Adjustment and Appeals have expired. Ordinance No. 87 requires that a Board be established with five (5) members and shall be composed of one (1) representative of the Sussex County Fire Service, one (1) representative of the Home Builders Industry, and three (3) representatives of the general public. The representatives of the Fire Service and the Home Builders may be selected by the Sussex County Council from a list of names provided by each of these groups. Representatives of the general public shall not be members of the above groups. No more than three (3) members of the Board shall be associated with the same political party. The Council was asked to provide names within the next two (2) weeks for consideration.

May 8, 1990

Adminis-  
trator's  
Report

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

1. Public workshops for the Sussex East/West Corridor Study will be held this evening at the Woodbridge High School, Bridgeville from 4:00 to 8:00 p.m. and Wednesday, May 9th at Delaware Technical and Community College, Georgetown from 4:00 to 8:00 p.m.
2. The City of Rehoboth Beach will conduct a test pick up program of recyclable materials the weeks of May 21 and 28, 1990. The Rehoboth Commissioners' efforts are being publicly applauded and it is hoped that other communities in the County will follow.
3. Virgil Wilson Post #4961-Veterans of Foreign Wars, Nanticoke Post #6-American Legion, Disabled American Veterans Chapter 9, and Prattis-DeShields Post #37-American Legion, will be presenting Memorial Day services in Seaford on Monday, May 28, 1990 with a parade starting at 10:30 a.m. and the services at the Memorial Monument at 11:00 a.m. The Council is invited to participate in these ceremonies.
4. The University of Delaware Small Business Development Center and the United States Small Business Administration will be conducting a seminar entitled "Starting Out in Business" on Monday, May 21, 1990 from 6:30 to 9:30 p.m. at the Seaford Middle School, Seaford.
5. Changes in the Recorder of Deeds recording requirements, as a result of Senate Bill No. 44 As Amended by House Amendment No. 3, will go into effect July 1, 1990. The purpose of the requirements is to make identification of parcels easier, thereby decreasing the time needed for information searches. Implementation will also allow for further automation of the individual offices and will enable individual County agencies which deal with real property to establish automated relationships.
6. House Concurrent Resolution No. 160, passed in the House and Senate on May 2, 1990, supports the maintenance of the Sussex County Courthouse in its present historic location, the construction of an addition to the Courthouse, and the use of the Courthouse in its entirety by the State, and makes a commitment to the Sussex County Council to continue said support; further, it requests the Governor and the Chief Justice of the Supreme Court of the State of Delaware to also support the above.

May 8, 1990

Adminis-  
trator's  
Report

7. The County Administrator will hold a press conference on Tuesday, May 15, 1990 at 7:30 a.m. in the Council Chambers to present the FY '91 Budget to the news media. The draft of the budget will be presented to Council at the Council meeting starting at 10:00 a.m. on the same date. The public will have an opportunity to speak on the proposed budget on June 12, 1990 at the public hearing.
8. The final Stormwater Management Program workshop will be held on Wednesday, May 9th starting at 9:00 a.m. at the Emergency Operations Center. The manual and a draft of the Proposed Ordinance will be discussed at that time.

Proposed  
Resolution

Mr. Archut, Chief of Planning and Permits, read in its entirety a Proposed Resolution entitled "TO AMEND SUSSEX COUNTY COUNCIL RESOLUTION NO. R 025 89 TO ADDRESS THE REVISED STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL SEPTIC MORATORIUM AREA".

M 222 90  
Adopt  
Resolution  
No.  
R 017 90

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Resolution No. R 017 90 entitled "TO AMEND SUSSEX COUNTY COUNCIL RESOLUTION NO. R 025 89 TO ADDRESS THE REVISED STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL SEPTIC MORATORIUM AREA". 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

Proposed  
Ordinance

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" was discussed. Public Hearing was held on January 2, 1990 and action was deferred.

M 223 90  
Adopt  
Ordinance  
No. 681 -  
C/U for  
Sludge

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 681 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". Motion Adopted: 5 Yea.

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

May 8, 1990

Findings  
of Facts -  
Ordinance  
No. 681 -  
Sludge

The findings of facts of the Planning and Zoning Commission were incorporated into the record. The County Council found that concerns had been expressed by persons residing near farmland on which sludge had been applied. These concerns included questions of groundwater contamination, odor, noise associated with application procedures, and health concerns. The County Council found that regulations associated with sludge application approval, promulgated by the Delaware Department of Natural Resources and Environmental Control, were insufficient to adequately take into consideration local concerns. The County Council further found that new regulations proposed by DNREC offered no additional guarantees that local concerns would be adequately addressed by the State prior to the issuance of sludge permits. The County Council found that it is the County, not the State, which is responsible for land use decisions. The County Council found that the land application of sludge was a land use activity of such significance that a conditional use application, hearing and approval were necessary.

Public  
Hearing  
Sewer  
Capitali-  
zation  
Fee

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA". The Public Hearing was closed and action was deferred. The Assistant County Attorney was asked to prepare a synopsis of the comments and concerns raised at the Public Hearing. He was also asked to prepare recommendations addressing these concerns to be considered for inclusion in the Proposed Ordinance in two (2) weeks.

M 224 90  
Agreement  
City of  
Rehoboth -  
Water  
for  
Dewey  
Beach

A Motion was made by Mr. Cole, seconded by Mr. Dukes, authorizing the Sussex County Council President to execute an Agreement with the City of Rehoboth Beach, on behalf of the Dewey Beach Water District, for the purchase of water as presented today; the Agreement will be in effect for the period April 1, 1990 through March 31, 1995. 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 #941

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,000 SQUARE FEET, MORE OR LESS" (C/U #941) filed on behalf of Edward Hickman, Jr. The Proposed Ordinance will be advertised for Public Hearing.

May 8, 1990

Proposed  
Ordinance  
C/Z #1075

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.67 ACRES, MORE OR LESS" (C/Z #1075) filed on behalf of CONN-E Construction Company. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1076

Mr. Mariner introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12,500 SQUARE FEET, MORE OR LESS" (C/Z #1076) filed on behalf of Alexander, Ilija, and Barbara Momchilovich. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1077

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/Z #1077) filed on behalf of Malone Schooler. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1078

Mr. Stevenson introduced 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.0 ACRES, MORE OR LESS" (C/Z #1078) filed on behalf of Bridgeville Auto Center, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance  
C/Z #1079

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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.62 ACRES, MORE OR LESS" (C/Z #1079) filed on behalf of Melvin Joseph. The Proposed Ordinance will be advertised for Public Hearing.

May 8, 1990

M 225 90  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$500.00, from Mr. Cole's Councilmanic Account, to the Town of Selbyville for their Summer Swimming Program. Motion Adopted: 5 Yea.

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

M 226 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$800.00, \$160.00 from each of the five (5) Councilmanic Accounts, to Families In Crisis to assist in their Eighth Annual Conference. Motion Adopted: 5 Yea.

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

M 227 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$250.00, \$50.00 from each of the five (5) Councilmanic Accounts, to the Leukemia Society of America, Inc. to advance research. Motion Adopted: 5 Yea.

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

M 228 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$500.00, \$100.00 from each of the five (5) Councilmanic Accounts, to the Delaware Police Chiefs' Council, Inc. to be used to help finance the Sussex County participants at their Annual Staff Development Seminar. Motion Adopted: 5 Yea.

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

M 229 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$300.00, from Mr. Mariner's Councilmanic Account, to the Town of Dagsboro to help with expenses for a water system for the Town Hall. Motion Adopted: 5 Yea.

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

May 8, 1990

M 230 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to give \$300.00, from Mr. Mariner's Councilmanic Account, to the Delmar Public Library to help in purchasing supplies. Motion Adopted: 5 Yea.

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

M 231 90  
Council-  
manic  
Grant

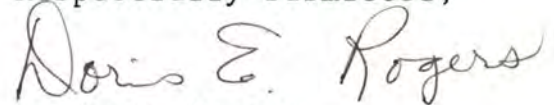
A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$500.00, \$100.00 from each of the five (5) Councilmanic Accounts, to Delaware Symphony to support the "Evening of Music" concert to be held at Lewes. Motion Adopted: 5 Yea.

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

Adjourn

President Stevenson declared the meeting adjourned at 12:58 p.m.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council