

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MAY 22, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, May 22, 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 241 90  
Approve  
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:

JAMES FORSBERG, DIRECTOR, OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAM, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WASHINGTON

RE: Thanks for recent statement in support of a proposed project for Supplemental Assistance for Facilities to Assist the Homeless (SAFAH) program funds.

DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER

RE: May 1990 newsletter "The Sussex East-West Corridor Study".

US ARMY CORPS OF ENGINEERS, PHILADELPHIA

RE: A Public Notice to solicit comments and recommendations from the public concerning issuance of a permit for work at 15 Coventry Road, Rehoboth Beach.

Recycling  
Legisla-  
tion

President Stevenson deviated from the Agenda and recognized John R. Schroeder, Representative of the General Assembly, to discuss recycling legislation. Representative Schroeder reviewed House Bill No. 594, and asked Council for their support of the legislation. The bill would require the adoption of State and County recycling plans, and the enactment of County and Municipal Ordinances to implement recycling throughout the State. It would mandate "source

May 22, 1990

Recycling  
Legisla-  
tion  
(Con't.)

separation" of at least three (3) recyclable materials and require a twenty-five percent (25%) reduction of solid waste by July 1, 1993. It would establish the Office of Recycling to coordinate recycling efforts throughout the State. A surcharge would be established on the use of landfills and on disposal by incineration. The surcharge would operate as an incentive to encourage recycling. The proceeds obtained through the surcharge would be earmarked to fund the Office of Recycling and provide a system of grants for recycling activities initiated by local governments. In addition, proceeds of the surcharge would be dedicated to public education, and the development of markets for recycled goods.

M 242 90  
Recycling  
Support  
(Tabled)

A Motion was made by Mr. Cole that the Sussex County Council go on record supporting House Bill No. 594 entitled "AN ACT TO AMEND TITLE 7 TO ESTABLISH AND FUND A STATE-WIDE SYSTEM OF RECYCLING". The Motion was tabled to allow for discussion of Senate Bills No. 424 and No. 421.

Recycling  
Legisla-  
tion  
(Con't.)

Mr. Stickels, County Administrator, discussed Senate Bill No. 424. This bill would reinforce Delaware Solid Waste Authority's plan to build an incinerator at their Southern Facility. House Bill No. 491, of the 134th General Assembly, gave them this authority and the bill would serve no purpose.

Senate Bill No. 421 contradicts Senate Bill No. 424 and would halt further action by the Delaware Solid Waste Authority to construct a trash incinerator at the Authority's Kent or Sussex County landfills for a period of two (2) years from July 1, 1990. Further, it would require the Authority to undertake a study of the feasibility of instituting a broad program of mandatory recycling and reclamation as an alternative to trash incineration. Included within the study would be an investigation of alternative solid waste processing technologies and assessing their viability as alternatives to trash incineration. Findings, resulting from this study, together with recommendations would be reported to the Governor and the General Assembly on or before April 1, 1992.

Mr. Jones, Assistant County Attorney, will review the three (3) pieces of legislation and prepare a synopsis of each bill for Council's review in two (2) weeks.

May 22, 1990

Recycling  
Burnt  
Oil

Establishing a depository for burnt oil at Transfer Stations was discussed. An outlet for this product hasn't been located, however, the County Administrator will continue looking for such a facility and report back next week.

Town of  
Millville's  
Zoning  
Request

Mr. Stickels, County Administrator, discussed the request from the Town of Millville for a moratorium to be placed on any rezoning within the corporate limits of their Town, as read into the record on May 15, 1990. The completion of Millville's Comprehensive Planning and Zoning Ordinance is anticipated in 30-90 days. Until this Plan is adopted as a part of Millville's Town Charter, they do not have jurisdiction over zoning matters. As a safeguard to their Town, they request all zoning changes continue to be processed through regular County channels.

Mr. Jones, Assistant County Attorney, cautioned Council that placing a moratorium on all zoning changes in Millville, as requested by their letter, would not be advisable. Emergency situations are needed to justify such action. The alternative to a moratorium would be to honor Millville's wishes in zoning applications filed with the County Planning and Zoning Office.

Sussex  
County  
Paramedic  
Advisory  
Committee

Mr. Stickels, County Administrator, discussed the Sussex County Paramedic Advisory Committee. Names have been submitted by some of the agencies making up the committee. The County Administrator and Personnel Director will be holding interviews for the County Paramedic Director's position later this week. Plans are to have this position filled by July 1, 1990 and partial paramedic services available by September 1990.

Adminis-  
trator's  
Report

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

1. The University of Delaware Small Business Development Center and the U.S. Small Business Administration will be conducting a seminar entitled "Starting Out in Business" on Wednesday, June 6, 1990, 6:30 - 9:30 p.m., Kent County Administration Building, Federal Street, Dover.
2. The next meeting of the Sussex County Association of Towns will be held on Thursday, June 7, 1990 at 6:30 p.m. at the Sussex Pines Country Club, Georgetown. Earl Shaver, Department of Natural Resources and Environmental Control, will be speaking on municipal stormwater management, erosion/sediment control.

May 22, 1990

Adminis-  
trator's  
Report  
(Con't.)

3. Delaware Technical and Community College will be sponsoring a National Flood Insurance Program on Wednesday, June 20, 1990 from 9:00 a.m. to 12:30 p.m. in the Delaware Room on campus.
4. The Delaware Solid Waste Authority has adopted FY '91 tipping fees for the Southern Solid Waste Facility. The fees for the operational period July 1, 1990 to June 30, 1991 for the facility are as follows:

Private Car or Station Wagon	\$2.75/Vehicle
Pickups, Vans, Trailers, etc.	\$2.75/Vehicle (Minimum Charge) <u>OR</u> \$38.11/Ton
Packer Trucks/Other Large Vehicles	\$38.11/Ton

C/Z #893

Change of Zone No. 893, filed on behalf of Charles F. and Harriet L. Pickel, was discussed. Public Hearing was held on December 8, 1987 and action was deferred.

M 243 90  
Proposed  
Ordinance  
Denied  
C/Z #893

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/Z #893) filed on behalf of Charles F. and Harriet L. Pickel. Motion Denied: 4 Nay; 1 Abstention.

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

Findings  
of Facts  
C/Z #893

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. The Council found that, despite the close proximity of some other business and commercial uses in districts, the area is primarily of a residential character. Furthermore, no need was shown by the applicants for additional commercially-zoned property. The Council found the proposed land use did not promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County and denied the requested change of zone.

May 22, 1990

C/Z #974

Change of Zone No. 974, filed on behalf of Thomas Russell Brittingham, was discussed. Public Hearing was held on February 28, 1989 and action was deferred.

M 244 90  
Adopt  
Ordinance  
No. 682  
C/Z #974

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Ordinance No. 682 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 33,203 SQUARE FEET, MORE OR LESS" (C/Z #974) filed on behalf of Thomas Russell Brittingham. Motion Adopted: 4 Yea; 1 Nay.

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

Findings  
of Facts  
C/Z #974

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of the Council. The Council found the area was developing and there was a need for neighborhood business properties in order to serve area residents. The Council found the adjacent property owner, Draper Canning Company, did not object to the requested rezoning, as long as the neighborhood business parcel would not interfere with Draper's cattle farming and other agricultural operations. The Council found that, since the Draper agricultural operations are already established, it was unlikely that the neighborhood business parcel would negatively affect them. The Council found the proposed land use promotes the health, safety morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and approved the requested rezoning.

M 245 90  
Beneficial  
Occupancy  
for  
Cedar  
Landing

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, based upon the recommendation of the Inspection Engineer, Kidde Consultant's, Inc., for Sussex County Project No. 81-04, that the Sussex County Council grant "Beneficial Occupancy" for the wastewater facilities constructed in Cedar Landing located in the Proposed Cedar Neck Sanitary Sewer District. Motion Adopted: 4 Yea; 1 Nay.

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

May 22, 1990

M 246 90  
Award  
Bid -  
Project  
No. 90-04

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Engineering Department, that the Sussex County Council award the Flowmeters and Chlorinators Maintenance Contract (Sussex County Project No. 90-04) to Fischer and Porter Company, the low bidder, at \$1,416.75 per month. Motion Adopted: 5 Yea.

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

Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

The Engineering Department reported that a search for land suitable for the Dagsboro-Frankford Sanitary Sewer District spray site has been made in response to Council's request on April 24, 1990. Two parcels have been located and options have been obtained. The parcels are owned by Edward J. Steen and Sherman Townsend. The option for the parcel owned by Edward J. Steen has been reviewed by the Engineering Department, however, the option for the parcel owned by Sherman Stevenson was received just prior to the beginning of this meeting and there has been no review of the document.

M 247 90  
Option  
Agreement -  
Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, that the President of the Sussex County Council be authorized to sign a six (6) month option agreement with Edward J. Steen for the purchase of 74± acres at a price not to exceed \$3,250 per acre as a potential treatment and spray irrigation site for the Dagsboro-Frankford Sanitary Sewer District; the price of the option to be \$10.00. Motion Adopted: 5 Yea.

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

M 248 90  
Amendment  
Agreement  
George,  
Miles &  
Buhr -  
Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

A Motion was made by Mr. Mariner, seconded by Mr. Cole, based upon the recommendation of the County Engineer, that the President of the Sussex County Council execute the amendment agreement with George, Miles and Buhr for \$360,000, covering the added scope of services and fees resulting from the recent litigation and judicial decision in the Dagsboro-Frankford Sanitary Sewer District. Motion Adopted: 5 Yea.

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

May 22, 1990

Proposed  
Ordinance  
Adopt  
Code

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO ADOPT THE CODE OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for Public Hearing to be held June 12, 1990 at 10:30 a.m.

M 249 90  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to give \$1,000, from Mr. Dukes' Councilmanic Account, to Laurel Little League to help in purchasing a new pitching machine. Motion Adopted: 5 Yea.

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

M 250 90  
Recess

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to recess at 11:45 a.m. for an Executive Session. Motion Adopted by Voice Vote.

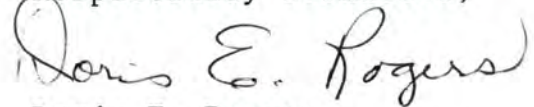
M 251 90  
Adjourn  
Executive  
Session

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn the Executive Session at 12:20 p.m. Motion Adopted by Voice Vote.

Adjourn

President Stevenson declared the regularly scheduled meeting adjourned at 12:22 p.m.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council