

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 19, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 19, 1994, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

M 294 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated July 12, 1994. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: To solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit. (Applicant: Quillens Point Homeowners Association) (Waterway: Beach Cove)

GRACE COBB, SELBYVILLE, DELAWARE.
RE: Request for property to be included in the Fenwick Island Sanitary Sewer District.

Concern Regarding Communi- cations with Hispanic and Latino Immi- grants in Sussex County Mr. William Satterfield, Executive Director of Delmarva Poultry Industry; representatives of three poultry companies; repre- sentatives of several towns; and Ms. Carol Fitzgerald and Ms. Cristel Shumate of Sussex County Department of Libraries, were in attendance to discuss (1) the growing concern over the number of people in Sussex County who do not speak the English language and (2) services offered in the County to increase the literacy of and communications with these people. Mr. Satterfield advised that one of the projects of DPI this year was the formation of a Human Resources Safety Committee to work with the Latino and Hispanic workers in the poultry industry. The Committee plans to identify what services are available and what DPI can do to help these people. This Committee will meet with representatives of organizations that work with the Latinos and Hispanics to discuss cultural differences and to discuss ways to acclimate them to the Anglo-community. Mr. Satterfield was asked to provide Council with an update on the Committee's findings and plans in approximately six months. Comments and recommendations were heard from the public.

DAST
Recommen- Mr. Kenneth Bock and Mr. Timothy Densler of the Delaware
dations Administration for Specialized Transportation (DAST) were
for present to discuss DAST's recommendations for funding of the
Funding specialized transportation service for the elderly and handi-
FY '95 capped in Sussex County. It was noted that funding can only
be used for transportation service for the elderly and handi-
capped. Funding cannot be used for transporting items to the
elderly and handicapped and; therefore, Meals on Wheels cannot
be funded.

M 295 94 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Approve that the Sussex County Council approves the distribution
DAST of funding for the Delaware Administration for Specialized
Funding Transportation (DAST) for FY '95, as follows:
FY '95

Easter Seals	\$ 31,992
Nanticoke Senior Center	21,909
Lewes Senior Center	16,100
Indian River Senior Center	2,100
Cape Henlopen Senior Center	29,200
Cheer	340,820
Laurel Senior Center	<u>46,500</u>
TOTAL	\$488,621

Motion Adopted: 5 Yea.

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

Adminis- Mr. Stickels, County Administrator, discussed the following
trator's information in his County Administrator's Report:
Report

1. Sussex County Volunteer Firemen's Association Monthly
Dinner Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday evening, July 26, 1994, at 7:30 p.m. This meeting will be hosted by the Roxana Fire Company, Roxana Fire Hall, Roxana, Delaware.

2. Road Naming Project

There will be a public workshop for the Road Naming Project on Wednesday, July 20, 1994, at 7:30 p.m., at the Millville Fire Hall, Millville, Delaware. The purpose of the meeting will be to receive public input regarding the adoption of road names for rural Sussex County in the Millville Fire District.

Adminis-
trator's
Report
(con't)

3. Bookmobile

The Sussex County Department of Libraries' bookmobile will once again provide programs at the Delaware State Fair. The bookmobile will be on the fairgrounds in Harrington from Thursday, July 21, 1994, until Saturday, July 30, 1994. The bookmobile will be open from 7:00 to 9:00 p.m. on Thursday, July 21; 5:00 to 9:00 p.m. on Friday, July 22, 1994; and 12:00 to 9:00 p.m. from Saturday, July 23, to Saturday, July 30. Programs will be presented each day. "Kids' Corner" has become a popular free attraction at the State Fair over recent years. Regular users of the bookmobile have been given notice that the regular schedule will be interrupted during this period of time.

Deposit Mr. Baker, Finance Director, requested approval to open two
Accounts deposit accounts at Delaware National Bank; one for CDBG
03-94 and one for HPG-94.

M 296 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Adopt Resolution No. R 022 94 entitled "AUTHORIZING THE
Resolu- PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
tion No. WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF
R 022 94 ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE
PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE
MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK
OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Condi- Mr. Green, Director of Utility Construction, discussed
tional "Conditional Acceptance" for the wastewater facilities
Accep- constructed in Bethany Bay, Phase 1 and 1A, located in the
tance Proposed Millville/Ocean View Sanitary Sewer District. Mr.
Bethany Green noted that "Conditional Acceptance" would be pursuant
Bay to an Agreement between Linder & Company, the developer,
and Sussex County, dated May 18, 1994.

M 297 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Condi- that based upon the recommendation of the Inspection Engineer,
tional KCI Technologies, Inc., for Sussex County Project No. 81-04,
Accep- that the Sussex County Council grant "Conditional Acceptance"
tance pursuant to an Agreement with Linder & Company and Sussex

M 297 94 County, dated May 18, 1994, for the wastewater facilities
(con't) constructed in Bethany Bay, Phase 1 and 1A, located in the
Proposed Millville/Ocean View Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Pending Notice of Con- ciliation with DNREC Regarding Laurel Landfill Mr. Izzo, Director of Public Works, discussed a pending Notice of Conciliation, an Agreement between Sussex County and the Division of Natural Resources and Environmental Control which references the Superfund Listing of the Laurel Landfill. In February, 1994, the County received notice that "the U.S. Environmental Protection Agency (EPA) is proceeding toward issuing a No Further Action Proposed Remedial Action Plan (PRAP) for the Sussex County Landfill #5 Superfund Site". The EPA's decision to proceed in this manner was based on the Remedial Investigation and Risk Assessment which concluded that, "at this time, the site is presenting relatively low risk to human health and the environment". The decision was also based on the fact that the County is to enter into a Notice of Conciliation with the State of Delaware's Department of Natural Resources and Environmental Control to install a water line and provide monitoring of the ground water in the area. Mr. Izzo re-viewed the actions to be taken at the Sussex County Landfill #5 as outlined in the Notice of Conciliation.

M 298 94 Execute Notice of Con- ciliation with DNREC A Motion was made by Mr. Collins, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes the President to execute the "Notice of Conciliation" to be issued to Sussex County by the Department of Natural Resources and Environmental Control, having agreed upon the terms and conditions as presented in the draft document dated May 20, 1994.

Motion Adopted: 5 Yea.

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

Attorney Mr. Jones, Assistant County Attorney, replaced Mr. Bayard, County Attorney, as attorney for the remainder of the meeting.

Old Business Change of Zone No. 1231

Change of Zone No. 1231 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 9.80 ACRES, MORE OR LESS" (Change of Zone No. 1231) filed on behalf of David A. Shevock was discussed. A Public Hearing was held on this application by the County Council on June 14, 1994, at which time action was deferred. Mr. Jones, Assistant County Attorney, reviewed the testimonies that were presented at the County Council's Public Hearing on June 14, 1994. Mr. Lank, Director of Planning and Zoning, reviewed the findings of the Planning and Zoning Commission. Council discussed two proposals: reducing the amount of acreage in the Change of Zone request or denying the application and have the applicant apply for a Conditional Use.

M 299 94 Deny Proposed Ordinance Change of Zone No. 1231 (Denied)

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to deny the 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 9.80 ACRES, MORE OR LESS" (Change of Zone No. 1231) filed on behalf of David A. Shevock.

Motion Denied: 3 Nay, 2 Yea.

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

M 300 94 Amend Change of Zone No. 1231 and Adopt Ordinance No. 976

A Motion was made by Mr. Benson, seconded by Mr. Collins, to amend Change of Zone No. 1231 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 9.80 ACRES, MORE OR LESS" filed on behalf of David A. Shevock, and to Adopt Ordinance No. 976 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, CONSISTING OF THE FRONT PORTION OF THE SITE TO A DEPTH OF 550 FEET ALONG THE NORTHERLY PROPERTY LINE AND THEN PARALLEL TO ROUTE 269A" (Change of Zone No. 1231) filed on behalf of David A. Shevock.

Motion Adopted: 4 Yea, 1 Nay.

M 300 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record and into the Findings of Fact of the County Council. The County Council reviewed the evidence submitted at both the Planning and Zoning Commission hearing and the County Council hearing. The County Council found that the Change of Zone was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the proposed rezoning complied with the Coastal Sussex Land Use Plan. In adopting the findings of facts and recommendations of the Planning and Zoning Commission, the Council specifically found that the proposed use is not characterized by extensive warehousing; that the use does not create frequent and heavy truck activity; that open storage of materials or the nuisance factors of dust, odor and noise associated with manufacturing shall not be a problem since no manufacturing is intended; that similar uses exist in other C-1 General Commercial Districts; that the use is a typical activity in a C-1 General Commercial District; that the use is a permitted use and accessory use within a C-1 General Commercial District; that the proposed material storage yard is not the primary use of the premises; that the office is the primary use; that the material storage yard is accessory and secondary to the use of the premises for the use of the office; that products and materials will be stored within a storage yard, enclosed by a solid fence and/or berm, not less than six feet in height, as required by the zoning ordinance; that no material or equipment will be permitted to exceed the height of the fence and/or berm; and that the site plan shall be required to be developed per the zoning ordinance. The County Council further found that the proposed rezoning and the proposed use was not out of character with other uses of property in the area.

Proposed Ordinance Mr. Collins introduced a 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. 1086) filed on behalf of Wheelabrator Clean Water Systems, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced a 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.15 ACRES, MORE OR LESS" (Change of Zone No. 1237) filed on behalf of Hunter Mill Estates Partnership. The Proposed Ordinance will be advertised for Public Hearing.

M 301 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500.00, \$250.00 from Mr. Cole's Councilmanic Account and \$250.00 from Mr. Benson's Councilmanic Account, to the Friends of Cape Henlopen Girls' Volleyball for their new volleyball program.

Motion Adopted: 5 Yea.

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

M 302 94 Committee Appoint-ment A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to reappoint L. William Wheatley to the Board of Adjustment for a term of three years.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 303 94 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00, \$250.00 from Mr. Stevenson's Councilmanic Account and \$250.00 from Mr. Benson's Councilmanic Account, to Bad Company/Blue Hen Auto Detailing Coed Softball Team for costs associated with attending the Coed World Tournament in South Carolina.

Motion Adopted: 5 Yea.

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

M 304 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$200.00 from Mr. Collins' Councilmanic Account to the Indian River Volunteer Fire Company, Inc. to help fund the purchase of a new rescue/fire truck.

Motion Adopted: 5 Yea.

M 304 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 305 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$800.00, \$300.00 from Mr. Collins' Councilmanic Account
manic and \$500.00 from Mr. Dukes' Councilmanic Account, to the
Grant Laurel Youth Sports, Inc. to help offset start-up costs for
the upcoming season.

Motion Adopted: 5 Yea.

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

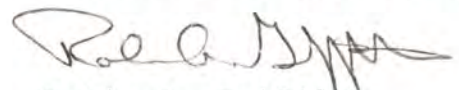
M 306 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Council- give \$300.00, \$60.00 from each Councilmanic Account, to the
manic University of Delaware, Cooperative Extension, for Sussex
Grant County Safe Kids Day scheduled for August 10, 1994.

Motion Adopted: 5 Yea.

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

M 307 94 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Adjourn to adjourn at 12:22 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council