

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-SEPTEMBER 11, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, September 11, 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 417 90
Approval
of
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.

Corre-
spondence

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

THE HONORABLE WILLIAM V. ROTH, JR., UNITED STATES SENATOR FOR DELAWARE

RE: A copy of the response he received from Farmers Home Administration concerning the loan/grant application for financial assistance in the Towns of Dagsboro and Frankford to construct a sanitary sewer system. The letter states that the application is presently being reviewed by the State Office Staff and will be completed as soon as possible.

TAIWAN SAVAGE AND WILLIE SAVAGE, SEASHORE STRIDERS RUNNING CLUB OF REHOBOTH BEACH

RE: Thanking Council for their donation making it possible for them to compete in the Junior Olympic Eastern Region Track and Field Championships.

THE REV. JOHN D. RANNEY, PRESIDENT, LUTHERAN SENIOR SERVICES OF SUSSEX COUNTY, INC.

RE: Invitation to the groundbreaking for Luther Towers of Milton to be held on Saturday, September 15, 1990, at 11:30 a.m.

DELAWARE DEPARTMENT OF LABOR, OFFICE OF OCCUPATIONAL AND LABOR MARKET INFORMATION, NEWARK

RE: "DELAWARE DIGEST - LABOR MARKET QUARTERLY ACTION", their second quarterly newsletter for 1990.

September 11, 1990

Laurel
Landfill

Mr. Stickels, County Administrator, briefly reviewed the County's activity concerning Laurel Landfill No. 5. On May 19, 1990 the County received the Administrative Order on Consent for the Remedial Investigation/Feasibility Study; August 29, 1990 the Engineering Staff met with the Environmental Protection Agency in Philadelphia to discuss this Order; and September 5, 1990, Michael Izzo, Assistant County Engineer, met again with the Environmental Protection Agency to finalize the Order.

Mr. George J. Weiner, Legal Counsel for the County and a member of the firm Thelen, Marrin, Johnson, and Bridges, and Mr. Abraham Thomas, Technical Consultant with Roy F. Weston, Inc., were present to discuss the Order. The Landfill was closed in 1979 and constant testing by our consultants has shown only trace amounts of contamination, however, a trace amount produces the potential for contamination. The Environmental Protection Agency requires the same corrective measures whenever a potential for contamination is found. Mr. Weiner and Mr. Thomas advised Council that the execution of the Administrative Order on Consent was by far the best procedure for the County to follow.

M 418 90
Laurel
Landfill
Adminis-
trative
Order

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, our legal advisor, Thelen, Marrin, Johnson, and Bridges, and our technical consultant, Roy F. Weston, Inc., that Mr. Robert L. Stickels, Sussex County Administrator, be authorized to execute the Administrative Order on Consent for the Remedial Investigation/Feasibility Study for Sussex County Landfill No. 5, Laurel, Delaware. Motion Adopted: 5 Yea.

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

Buffer
Zones

An Ordinance to Amend the Subdivision Ordinance for the unincorporated area of Sussex County to impose a buffer zone between residential subdivisions and agricultural operations was introduced January 9, 1990. Public Hearings were held and action was deferred. A special meeting was held by the Planning and Zoning Commission to discuss this Proposed Ordinance in March and concerns by agricultural groups, individuals, and representatives from the State Department of Agriculture were expressed. On April 3rd Council granted the Commission additional time to prepare their recommendation. Significant changes were proposed by the Commission and a new Proposed Ordinance has been prepared.

September 11, 1990

Proposed Ordinance

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF LANDSCAPED BUFFER STRIPS". The Proposed Ordinance will be advertised for Public Hearing.

Peninsula United Methodist Homes, Inc.

Peninsula United Methodist Homes, Inc. had requested an amendment to Ordinance No. 712, adopted on August 21, 1990. The amendment is necessary to cover additional costs created by a change in their project and greater costs than anticipated.

Proposed Ordinance

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 712, ADOPTED BY THE SUSSEX COUNTY COUNCIL ON AUGUST 21, 1990 (THE "ORDINANCE"), WHICH ORDINANCE AUTHORIZED AND PROVIDED FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000, IN ORDER TO LEND THE PROCEEDS THEREOF TO PENINSULA UNITED METHODIST HOMES, INC., A DELAWARE NON-PROFIT CORPORATION, FOR THE PURPOSE OF FINANCING THE RENOVATION, REHABILITATION AND EXPANSION OF METHODIST MANOR HOUSE, A CONTINUING CARE FACILITY LOCATED WITHIN SUSSEX COUNTY BY AUTHORIZING AND OTHERWISE PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000". The Proposed Ordinance will be advertised for Public Hearing.

Paramedic Advisory Committee

The Sussex County Paramedic Advisory Committee had requested an amendment to their regulations. The amendment would allow the Emergency Department Physicians from each of the County's three hospitals to serve on the committee without the prerequisite that they belong to the Delaware Chapter of the American College of Emergency Physicians and would add the County Paramedic Director and County Medical Director as ex-officio members.

M 419 90 Amend Paramedic Advisory Committee

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, that the Sussex County Council authorize the amending of the Sussex County Paramedic Advisory Committee by striking three (3) representatives from the Delaware Chapter of the American College of Emergency Physicians and adding three (3) Emergency Department Medical Directors, or their designees; and, further, the Sussex County Paramedic Program Director and the County Medical Director shall be added to serve as ex-officio members of the Sussex County Paramedic Advisory Committee. Motion Adopted: 5 Yea.

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M 419 90
(Con't.)

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

Peninsula
General
Hospital

Mr. Stickels, County Administrator, discussed the request for funding from Peninsula General Hospital to help with the construction costs for the new Critical Care Center that has been approved by the Medical Center's Board of Trustees. During 1989, 2,429 Sussex County residents used Peninsula General Hospital as their primary source for health care services and charity health care for Sussex residents amounting to \$702,050 was provided during that time.

Past
Hospital
Grants

A breakdown of grants given by Sussex County to each hospital located within the County and Peninsula General from July 1973 to the present shows the following:

Beebe Hospital, Lewes	\$179,417.00
Milford Memorial Hospital, Milford	176,221.00
Mid-Sussex Health Center, Millsboro	10,000.00
Nanticoke Memorial Hospital, Seaford	204,362.00
Peninsula General Hospital, Salisbury	<u>50,000.00</u>
TOTAL	\$620,000.00

Proposed
Resolution

Mr. Stickels, County Administrator, read a Proposed Resolution entitled "PENINSULA GENERAL HOSPITAL MEDICAL CENTER FUNDING". The Proposed Resolution directed the County Administrator to include \$25,000 in the draft budget for the next four (4) years for Peninsula General Hospital starting with the 1992 fiscal year budget.

M 420 90
Proposed
Resolution
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt the Proposed Resolution entitled "PENINSULA GENERAL HOSPITAL MEDICAL CENTER FUNDING". Motion Denied: 2 Nay; 1 Abstention; 2 Yea.

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

Adminis-
trator's
Report

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

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

1. A recycling center has been established in the City of Seaford. The site is located across from the wastewater treatment plant and the Seaford boat ramp. The Seaford Earth Day Committee is to be complimented for initiating this program.
2. DelDOT will be conducting a Public Meeting on the Department of Transportation's proposed Capital Improvement Program for Fiscal Years 1992 through 1997. The Sussex County meeting will be held on Tuesday, September 18, 1990, at the DelDOT Administration Building, Route 113, Georgetown, at 7:00 p.m.
3. The Delaware Small Business Development Center will be conducting a seminar entitled "Women's Procurement and Credit Conference" on Tuesday, September 25, 1990, from 8:30 a.m. to 2:00 p.m., at the University of Delaware, Downtown Facility, 913 Market Street, Wilmington.
4. The Department of Transportation has been requested by Mr. Ronal W. Smith, Manager of Acquisition & Construction for the Department of Natural Resources & Environmental Control, in conjunction with Mr. Edward E. Moore, President of Hearn & Rawlins Mill, Inc., to vacate the northern portion of County Road No. 544B, from Shore Drive southward approximately 500 feet. At this time, the County Administrator sees no reason why the County should object to the proposed road vacation.

County
Road
No. 544-B

Councilman Cole questioned the County voicing no objection to the vacation of this portion of County Road No. 544B, if this action would deny public access to Hearn's Pond. The County Administrator will check on this and report his findings during the afternoon session.

Cedar
Landing
Condi-
tional
Accep-
tance

Mr. Green, Chief of Utility Construction, reviewed a request for Conditional Acceptance of Cedar Landing, a one hundred and thirty-seven (137) lot subdivision located in the proposed Cedar Neck Sanitary Sewer District. Beneficial Acceptance was granted in May 1990. (The proposed Cedar Neck Sanitary Sewer District is a No. 1 priority in the South Coastal Area Planning Study, but no groundwork has been done on the actual planning and/or construction.)

Councilman Cole expressed great concern for the County's financial responsibility for this system until such time as a sewer is completed in Cedar Neck. Action was tabled on the matter until Mr. Jones, Acting County Attorney, can research the project and advise Council of their options.

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Recess

President Stevenson declared a recess at 11:15 a.m.

Reconvene

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

Public
Hearing
C/U #947

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 FOR THE SALE OF CRAFTS AND ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 20,121 SQUARE FEET, MORE OR LESS" (C/U #947) filed on behalf of George M. Parrott and Marian Parrott. The Public Hearing was closed and action was deferred.

Public
Hearing
C/U #948

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 FOR AN ANTIQUE AND STAINED GLASS SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (C/U #948) filed on behalf of Paul T. McDermond and Arlone Bertone. The Public Hearing was closed.

M 421 90
Adopt
Ordinance
No. 718
C/U #948

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Ordinance No. 718 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ANTIQUE AND STAINED GLASS SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (C/U #948) filed on behalf of Paul T. McDermond and Arlone Bertone with the following stipulations:

1. A one hundred and fifty foot (150') setback shall be maintained from Route 9 for any commercial structure.
2. Signage shall be limited to one (1) unlit sign of thirty-two (32) square feet per facing.
3. The site shall be limited to structures as shown on the Engineering Survey prepared by Mann Associates, Inc., dated February 15, 1990.

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/U #948

The findings of facts and the recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council. The Council found that the conditional use was appropriate legislative action because it promoted the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council approved the requested conditional use, subject to the three (3) stipulations as set out in the Ordinance.

Public
Hearing
C/Z #1087

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 NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (C/Z #1087) filed on behalf of Charles and Donna Moore. The Public Hearing was closed and action was deferred.

Public
Hearing
Signs

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES IV, V, VII, IX, X, AND XXI, WHICH MAKE REFERENCE TO REGULATIONS AND PERMITTED USES OF SIGNS". The Public Hearing was closed.

M 422 90
Adopt
Ordinance
No. 719
Signs

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 719 entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLES IV, V, VII, IX, X, AND XXI WHICH MAKE REFERENCE TO REGULATIONS AND PERMITTED USES OF SIGNS". Motion Adopted: 5 Yea.

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

County
Road
No. 544B

As a follow-up from the morning session, Mr. Stickels, County Administrator, had talked with the Department of Transportation concerning their intent for the request to vacate the northern portion of County Road No. 544B, from the Shore Drive southward approximately five hundred feet (500'). It is their intention to close the road to traffic that goes to the spillway.

M 423 90
Road
No. 544B

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to voice no objection to the request made by the Manager of Acquisition and Construction for the Department of Natural

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M 423 90
County
Road
No. 544B
(Con't.)

Resources & Environmental Control, in conjunction with Mr. Edward E. Moore, President of Hearn & Rawlins Mill, Inc., to vacate the northern portion of County Road No. 544B, from Shore Drive southward approximately five hundred feet (500') provided the public is allowed access to Hearn's Pond. Motion Adopted: 4 Yea; 1 Nay.

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

M 424 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$1,000.00, from Mr. Mariner's Councilmanic Account, to the Town of Frankford to help with purchasing a grass cutter. Motion Adopted: 5 Yea.

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

M 425 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$500.00, from Mr. Mariner's Councilmanic Account, to the VFW Post of Millsboro to help with costs for repairing the roof at their Post Home. Motion Adopted: 5 Yea.

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

M 426 90
Council-
manic
Grant

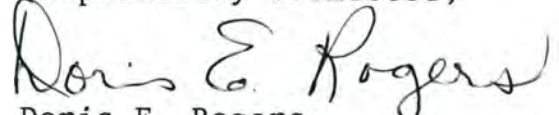
A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$500.00, from Mr. Stevenson's Councilmanic Account, to Woodbridge Pop Warner to help with expenses for the football season. Motion Adopted: 5 Yea.

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

M 427 90
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adjourn at 2:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council