

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 29, 1992

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, September 29, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 413 92      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes      approve the minutes of the previous meeting dated September 22, 1992. Motion Adopted by Voice Vote.

Letters      Mr. Bayard, County Attorney, read the following correspondence:

JUDY CARLSON, ADMINISTRATOR, DELMARVA WATER TRANSPORT COMMITTEE, INC., SALISBURY, MARYLAND  
RE: Committee membership meeting and Fiscal Year 1993 proposed budget.

UNIVERSITY OF DELAWARE BUREAU OF ECONOMIC RESEARCH, NEWARK  
RE: Summer 1992 newsletter entitled "Economic Delaware Outlook".

WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.  
RE: Resolution No. R 023 92 concerning funding for housing assistance to help alleviate substandard housing conditions in Sussex County.

ANGELO MELORO, JR., CLAYMONT  
RE: No street lamp at intersection located at South Ramblewood Drive and Fieldcrest, Rehoboth. (This letter will be forwarded to DelDOT.)

Request to Withdraw C/U No. 1012      Mr. Stickels, County Administrator, advised Council of a letter he received from Margaret Eby regarding Council's decision to deny her request to withdraw Conditional Use No. 1012. In the letter, Ms. Eby explains the basis for her request.

M 414 92      A Motion was made by Mr. Cole, seconded by Mr. Collins, to Grant Withdraw Request      the request of Margaret Eby to withdraw Conditional Use No. 1012.  
Motion Adopted: 5 Yea.

M 414 92 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

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

1. Building Plan Review Certification

Mr. Donald Collins, Building Code Inspector, has been certified as a Certified Building Plan Reviewer. Mr. Collins successfully completed a three and one-half hour exam given by Southern Building Code Congress International in Salisbury, Maryland, on August 7, 1992. Mr. Collins' qualifications will be listed in the national publication, and all jurisdictions using the Standard Building Code will be notified of Mr. Collins' qualifications. Mr. Collins' passing of this exam illustrates the Building Code Department's dedication to the continuation of education in their field.

2. State of Rhode Island Legislation

Included in this report was a copy of an article that recently appeared in the City & State publication. The article discusses legislative action taken by the State of Rhode Island's legislators banning waste incinerators.

The new legislation requires the Rhode Island Solid Waste Management Corporation to develop a program for the purpose of recycling, and/or composting, a minimum of 70 percent of the municipal and commercial solid waste. Mr. Stickels does not believe that the seventy percent goal is realistic; however, New Jersey, Washington, and Minnesota are operating at 48 percent, 34 percent, and 31 percent, respectively. Mr. Stickels believes that Delaware residents are ready and able to obtain a thirty percent recycling rate. In the article, legislators have accused the Rhode Island Solid Waste Management Corporation of dragging its feet on recycling in recent years to ensure a steady stream of waste is available for incinerators that the Corporation had planned to construct. This sounds very similar to the situation in Delaware. The article further states legislators believe incineration should be banned "due to the myriad of 400 toxic pollutants, including lead, mercury, dioxins, and acid gases known to be emitted by solid waste incinerators". The Rhode Island situation seems to mirror the same concerns the County Council has. A copy of this article will be forwarded to the legislators of Delaware.

Adminis-  
trator's  
Report  
(con't)

3. Director of Emergency Operations

Mr. E. Edward Carey, III, has resigned his position as Director of Emergency Operations effective September 28, 1992. Mr. Carey has resigned for personal and private reasons that will not be made public by this office. I will accept applications for the position. In the interim, Mr. Glenn Gillespie, Deputy Chief Dispatcher, will act as Acting Director of Emergency Preparedness. Mr. Stickels stated that he is very confident Mr. Gillespie can do the job until a permanent replacement has been made. Mr. Gillespie has been employed with the County since April 1, 1976. As has been the practice in the past, Mr. Stickels will work very closely with Mr. Gillespie in the event of any natural disasters.

Appre-  
ciation

Mr. Dukes expressed appreciation to County employees for their service over the weekend during tropical storm "Danielle".

Proposed  
Resolu-  
tion  
Bank  
Accounts

Mr. Baker, Finance Director, reviewed a Proposed Resolution to establish two accounts with Delaware Trust Company entitled "Sussex County Council, Enterprise Account". The purpose of these accounts is to deposit monies collected to pay bond interest and principal payments. These monies have previously been deposited in individual bond accounts.

M 415 92  
Adopt  
Resolu-  
tion No.  
R 024 92  
Bank  
Accounts

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Resolution No. R 024 92 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; RALPH E. BENSON, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FAC-SIMILE 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

Landfill  
Water  
Systems

Mr. Izzo, Public Works Division Director, updated Council on the status of landfill water systems in Angola and Bridgeville. Mr. Izzo reported that the central water system in Angola (Lochwood Subdivision) is complete and on line. Progress on the landfill water system in Bridgeville (Walker's Mill) has been held up for some time due to the effect of tax laws on the total cost of the project; however, work is to begin immediately on a contract.

- Sand Filters (SCRWF) Mr. Izzo, Publics Works Division Director, and Ms. Sheridan, Operations Supervisor, discussed the replacement of two of the original microstrainers at the South Coastal Regional Wastewater Facility (SCRWF) with new sand filters.
- M 416 92 Contract for Sand Filters (SCRWF) A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Engineering Department, that the President of the County Council be authorized to execute a contract in the amount of \$50,500.00 with the consulting engineers, George, Miles and Buhr, to perform design and contract administration services for the installation of sand filters at the South Coastal Regional Wastewater Facilities (SCRWF).
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea
- C/Z No. 1171 Change of Zone No. 1171, filed on behalf of Jack Mears, Jack Reynolds and Bruce Moore was discussed. A Public Hearing was held on September 15, 1992, at which time the Public Hearing was closed and action was deferred to allow time for clarification of DNREC's comments. Mr. Lank, Director of Planning and Zoning, read into the record a letter of response from DNREC.
- M 417 92 Adopt Proposed Ordinance C/Z No. 1171 (Denied) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 30.54 ACRES, MORE OR LESS" (C/Z #1171) filed on behalf of Jack Mears, Jack Reynolds and Bruce Moore.
- Motion Denied: 3 Nay; 2 Yea.
- Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Nay;  
Mr. Collins, Nay; Mr. Stevenson, Yea;  
Mr. Dukes, Yea
- Findings of Fact The Council found that the change of zone was not appropriate legislative action based upon the following findings of fact:
1. Approximately 450 recorded vacant lots exist within GR General Residential Districts in the area, therefore a need could not be justified.
  2. Comments received from DNREC Division of Water Resources Pollution Control Branch indicate that the application should be denied unless a central wastewater collection and treatment system is designed and constructed.

- Findings of Fact 3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
- M 418 92 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Laurel Public Library to be used for a new bronze sign.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea
- Commen- dation Mr. Dukes commended the Sussex County Employee Benefits Committee for their fund raising efforts for victims of Hurricane Andrew.
- Resolu- tion Mr. Stickels read, in its entirety, a Proposed Resolution entitled "RESOLUTION REQUESTING UPGRADING OF ROUTE 54, FENWICK ISLAND".
- M 419 92 Adopt Resolu- tion No. R 025 92 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Resolution R 025 92 entitled "RESOLUTION REQUESTING UPGRADING OF ROUTE 54, FENWICK ISLAND".
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea
- Building Code Mr. Cole discussed the implementation of the Single Family Home Building Code. No action was taken.
- M 420 92 Recess A Motion was made at 11:20 a.m. by Mr. Stevenson, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.
- Reconvene Mr. Dukes called Council back into session at 1:30 p.m.
- Public Hearing C/Z #1172 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.2165 ACRES, MORE OR LESS" (C/Z #1172) filed on behalf of Donald Ward. The Public Hearing was closed.
- M 421 92 Adopt Ordinance No. 857 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Ordinance No. 857 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

M 421 92 CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED,  
(con't) SUSSEX COUNTY, CONTAINING 7.2165 ACRES, MORE OR LESS" (C/Z #1172)  
filed on behalf of Donald Ward.

Motion Adopted: 4 Yea; 1 Nay.

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

Findings of Fact The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a need exists for additional GR General Residential housing lots for sale in the Broad Creek Hundred area.
2. The applicant established by substantial evidence that this change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic in the vicinity, or the environment in the area.
3. This change of zone will serve the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/Z No. 1173 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS" (C/Z #1173) filed on behalf of Jimmie Nanney. The Public Hearing was closed.

M 422 92 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt  
Adopt Ordinance No. 858 entitled "AN ORDINANCE TO AMEND THE COMPREHEN-  
Ordinance SIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL  
No. 858 RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A  
(C/Z No. CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED,  
1173) SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS" (C/Z #1173)  
filed on behalf of Jimmie Nanney.

Motion Adopted: 4 Yea; 1 Nay.

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

Findings  
of Fact

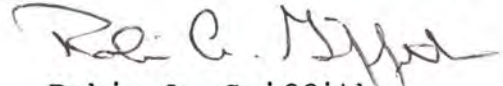
The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the site was the subject of a previous non-conforming commercial use and if developed, will co-exist with other commercial zones and activities in the immediate area.
2. The applicant established by substantial evidence that this change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic in the vicinity, or the environment in the area.
3. This change of zone will serve the goals and purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 423 92  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 2:04 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council