

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 16, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, October 16, 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 459 90
Approve
Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Cole, 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:

W. NELSON HALL, MILFORD

RE: Requesting the fee be waived for reapplication of Change of Zone No. 1089. The Public Hearing was scheduled for October 2, 1990; applicant didn't understand the requirement mandating his presence at the hearing.

DELAWARE RIVER BASIN COMMISSION, NEW JERSEY

RE: Notice of Commission Meeting and Public Hearings. Also, announcing that the hearing record had been extended to include written comments received or postmarked by October 19, 1990 for proposed amendments to their Comprehensive Plan to upgrade water quality standards for portions of the tidal Delaware River.

Zoning
Policy
Discus-
sion

The request submitted by Mr. Hall in today's correspondence was discussed. County Policy, adopted by Motion M 137 89 on March 28, 1989, states that any applicant who fails to appear, or have an agent appear on his behalf, at a Planning and Zoning Commission hearing or a Sussex County Council zoning hearing, will have to reapply for their zoning request and pay a full filing fee for the readvertising and scheduling of the hearing. This policy precludes any further action by Council.

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Stormwater
Management
Industrial
Airpark

Mr. John A. Hughes, Director of the Division of Soil & Water, DNREC, was present and reviewed the proposed plan for stormwater management at the Industrial Airpark as discussed during last week's Council session.

M 460 90
Lease
Agreement
DNREC

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, based upon the recommendations of the Economic Development Department and Engineering Department, that the Sussex County Council enter into a lease agreement with the State of Delaware, Department of Natural Resources and Environmental Control, for approximately 4.5± acres of light industrial land, for a sum of one dollar (\$1.00) for thirty (30) years with one (1) thirty (30) year option, located on Sussex Avenue and County Road 321, Sussex County Industrial Airpark, Georgetown. 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
Amend
Chapter
110

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, RELATING TO ASSESSMENT OF A PLUMBING LICENSE FEE". The Proposed Ordinance will be advertised for Public Hearing.

County
Road
No. 299

The vacation of County Road No. 299 was again discussed. A letter from Mr. Silverwood, Vice President, Townsends, Inc., stated that they would allow access to the cemetery located in the middle of a field off County Road No. 299. The letter also stated that their development plans include a walkway being provided from the main public road to the grave site. In addition, several acres of open space will be provided around the site. Mr. Silverwood was present and publicly reaffirmed Townsends' commitment to the preservation of the historic site.

M 461 90
Vacation
of County
Road No.
299

A Motion was made by Mr. Cole, seconded by Mr. Benson, that Sussex County Council recommend to the Department of Transportation that County Road No. 299 be vacated only when construction makes it necessary. 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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Adminis-
trator's
Report

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

1. A memorandum from the State Budget Director outlining state projects that have applied for federal funding.
2. The Sussex County Conference on Libraries and Information Services will be conducted by the Sussex County Regional Planning Committee on Tuesday, October 30, 1990 from 7:00 to 10:00 p.m. The conference will be held in the Theatre at Delaware Technical and Community College, Georgetown. The local conference will be held in preparation for the White House Conference on Libraries and Information Services.
3. Colonel Clifford M. Gravier, Superintendent of the Delaware State Police, will be hosting a dedication and ribbon cutting ceremony for Troop 4, Georgetown, on Friday, October 26, 1990 at 11:00 a.m.
4. A Legal Notice has been received from the Division of Air and Waste Management, DNREC, that Intervet, Millsboro, has applied for a permit to construct and operate an incinerator for the destruction of veterinary animal wastes. The Comprehensive Zoning Ordinance, Chapter 115, Code of Sussex County, permits that on a farm of five (5) or more acres, a building may be used for a hospital or clinic for animals, large and small, provided that all building structures, pens, or open kennels shall be located at least two hundred (200) feet from any lot lines.

Incinerator Councilman Cole questioned if the placement of this Use incinerator without a public hearing violated the Zoning Ordinance. Intervet has property west of Millsboro at Shaft Ox Corner and the incinerator will be placed at this location. DNREC will hold a Public Hearing on this only if a request is made for such a hearing.

M 462 90 A Motion was made by Mr. Cole, seconded by Mr. Mariner, Requesting Public Hearing that a Public Hearing be held on the application of Intervet, Shaft Ox Corner, to construct and operate an incinerator for destruction of veterinary animal wastes. Motion Adopted: 3 Yea; 2 Nay.

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

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Incinerator
Discussion

Mr. Jones, Acting County Attorney, was asked to review the Comprehensive Zoning Ordinance to determine an official legal decision concerning the language that permits the operation of an incinerator for destruction of veterinary animal wastes on a farm of five (5) acres or more.

Pending
Zoning
Withdrawn

Mr. Stickels, County Administrator, reported that three (3) pending changes of zone have been withdrawn by the applicants; namely, Change of Zone No. 962, Nomad Village, Inc.; Change of Zone No. 1023, Merritt Burke III; and Change of Zone No. 1024, Merritt Burke III.

C/U #950

Conditional Use No. 950, filed on behalf of Thomas Esender, was discussed. Public Hearing was held on October 2, 1990 and action was deferred.

M 463 90
Adopt
Ordinance
No. 726
C/U #950

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 726 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN UB URBAN BUSINESS DISTRICT FOR A CUSTOM WOODWORKING SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF FRANKFORD, DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.05 ACRES, MORE OR LESS" (C/U #950) filed on behalf of Thomas Esender with the following stipulations:

1. Signage shall not exceed thirty-two (32) square feet per facing and shall be unlit.
2. No business activities shall take place on Sundays.
3. The total square footage of buildings on site shall be no greater than 1,520 square feet.
4. Proper waste disposal shall be provided on site.

Motion Adopted: 5 Yea.

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

Findings
of Facts
C/U #950

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record. The Council found that the conditional use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare. The Council granted the requested conditional use with the four (4) stipulations as set out.

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Rehoboth
Shores
Update

Mr. Lank, Director of Planning and Zoning, reviewed the work that is being done by Planning and Zoning Inspectors at Rehoboth Shores. A survey, supplied by the developer, clearly shows many violations. In most cases, lines are being relocated by the developer to bring the park into compliance. This action will correct the majority of the violations with a minimum amount of structural movement.

Several residents of Rehoboth Shores were present and addressed their concerns regarding the relocation of lines and the long-term violations existing within the Park.

Mr. Lank, Director of Planning and Zoning, reported that the Rehoboth Shores developer had been cited for the majority of the violations within the park. However, they are aware of additional violations that need to be cited. Present plans call for the Inspectors to cite the remaining violations within the next two (2) week period. Once this is finished, the developer will be given a limited time to bring the park into compliance; failure to do so will start court action.

Rehoboth Shores will be placed on the Agenda in two (2) weeks for an updated report.

Long
Neck
Sanitary
Sewer

Mr. Wood, County Engineer, discussed Change Order No. 2 for the Long Neck Sanitary Sewer District, Contract No. 6. This change would allow the planting of crown vetch on the slopes of the lagoons, approximately three (3) acres.

M 464 90
Long
Neck
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendations of Kidde Consultants, Inc. and the Sussex County Engineering Department, that the Council President be authorized to sign Change Order No. 2 for the Long Neck Sanitary Sewer District, Contract No. 6, for crown vetch seeding and mulching on the exterior slopes of the lagoons for a contract increase of \$1,776.50, with no increase in time, bringing Contract No. 6 total to \$5,182,933.82. 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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Paramedic
Update

Mr. Stevenson, Paramedic Director, and Mr. Gordy, Chairman, Sussex County Paramedic Advisory Committee, discussed the paramedic training program. Mr. Gordy reviewed the recommendation of the Advisory Committee; thereby asking the County to rescind their previous position of not hiring paramedic trainees. Training offered at Delaware Technical & Community College, Georgetown, will continue to be the long-term goal of the Committee, however, at this point, they agree that the best procedure is to move ahead accepting the compromises that have been made.

M 465 90
Paramedic
Trainees

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council authorize the hiring of paramedic trainees to participate in the State of Delaware Paramedic Training Program. Motion Adopted: 5 Yea.

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

Paramedics
Introduced

Mr. Stevenson, Paramedic Director, introduced Marianne B. Nickerson and John V. Kinsley, Jr., the first two (2) paramedics hired for the Sussex County Paramedic Program. They are both nationally registered.

Recess

President Stevenson declared a recess at 12:07 p.m. until 1:30 p.m.

Reconvene

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

Public
Hearing
C/U #951

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 A PRIVATE AIRSTRIP (LANDING FIELD) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 15.2 ACRES, MORE OR LESS" (C/U #951) filed on behalf of Stephen C. Seipp. The Public Hearing was closed.

M 466 90
Adopt
Ordinance
No. 727
C/U #951

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to Adopt Ordinance No. 727 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP (LANDING FIELD) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 15.2 ACRES, MORE OR LESS"

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M 466 90
(Con't.)
Ordinance
No. 727

(C/U #951) filed on behalf of Stephen C. Seipp with the following stipulations:

1. Use of the airfield is subject to approval of and regulation by Federal Aviation Administration.
2. Use of the airstrip is restricted to the applicant only.
3. A hangar to be permitted, to house up to two (2) airplanes.
4. The use of the airfield is limited to two (2) airplanes, owned by the applicant.
5. There shall be no commercial uses at the airport.

Motion Adopted: 5 Yea.

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

Findings
of Facts
C/U #951

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record. The Council found that the conditional use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare. The Council approved the requested conditional use subject to the five (5) stipulations as set out.

Public
Hearing
C/Z #1091

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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.39 ACRES, MORE OR LESS" (C/Z #1091) filed on behalf of D & D Investments. The Public Hearing was closed.

M 467 90
Adopt
Ordinance
No. 728
C/Z #1091

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to Adopt Ordinance No. 728 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.39 ACRES, MORE OR LESS" (C/Z #1091) filed on behalf of D & D Investments. Motion Adopted: 5 Yea.

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M 467 90
(Con't.)

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

Findings
of Facts
C/Z #1091

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record. The Council found that the requested change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Public
Hearing
C/Z #1092

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 HI-1 HEAVY INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.0 ACRES, MORE OR LESS" (C/Z #1092) filed on behalf of Bridgeville Auto Center, Inc. The Public Hearing was closed.

M 468 90
Proposed
Ordinance
C/Z #1092
(Denied)

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, 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 HI-1 HEAVY INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.0 ACRES, MORE OR LESS" (C/Z #1092) filed on behalf of Bridgeville Auto Center, Inc. Motion Denied: 3 Nay; 2 Yea.

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

Findings
of Facts
C/Z #1092

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record. The Council denied the requested change of zone, finding that it did not comply with either the existing comprehensive plan or the proposed comprehensive plan, finding that insufficient needs were shown for additional heavy industrial property, expressing concern over the possible negative effect on surrounding and nearby properties.

Proposed
Ordinance
C/U #956

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (TWO (2)

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Proposed
Ordinance
(Con't.)
C/U #956

UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8,101 SQUARE FEET, MORE OR LESS" (C/U #956) filed on behalf of Richard C. Miller. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1101

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 15.80 ACRES, MORE OR LESS" (C/Z #1101) filed on behalf of David B. Webb. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1102

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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.02 ACRES, MORE OR LESS" (C/Z #1102) filed on behalf of Barton's Landscaping and Robert R. King. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1103

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.48 ACRES, MORE OR LESS" (C/Z #1103) filed on behalf of Donald Bunting. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1104

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.76 ACRE, MORE OR LESS" (C/Z #1104) filed on behalf of Jack Mears and John Reynolds. The Proposed Ordinance will be advertised for Public Hearing.

M 469 90
Council-
manic
Grant
Denied

A Motion was made by Mr. Cole to give \$1,000.00 to the League of Women Voters, \$200.00 from each of the five (5) Councilmanic Accounts, to be used for printing booklets

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M 469 90
(Con't.)
Denied

listing elected officials, with the stipulation that all municipalities must be included in the booklet. The Motion died for lack of a second.

M 470 90
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adjourn at 3:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Doris E. Rogers

Doris E. Rogers
Clerk of the County Council