

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 30, 1990

Call to Order

The regular meeting of the Sussex County Council was held on Tuesday, October 30, 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 480 90
Approval of 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.

Correspondence

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

UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, SUSSEX COUNTY ASCS OFFICE, GEORGETOWN, DELAWARE
RE: Newsletter for October, 1990.

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON, DELAWARE
RE: "HANDi" Network publication for October, 1990.

West Rehoboth Citizens Advisory Committee

Mr. Stickels, County Administrator, submitted to Council a suggested listing of Citizens Advisory Committee members for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. An effort has been made to include representatives from a broad spectrum of interested citizens in the West Rehoboth Expansion area. The purpose of the committee will be to provide input regarding the design and construction phases of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 481 90
Authorize Establishing of West Rehoboth Citizens Advisory Committee

A Motion was made by Mr. Dukes, seconded by Mr. Cole, that the Sussex County Council authorize the establishment of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Citizens Advisory Committee as follows:

<u>Name</u>	<u>Representing</u>
Charles A. Marsch	Mobile Home Tenants Association
Patricia Campbell-White	Board of Realtors

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(Continued)

<u>Name</u>	<u>Representing</u>
Thomas A. Coates	Council of Churches
John R. Schroeder	Legislative
Larry Wonder	Sierra Club, Sussex County Chapter
Grace Pierce-Beck	Delaware Audubon Society
Robert Jones	Sussex County Farm Bureau
Dennis Diehl	Chamber of Commerce
James Walls	Home Builders Association of Lower Delaware
Matilda Purnell	Save Our Wetlands and Bays
Barry Pierce	Rehoboth Bay Sailing Association
Roy Moore	Sussex County Watermen's Association

Motion Adopted: 5 Yea.

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

Additional Staffing for West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

As follow-up on the progress of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Mr. Stickels, County Administrator, took the opportunity to introduce and briefly review the background of additional staff in the County Engineering Department specifically assigned to the project. Mr. Garth E. Jones has been hired as Project Engineer and will be responsible for representing the County Engineering Department in organizing, coordinating, and drafting the final engineering design for the West Rehoboth Expansion. Mr. Ronald L. Matthews has been transferred to the Engineering Department as Project Coordinator and will be responsible for coordinating easements, applications, estimates, and payments. Council welcomed both gentlemen to the staff of the Sussex County Engineering Department.

"Recycle Delaware" Centers

Mr. Stickels, County Administrator, reported that a letter has been received from N. C. Vasuki, General Manager, Delaware Solid Waste Authority, regarding initiation of a major new program for recycling materials from the solid waste generated in Delaware, as required by Senate Bill No. 424 signed into law by Governor Castle on July 24, 1990. The program to establish sixteen (16) "Recycle Delaware" Centers before December 31, 1990 will be implemented and managed by the Delaware Solid Waste Authority. Materials collected will include newspapers, magazines, telephone books, glass (except plate glass, mirrors, bulbs, and corning ware), aluminum cans, steel cans, plastic bottles, used motor oil, and household batteries. Sussex County's cooperation has been requested in setting up centers in the area to accommodate the recycling containers. In an effort to serve the residents of Sussex County on a Countywide basis, Mr. Stickels

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"Recycle
Delaware"
Centers
(Continued)

recommended that the five (5) Sussex County Transfer Stations be considered as possible sites. The County will receive \$15.00 per ton for glass collected at the centers. However, there will be no revenues distributed for the other recyclable materials.

M 482 90
Authorize
Establishing
of Recycling
Collection
Centers at
County
Transfer
Stations

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council authorize the establishment of five (5) Recycling Collection Centers at the County-operated Transfer Stations by the Delaware Solid Waste Authority for the collection of newspapers, magazines, telephone books, glass (except plate glass, mirrors, bulbs, and corning ware), aluminum cans, steel cans, plastic bottles, used motor oil, and household batteries. Motion Adopted: 5 Yea.

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

"Recyclers
of the
Month"

Mr. Stickels, County Administrator, announced that the "Recyclers of the Month" for October, 1990 are Don Van Etten of Millsboro, Delaware and Mike Malaspina of Ellendale, Delaware. Each will receive a \$50.00 U. S. Savings Bond for their participation.

Nanticoke
Advisory/
Technical
Committee
Meeting

Mr. Stickels, County Administrator, informed Council that the next Nanticoke Advisory/Technical Committee meeting will be held on December 3, 1990 at 7:00 p.m. in the Seaford Police Station, Seaford, Delaware. There will be no meeting in November.

Classes
Offered
at Del
Tech

Mr. Stickels, County Administrator, reported that Delaware Technical and Community College, Southern Campus, Georgetown, Delaware, will be offering reading, writing, and arithmetic classes, with no tuition charge, day or evening. Anyone interested in the program should contact Mrs. Wilson at 856-5400, Extension 585.

Town of
Selbyville
Ground-
breaking
Ceremonies

Mr. Stickels, County Administrator, advised Council that the Town of Selbyville will be holding groundbreaking ceremonies on Friday, November 2, 1990 at 2:00 p.m. at the site of their new Industrial Park. The Town Council has asked that the County Council participate in this ceremony.

Western
Sussex
Land Use
Plan

Mr. Stickels, County Administrator, stated that the record for written comments regarding the Western Sussex Land Use

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Western
Sussex
Land Use
Plan
(Continued)

Plan Public Hearing which was held on Tuesday, October 23, 1990 will remain open until the close of business on Monday, November 5, 1990. To date, no additional statements have been received.

Intervet,
Inc.

Councilman Cole questioned the status of the application of Intervet, Inc., Shaft Ox Corner, Millsboro, Delaware, for a permit to construct and operate an incinerator for the destruction of noninfectious veterinary animal wastes through the Division of Air and Waste Management, Department of Natural Resources and Environmental Control (DNREC), State of Delaware. DNREC has advised the application will not be acted upon until such time as the County has determined the legality of Intervet's purpose for constructing and operating said incinerator as an accessory use to a veterinary clinic in an AR-1 Agricultural Residential District.

Councilman Dukes stated that he and Councilman Mariner recently attended a public meeting at which a slide presentation was shown detailing Intervet's operation. The facility has stringent security and the surrounding community seems to favor incineration over vehicular transport of the animal carcasses to the Delaware Solid Waste Authority's Southern Solid Waste Facility for disposal.

Mr. Jones, Acting County Attorney, is to obtain further information regarding Intervet's proposed incinerator construction and operation and report back to Council at a later date.

Option
Agreement/
Dagsboro-
Frankford
Sanitary
Sewer
District

Mr. Archut, Chief of Planning and Permits, County Engineering Department, appeared before Council regarding an Option Agreement, dated May 4, 1990, with Edward James Steen for the purchase of approximately seventy-four (74) acres of land to be used as a spray irrigation site for the Dagsboro-Frankford Sanitary Sewer District. The average of two (2) appraisals of the property which have been obtained is greater than the per acre price listed in the Option Agreement. Therefore, consideration to exercising the option is requested prior to the expiration date of November 4, 1990 to prevent an increase in the purchase price stated in the Option Agreement of \$3,250.00 per acre.

M 483 90
Approve
Exercise
of Option
Agreement/
Dagsboro-
Frankford
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council approve the Sussex County Engineering Department to exercise the option to purchase 73.98± acres from Edward James Steen in accordance with the Option Agreement dated May 4, 1990, final settlement to be held at the Sussex County Council Chambers within

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(Continued) ninety (90) days after the date on which the option is exercised. Motion Adopted: 5 Yea.

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

C/Z #1087 Change of Zone No. 1087, filed on behalf of Charles and Donna Moore, was discussed. The Public Hearing was held on September 11, 1990 and action was deferred.

M 484 90
Adopt A Motion was made by Mr. Cole, seconded by Mr. Dukes, to
Proposed Ordinance adopt Proposed Ordinance entitled "AN ORDINANCE TO AMEND
(C/Z #1087) 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. Motion Denied: 5 Nay.

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

Findings
of Facts The findings of facts and recommendations of the Planning
C/Z #1087 and Zoning Commission are incorporated into the record.
The County Council denied the requested Change of Zone,
finding that the proposed change constitutes spot zoning.
The Council found that the commercial rezoning is out of
character with the surrounding agricultural/residential
area. The Council found that no need was shown to support
the rezoning.

M 485 90
Approve A Motion was made by Mr. Cole, seconded by Mr. Stevenson,
Plat Plan/ to approve the Plat Plan for Subdivision No. 90-5, Nassau
Nassau Woods. Motion Adopted: 5 Yea.

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

M 486 90
Approve A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Plat Plan/ approve the Plat Plan for Subdivision No. 90-8, Hidden Oaks.
Hidden 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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M 487 90
Council-
manic Grant/
Centennial
and Nostal-
gia Days of
Rehoboth
Beach
Committee

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to grant \$500.00 (from Mr. Cole's Councilmanic Account) to the Centennial and Nostalgia Days of Rehoboth Beach Committee to assist in promoting Rehoboth Beach throughout its centennial year. Motion Adopted: 5 Yea.

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

Recess

At 10:49 a.m., Council President Stevenson declared a recess until 1:30 p.m.

Reconvene

Council reconvened at 1:30 p.m.

Public
Hearing
C/U #952

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 LAWN SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3 ACRES, MORE OR LESS" (C/U #952) filed on behalf of Ed Fleming. The Public Hearing was closed.

M 488 90
Adopt
Ordinance
No. 729
(C/U #952)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adopt Ordinance No. 729 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWN SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3 ACRES, MORE OR LESS" (C/U #952) filed on behalf of Ed Fleming, subject to the following stipulations:

1. The site plan shall require the review and approval of the Planning and Zoning Commission.
2. Signage shall be limited to thirty-two (32) square feet per facing (unlit).
3. The existing hedgerow on-site shall be retained.
4. Chemicals and fertilizers shall be stored inside only.
5. Nursery stock shall be stored to the rear of the office building and shop only.
6. The entrance shall be wide enough to allow the simultaneous entry and leaving of vehicles.

Motion Adopted: 5 Yea.

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M 488 90
(Continued)

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

Findings
of Facts
C/U #952

The findings of facts and recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of the County Council. The Council approved the requested Conditional Use, finding it appropriate as long as the six (6) stipulations set out are met.

Public
Hearing
C/U #953

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 11.13 ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16.93 ACRES, MORE OR LESS" (C/U #953) filed on behalf of Gerald Hickman. The Public Hearing was closed.

M 489 90
Adopt
Ordinance
No. 730
(C/U #953)

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to adopt Ordinance No. 730 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN 11.13 ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16.93 ACRES, MORE OR LESS" (C/U #953) filed on behalf of Gerald Hickman, subject to the following stipulations:

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
2. There shall be no dewatering of the site.
3. There shall be no stockpiling or bringing in of materials from off-site.
4. There shall be a locked gate at the entrance to limit access.
5. There shall be no Sunday hours of operation.
6. Only the borrow pit owner's vehicles, or vehicles leased by the borrow pit owner, shall utilize the site.
7. The owner of the borrow pit will maintain access roads.

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 #953

The findings of facts and recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of the County Council. The Council determined that the proposed Conditional Use is appropriate, as long as the seven (7) stipulations set out are met.

Public
Hearing
C/Z #1093

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.27 ACRES, MORE OR LESS" (C/Z #1093) filed on behalf of Brenda S. Walls. The Public Hearing was closed.

M 490 90
Adopt
Ordinance
No. 731
(C/Z #1093)

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adopt Ordinance No. 731 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.27 ACRES, MORE OR LESS" (C/Z #1093) filed on behalf of Brenda S. Walls. 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 #1093

The findings of facts and recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of the County Council. The Council approved the proposed Change of Zone, finding that there are other commercial-type uses in the area and that neighbors were in support of the rezoning.

C/Z #1094

Mr. Lank, Director of Planning and Zoning, informed Council that Change of Zone No. 1094, filed on behalf of Elizabeth Lawrence, was withdrawn.

Public
Hearing
C/Z #1095

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9,600 SQUARE FEET, MORE OR LESS" (C/Z #1095) filed on behalf of Hugh F. and Cecilia Higgins. The Public Hearing was closed.

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M 491 90
Adopt
Ordinance
No. 732
(C/Z #1095)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adopt Ordinance No. 732 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 9,600 SQUARE FEET, MORE OR LESS" (C/Z #1095) filed on behalf of Hugh F. and Cecilia Higgins. 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/Z #1095

The findings of facts and recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of the County Council. The County Council approved the requested Change of Zone, finding that surrounding properties are already zoned B-1 Neighborhood Business. The Council found that the proposed rezoning is not for speculation purposes, but because the applicants intend to locate a retail business on the premises.

M 492 90
Adjournment

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to adjourn at 3:09 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Susan W. Webb

Susan W. Webb
Acting Clerk of the County Council