

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-NOVEMBER 13, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, November 13, 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 496 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:

MARIAN STUART, EXECUTIVE DIRECTOR, SUSSEX COUNTY UNITED WAY, INC., GEORGETOWN
RE: Soliciting support for their 1990 Fund-Raising Campaign.

DELAWARE RIVER BASIN COMMISSION, NEW JERSEY
RE: Notice of Public Meetings to discuss the Commission's recently released document entitled Staff Report on Scenic Rivers Water Quality Protection (Hancock, New York to the Delaware Water Gap). The document proposes an enhanced water quality management program for the scenic rivers region.

ANTHONY L. LECATES, 143 MEADOW BRANCH, LAUREL
RE: Opposition to Proposed Ordinance relating to the establishment of landscaped buffer strips.

Resort
Furnishings
Wastewater
Request

Ernest and Frank Raskauskas, Resort Furnishings, were present to appeal the decision of the Engineering Department to include their business in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District. Their appeal, a written and oral request, included history of their efforts since 1978 to be included in the Bethany Beach Sanitary Sewer District. Also included in the appeal, was a request that the Engineering Department provide a practical sewer tap to which they can make a sewer connection.

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Resort
Furnishings
Wastewater
Request

Mr. Green, Chief of Utility Construction, reviewed the boundaries that were established for the two (2) districts, Bethany Beach Sanitary Sewer District and the North Bethany Expansion of the Bethany Beach Sanitary Sewer District. In accordance with the established boundaries, Resort Furnishings is included in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District. A lateral was provided for their connection within that district. Prior to the installation of the lateral being placed within the North Bethany Expansion, a letter was sent requesting input on its placement by the user. No comments were received from Mr. Raskauskas in response to this letter.

The Engineering Department recommends that Resort Furnishings remain in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District. Boundaries could be amended, however, it is believed that this would be setting a precedent that could create a domino effect.

Councilman Cole requested that a large map be made available for Council's review showing the fusion of the boundaries for the Bethany Beach Sanitary Sewer District and the North Bethany Expansion of the Bethany Beach Sanitary Sewer District.

Action was deferred on the Resort Furnishings Wastewater Request. It will be placed on the Agenda in two (2) weeks allowing time for the Engineering Department to provide the following information: a map showing the fusion of the boundaries for the Bethany Beach Sanitary Sewer District and the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; and, confirmation that the lateral now provided for the parcel to the North Bethany Expansion is workable.

Additional
Human
Service
Grant
Requests

Mr. Stickels, County Administrator, reported that he had received three (3) additional requests for Human Service Grants. The Georgetown Historical Society requested \$1,000.00 to be used for expenses in accepting the extensive Nutter D. Marvel Carriage Museum and publishing a book of Georgetown memoirs; Millsboro Historical Society requested \$1,000.00 to be used for the renovation of the old Godwin School, west of Millsboro; and, the Sussex Chapter of Compassionate Friends had requested \$250.00 to be used to offer support and understanding to bereaved parents.

M 497 90
Human
Service
Grants
Authorized

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to authorize the distribution of three (3) additional Sussex County Human Service Grants as follows:

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M 497 90
(Con't.)
Human
Service
Grants

Georgetown Historical Society	\$1,000.00
Millsboro Historical Society	1,000.00
Sussex Chapter of Compassionate Friends	250.00

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Glass Recycling Program - 234,150 pounds of glass has been collected in the last twelve months. Of this total, the County Transfer Stations collected 98,000 pounds. A savings of \$3,777.20 has been realized from this program during the last twelve months. In the two years that the program has been in operation, 1,215,950 pounds of glass has been collected in Kent and Sussex Counties, with a cost savings of \$38,755.00 for local governments.
2. Sign Ordinance - The Sussex County Sign Ordinance requires that all political signs, thirty-two (32) square feet or smaller, be removed by Friday, December 7, 1990. Failure to remove the signs could result in a fine of up to \$100.00 a day being levied for each violation. The fine would be assessed to the property owner where the sign is located.
3. Community Development Block Grant Contract No. 03-89 - Delaware State Housing Authority has completed the closeout for Sussex County Community Development Block Grant Contract No. 03-89 and found everything to be in compliance. Forty-five (45) homes were projected to be rehabilitated and we actually accomplished the rehabilitation of forty-seven (47) homes. The amount of the grant award was \$580,569.93; \$580,546.93 was spent, leaving \$23.00 unspent. The Community Development Block Grant Program staff should be complimented for their efforts. William C. Lecates is the Community Development Program Director and Charles Farrell is the Housing Specialist. Efforts should be made in the FY '92 Budget to hire another Housing Specialist. Currently, the waiting list is 291 homes. Expansion of this department will depend on continuing State and federal funding.

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Compost
Area
Suggested

Councilman Cole asked if it would be possible to have a compost area at each of the Transfer Stations. This suggestion will be considered in future planning for the Transfer Stations.

Paramedic
Liability
Insurance

Mr. Stevenson, Paramedic Director, reviewed the need for liability insurance for the Paramedic Program. This insurance is available at an approximate cost of \$181.00 per individual insured. This expense is one that would be borne by the County, since it is the State's belief that they would be covered from such liability by sovereign immunity.

M 498 90
Purchase
Paramedic
Liability
Insurance

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorize the purchase of Liability Insurance for the Sussex County Paramedic Program based upon the recommendations of the Paramedic Director and the consultant, Insurance Buyers' Council, Inc. Motion Adopted: 5 Yea.

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

Cedar
Landing
Wastewater

Mr. Green, Chief of Utility Construction, discussed Conditional Acceptance for the wastewater facilities for Cedar Landing, a one hundred and thirty-seven (137) lot subdivision located in the Proposed Cedar Neck Sanitary Sewer District. This was discussed at the Council Meeting on September 11, 1990. Action was tabled due to concern for the County's financial responsibility for the system until such time as the sewer is completed in the Proposed Cedar Neck Sanitary Sewer District. The Engineering Department worked with the developer and prepared a stipulation that addresses the financial responsibility for the system until such time as the proposed sewer is completed.

M 499 90
Cedar
Landing
Stipula-
tion for
Wastewater

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, based upon the recommendation of the Inspection Engineer, Kidde Consultants, Inc., for Sussex County Project No. 81-04, that the Sussex County Council grant "Conditional Acceptance" for the wastewater facilities in Cedar Landing in the Proposed Cedar Neck Sanitary Sewer District with the following stipulation:

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M 499 90
(Con't.)
Cedar
Landing
Stipulation
for Waste-
water

All required maintenance and/or repairs to the installed sanitary sewer system, installed in accordance with the Code of Sussex County, Chapter 110, Part 2, Extension of Public Water and/or Sewer Systems (previously known as Ordinance No. 38), will be performed by the Sussex County Operation and Maintenance Division or its agents. Inspection, if deemed necessary by Sussex County, will be performed by the Sussex County Utility Construction Department. All charges will be based on time and material and invoiced to Goodwin Taylor and other duly listed owners of the project. Inspection costs will be charged at ten percent (10%) of the total itemized invoice. All invoices must be current prior to Sussex County issuing future connection permits. This Agreement shall be placed in written form and signed by all parties prior to becoming effective.

Motion Adopted: 3 Yea; 1 Nay; 1 Abstention.

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

M 500 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$1,000.00, from Mr. Stevenson's Councilmanic Account, to the Bridgeville Public Library, to help with debt reduction on their main room renovation project at their Library.
Motion Adopted: 5 Yea.

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

Pioneer
Club
Request

Mr. Stickels, County Administrator, read a letter from The Pioneer Club of Sussex County/Visually Impaired asking for financial aid for their transportation needs. Past contributions of \$1,000.00 each year have enabled their members to use the D.A.S.T. buses to attend weekly meetings.

M 501 90
Human
Service
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, authorizing the distribution of \$1,000.00 as a Human Service Grant to The Pioneer Club of Sussex County/Visually Impaired. Motion Adopted: 4 Yea; 1 Nay.

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M 501 90
(Con't.)

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

Incinerator
Question

Councilman Dukes asked that Sussex County contact Mr. Vasuki, General Manager, Delaware Solid Waste Authority, to determine why the incinerator in New Castle County has been shut down. In addition, he would like to know what changes, if any, are planned for the operation of the incinerator in Sussex County. The County Administrator will contact Mr. Vasuki concerning this matter.

Public
Hearing
Plumbing
License
Fee

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, RELATING TO ASSESSMENT OF A PLUMBING LICENSE FEE". There were no public comments. The Public Hearing was closed.

M 502 90
Adopt
Ordinance
No. 733
Plumbing
License
Fee

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 733 entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, RELATING TO ASSESSMENT OF A PLUMBING LICENSE FEE". 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
C/U #957

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES AND DISPLAY OF WOODEN PRODUCTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.36 ACRES, MORE OR LESS" (C/U #957) filed on behalf of Ronald H. Vassallo and Diane M. Vassallo. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1105

Mr. Benson introduced 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 28.15 ACRES, MORE OR LESS" (C/Z #1105) filed on behalf of W. Nelson Hall. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/Z #1106

Mr. Benson 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.206 ACRES, MORE OR LESS" (C/Z #1106) filed on behalf of George C. Coverdale. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1107

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 55,200 SQUARE FEET, MORE OR LESS" (C/Z #1107) filed on behalf of Leon T. Fleming and others. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1108

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.3 ACRES, MORE OR LESS" (C/Z #1108) filed on behalf of Margaret K. Justice and Clifton S. Justice. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1109

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 28,769 SQUARE FEET, MORE OR LESS" (C/Z #1109) filed on behalf of Robert W. Shipe. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1110

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.37 ACRES, MORE OR LESS" (C/Z #1110) filed on behalf of Millard F. Murray. The Proposed Ordinance will be advertised for Public Hearing.

November 13, 1990

Recess

President Stevenson declared a recess at 11:10 a.m. until 1:30 p.m.

Reconvene

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

Public Hearing
Buffer Strips

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF LANDSCAPED BUFFER STRIPS". The Public Hearing was closed and the record was held open for two (2) weeks for written comments concerning the Proposed Ordinance.

Public Hearing
Sewers Within Subdivisions

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO SANITARY SEWER FACILITIES WITHIN SUBDIVISIONS". The Public Hearing was closed.

M 503 90
Adopt Ordinance No. 734
Sewers within Subdivisions

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 734 entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO SANITARY SEWER FACILITIES WITHIN SUBDIVISIONS". Motion Adopted: 5 Yea.

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

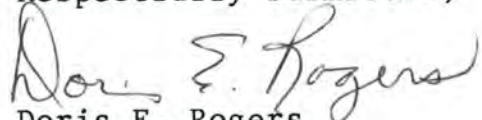
Incinerator Concern

Shirley Wilson was present and asked the County to continue with their efforts to raise opposition to the placement of an incinerator in Sussex County.

M 504 90
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 2:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council