

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 5, 1999

Swear- A Swearing-In Ceremony of Elected Officials was held at
ing-In 9:00 a.m. in the Council Chambers, Sussex County Adminis-
Ceremony trative Office Building, Georgetown, Delaware, with The
Honorable T. Henley Graves presiding. The following
Elected Officials were sworn in: George B. Cole, Sussex
County Council; Vance C. Phillips, Sussex County Council;
D. Ray Ellerman, Clerk of the Peace; Howard A. Clendaniel,
Register of Wills; Richard H. Bell, II, Recorder of Deeds;
and Robert L. Reed, Sheriff.

Call to The regular meeting of the Sussex County Council was held
Order Tuesday, January 5, 1999, at 10:00 a.m., in the Council
Chambers, Sussex County Administrative Office Building,
Georgetown, Delaware, with the following present:

Dale R. Dukes,	President
Finley B. Jones, Jr.	Vice President
Lynn J. Rogers	Member
George B. Cole	Member
Vance Phillips	Member

The meeting was opened by repeating the Lord's Prayer and
Pledge of Allegiance to the Flag.

M 001 99 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Approve approve the Agenda, as presented.
Agenda

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Phillips, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

President Mr. Dukes expressed his appreciation to his fellow Council-
Dukes men and to the staff for their assistance and cooperation
over the past eight years during his term as President of
the Sussex County Council.

Nomina- Mr. Dukes nominated Mr. Jones to serve as President of the
tions Sussex County Council during 1999 and Mr. Rogers to serve
as Vice President of the Sussex County Council during 1999.

M 002 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers,
Elect that Finley B. Jones, Jr. be elected to serve as President
President of the Sussex County Council for the year 1999 and Lynn J.
and Rogers be elected to serve as Vice President of the Sussex
Vice County Council for the year 1999.
President

Motion Adopted: 5 Yea.

M 002 99 Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
(con't) Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Gavel Mr. Dukes passed the gavel to Mr. Jones.

M 003 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that
Appoint Eugene H. Bayard be appointed County Attorney and attorney for
Attorney the Sussex County Council for the year 1999.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 004 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that
Appoint Dennis L. Schrader be appointed Assistant County Attorney and
Assistant attorney for the Planning and Zoning Commission for the year
County 1999.
Attorney

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 005 99 A Motion was made by Mr. Dukes, seconded by Mr. Cole, that
Appoint Richard Berl be appointed Assistant County Attorney and
Assistant attorney for the Board of Adjustment for the year 1999.
County
Attorney Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Ordinance Mr. Stickels, County Administrator, distributed the following
Policy policy for Council's review:

Ordinance Policy

1. Any Councilman may request a staff member to draft an ordinance.
2. Prior to requesting staff to draft an ordinance, the Councilman will inform other Council members of his intent to have an ordinance drafted. The Councilman will state objectives and reasons for the drafting of the ordinance. The request for drafting an ordinance will be done at a Council meeting under "Additional Business".

Ordinance
Policy
(con't)

3. Once the ordinance has been drafted, the County Administrator will place it on the agenda for discussion. At that time, the ordinance may be introduced for public hearing.
4. A request for public hearing does not require Council approval.

Mr. Stickels, County Administrator, noted that the County has been following this policy for the past five years.

M 006 99
Adopt
Ordinance
Policy

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt the Ordinance Policy.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Policy/
Change
in
State
Law

Mr. Stickels, County Administrator, distributed the following policy for Council's review:

Policy - Change in State Law

1. Prior to the County Administrator or the County's lobbyist requesting the General Assembly to change a State law that affects County operations, the State law will be discussed at a Council meeting.
2. The County Administrator or the County lobbyist cannot actively participate in changing a State law if there is not a consensus of support for the legislation.
3. The County Administrator will update the Council monthly on the activities of the General Assembly.

Mr. Stickels, County Administrator, noted that the County has been following this policy since 1988.

Mr. Phillips questioned whether this policy would prohibit him from lobbying the General Assembly to exempt Sussex County from the State Housing Code. Mr. Phillips was advised that the proposed policy would not prohibit him from lobbying on his own behalf.

Mr. Stickels, County Administrator, expressed concern that if Sussex County was exempt from the State Housing Code, and no County Housing Code existed, the County's ability to receive Federal and State funding may be at risk, i.e. Community Development Block Grant funding. It was decided that officials of the Delaware State Housing Authority would be invited to attend a Council meeting to discuss this matter further.

M 007 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to
Adopt the Policy relating to Change in State Law.
Policy/
Change
in
State
Law

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Roll
Call/
Seating
Arrange-
ment

Mr. Cole questioned the order of the roll call and the seating arrangement of the Councilmen. Mr. Cole noted that the new voting order deviates from tradition. Following a short discussion, Mr. Jones advised that no changes will be made at this time; however, the matter will be taken under advisement.

Rules of
Procedure

Mr. Stickels, County Administrator, distributed for Council's review the "Rules of Procedure of the Sussex County Council of Sussex County, Delaware". These Rules of Procedure were initially adopted on January 23, 1996, and are considered annually for reoption.

M 008 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to
Adopt the "Rules of Procedure of the Sussex County Council of
Rules of
Sussex County, Delaware".
Procedure

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 009 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to
Approve the minutes of the previous meeting, dated December
Minutes 22, 1998.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Abstained; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Corre-
spondence

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice of a Public Hearing to be conducted on proposed amendments to the State of Delaware "Regulations Governing the Control of Air Pollution".

RE: Notice of Public Hearing on the re-proposal of Regulation 37 - NOx Budget Program, to be added to the State of Delaware "Regulations Governing the Control of Air Pollution".

Corre- WEST SIDE NEW BEGINNINGS, INC., REHOBOTH, DELAWARE.
spondence RE: Letter in appreciation of the County's assistance with the
(con't) clean-up of West Rehoboth.

KIM M. CARNEY, ST. JOHN'S CHURCH, SEAFORD COMMUNITY FOOD CLOSET,
SEAFORD, DELAWARE.
RE: Letter in appreciation of the volunteers who collected and
delivered the cases of canned goods to the Seaford Community
Food Closet.

GEORGE CAHILL, CHAIRMAN, AFTER SCHOOL INTRAMURAL PROGRAM,
SOUTHERN DELAWARE SCHOOL FOR THE ARTS, SELBYVILLE, DELAWARE.
RE: Letter requesting funding for the After School Intra-
mural Program.

TROOP #5 NEEDY FAMILY PROJECT COMMITTEE, BRIDGEVILLE, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

DONALD A. ORR, PRESIDENT, ATLANTIS INDUSTRIES, INC., MILTON,
DELAWARE.
RE: Status of Industrial Revenue Bond loan to Orr Industries,
Inc.

EDWARD H. RALPH, PRESIDENT, LAUREL PUBLIC LIBRARY BOARD OF
COMMISSIONERS, LAUREL, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

M 010 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Authorize authorize an Executive Session to be held on this date at
Executive 11:30 a.m. for the purpose of discussing personnel.
Session

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Human Mr. Stickels, County Administrator, discussed a request from
Service First State Community Action Agency for a Human Service Grant
Grant in the amount of \$1,500.00 for the Fourth Annual Strong Com-
Request munities Initiative Summit. Mr. Stickels reported that, to date,
\$102,500 has been distributed in Human Service Grant funding;
there is \$2,500 in funding remaining.

M 011 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Authorize give \$1,500.00 from Human Service Grants to First State
Human Community Action Agency.
Service
Grant

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Phillips, Nay; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Reasons for Vote Mr. Phillips noted that his negative vote was due to the fact that this request was received past the original deadline for Human Service Grant requests.

M 012 99 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 (\$125.00 each from Mr. Cole's, Mr. Dukes', Mr. Jones', and Mr. Rogers' Councilmanic Accounts) to the Sussex County Fire Chief's Association to send the President of the Association to The International Fire Instructors Conference in Indianapolis, Indiana.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Abstained; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea

Reasons for Vote Mr. Phillips did not participate in this funding due to the lack of funds in his Councilmanic Account.

Project Impact/ City of Lewes Ms. Betsy Reamer, Lewes Chamber of Commerce, and Ms. Betty Collins, Sussex County Emergency Operations Center, discussed the Project Impact initiative for the City of Lewes; an initiative to build a disaster resistant community. Ms. Reamer provided Council with a background on the initiative. A work group has been established to obtain partnership agreements with State, County, and local officials and business leaders after which a Memorandum of Agreement will be submitted to FEMA. On Tuesday, February 16, 1998, a signing ceremony will be held. The Honorable Thomas R. Carper and FEMA's Director James Lee Witt are scheduled to attend.

M 013 99 Adopt Resolution No. R 008 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Resolution No. R 008 99 entitled "ENDORISING PROJECT IMPACT: BUILDING A DISASTER RESISTANT COMMUNITY (CITY OF LEWES PARTNERSHIP AGREEMENT)".

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Abstained; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea

Reasons for Vote Mr. Phillips advised that his abstention was due to the fact that he had not received the Proposed Resolution prior to the meeting and therefore, was unfamiliar with the content of the Proposed Resolution.

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

Adminis-
trator's
Report
(con't)

1. Town of Delmar - New Water Treatment Plant

The Town of Delmar will be holding a Ribbon Cutting Ceremony on Saturday, January 23, 1999, for their new water treatment plant located on York Street in Delmar, Delaware. The ceremony will take place at 10:00 a.m. Please note the change of date. It was originally scheduled for January 16.

2. Sussex County Association of Towns (SCAT)

The Sussex County Association of Towns will be meeting at Sussex Pines on Wednesday, January 6, 1999, at 7:00 p.m. Sussex County senators and representatives have been invited to the dinner to review SCAT's legislative priorities for the upcoming legislative session.

3. Increase in Building Permits

A reminder that effective February 1, 1999, the cost of building permits will increase one-quarter of one percent of the cost of construction. Funding received from this increase will be used to fund the Sussex County Volunteer Firemen's Association Enhancement Funding Program.

4. Workshop

A workshop has been scheduled for Thursday, February 4, 1999, for the Planning and Zoning Commission, Board of Adjustment, and Sussex County Council. The workshop will be held in the County's West Complex located on DuPont Highway, Georgetown, Delaware. The meeting will start at 6:30 p.m. in the Conference Room. The purpose of the workshop will be to discuss Planning and Zoning ordinances, as well as the County Code. If any Councilmen have issues regarding any ordinances, it would be helpful if I knew about them prior to the workshop.

(Mr. Stickels noted that an Agenda for this meeting will be posted.)

(Mr. Phillips stated that he encourages the public to bring their concerns to the attention of their Councilmen so that these concerns can be addressed.)

(Mr. Cole expressed concern that, since the adoption of the Comprehensive Plan in 1997, implementing ordinances have not been adopted.)

Resolu-
tions

Mr. Baker, Finance Director, reviewed the seven Proposed Resolutions listing the bank accounts of the Sussex County Council.

M 014 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt
Adopt Resolution No. R 001 99 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMING-
tion No. TON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF FINLEY
R 001 99 B. JONES, JR., PRESIDENT; LYNN J. ROGERS, 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. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 015 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt
Adopt Resolution No. R 002 99 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMING-
tion No. TON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO
R 002 99 OF FINLEY B. JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE
PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 016 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt
Adopt Resolution No. R 003 99 entitled "CASH MANAGEMENT ACCOUNT RESOLU-
Resolu- TION".
tion No.

R 003 99 Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 017 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt
Adopt Resolution No. R 004 99 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON
tion No. BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF FINLEY B.
R 004 99 JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT; OR D. B.
BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE
PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 018 99 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt
Adopt Resolution No. R 005 99 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE
tion No. NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF FINLEY B.
R 005 99 JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT; OR D. B.
BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE
PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Abstained; Mr. Rogers, Yea;
Mr. Jones, Yea

Reason Mr. Dukes abstained due to a conflict of interest; Mr. Dukes
for Vote is a member of the Board of Directors of Delaware National Bank.

M 019 99 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt
Adopt Resolution No. R 006 99 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE
tion No. NATIONAL BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF
R 006 99 FINLEY B. JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT;
OR D. B. BAKER, FINANCE DIRECTOR",

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Abstained; Mr. Rogers, Yea;
Mr. Jones, Yea

Reason Mr. Dukes abstained due to a conflict of interest; Mr. Dukes
for Vote is a member of the Board of Directors of Delaware National Bank.

M 020 99 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt
Adopt Resolution No. R 007 99 entitled "AUTHORIZING THE PAYMENT FROM
Resolu- FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE BALTIMORE
tion No. TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF FINLEY B.
R 007 99 JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT; OR D. B.
BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE
PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

The Mr. Green, Director of Utility Construction, discussed Bene-
Pines of ficial Acceptance of the wastewater facilities constructed in
Long The Pines of Long Neck, Phases III and IV, located in the Long
Neck Neck Sanitary Sewer District.

M 021 99 Grant Beneficial Acceptance/ The Pines of Long Neck A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in The Pines of Long Neck, Phase III and IV, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Abstained; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY 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 20,820 SQUARE FEET, MORE OR LESS, ON TWO (2) PARCELS" (Change of Zone No. 1366) filed on behalf of Indian River Marina Pier, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAND PLANNING DESIGN CONSULTING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.53 ACRES, MORE OR LESS" (Conditional Use No. 1272) filed on behalf of Design Consulting Group, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Conflict of Interest/ Code of Ethics Mr. Phillips commented on the topics of Conflict of Interest and Code of Ethics. He stated that he would like the term Conflict of Interest clarified and he questioned whether the County should take another look at adopting a Code of Ethics. In response to his comments, Mr. Phillips was advised that Mr. Baker, Finance Director, will meet with him to discuss the County's policy relating to purchasing and dealing with County officials and employees, a policy approved by the State Ethics Commission. Also, the County's legal counsel will meet with Mr. Phillips to review the State law as it relates to Code of Ethics and public officials.

Mr. Bayard, County Attorney, explained that the County Council has discussed, on several occasions, the adoption of a Code of Ethics and has concluded that State law is sufficient for its purposes.

Night Meetings Mr. Phillips questioned where Council members stand on the issue of holding meetings at night.

Night
Meetings
(con't)

Mr. Jones advised that his position is that he does support the concept of night meetings; however, Council should initiate the process slowly, possibly by having quarterly night meetings. Mr. Jones noted that this proposal did not have the support of the majority of Council.

Mr. Cole stated that he believes it is important that the County hold public hearings in the evening. He recommended that the County conduct regular business beginning at 4:00 p.m., with a break for dinner, and public hearings beginning at 7:00 p.m.

Mr. Dukes advised that his position is that the current schedule of the County Council works and he does not see any reason to change it. He noted that the current schedule allows citizens to attend public hearings scheduled by the Planning and Zoning Commission in the evening and/or attend public hearings scheduled by the County Council during the day.

Mr. Phillips noted his support of holding night meetings and of Mr. Cole's proposal on the table. Mr. Phillips stated that night meetings will open up opportunities for meeting attendance and for future service on the County Council.

M 022 99
Hold
Night
Meetings
Every
Week

A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council begin to hold night meetings every week beginning in April with the evening meeting to begin with regular business at 4:00 p.m., with a break for dinner, and public hearings to be held at 7:00 p.m.

Motion Denied: 3 Nay, 2 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Nay; Mr. Rogers, Nay;
Mr. Jones, Nay

Opinion/
Night
Meetings

Mr. Rogers advised that he is not in opposition to night meetings; however, he is opposed to the proposal on the table.

M 023 99
Authorize
Adminis-
trator
to
Report
on Night
Meeting
Options

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to authorize the County Administrator to research the night meeting proposal; to develop options to be submitted to Council; and to report back to Council in thirty days.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Nay; Mr. Rogers, Yea;
Mr. Jones, Yea

M 024 99 At 11:37 a.m., a Motion was made by Mr. Dukes, seconded by
Recess Mr. Rogers, to recess and go into Executive Session. Motion
Adopted by Voice Vote.

Executive An Executive Session of the Sussex County Council was held
Session/ beginning at 11:45 a.m. for the purpose of discussing person-
Recess nel. The Executive Session concluded at 12:20 p.m and the
meeting was recessed until 1:30 p.m.

Reconvene Mr. Jones called Council back into session at 1:30 p.m.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR
(C/U GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING USE
No. 1263) (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING
0.5054 ACRES, MORE OR LESS" (Conditional Use No. 1263) filed
on behalf of Jay and Judy Bestpitch. There were no public
comments and the Public Hearing was closed.

M 025 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt Adopt Ordinance No. 1280 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT
No. 1280 FOR MULTI-FAMILY DWELLING USE (2 UNITS) TO BE LOCATED ON A
(C/U CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUN-
No. 1263) DRED, SUSSEX COUNTY, CONTAINING 0.5054 ACRES, MORE OR LESS"
(Conditional Use No. 1263) filed on behalf of Jay and Judy
Bestpitch, with the following conditions:

1. The applicant must obtain approval from DNREC for a sewage disposal system.
2. The additional dwelling shall be limited to a one-bedroom unit.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all agency approvals.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Findings The Council found that the conditional use was appropriate
of Fact legislative action based on the following findings of fact:

1. Uses of surrounding properties are generally seasonal, which is consistent with the use to which new dwelling unit will be put.
2. The use will have no adverse impact upon surrounding properties.

Findings
of Fact
(con't)

3. The conditional use is not inconsistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1264)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL STONE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.11 ACRES, MORE OR LESS, OF A 15.81 ACRE TRACT" (Conditional Use No. 1264) filed on behalf of Louis Lee Vickers, Jr. and Lori Leigh Vickers. There were no public comments and the Public Hearing was closed.

M 026 99
Adopt
Ordinance
No. 1281
(C/U
No. 1264)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1281 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL STONE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.11 ACRES, MORE OR LESS, OF A 15.81 ACRE TRACT" (Conditional Use No. 1264) filed on behalf of Louis Lee Vickers, Jr. and Lori Leigh Vickers, with the following conditions:

1. Business hours shall be from 6:00 a.m. until 5:00 p.m. Monday through Friday, and 8:00 a.m. until noon on Saturdays, with no Sunday hours.
2. Signage shall be no larger than the existing sign, which is approximately 3 feet by 3 feet.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all agency approvals.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Findings
of Fact

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

1. The present business has existed on the site for approximately 30 years, and the conditional use will simply recognize the long-standing commercial use of the property.

Findings
of Fact
(con't)

2. The use will have no adverse impact on the immediate area or the surrounding community, in that all equipment is parked inside the buildings, the business is operated by the applicant and his wife, with only one full-time employee, all materials are trucked in from off-site, and no building expansions are contemplated.
3. The conditional use will have no impact upon traffic, and the site itself is located along Route 26.
4. The conditional use is not inconsistent with the purposes and goals of the Comprehensive Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1360)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS" (Change of Zone No. 1360) filed on behalf of Billy C. Jones, Jr. There were no public comments and the Public Hearing was closed.

M 027 99
Adopt
Ordinance
No. 1282
(C/Z
No. 1360)

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1282 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS" (Change of Zone No. 1360) filed on behalf of Billy C. Jones, Jr.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Findings
of Fact

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

1. The applicant's request is for "downzoning", which is generally a preferred situation in Sussex County.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1361)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.28 ACRES, MORE OR LESS" (Change of Zone No. 1361) filed on behalf of Gulfstream Development. Public comments were heard; although there was no opposition to the project itself, concern was expressed regarding property lines and traffic problems. The Public Hearing was closed.

M 028 99
Adopt
Proposed
Ordinance
(C/Z
No. 1361)

A Motion was made by Mr. Cole 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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.28 ACRES, MORE OR LESS" (Change of Zone No. 1361) filed on behalf of Gulfstream Development, with the following conditions:

1. Central sewer service shall be provided as part of the Sussex County South Coastal Regional Sewer System and design shall be as approved by the Sussex County Engineering Department.
2. A central water system shall be provided complying with the regulations of DNREC, the office of the State Fire Marshal and the Division of Public Health.
3. Stormwater management and erosion control plans shall conform with all State and County regulations.
4. Road and entrance improvements shall be completed by the developer per requirements of Delaware Department of Transportation.
5. Prior to completion of the 100th unit, recreational facilities including tennis courts, swimming pool and Club House shall be constructed on site with appropriate fencing as determined by the Planning and Zoning Commission. Location of the recreational area to be as submitted to Sussex County Council, as revised.
6. A buffer shall be provided along the boundary of the storage unit parcel and lands to the north and south which shall be landscaped as required by the Planning and Zoning Commission.
7. All lots shall contain a minimum of 7,500 square feet of lot area, exclusive of ponds.
8. The maximum number of residential units shall not exceed 202.

M 028 99
(con't)

9. The final site plan shall be reviewed by the Planning and Zoning Commission.
10. Storage units shall be exclusively utilized by the residents of the community and access thereto shall be from within the community only.
11. A landscaped buffer shall be provided between Greenwich Lane and lands of Vernon P. Ciekot.

The Motion died for the lack of a second.

M 029 99
Adopt
Ordinance
No. 1283
(C/Z
No. 1361)

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1283 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.28 ACRES, MORE OR LESS" (Change of Zone No. 1361) filed on behalf of Gulfstream Development, with the following conditions:

1. Central sewer service shall be provided as part of the Sussex County South Coastal Regional Sewer System and design shall be as approved by the Sussex County Engineering Department.
2. A central water system shall be provided complying with the regulations of DNREC, the office of the State Fire Marshal and the Division of Public Health.
3. Stormwater management and erosion control plans shall conform with all State and County regulations.
4. Road and entrance improvements shall be completed by the developer per requirements of Delaware Department of Transportation.
5. Prior to completion of the 100th unit recreational facilities including tennis courts, swimming pool and Club House shall be constructed on site with appropriate fencing as determined by the Planning and Zoning Commission. Location of the recreational area as submitted to Sussex County Council, as revised.
6. A buffer shall be provided along the boundary of the storage unit parcel and lands to the north and south which shall be landscaped as required by the Planning and Zoning Commission.
7. All lots shall contain a minimum of 7,500 square feet of lot area, exclusive of ponds.

M 029 99
(con't)

8. The maximum number of residential units shall not exceed 202.
9. The final site plan shall be reviewed by the Planning and Zoning Commission.
10. A landscaped buffer shall be provided between Greenwich Lane and lands of Vernon P. Ciekot.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Findings
of Fact

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

1. MR zoning is appropriate for this parcel of land since the purpose of a MR zoning district is to permit medium density residential development in areas served by public sewer and central water systems, both of which are available.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan, in that it is located in an area designated for development, it is located in close proximity to existing residential developments, and the density proposed is less than might be possible without the RPC designation.
3. The development will not adversely impact traffic or the level of service at nearby intersections.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

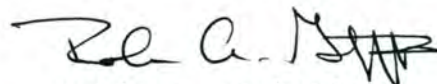
Conflict
of
Interest

Mr. Cole stated that he feels it is important that Council members have a clear understanding of what a Conflict of Interest is. Mr. Cole requested that the County's legal counsel define Conflict of Interest, in writing, and submit the same to the County Council.

M 030 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 3:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council