

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 11, 2000

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, January 11, 2000, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 018 00            A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve Approve Agenda the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 019 00            A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve Amend and Approve Minutes the minutes of the December 21, 1999 meeting, with an amendment to the vote on Ordinance No. 1354, Conditional Use No. 1314 filed on behalf of Perdue-AgriRecycle, LLC (Motion No. M 674 99), as follows:

“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”

The amendment to the minutes was requested by Mr. Phillips.

Motion Adopted: 5 Yea.

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

M 020 00  
Approve  
Minutes

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve the minutes of January 4, 2000, as presented.

Motion Adopted: 5 Yea.

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

Surplus  
Office  
Furniture  
and  
Equipment

Mr. Stickels advised that the following office furniture and equipment currently being stored in the former Library Building is no longer of use to the County:

27 Desks  
43 Shelves  
3 Copiers  
22 Cabinets  
1 Chalkboard  
33 Chairs  
1 Map Rack  
12 Petitions  
1 Table  
1 Bench  
1 Hanger Rack  
3 Book Racks

In the past, Council has approved the sale of surplus office furniture and equipment at Wilson's Auction.

M 021 00  
Approve  
Sale of  
Surplus  
Office  
Furniture  
and  
Equipment

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council approves the sale of surplus office furniture and equipment, as recommended.

Motion Adopted: 5 Yea.

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

Surplus  
County  
Property

Mr. Stickels discussed the County's property on 11 South Race Street, which used to be occupied by the Personnel Department and the Clerk of the Peace. The County Council has declared this as surplus property. The property, with improvements, has an appraised value of \$135,000. Mr. Stickels also discussed the County's property on 8 North Race Street, which used to be occupied by the County's Engineering Department. The County Council has also declared this as surplus property. The appraised value of this property, with improvements, is \$99,500.

Surplus  
County  
Property

Mr. Stickels advised that both of these properties have been on the market for two years. Due to the lack of interest, Mr. Stickels requested permission to go to public auction with these properties.

M 022 00  
Authorize  
Public  
Auction  
for Surplus  
County  
Property

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council, having met in public session, authorizes the County Administrator to prepare the necessary documents for the offering at public auction the property located at 11 South Race Street, with a minimum bid of \$100,000 and the property located at 8 North Race Street, with a minimum bid of \$53,000.

Motion Adopted: 5 Yea.

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

Public  
Auction

The Public Auction will be held on February 22, 2000, beginning at 2:00 p.m. The County reserves the right to reject any bid if the minimum bid amount is not received. The proceeds of the sale of these properties will be used to construct a new building for storage and archiving of records to be located at the Sussex County Industrial Airpark.

Proposed  
Oak  
Orchard  
Sanitary  
Sewer  
District

Mr. Stickels discussed the Proposed Oak Orchard Sanitary Sewer District. On January 4, 2000, the Sussex County Council decided not to certify the December 11, 1999 election results. The results of that referendum were 211 votes for the sanitary sewer district and 210 votes against the sanitary sewer district. A review of the election results determined that two absentee ballots that were submitted by ineligible voters were inadvertently included in the tally.

As requested at the January 4, 2000 Council meeting, Mr. Stickels provided information on rates and voting procedures as they relate to this Proposed District. Cost information provided for the December 11, 1999 referendum was that the average bill for a 75 foot lot was \$726.00 annually. Mr. Stickels stated that he feels comfortable recommending to Council on this date, based on recent meetings, that the rate can be reduced to a minimum of \$595.00 annually. It is also believed that if the County is successful in obtaining additional funding/financing, the rate may be reduced to \$550.00 annually. Mr. Stickels reviewed how the County is trying to accomplish this rate reduction:

1. A State grant, a State low interest loan, or a combination of both.
2. The County is eligible to apply for a \$600,000 FEMA grant because the area is in a flood plain area. If the County is successful in obtaining this grant, it could reduce the annual rate another \$39.00.

Proposed  
Oak  
Orchard  
Sanitary  
Sewer  
District  
(continued)

3. The County is looking for short-term interim financing. Currently, the County is paying approximately 6.55 percent on construction short-term interim financing. Mr. Baker and Mr. Stickels have met with a lending institution that would offer the County a 4 percent rate on construction short-term interim financing in the approximate amount of \$7 Million.
4. The County is considering subsidizing the project with Realty Transfer Tax funds as it has done with other sewer projects.
5. A letter has been received from Representative Shirley Price to Mr. Joseph Corrado, Chairman of the Wastewater Facility Advisory Council, Department of Natural Resources and Environmental Control, in support of the County receiving a State grant/low interest loan.
6. A letter has been received from Al Farling, Construction Loan Administrator, Department of Natural Resources and Environmental Control, stating that the Proposed District was ranked by DNREC and placed on the 1999 – 2000 Wastewater Infrastructure Project Priority List with an eligible funding level of up to \$9 Million.

The letter further states that DNREC will work with the County to utilize all means possible including but not limited to low interest, variable interest, interest or principal deferrals, interest capitalization, as well as other sources of funding to insure that the users rate will not exceed the affordable. Based on the information provided, it is anticipated that this project would be eligible for State grants or loans from the 21st Century Wastewater Management Account. The goal of the grant/loans would be to keep the user rates in Oak Orchard at or below \$600.00.

Mr. Stickels advised that individual assistance to residents in the Proposed District is also available. The following sewer assistance programs were reviewed:

1. Sussex County Low Income Sewer Assistance Program

A grant subsidy program to those needing assistance in paying their Sussex County annual sanitary sewer or water bills and who meet low-income requirements and other eligibility requirements. The initial subsidy will be \$100 per year, or \$25.00 per quarter. There is no repayment requirement for the subsidy amount.

2. Sussex County Sewer Assistance Program

A loan program to help homeowners pay all or a portion of the annual sanitary sewer bill. The cost of the loan will be 3 percent

Proposed  
Oak  
Orchard  
Sanitary  
Sewer  
District  
(continued)

annually on the unpaid balance. Income and other eligibility requirements must be met.

3. Sussex County Community Development Block Grant Funds

This program helps pay hook-up fees and costs associated with abandoning existing septic systems. Income and other eligibility requirements must be met.

4. Rural Development 504 Loan/Grant

A loan/grant program that can be used for low-income residents to pay for sewer hook-ups. Loans are available for eligible individuals under the age of 62. Loans, grants, or a combination grant and loan are available for individuals 62 years old or over. Income and other eligibility requirements must be met. Application can be made at the Rural Development Office in Georgetown. (This program is not limited to the Proposed Oak Orchard Sanitary Sewer District; it is a Countywide program.)

Mr. Stickels advised that all of this information will be provided at the public information meeting scheduled for January 29, 2000 at 9:00 a.m. at the Indian River Fire Hall.

Mr. Izzo, County Engineer, and Mr. Schrader, Assistant County Attorney, provided an update on the voting procedures to be followed for the second referendum of the Proposed Oak Orchard Sanitary Sewer District. Mr. Izzo noted that Delaware State Law determines who can vote in a sewer district referendum in Sussex County. Voting eligibility criteria under Delaware State Law was presented and discussed. It was noted that a representative from the Department of Elections will be present during the referendum.

Mr. Izzo, County Engineer, discussed the process that will be followed for absentee balloting. Upon request, affidavits will be provided to residents in the Proposed Oak Orchard Sanitary Sewer District. Once the affidavits have been returned, it will be determined if the person is qualified to vote. Absentee ballots will only be provided to those persons who have been qualified. Affidavits and ballots will not be mailed out together. Ballots will not be opened until the day of the referendum at which time the Department of Elections official will be present. The deadline for submitting absentee ballots is February 11, 2000, prior to 12:00 noon.

Several citizens were recognized to address Council on the Proposed Oak Orchard Sanitary Sewer District.

Proposed  
Oak  
Orchard  
Sanitary  
Sewer  
District  
(continued)

Mr. Tom McClure spoke to Council on the following issues: (1) that the list of available grants/loans was not presented at the initial public information meeting, (2) that the possibility of additional grant funding was not mentioned at the initial public information meeting, (3) that the petition/referendum process was rushed, (4) that the County needs to look at alternative ways to construct sewer systems, (5) that area land is already being contaminated with land application of sewage, and (6) that County Council meetings should be held during the evening.

Mr. McClure's concerns were addressed by the Council and County staff. It was noted that commitments to obtain grants and loans cannot be obtained until a successful referendum is held; that the County does not like to give false hope that grants can be obtained and for this reason, the worst-case-scenario for rates is presented; that State law regulates the referendum process; that the County is always looking for alternative ways to construct sanitary sewer systems; and that sludge applied to land is applied to crops, that crops do the uptake, and that the sludge is pretreated to high standards.

Mr. von Baumgart spoke on the position of the Oak Orchard Citizens Wastewater Commission that the combination of the new grant money coupled with a commitment by the County to engage in technological design economies will have a positive effect on this project. Mr. von Baumgart suggested that a workshop be scheduled between the Department of Natural Resources and Environmental Control, Congressman Castle's office, the Governor's office, the County Engineering staff, and the County Council at which meeting manufacturers of "INA Technology" should be invited. Mr. von Baumgart also suggested that a workshop be scheduled to discuss innovative and alternative wastewater options and sewer treatment options in the context of the Indian River – Inland Bays Tributary Action Team Pollution Control Strategy Task Force. Mr. von Baumgart requested that the polling hours of the next Proposed Oak Orchard Sanitary Sewer District referendum be extended to 8:00 a.m. - 7:00 p.m. in the interest of maximum community participation.

Mr. Jack Hammond thanked the County for the tremendous effort that is being made to obtain funding for the Proposed Oak Orchard Sanitary Sewer District that will reduce rates and result in a more realistic cost.

Mr. Hammond noted that it is important for the Oak Orchard community to focus on the real issue – "do we need the system or don't we need the system".

Additional comments heard related to (1) the notification process for absentee ballots, (2) lot sizes in the Proposed District and annual rates for those lots, and (3) the inequity of the rate calculations; that a person living alone could pay the same amount as a family of ten.

(continued) Letters explaining the absentee ballot process have been mailed out to everyone on the tax rolls that live in the Proposed District.

DelDOT's Proposed Capital Improvement Program for Fiscal Years 2001 – 2006

Mr. Stickels distributed the Proposed Capital Transportation Improvement Program for Fiscal Years 2001 – 2006, dated December 15, 1999, that has been released by the Delaware Department of Transportation. The Council on Transportation has included every project recommended by the Sussex County Council. There are two new projects that have been included: (1) the Milton Truck Bypass (SR 5 – SR 30) and (2) Sussex County East/West Improvements (\$25 Million). The capital authorization for Sussex County for Fiscal Years 2001 – 2006 proposed for Sussex County is \$124,374,000, an 81 percent increase over last year. Mr. Stickels asked Councilmembers to review the report prior to the Public Hearing scheduled for Thursday evening, January 13, 2000. Mr. Stickels advised that he will be recommending that the East West Improvements Studies be moved from the 2001 Budget to the 2000 Budget and, if necessary, to delay the SR 16 and SR 30 Intersection Project to the 2001 Budget.

Administrator's Report

Mr. Stickels submitted the following County Administrator's Report:

1. Martin Luther King Day

Sussex County government offices will be closed Monday, January 17, 2000, to allow employees to observe Martin Luther King Day. County offices will reopen at 8:30 a.m. on Tuesday, January 18, 2000. There will be a Council meeting at 10:00 a.m. on Tuesday.

2. Regional Planning Meetings

A reminder that the following Regional Planning meetings have been scheduled:

Region No. 1

January 18, 2000

7:00 p.m.

Seaford City Hall

(Greenwood, Bridgeville, Seaford, Blades, Bethel, Laurel, Delmar)

Region No. 2

January 19, 2000

7:00 p.m.

Sussex County Administrative Office Building

(Milford, Ellendale, Georgetown, Milton, Slaughter Beach, Millsboro)

Adminis-  
trator's  
Report  
(continued)

Region No. 3  
January 13, 2000  
9:00 a.m.  
Fenwick Island Town Hall  
(Dagsboro, Frankford, Selbyville, Fenwick, South Bethany, Bethany,  
Ocean View, Millville)

Region No. 4  
January 20, 2000  
7:00 p.m.  
Rehoboth Beach City Hall  
(Lewes, Rehoboth, Dewey, Henlopen Acres)

In addition to the town and County representatives, I have asked the Governor's Cabinet Committee on Planning to send State representatives to these meetings. The public is encouraged to attend the Regional Planning meetings also.

3. State-Owned Rail Lines in Sussex County

I have received notification from the Delaware Transit Corporation that the Delaware Coast Line Railroad (DCLR), based in Lincoln, Delaware, has resumed responsibility for the State-owned rail lines effective January 1, 2000. Delaware Coast Line Railroad was the operator of the lines prior to 1994. DCLR has already scheduled its first delivery to Barcroft in Lewes and is investigating opportunities to bring additional rail freight to the lines. I am pleased with the Delaware Transit Corporations selection of DCLR. This is an important step to ensure continuity of rail service to Sussex County.

Deferred  
Compen-  
sation  
Program

Mr. Baker announced that the Pension Committee met on this date and reviewed a proposal submitted by Mr. Wirtschafter from the Valic Insurance Company. The proposal is for a Deferred Compensation (457) Plan. The Deferred Compensation Plan is a voluntary option for any County employee to set aside pre-tax earnings for retirement funds. The County currently offers the NACo-sponsored PEBSCO Deferred Compensation Plan. This Proposed Plan would simply provide County employees with another option. This Plan offers one item that the NACo Plan does not; beneficiaries are guaranteed at least the amount of the contribution plus 3 percent per year. The Pension Committee reviewed the Proposal and agreed that the net performance was very comparable to the current NACo-sponsored PEBSCO Plan. In addition, references have been checked and were favorable. There will be no cost to the County for this Plan.

M 023 00  
Authorize  
Agreement

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council authorizes the County Administrator and the County Finance Director to enter into an Agreement with the Variable Annuity

M 023 00 Life Insurance Company to provide a Deferred Compensation (457) Plan as an alternative option for Sussex County employees; this Agreement will be subject to approval by the Assistant County Attorney.

Authorize Agreement/  
VALIC/  
Deferred Compensation Plan  
(continued)

Motion Adopted: 4 Yea, 1 Absent.

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

Mr. Rogers left the meeting briefly and was not present at the time this vote was taken.

Amendment to Consultant Agreement for CAD System/  
RCC Consultants

Mr. Thomas, Director of Emergency Operations, discussed a proposal to amend the Contract with RCC Consultants for the Computer Aided Dispatch (CAD) System. In April, 1999, Sussex County and RCC Consultants entered into a Contract to plan, develop, and procure a Computer Aided Dispatch (CAD) System for the Fire and Ambulance Callboard. In October, 1999, the County rejected all bids submitted from the Request for Proposal (RFP). After negotiations between RCC, the County Administrator, the County Finance Director, and the County Emergency Operations Director, an amendment to the existing Consultant's Contract was drafted to reissue the Request for Proposal. RCC and the Emergency Operations Center will review the previous RFP and make any necessary changes. After the RFP is reissued, RCC will evaluate proposals as well as assist in negotiations with CAD vendors. These additional services require a Contract Amendment and will result in an additional fee of \$2,318.00.

M 024 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the Amendment to the Contract with RCC Consultants for the Computer Aided Dispatch (CAD) System, pending approval of the Assistant County Attorney and the County Finance Director.

Approve Amendment to Consultant Agreement for CAD System/  
RCC Consultants

Motion Adopted: 5 Yea.

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

Generator Project Update

Mr. Marvel, Maintenance Division Manager, updated the Council on Sussex County Project 99-08 entitled "Emergency Power Generators for Stations 74, 81 and Dewey Beach Portable Generator". Mr. Marvel advised that all work was completed in time for Y2K.

M 025 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council grants Substantial Completion for Sussex

M 025 00 County Project No. 99-08, "Emergency Power Generators for Station 74,  
Grant 81 and Dewey Beach Portable Generator", to the contractor, John W.  
Substantial Tieder, Inc, effective December 31, 1999.  
Completion/  
Generator  
Project

(continued) Motion Adopted: 5 Yea.

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

Delaware Mr. Hawkes, Director of Utility Engineering, reviewed a Change Order  
Seashore to the Delaware Seashore State Park Pumping Station No. 65. Mr.  
State Park Hawkes noted that the County is constantly looking at alternative designs  
Pumping and materials for sewer construction. The Change Order is for a change  
Station in the material of the force main pump from 6 inch PVC to 6 inch HDPE.  
No. 65 This Change Order will result in a cost saving in labor.

M 026 00 A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon  
Approve the recommendation of the Sussex County Engineering Department, that  
Change Order No. 1 for Sussex County Project No. 99-14, "Delaware  
Order/ Seashore State Park Pumping Station No. 65", be approved in the credit  
Delaware amount of \$4,149.00, thereby reducing the contract amount from  
Seashore \$393,082.00 to \$388,933.00.  
State Park  
Pumping  
Station  
No. 65

Motion Adopted: 5 Yea.

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

M 027 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give  
Council- \$500.00, \$100.00 from each Councilmanic Account, to the Sussex  
manic County Fire Chiefs' Association to send the President to the Indianapolis  
Grant Fire Department Instructors Conference.

Motion Adopted: 5 Yea.

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

M 028 00 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess  
Recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public  
Hearing  
(C/U  
No. 1316)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 20.31 ACRES, MORE OR LESS" (Conditional Use No. 1316) filed on behalf of Walkers Mill, L.L.C.

The Planning & Zoning Commission held a Public Hearing on this application on December 16, 1999, at which time they recommended approval with stipulations. The record of the Planning & Zoning Commission was made a part of the record of this Public Hearing.

There were no public comments and the Public Hearing was closed.

M 029 00  
Adopt  
Ordinance  
No. 1357  
(C/U  
No. 1316)

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1357 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 20.31 ACRES, MORE OR LESS" (Conditional Use No. 1316) filed on behalf of Walkers Mill, L.L.C., with the following stipulations:

1. A tot-lot shall be provided and shall be depicted on the site plan.
2. Access shall be provided to the tot-lot from the existing park by paths or trails.
3. Street lighting shall be provided and noted on the site plan.
4. The maximum number of lots shall not exceed 40 lease lots.
5. All manufactured homes placed on lots within the park shall be new units with shingled roofs and vinyl siding.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

Findings  
of Fact  
(continued)

1. The applicant established by substantial evidence that the proposed use is an addition to a fully developed well-maintained mobile home community. The proposed use serves the need for affordable housing lots while preventing sprawl, all without adverse impact of any sort.
2. Based on the foregoing, the proposed use 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/U  
No. 1317)

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 A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.003 ACRES, MORE OR LESS" (Conditional Use No. 1317) filed on behalf of Donald W. Hearn.

The Planning and Zoning Commission held a Public Hearing on this application on December 16, 1999, at which they recommended approval. The record of the Planning and Zoning Commission was made a part of the record of this Public Hearing.

There were no public comments and the Public Hearing was closed.

M 030 00  
Adopt  
Ordinance  
No. 1358  
(C/U  
No. 1317)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1358 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.003 ACRES, MORE OR LESS" (Conditional Use No. 1317) filed on behalf of Donald W. Hearn.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

Findings  
of Fact  
(continued)

1. The applicant established by substantial evidence that the proposed use will have no impact of any sort and is not inconsistent with the Comprehensive Land Use Plan. A conditional use permit is the appropriate method for addressing this type of application.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1318)

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 A CAMPGROUND AND TRAILER SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 51.42 ACRES, MORE OR LESS" (Conditional Use No. 1318) filed on behalf of Wayne Cropper.

The Planning & Zoning Commission held a Public Hearing on this application on December 16, 1999, at which time they recommended approval with stipulations. The record of the Planning & Zoning Commission was made a part of the record of this Public Hearing.

Mr. Lank read into the record a letter, dated January 7, 2000, received by fax from the Delaware Department of Transportation in reference to the Traffic Impact Study. This fax was received after the Planning and Zoning Commission's Public Hearing held on December 16, 1999.

Mr. Cole questioned the amenities that are planned for this proposed expansion. He stressed the need for additional amenities.

Public comments were heard. Ms. Millie Morris discussed concerns she has relating to drainage problems and increased traffic.

There were no further public comments and the Public Hearing was closed.

Mr. Cole requested that action be deferred to allow time for the Council to review the Delaware Department of Transportation's Traffic Impact Study.

M 031 00  
Defer  
Action  
(C/U  
No. 1318)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on Conditional Use No. 1318, the application of Wayne Cropper, for a period of one week for the review of the Delaware Department of Transportation's Traffic Impact Study.

Motion Adopted: 3 Yea, 2 Nay.

M 031 00  
(continued)

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

M 032 00  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00 from Mr. Jones' Councilmanic Account to the Delaware State Police to subsidize the 1999 funding shortfall of the civilian police academy.

Motion Adopted: 5 Yea.

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

M 033 00  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$200.00 from Mr. Jones' Councilmanic Account to Mt. Sinai Holy Mission Church for the Coverdale Crossroads Project 2000.

Motion Adopted: 5 Yea.

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

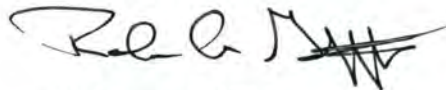
Housing  
Code

Mr. Cole requested Council's consideration of a request to review and change the County's Housing Code relating to restrictions on the number of unrelated people that can live in the same household in subdivisions. It was the consensus of Council that there was no interest in changing the County's Housing Code as it relates to this issue.

M 034 00  
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adjourn at 3:12 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council