

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 1, 2000

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, February 1, 2000, at 9:00 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.

Mr. Cole and Mr. Dukes were not in attendance at the beginning of the meeting.

M 035 99  
Amend  
and  
Approve  
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the Agenda to include an Executive Session to discuss land acquisition to be held immediately following the morning session, and to approve the Agenda, as amended.

Motion Adopted: 3 Yea, 2 Absent.

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

M 036 00  
Approve  
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of the January 11, 2000 meeting, as distributed.

Motion Adopted: 3 Yea, 2 Absent.

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

Corre-  
spondence

Mr. Bayard read the following correspondence:

DELAWARE HOSPICE, GEORGETOWN, DELAWARE.

Corre-  
spondence  
(continued)

RE: Card of thanks for Council's support of Delaware Hospice's Festival of Trees.

GARY S. TULAK, UNION UNITED METHODIST CHURCH, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant for the Community Thanksgiving Dinner.

CPL. JOHN OWINGS, NEEDY FAMILY PROJECT, DELAWARE STATE POLICE TROOP #5, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant for the 1999 Community Christmas Project.

JOE D'AMICO, CAPE HENLOPEN SOFTBALL BOARD MEMBER AND THE 1999 CAPE HENLOPEN GIRLS' SOFTBALL ALL-STAR TEAM, LEWES, DELAWARE.

RE: Letter in appreciation of Mr. Cole's Councilmanic Grant.

ANNE P. CANBY, SECRETARY, DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Letter to George Bunting, Senator of the State of Delaware, regarding formal planning for a north/south limited access roadway.

ROBERT STARK, DELAWARE HERITAGE COMMISSION, WILMINGTON, DELAWARE.

RE: Letter requesting funding for the Hands on Heritage Camp 2000; funding would support selected youngsters whose families cannot afford the camp fee and would subsidize the costly expense of school bus transportation to historic sites about the State.

ELLY SHACKLE, VOLUNTEER SERVICES COORDINATOR, DELAWARE HEALTH AND SOCIAL SERVICES, GEORGETOWN, DELAWARE.

RE: Letter requesting funding for the RSVP (Retired and Senior Volunteer Program) Knitting Project.

M 037 00  
Adopt  
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAMATION IN OBSERVANCE OF THE REVEREND DR. MARTIN LUTHER KING, JR.'S BIRTHDAY".

Motion Adopted: 3 Yea, 2 Absent.

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

M 038 00      A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt  
Adopt            the Proclamation entitled "PROCLAMATION HONORING GAIL  
Proclamation    SHORT, RN, MS, C.S.N."

Motion Adopted: 3 Yea, 2 Absent.

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

Mr. Cole joined the meeting at this time.

Committee      Mr. Stickels advised Council that Richard Whaley's term on the  
Appointment    Assessment Review Board expires in February, 2000.

M 039 00      A Motion was made by Mr. Phillips, seconded by Mr. Jones, to reappoint  
Reappoint       Richard Whaley to the Assessment Review Board for a term of five  
Richard         years.  
Whaley/  
Assessment     Motion Adopted: 4 Yea, 1 Absent.  
Review  
Board

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

Annexation     Mr. Stickels advised Council that annexation requests have been received  
Requests/  
Town of         by the Town of Millsboro from Elizabeth Hopkins and Roger Conquest.  
Millsboro       Mr. Stickels noted that (1) a portion of Elizabeth Hopkin's property is  
                         already located in the town and (2) Mr. Conquest needs a new well and  
                         new septic and is unable to get permits from the State; and therefore, he  
                         is requesting annexation so that he can get sewer and water service from  
                         the Town. The town is soliciting any comments the County may have  
                         regarding these annexations. It was the consensus of Council that the  
                         County does not object to these requested annexations.

Draft            Council discussed a draft ordinance entitled "AN ORDINANCE TO  
Ordinance/  
Density         AMEND ARTICLE XVI OF THE CODE OF SUSSEX COUNTY IN  
Calculations    ORDER TO MODIFY THE METHOD FOR CALCULATING THE  
                         NUMBER OF PERMITTED DWELLING UNITS IN AN RPC  
                         RESIDENTIAL PLANNED COMMUNITY DISTRICT". Currently, the  
                         RPC Ordinance allows for golf courses and Federal wetlands to be  
                         included for density calculation purposes, even though these areas cannot  
                         be further developed. This ordinance recognizes that development is not  
                         permitted within wetlands of any type, and that golf courses are similarly  
                         not subject to development as a result of their defined uses. It was noted  
                         that Mr. Cole requested that this Ordinance be drafted. Mr. Cole stated  
                         that this Ordinance would eliminate the "loophole" in the current RPC  
                         Ordinance and would eliminate "bonus density". Mr. Cole advised that

Draft Ordinance (continued)

he would like the Regional Planning Groups to review and comment on this draft ordinance. Mr. Phillips requested that the Land Use Advisory Committee also be invited to review and comment on this draft ordinance.

Proposed Legislation/ Land Use

Mr. Phillips referred to the recent proposed legislation sponsored by Senator Bunting and Representative Price relating to land development. Mr. Phillips requested that the Land Use Advisory Committee be provided with copies of this proposed legislation.

Draft Resolution/ Abortion Clinics

Mr. Stickels presented a draft Resolution pertaining to health and safety related issues concerning abortions in the State of Delaware. Mr. Henry Meier addressed Council on the draft Resolution and asked for Council's support of the draft Resolution to urge the Delaware General Assembly to review the suggested regulatory steps to determine whether similar laws or regulations should be adopted. Mr. Meier expressed his opinion that Delaware's law relating to abortion has no "teeth". He noted that people from out-of-state come to Delaware for abortions since Delaware's law is less stringent than other states. Mr. Bayard advised that there is legislation (Title 24) in place in the State of Delaware relating to abortions. He noted that he would like the opportunity to review the law(s) and to advise Council prior to action being taken on this draft Resolution. It was the consensus of Council to defer action for two weeks.

Administrator's Report

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

1. Joan E. Quann

It is with regret that I inform the Council of the passing of Joan E. Quann on Saturday, January 29, 2000. Joan E. Quann was a 911 Dispatcher at the Emergency Operations Center from January 1984 until her retirement in June 1995.

2. An Ordinance to Amend Chapter 62 of the Code of Sussex County Relating to Sheriff Fees

The public hearing on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO EXEMPT INCORPORATED MUNICIPALITIES FROM THE 3 PERCENT BID FEE CHARGED BY THE SHERIFF OF SUSSEX COUNTY" scheduled for January 25, 2000 was canceled due to snow. As a result of canceling the public hearing, the entire public hearing process has been rescheduled. The public hearing has been rescheduled for February 22, 2000 at 10:45 a.m.

Adminis-  
trator's  
Report  
(continued)

3. Americana Bayside

The public hearing scheduled for the Planning and Zoning Commission on Americana Bayside was canceled due to snow. As a result of canceling the meeting, the entire public hearing process has been rescheduled. The Technical Advisory Committee will review the plan at 10:00 a.m. on February 23, 2000, in the Council Chambers, County Administrative Building. Planning and Zoning will hold a public hearing on March 16, 2000, at 7:30 p.m. in the Council Chambers, and the County Council public hearing is scheduled for April 4, 2000, at 1:30 p.m. in Council Chambers.

4. Sussex County Status Report, Fourth Quarter – Delaware State Police

The following hours of duty and enforcement were compiled by the State Police in Sussex County during the fourth quarter of 1999:

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	12,310.50	12,631	16,754.5
Hours Assisted Other Agencies	121	91	97.5
Total Traffic Arrests	3,503	3,475	2,690
Total DUI's	101	132	120
Accident Reports:			
Personal Damage	221	323	342
Personal Injury	<u>55</u>	<u>94</u>	<u>97</u>
Total Accidents Reports	276	417	439
Criminal Arrests: Felony			
	76	57	78
Misdemeanor	<u>277</u>	<u>261</u>	<u>493</u>
Total Criminal Arrests	353	318	571
Total 10-29 P's (wanted persons)	156	175	141
Total Number of Complaints	1,924	2,552	4,078

5. Sussex County Volunteer Firemen's Association Monthly Meeting

Lewes Fire Company hosted the January meeting of the Sussex County Volunteer Firemen's Association on Thursday, January 27, 2000, at 7:30 p.m. at Cape Henlopen High School, Savannah Road, Lewes, Delaware. During the meeting the Sussex County Council distributed checks totaling \$246,554 to the fire and ambulance service.

Adminis-  
trator's  
Report  
(continued)

6. Public Hearing

The Delaware Department of Transportation will hold a public hearing on the Statewide Access Management Policy and State Classification Maps. The public hearing is being held prior to adoption in their final form. The public hearing will be held on February 1, 2000, at the DNREC Auditorium, 89 Kings Highway, Dover, Delaware. DelDOT staff and a court stenographer will be available starting at 5:00 p.m. to provide background information and take statements for the record. The Policy and Classification Maps will be reviewed from 5:00 to 7:00 p.m. Formal public comments will start at 7:00 p.m. and the hearing will last until 9:00 p.m.

Written comments on the Policy and Classification Maps will be taken through February 21, 2000, and may be submitted to the Office of External Affairs, DelDOT, P. O. Box 778, Dover, Delaware, or by telephoning 1-800-652-5600.

After receipt of comments at the hearing, as well as receipt of any written comments on or before February 21, 2000, the Department will issue a final regulation adopting the Policy and Classification Maps, in accordance with the Administrative Procedures Act.

7. Regional Planning Meeting

The Regional Planning meeting for the cities of Rehoboth Beach and Lewes and the towns of Dewey Beach and Henlopen Acres has been rescheduled for Monday, February 7, 2000. The meeting will be held at 7:00 p.m. in the City Council Chambers, City of Rehoboth Beach, on Rehoboth Avenue.

8. Bay View Estates Sanitary Sewer District Public Hearing

The Sussex County Engineering Department will be holding a public hearing on Saturday, February 12, 2000, at 4:00 p.m. at the Selbyville Middle School, Route 17, Selbyville, Delaware. The purpose of the meeting is to review the findings of the Preliminary Engineering Report, including construction costs and user charges for the proposed Bay View Estates Sanitary Sewer District. Residents of that district are encouraged to attend this meeting. Anyone interested in acquiring information prior to the public hearing should contact the Engineering Department at 855-7719 during normal working hours.

Adminis-  
trator's  
Report  
(continued)

9. Dewey Beach Building Moratorium

I have received correspondence from Robert V. Witsil, Jr., attorney for the Town of Dewey Beach, informing the County that the Town has imposed a 180-day moratorium commencing December 11, 1999, on the issuance of building permits for hotels and motels in the town limits of Dewey Beach. The Town also has a moratorium on the issuance of building permits for townhouses and multi-family dwellings commencing December 11, 1999, and a 90-day moratorium commencing January 8, 2000, on the issuance of building permits for nonconforming multi-unit structures within the Neighborhood Residential Districts of the Town of Dewey Beach. As a result of the Town Council imposing these moratoriums, the County has been requested to withhold issuance of its permit in these areas.

Mr. Dukes joined the meeting at this time.

Minimum  
Standards/  
Sussex  
County  
Airport

Mr. Calio, Director of Economic Development and Industrial Airpark, presented for Council's consideration the proposed "Minimum Standards and Requirements for the Conduct of Commercial Aeronautical Services and Activities at the Sussex County Airport". Mr. Calio advised that these Minimum Standards were developed three years ago; however, they were never officially adopted. On a recent visit by members of the FAA Regional Office in Harrisburg, they suggested that the County adopt Minimum Standards so all current FBOs (Fixed Base Operators) and future FBOs are treated equally. Minimum Standards means the standards which are established by the airport owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the airport. Aeronautical Activity means any activity conducted at airports which involves, makes possible or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, pilot training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, skydiving, ultralight operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft or sale of aircraft parts and aircraft storage. Mr. Calio noted that most airports have Minimum Standards and with the increased activity at the Sussex County Airport, it has become necessary for the County to also adopt Minimum Standards.

M 040 00  
Adopt  
Minimum  
Standards

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adopt the Minimum Standards and Requirements for the Conduct of Commercial Aeronautical Services and Activities at the Sussex County Airport.

M 040 00  
(continued)

Motion Adopted: 5 Yea.

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

Old  
Business/  
C/U  
1315

Conditional Use No. 1315 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BULK PROPANE STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.66 ACRES, MORE OR LESS" filed on behalf of Chesapeake Utilities was discussed. The Sussex County Council held a public hearing on this application on December 21, 1999, at which time action was deferred. Council was advised that a letter has been received from James F. Waehler, Attorney for the Applicant, requesting Council's approval to withdraw the application.

M 041 00  
Permit  
Withdraw  
of  
Conditional  
Use No.  
1315

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to permit Conditional Use No. 1315, an application filed on behalf of Chesapeake Utilities for a bulk propane storage facility, to be withdrawn.

Motion Adopted: 5 Yea.

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

Old  
Business/  
C/U No.  
1318

Conditional Use No. 1318 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" filed on behalf of Wayne Cropper was discussed. Sussex County Council held a public hearing on this application on January 11, 2000 at which time action was deferred to allow time for the Council to review the Delaware Department of Transportation's Traffic Impact Study.

A discussion ensued on whether the campground offers sufficient spaces for transient campers. Mr. Cole stated that campgrounds are becoming less transient in nature and that there is a growing trend toward seasonal campgrounds. Mr. Cole expressed his opinion that the County needs to address this issue by establishing a requirement that campgrounds designate a certain percentage of their campsites as transient.

Old  
Business  
C/U  
No. 1318  
(continued)

Mr. Bayard advised that the County's current zoning ordinance does not provide a distinction between transient and seasonal nor does it provide a definition of transient campers and transient camping equipment. These issues will have to be addressed if the Council wishes to establish a requirement relating to availability of transient campsites.

Mr. Cole recommended that the definition for transient be the same as outlined in State Park regulations.

M 042 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, an application of Wayne Cropper, for a period of two weeks for further review and proposed recommendations to be made by the County Attorney and the Director of Planning & Zoning.

Motion Adopted: 5 Yea.

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

Delta  
Airport  
Consultants/  
Consultant  
Agreement

Mr. Izzo, County Engineer, discussed a proposed Agreement with Delta Airport Consultants, Inc. Mr. Izzo reminded Council that in September, 1999, Sussex County selected Delta Airport Consultants, Inc. to serve as consulting engineers for a five-year period. Mr. Izzo distributed a copy of the current Capital Improvement Plan for the Sussex County Airport and reviewed the projects on the list which Delta will be involved with.

Mr. Izzo advised that he is seeking approval of the Base Engineering Agreement; the Agreement does not cover any specific project; it does provide the "base boiler plate language" used in all agreements with Delta. In addition, Mr. Izzo advised that he is seeking approval of three Contract amendments:

- (1) To complete an environmental assessment for the Sussex County Airport Five Year Capital Improvement Plan. This assessment is being prepared to assess the following projects:
  - (a) Terminal Apron Expansion
  - (b) Construct New (Abandoned) Runway 10-28
  - (c) Stabilize and Replant Timber Areas
  - (d) Construct Perimeter Service Road
  - (e) Install LAAS (Local Area Augmentation System)
  - (f) Rehabilitate Taxiway "A"

Compensation for the Scope of Work included under this Amendment will be a lump sum fee amount of \$162,466. The lump sum fee includes the following: planning services, reimbursables, and subcontract services.

Delta  
Airport  
Consultants/  
Consultant  
Agreement  
(continued)

The environmental assessment will streamline other projects that come to the airport.

The project is grant-eligible, as follows:

FAA	90 percent	\$146,219.00
State	5 percent	\$ 8,123.00
County	5 percent	\$ 8,123.00

- (2) To perform engineering design services for the Expand Terminal Apron Project. The project is proposed to include the following project elements.
- (a) Provide subcontracted design ground surveys and design geotechnical investigations.
  - (b) Study Terminal Apron and Taxiway "A" Layout
  - (c) Design Terminal Apron Expansion
  - (d) Develop Terminal Area Stormwater Management Plan and Stormwater Management System Design for this project and planned Terminal Area Development as depicted on the current Airport Layout Plan.
  - (e) Design associated drainage, electrical and fencing improvements within the project area.

Compensation for design will be a lump sum fee amount of \$39,586. Compensation for reimbursables, subcontracted design ground surveys, and subcontracted design geotechnical investigations will be on a unit price plus fixed fee basis through the design phase; compensation for these services shall be limited to a budget amount of \$20,540 unless written authorization has been received from the owner. Total compensation is \$60,126.

There are two benefits to this project; the apron will provide (1) extra capacity for airplanes to tie-down and (2) additional tie-downs adjacent to the new terminal building.

The project is grant-eligible, as follows:

FAA	90 percent	\$54,000
State	5 percent	\$ 3,000
County	5 percent	\$ 3,000

Delta  
Airport  
Consultants/  
Consultant  
Agreement  
(continued)

- (3) To prepare a Site Specific Environmental Assessment for a proposed hangar expansion at the PATS, Inc. facility. Compensation for the Scope of Work included under this Amendment shall be limited to an initial budget amount of \$16,953.57 unless written authorization has been received from the owner.

There is no grant funding associated with this project.

M 043 00  
Authorize  
Execution  
of  
Agreements  
with  
Delta  
Airport  
Consultants

A Motion was made by Mr. Dukes, seconded by Mr. Cole, based upon the recommendation of the County Engineering Department, that the Sussex County Council President is authorized to execute the following agreements with Delta Airport Consultants, Inc.: a Base Engineering Agreement to cover the five-year selection period; an Amendment No. 1 in the amount of \$162,466.00 to perform an environmental assessment for the Five Year Capital Improvement Plan; an Amendment No. 2 in the amount of \$60,126.00 to perform design services for a paved apron expansion; and an Amendment No. 3 in the amount of \$16,953.57 to complete an Environmental Assessment to accommodate an expansion of the PATS, Inc. facility.

Motion Adopted: 5 Yea.

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

Rural  
Development  
Agency/  
Loan  
Repayment

The Sussex County Council presented to Mr. Jack Walls, State Director of Rural Development, a check in the amount of \$2,940,799.69 representing the repayment of a Federal loan that was used to help finance part of the Sussex County Council's 1995 Building Expansion Program. The Federal loan was for a period of 40 years; this repayment results in the loan being paid in full in five years (35 years early). The 1995 Expansion Program included the cost of purchasing the old Post Office, the construction of the Administrative Building adjacent to the Post Office, purchase of the former Sussex Trust corporate offices located at 9 North DuPont Highway, Georgetown, and additional parking facilities. The total expansion program was \$9.8 Million.

M 044 00  
Approve  
Rural  
Development  
Agency  
Loan  
Repayment

A Motion was made by Mr. Phillips, seconded by Mr. Jones, that the Sussex County Council approves the payment of \$2,940,799.69 to the Rural Development Agency for the repayment of a Federal Loan that was used to help finance part of the 1995 Building Expansion Program (1996 Series B Bond Issuance).

Motion Adopted: 5 Yea.



Projects Mr. Green, Director of Utility Construction, discussed six (6) Ordinance 38 projects.

M 046 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon  
Grant the recommendation of the Sussex County Engineering Department, for  
Conditional Sussex County Project No. 81-04, that the Sussex County Council grant  
Acceptance/ Conditional Acceptance for the wastewater facilities constructed in  
Bethany Bethany Marina Townhouses – Phase II, located in the Cedar Neck  
Marina Expansion of the Bethany Beach Sanitary Sewer District.  
Townhouses

Motion Adopted: 5 Yea.

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

M 047 00 A Motion was made by Mr. Dukes, seconded by Mr. Cole, based upon  
Execute the recommendation of the Sussex County Engineering Department, for  
Agreements/ Sussex County Project No. 81-04, that the Sussex County Council  
Bethany execute a Construction Administration and Construction Inspection  
Marina Agreement between Sussex County Council and Bethany Marina  
Townhouses Townhouses for wastewater facilities to be constructed in Bethany  
Marina Townhouses, Phase III, located in the Cedar Neck Expansion of  
the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 048 00 A Motion was made by Mr. Jones, seconded by Mr. Cole, based upon the  
Grant recommendation of the Sussex County Engineering Department, for  
Conditional Sussex County Project No. 81-04, that the Sussex County Council grants  
Acceptance/ Conditional Acceptance for the wastewater facilities constructed in Dove  
Dove Knoll Knoll – Phase IV, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 049 00 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon  
Execute the recommendation of the Sussex County Engineering Department, for  
Agreements/ Sussex County Project No. 81-04, that the Sussex County Council  
Savannah execute a Construction Administration and Construction Inspection  
East Agreement between Sussex County Council and Savannah East

M 049 00 Associates, L.P. and Dyer McCrea Ventures, L.L.C. as the General  
(continued) Partner, for wastewater facilities to be constructed in Savannah's East  
Apartments, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 050 00 A Motion was made by Mr. Dukes, seconded by Mr. Cole, based upon  
Execute the recommendation of the Sussex County Engineering Department, for  
Agreements/ the Sussex County Project No. 81-04, that the Sussex County Council  
The execute a Construction Administration and Construction Inspection  
Bluffs Agreement between Sussex County Council and Linder and Company,  
Inc. for wastewater facilities to be constructed in The Bluffs I, located in  
the North Millville Planning Area.

Motion Adopted: 5 Yea.

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

M 051 00 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon  
Grant the recommendation of the Sussex County Engineering Department for  
Conditional Sussex County Project No. 81-04 that the Sussex County Council grant  
Acceptance/ Conditional Acceptance for the wastewater facilities constructed in the  
Lands of Beneficial National Bank – Phase I, located in the Fenwick  
Beneficial Island Sanitary Sewer District.  
National  
Bank

Motion Adopted: 5 Yea.

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

Parking Mr. Cole requested that a report be given to Council in the near future  
Require- regarding a Proposed Amendment to the County's Ordinance regarding  
ments parking requirements.

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTOR'S  
OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN LEWES AND REHOBOTH HUNDRED,  
SUSSEX COUNTY, CONTAINING 36,198 SQUARE FEET, MORE  
OR LESS" (Conditional Use No. 1328) filed on behalf of Neurology

Proposed Ordinance Properties, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.05 ACRES, MORE OR LESS" (Change of Zone No. 1398) filed on behalf of Bayside Development Group, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Road Naming Readdressing Mr. Phillips requested that a report be given to Council at the February 15, 2000 Council meeting for the purpose of providing an update on Road Naming Readdressing.

M 052 00 Councilmanic Grant A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$400.00, \$200.00 each from Mr. Phillips' and Mr. Dukes' Councilmanic Accounts, to the Laurel Chamber of Commerce for expenses associated with the 1999 Christmas Parade.

Motion Adopted: 5 Yea.

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

M 053 00 Youth Activity Grant A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 from Mr. Cole's Youth Activity Grants to the Lower Sussex Little League for operating expenses.

Motion Adopted: 5 Yea.

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

M 054 00 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$200.00, \$100.00 each from Mr. Jones' and Mr. Phillips' Councilmanic Accounts, to Sussex Central Softball for practice shirts and warm-up suits for the Lady Knights.

Motion Adopted: 5 Yea.

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

Introduction of Legislation Relating to Land Use

Mr. Dukes discussed the newspaper article in the Delaware Capital Review regarding six or seven bills introduced by Senator Sharp, Senator Bunting, and Representative Price regarding land development. Mr. Stickels distributed a synopsis of the bills. Following a discussion over the impact these bills would have on the County's zoning authority, it was decided that these bills, in full text, should be distributed to the Council and the Land Use Advisory Committee for review.

M 055 00 Councilmanic Grant

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$600.00 from Mr. Rogers' Councilmanic Account to the City of Lewes for the Mayor's attendance at the Congressional City Conference in Washington, D.C.

Motion Adopted: 5 Yea.

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

M 056 00 Youth Activity Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$200.00 from Mr. Phillips' Youth Activity Grants to the Lower Sussex Little League for operating expenses.

Motion Adopted: 5 Yea.

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

Georgetown Fire Siren

Mr. Phillips reported that he has been contacted by several constituents regarding their concern over the length of the fire siren in Georgetown. Mr. Phillips was advised to contact the Fire Chief of the Georgetown Fire Company.

M 057 00 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware State Police for the 2000 Civilian Police Academy.

Motion Adopted: 5 Yea.

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

M 058 00 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00, \$100.00 from each Councilmanic Account, to Delaware Health and Social Services, for the Retired Senior Volunteer Program (RSVP) Knitting Project.

Motion Adopted: 5 Yea.

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

M 059 00 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Heritage Commission for the Hands On Heritage Camp 2000.

Motion Adopted: 5 Yea.

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

Bid Results/ Indian River Acres Suburban Community Improvements Mr. McCabe, Director of Public Works, reported on the bid results for Sussex County Project No. 99-16, Indian River Acres Suburban Community Improvements, as follows:

	<u>BIDDER</u>	<u>BID PRICE</u>
	Del-Mar-Va Paving Company, Inc. Seaford, Delaware	\$ 91,611.00
	Sparr Associates, Inc. Salisbury, Maryland	\$ 92,527.50
	P&A Company, Inc. Delmar, Delaware	\$ 99,981.00
	Jerry's, Inc. Milford, Delaware	\$100,768.60
	A. P. Croll and Son, Inc. Georgetown, Delaware	\$101,432.38
	Tilcon Delaware, Inc. Dover, Delaware	\$114,247.12

The Engineer's estimate for the construction cost was \$120,566.06.

M 060 00 Award Bid/ Indian River Acres Suburban Community Improvements

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendations of the Sussex County Engineering Department, that Sussex County Project No. 99-16, titled "Indian River Acres Suburban Community Improvements" be awarded to Del-Mar-Va Paving Company, Inc. at a contract amount of \$91,611.00.

Motion Adopted: 5 Yea.

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

DelDOT's Access Management Plan

Mr. Phillips commented that DelDOT is holding a meeting on this date on Access Management. Mr. Phillips further commented that in the past, the Council has made a statement regarding its position on Access Management. Mr. Phillips asked the County Administrator to present to Council, following the afternoon session, the County's current position on Access Management.

Mr. Jones advised that last year, the County took a position against Access Management in letters written to the Highways & Transportation Committee of the Delaware State Senate and the Transportation Committee of the Delaware State House of Representatives.

M 061 00 Recess

At 11:15 a.m., a Motion was made by Mr. Cole, seconded by Mr. Dukes, to recess the regular meeting and go into Executive Session for the purpose of discussing land acquisition. Motion Adopted by Voice Vote.

Executive Session/ Land Acquisition

An Executive Session of the Sussex County Council was held in the Caucus Room of the Sussex County Council Chambers beginning at 11:20 a.m. for the purpose of discussing land acquisition. The Executive Session concluded at 11:45 a.m. and the regular meeting was recessed.

Reconvene

Mr. Rogers called Council back in to session at 1:30 p.m.

Attorney

Mr. Schrader, Assistant County Attorney, was present.

Conflict of Interest

Mr. Rogers excused himself from the meeting due to a possible conflict of interest with Conditional Use No. 1319, an application of FunSport, Inc.

Mr. Dukes presided over the meeting.

Public Hearing (C/U No. 1319)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF AN EXISTING WATERPARK AND MINIATURE GOLF (AMUSEMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND

Public  
Hearing  
(C/U  
No. 1319)  
(continued)

LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 38.45 ACRES, MORE OR LESS” (Conditional Use No. 1319) filed on behalf of Funsport, Inc. The Planning and Zoning Commission held a Public Hearing on this application on January 13, 2000, at which time they recommended approval with stipulations. There were no public comments in support of the application. Public comments were heard in opposition to the application. Comments focused on lack of available parking and increased traffic. The Public Hearing was closed.

M 062 00  
Adopt  
Ordinance  
No. 1359  
(C/U  
No. 1319)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1359 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF AN EXISTING WATERPARK AND MINIATURE GOLF (AMUSE-MENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 38.45 ACRES, MORE OR LESS” (Conditional Use No. 1319) filed on behalf of Funsport, Inc., with the following conditions:

1. The site plan shall be subject to final review and approval of the Planning and Zoning Commission upon receipt of all agency approvals.
2. The proposed activity pool will be approximately 3,600 square feet with depths varying from approximately 6 inches in some places to 24 inches in other places. The activity pool will be surrounded by wooden fencing with a height of 6 feet and sidewalk with a minimum width of 4 feet and will meet all Delaware State Code requirements for fencing and free space around pools. The existing wading pool will be removed.
3. The proposed lazy river activity will be approximately 300 linear feet with a depth of approximately 42 inches. The lazy river activity will be surrounded by wooden fencing with a height of 6 feet and sidewalk with a minimum width of 4 feet and will meet all Delaware State Code requirements for fencing and free space around pools.
4. Leyland cypress trees will be planted along the exiting 6-foot high stockade fencing that borders the property.
5. Lighting will be “down” lights mounted on poles or lighting pointing away from adjacent properties so that the lighting will not affect motorists or adjacent properties.
6. Operating hours shall be 10:00 a.m. to 12:00 a.m. (midnight) daily.

M 062 00  
Adopt  
Ordinance  
No. 1359  
(C/U  
No. 1319)  
(continued)

7. Adequate parking shall be provided.
8. A marked pedestrian crossing and stop signs for motor vehicle traffic in both directions will be constructed between the water park and the miniature golf course. Speed bumps shall be provided with 20 feet of and on each side of the pedestrian crossing.
9. The climbing tower shall be designated on the site plan.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Rogers was present for the meeting on this date; however, he was not present during this Public Hearing due to a possible conflict of interest.)

Findings  
of Fact

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

1. The C-1 General Commercial District zoning is appropriate for the proposed conditional use on the subject parcel of land.
2. The conditions attached to this approval will eliminate or minimize expressed concerns about traffic, parking, on-site activity, and the appearance of the property.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Mr. Rogers rejoined the meeting.

Public  
Hearing  
(C/U  
No. 1320)

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 AN ANTIQUE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 36,035 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1320) filed on behalf of David C. Blackwell. The Planning and Zoning Commission held a Public Hearing on this application on January 13, 2000, at which time they recommended approval with stipulations. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 063 00  
Adopt  
Ordinance  
No. 1360  
(C/U  
No. 1320)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1360 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ANTIQUE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 36,035 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1320) filed on behalf of David C. Blackwell, with the following conditions:

1. Business hours shall be from 10:00 a.m. to 6:00 p.m. Monday through Saturday with no Sunday hours.
2. Retail showroom shall be limited to the 930 square foot building only.
3. No parking shall be permitted along Road 462.
4. The hedge surrounding the site shall be maintained.
5. One non-lighted on-premise sign, not exceeding 32 square feet per side or facing may be permitted.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

1. The conditional use for the antique shop will have little to no impact on the surrounding area.
2. The conditional use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1321)

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 CONTRACTORS OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS" (Conditional Use No. 1321) filed on behalf of Custom Framers, Inc. The Planning and Zoning Commission held a Public Hearing on this application on January 13, 2000, at which time they recommended approval of the application with stipulations. There were no public comments in support of or in opposition to the application. The Public Hearing was closed.

M 064 00  
Adopt  
Ordinance  
No. 1361  
(C/U  
No. 1321)

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1361 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS" (Conditional Use No. 1321) filed on behalf of Custom Framers, Inc., with the following stipulations:

1. One on-premise sign, not exceeding 32 square foot per side or facing, may be permitted.
2. Security lighting may be provided at the parking area near the garage.
3. The parking areas shall be improved at a minimum with crusher-run.
4. Employee parking shall be designated on the site plan.
5. All outside storage shall be within a fenced area to the rear of the dwelling.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

1. The conditional use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein..

Mr. Dukes left the meeting at this time.

Public  
Hearing  
(C/U  
No. 1322)

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 HEATING AND AIR CONDITIONING CONTRACTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (Conditional Use No. 1322) filed on behalf of Ronald C. Witke. The Planning and Zoning Commission held a public hearing on this application on January 13, 2000, at which time they recommended that the application be denied since the business has enough employees and vehicles to show that it should be located in a commercial area, and since the site is located in a small residential community served by a private street that was not intended for business traffic. Public comments were heard. Comments in opposition to the application focused on concerns relating to traffic including truck traffic, dust, maintenance of the street, poor drainage in the area, and the fact that the business has grown too large to remain in a residential community on a private street. The Public Hearing was closed.

M 065 00  
Adopt  
Proposed  
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HEATING AND AIR CONDITIONING CONTRACTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (Conditional Use No. 1322) filed on behalf of Ronald C. Witke.

Mr. Phillips initiated a discussion on deferring action on the application to consider the issues involved. Mr. Phillips expressed concern in shutting down the business of the applicant.

Motion Denied: 4 Nay, 1 Absent.

M 065 00  
(continued)

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

Public  
Hearing  
(C/U  
No. 1323)

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 AN OFFICE FOR SURVEYING FRIM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS" (Conditional Use No. 1323) filed on behalf of Theodore B. Simpler. The Planning and Zoning Commission held a Public Hearing on this application on January 13, 2000, at which time they recommended approval with stipulations. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 066 00  
Adopt  
Ordinance  
No. 1362  
(C/U  
No. 1323)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1362 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE FOR SURVEYING FRIM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS" (Conditional Use No. 1323) filed on behalf of Theodore B. Simpler, with conditions:

1. No business vehicles shall be parked outside overnight.
2. One non-lighted sign, not exceeding 6 square feet may be permitted.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

1. The conditional use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Findings  
of Fact  
(continued)

2. The applicant established that the site is located within a Development District in the Comprehensive Land Use Plan.
3. The applicant established that he works in the area and services area developments.
4. The applicant established that the area consists of mixed uses and that the zoning and use will conform with the general use of the area.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 067 00  
Sale of  
Property  
to Eric  
Mooney

A Motion was made by Mr. Jones, seconded by Mr. Cole, authorizing the County Administrator to prepare the necessary documents to allow for the sale of the property at 11 South Race Street and the adjoining parcel to Eric G. Mooney for a price of \$111,000.

Motion Adopted: 4 Yea, 1 Absent.

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

Statewide  
Access  
Management  
Policy  
Program

Mr. Stickels provided an update on the Council's position on Access Management. The County is concerned regarding DelDOT's development of the Statewide Access Management Policy Program. The County Council is of the opinion that the Program that DelDOT is currently proposing may create a hardship on property owners Statewide. The County Council respectfully requests that DelDOT not be able to implement the Access Management Policy Program until it has received affirmative support from both chambers of the General Assembly. The County Council questions whether the elected members of State government truly understand the impact this program will have on all local governments. The Sussex County Land Use Plan, Mobility Section, states, "Strategies and policies outlined in the Sussex County Long-Range Transportation Plan will be implemented through DelDOT's annual budget process, with continued public input." The Plan further states that DelDOT will continue to work with the citizens of Sussex County to shape transportation policies. The Sussex County Long-Range Transportation Plan is intended to be financially reasonable inasmuch as it is proposed action that can be implemented over time and with general cost expectations. It is not intended to be a "wish list" of fantastic projects that look good on paper, but have poor prospects of ever being funded. It is alarming when the County Council receives reports that property owners are waiting as long as five or six months before getting an answer on how access can be obtained to their property. The County Council believes that land use decisions are best made at the local level.

Statewide  
Access  
Management  
Policy  
Program

Mr. Stickels reported that in February, 1999, letters were sent to the Chairman of the House, the Chairman of the Senate, and all Sussex County legislators stating the County's position on the Access Management Policy Program. No response has been received.

It was the consensus of Council to send letters again this year to the Chairman of the House and the Chairman of the Senate, and to Secretary Anne Canby, restating the Council's position.

Mr. Phillips distributed a written report that he prepared stating the reasons why the County is opposed to the implementation of the Access Management Policy Program, as follows:

"Having reviewed Version 7.0 of the Department of Transportation's Access Management Plan, Sussex County Council, again, finds it necessary to state, in the strongest possible terms, that the County government is opposed to implementation of this plan as currently written. There are two primary reasons:

1. The latest version of the plan makes it clear that the Department of Transportation still has an inadequate understanding of, or respect for, the principal role that County government plays in land use planning. In this respect, it is unchanged from earlier versions.
2. Implementation of the Corridor Preservation Plan has demonstrated that the Department of Transportation considers the County government's needs, and that of its citizens, secondary to the department's desire for convenience in managing access of our roadways. Sussex County government understands that corridor preservation is a different program from access management, but your record on corridor preservation serves as a clear warning to Sussex County citizens that their concerns may be ignored once access management is implemented.

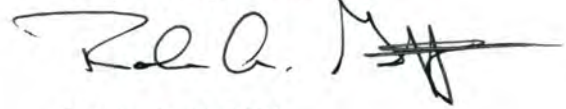
Sussex County will find it difficult, or impossible, to support any access management plan that does not recognize the proper role of the Department of Transportation in our representative system of government."

Mr. Phillips suggested that the foregoing information be incorporated into the letters to be written to the Chairmen of the House and Senate and to Secretary Canby.

M 068 00  
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn  
at 3:57 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. A. Griffith", with a long horizontal flourish extending to the right.

Robin A. Griffith  
Clerk of the County Council