

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 13, 1999

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, April 13, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	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 176 99  
Approve  
Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 177 99  
Approve  
Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of the previous meeting, dated March 30, 1999.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; 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 on revisions to the State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standards for Ozone and Particulate Matter.

Corre-  
spondence  
(con't)

RE: Legal Notice to change the date of a Public Hearing from May 13, 1999, to April 30, 1999, on proposed amendments to the State Implementation Plan for the Attainment and Maintenance of the National Ambient Air Quality Standard for Ozone.

DIVISION OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, UNDERGROUND STORAGE TANK, NEW CASTLE, DELAWARE.

RE: Spring 1999 edition of newsletter "Think Tank".

LAUREL LITTLE LEAGUE, LAUREL, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

M 178 99  
Adopt  
Proclamation

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS 'NATIONAL COMMUNITY COLLEGE MONTH'".

Motion Adopted: 5 Yea.

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

M 179 99  
Adopt  
Proclamation

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 11 THROUGH APRIL 17, 1999, AS 'NATIONAL LIBRARY WEEK'".

Motion Adopted: 5 Yea.

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

Trash  
Along  
County  
Roads/  
DelDOT

Mr. Stickels, County Administrator, and Mr. Redden, District Engineer, South District, Delaware Department of Transportation (DelDOT), discussed trash along County roads. Mr. Redden acknowledged that clean-up of the trash is the State's responsibility. A telephone line has been established to receive complaints – the phone number is 855-1111. Mr. Redden reported that DelDOT works in conjunction with the Delaware Department of Corrections in assigning two prison crews in Sussex County to work full time on the clean-up of trash along the roadsides. Mr. Redden noted that there is a possibility that ten more crews will be assigned to this task. Mr. Redden also reported that there is an active Adopt-a-Highway Program through which individuals or groups adopt a highway and are responsible for the clean-up of that highway.

M 180 99  
Authorize  
Executive  
Session

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to authorize an Executive Session to be held on April 20, 1999, at 9:00 a.m., in the Caucus Room of the Sussex County Council Chambers, for the purpose of discussing personnel.

Motion Adopted: 5 Yea.

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

Adminis-  
trator's  
Report

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

1. Paramedic Training

Over 50 Sussex County Emergency Medical Service Paramedics received training on March 9 and March 29 in Non-violent Crisis Intervention. The purpose of the training was to give paramedics techniques to handle violent patients safely. The training contained several hours of classroom instruction, including how to recognize potentially violent patients and deal with them effectively. Instruction included several role-playing scenarios in which hands-on techniques were demonstrated. The training taught paramedics how to deal with violent patients and potentially violent patients without hurting the patient or the paramedic. The class was designed by the Crisis Prevention Institute for all human service occupations, including health care, mental health, law enforcement, corrections, and others. Sharon Hamblin, Training Coordinator for Nanticoke Hospital, provided the excellent instruction for the County paramedics.

2. Delaware Water Operator of the Year Award

I have received notification from Jerry Williams, Program Manager, Delaware Technical and Community College Environmental Training Center, that Kay Dewson has been nominated for Delaware Water Operator of the Year. In addition to Kay's responsibilities as the operator of record for the West Rehoboth Wastewater Treatment Facility, Kay is also responsible for the Dewey Beach water system and the Sussex County Industrial Airpark water system.

There will be a ceremony at 11:30 a.m. at Delaware Technical and Community College, Owens Campus in Georgetown, on April 22, 1999, to announce the winner.

Additionally, the Wastewater Plant of the Year will be announced, and the South Coastal Regional Wastewater Facility is one of the nominees.

Adminis-  
trator's  
Report  
(con't)

3. Emergency Medical Services (EMS) Improvement Committee – Public Hearing

The Emergency Medical Services Improvement Committee, appointed by Governor Carper to review the EMS program as a result of the Fitch study, will hold a public hearing on Thursday, April 22, 1999, at 7:00 p.m. The public hearing will be held at Legislative Hall in the House Majority Caucus Room on the second floor, Dover, Delaware.

The purpose of the public hearing is to allow for the general public to comment on recommendations for improvements to the EMS system. Anyone requesting additional information may contact the State of Delaware Department of Public Safety at 302-739-4311.

Public  
Hearing/  
Recorder  
of Deeds  
Fees

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE, ADD AND DELETE CERTAIN FEES CHARGED BY THE RECORDER OF DEEDS OF SUSSEX COUNTY".

It was noted that this fee revision ordinance was proposed to finance improvements outlined in the "Agenda 2000". "Agenda 2000", prepared by Mr. Bell, Recorder of Deeds, is a detailed plan to improve and enhance the Recorder of Deeds office.

Letters in support of the Proposed Ordinance were read into the record. In addition, Mr. Stickels advised that Representative Ewing has expressed his support of the Proposed Ordinance.

Public comments were heard in support of and in opposition to the Proposed Ordinance. It was noted that lawyers, surveyors, and title searchers support this Ordinance as they feel additional funds are needed to finance the necessary improvements to the Recorder of Deeds office.

Comments in opposition of the Proposed Ordinance centered around the fact that the improvements to the Recorder of Deeds office should be funded by (1) the excess revenues of the office, (2) the County's surplus funds, or (3) interest on the County's surplus funds.

Mr. Phillips stated that user fees become a tax when revenue generated exceeds expenses.

Mr. Stickels, County Administrator, noted that although the revenues of the Recorder of Deeds office exceeds expenses, there are many operating costs that are not passed along to the County departments, i.e. utilities, maintenance, office space, accounting services, security, etc.

The Public Hearing was closed.

M 181 99  
Table  
Action on  
Proposed  
Ordinance/  
Recorder  
of Deeds  
Fees

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to table action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE, ADD AND DELETE CERTAIN FEES CHARGED BY THE RECORDER OF DEEDS OF SUSSEX COUNTY", for further consideration.

Motion Denied: 4 Nay, 1 Yea.

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

M 182 99  
Adopt  
Ordinance  
No. 1300

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1300 entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE, ADD AND DELETE CERTAIN FEES CHARGED BY THE RECORDER OF DEEDS OF SUSSEX COUNTY".

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

Public  
Hearing/  
Mobile  
Homes

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED "ZONING", TO AMEND THE PROVISIONS RELATING TO THE PLACEMENT AND REGULATIONS OF MOBILE HOMES IN CERTAIN DISTRICTS".

Mr. Lank, Director of Planning and Zoning, reported that a Public Hearing on this Proposed Ordinance was held on March 25, 1999, at which time action was deferred. As of this date, the Planning and Zoning Commission has not made a recommendation.

It was noted that the Proposed Ordinance provides a provision for existing mobile homes, placed on farms or on parcels of five acres or more, to be retained on a subdivided parcel of less than five acres if a Special Use Exception is granted by the County Board of Adjustment after public hearing.

Public comments were heard in support of this application. The Public Hearing was closed and action was deferred.

M 183 99  
Recess

At 12:05 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Cole, to recess until 1:00 p.m. Motion Adopted by Voice Vote.

Luncheon

Council attended a luncheon meeting with the FAA at the West Complex Building.

Reconvene

Mr. Jones called Council back into session at 1:20 p.m.

Computer Software and Hardware Upgrade Proposal

Mr. Baker, Finance Director, discussed a Computer Software and Hardware Upgrade Proposal. The proposal is for the purchase of a software package that will allow the County to establish a Work Order Accounting System. The software package also includes an inventory accounting package, an equipment plant maintenance package and time cost accounting package. The Work Order system offers the means to improve cost control, accountability, and accessibility to information. The cost of the software package is \$30,000; set up assistance will cost \$23,000 including training and customizing the program. The Maintenance Agreement will cost approximately \$7,200 annually. Mr. Baker reported that \$53,000 has been budgeted for this project.

Mr. Baker advised that another part of this proposal is an upgrade to the County's AS400 Computer. An upgrade to this computer is needed to implement project cost, inventory, and equipment maintenance software. This upgrade will (1) increase speed, (2) provide faster network operations and (3) provide increased memory and disk space. The cost of this upgrade is \$44,040; additional expenses include \$5,000 for installation assistance, \$4,400 for the software upgrade, and \$4,823 for a three-year software subscription. Mr. Baker reported that \$60,000 has been budgeted for this project.

M 184 99 Approve Computer Hardware and Software Upgrade Proposal

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council approves the purchase of Computer Software and Hardware Upgrades, as recommended by County staff, to enhance operations, as per the County's Fiscal '99 budget.

Motion Adopted: 5 Yea.

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

Proposed Changes to Group Hospital Plan

Mr. Baker, Finance Director, discussed proposed changes to the County's Group Hospital Plan with Farnell & Smith, as follows:

- (1) Increasing the co-pay on prescriptions from \$3.00 and \$5.00 to \$5.00 and \$10.00. (Estimated annual savings - \$26,000)
- (2) Using co-pays instead of deductibles for the health insurance. In the network co-pay would stay at \$10.00; out-of-network co-pay would be changed to a co-pay of \$20.00 (currently 80% coverage). There will be no deductibles and co-pays would be charged on more items, i.e. surgery, out-patient surgery, labs, x-rays, office visits, emergency room use, and in-patient hospital. (Estimated annual savings - \$75,000)

These changes are proposed to control Group Hospital Plan costs.

Proposed Changes (con't)

Mr. Baker advised that the County has been considering changing insurance companies for reinsurance and changing the reinsurance deductible amount. The County currently has reinsurance with American Nations Insurance Company; Mr. Baker recommended a change to Peoples Benefit Insurance Company. Mr. Baker further recommended that the reinsurance deductible amount be changed from \$25,000 to \$35,000. Farnell & Smith has estimated a savings to the County in the amount of \$200,000 in net expense.

Mr. Stickels, County Administrator, advised that no action was required.

Bid Results/  
Contract 4/  
Holland  
Glade/  
West  
Rehoboth  
Expansion  
of the  
DBSSD

Mr. Izzo, County Engineer, discussed bid results that were reported to Council on March 30, 1999, for Contract No. 4, Holland Glade, West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III, as follows:

Teal Construction, Inc.	\$3,948,948.00
Bunting and Murray Construction	\$3,952,714.84
L. A. Merrell Construction Co., Inc.	\$3,983,623.41

The Engineer's estimate for the project is \$3,583,112.50. Mr. Izzo reported that it is the recommendation of the Consulting Engineers, George, Miles & Buhr, and the County Engineering Department to award the bid to the low bidder, Teal Construction, Inc.

M 185 99  
Award Bid/  
Contract 4/  
Holland  
Glade/  
West  
Rehoboth  
Expansion  
of the  
DBSSD

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Consulting Engineers, George Miles & Buhr, and the County Engineering Department, that Contract III-4 (Holland Glade) for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District be awarded to the low bidder, Teal Construction, Inc., and that the Council President and the Clerk of the County Council be authorized to execute a construction contract with Teal Construction, Inc. in the amount of \$3,948,948.00, contingent upon the review and approval of the contract bid documents by the Rural Utility Service of the United States Department of Agriculture.

Motion Adopted: 5 Yea.

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

Bid Results/  
SCADA  
System  
Improve-  
ments

Mr. Izzo, County Engineer, discussed bid results that were reported to Council on March 30, 1999, for Sussex County Project No. 99-02, "SCADA System Improvements", as follows:

Trijay Systems, Inc.	\$354,820.00
John W. Tieder, Inc.	\$399,180.00

Bid Results  
(con't)

The Engineer's estimate for the project is \$364,850.00. Mr. Izzo reported that it is the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department to award the bid to the low bidder, Trijay Systems, Inc.

M 186 99  
Award Bid/  
SCADA  
System  
Improvements

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the Engineering Department, that Sussex County Project No. 99-02, "SCADA System Improvements – Phase I" be awarded to Trijay Systems, Inc. at the bid amount of \$354,820.00.

Motion Adopted: 5 Yea.

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

Y2K  
Implementation  
Plan

Mr. Izzo, County Engineer, discussed the Y2K Implementation Plan that was presented to Council on March 30, 1999. Mr. Izzo reviewed generator costs that will be incurred as a result of the Plan, as follows:

South Coastal Facility	\$271,000.00
Dewey Beach Sewer District	\$ 16,000.00
Long Neck Sewer District	\$ 67,800.00
Dagsboro/Frankford Sewer District	\$ 1,500.00
West Rehoboth Sewer District	\$ 3,000.00
Blades Sewer District	\$ 1,500.00
TOTAL	\$360,800.00

It was noted that these costs will be funded by connection and permit fees in the respective districts; any shortfall in funds will be covered by Realty Transfer Tax funds.

M 187 99  
Adopt  
Y2K  
Implementation  
Plan

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Engineering Department, that the Y2K Implementation Plan for the Sussex County Water and Wastewater Systems be adopted, with acknowledgement that the actions proposed by the Plan also provide significant benefit should an emergency response to a severe coastal storm event be required.

Motion Adopted: 5 Yea.

M 187 99  
(con't)

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

Agenda

The agenda item entitled "Dash-In – Beneficial Acceptance" was tabled.

EMS  
Garage/  
Change  
Order

Mr. Izzo, County Engineer, reviewed a Change Order request for the EMS Garage Project currently under construction. The Change Order, amounting to \$6,056.00, will provide the following upgrades to the project: (1) a high lift track for a front overhead garage door (\$322.00), (2) replace rear overhead garage door with a 12' x 14' insulated rolling steel door (\$3,589.00), (3) baseboard heaters in the bathroom and tool room (\$350.00), and (4) install a 8,000 BTU in-the-wall heat pump in the office (\$1,795.00). The original contract sum was \$65,000; this change order would increase the project cost to \$71,056.00. \$100,000 has been budgeted for the project. It was the consensus of Council to table action and to instruct Mr. Sapp, Project Engineer, to renegotiate the price of the 12' x 14' insulated rolling steel door.

Pick-up  
Truck  
Bid  
Results

Ms. Sheridan, Director of Operations, reported bid results for three 4-wheel drive extended cab 1/2-ton pickup trucks. Five bid packages were sent to various dealers; one bid was received, as follows:

I.G. Burton

\$22,297.00 each

M 188 99  
Award  
Bid for  
Pick-up  
Trucks

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 98-013-RH, Three 4-Wheel Drive Extended Cab 1/2 Ton Chevrolet Pick-ups be awarded to I.G. Burton, Inc. at a cost of \$66,891.00.

Motion Adopted: 5 Yea.

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

Agenda

The agenda item entitled "Class 8 Single Axle Truck with Hydraulic Dump – Bid Award" was tabled.

Proposed  
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MODIFY THE LAND AREA AND AMEND THE CONDITIONS OF CONDITIONAL USE NO. 1205 (PLAY AND RECREATIONAL AREA) FOR A PUBLIC SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS" (Conditional Use No. 1288) filed on behalf of Milford School District. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ANTIQUE AND COLLECTIBLE GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31,980 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1289) filed on behalf of Dorothy A. Theriault. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Dukes 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.65 ACRES, MORE OR LESS" (Change of Zone No. 1380) filed on behalf of David B. Webb, Jr. 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/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 76.69 ACRES, MORE OR LESS" (Change of Zone No. 1379) filed on behalf of Dyer McCrea Ventures, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Public Hearing  
(C/U 1275)

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 REVISION AND EXPANSION OF CONDITIONAL USE NO. 1096 TO INCREASE BOAT STORAGE CAPACITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.01 ACRES, MORE OR LESS" (Conditional Use No. 1275) filed on behalf of Angola Community Partners, L.L.C. There were no public comments in support of or in opposition to this application. No action has been taken by the Planning and Zoning Commission and therefore, action was deferred by Council.

Public Hearing  
(C/Z No. 1371)

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS" (Change of Zone No. 1371) filed on behalf of Joseph B. Melson, Claudia B. Melson, and Virginia Joy. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 189 99  
Adopt  
Ordinance  
No. 1301  
(C/Z No.  
1371)

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1301 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS" (Change of Zone No. 1371) filed on behalf of Joseph B. Melson, Claudia B. Melson, and Virginia Joy.

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 established by substantial evidence that the change of zone will provide the property with one consistent zoning classification and will enable the applicant to make some beneficial use of the property consistent with the character of the area as zoned and without adverse impact of any sort. The change of zone is more corrective and confirmatory than developmental. The change of zone restores to the applicant the uses the property should have had since 1970.
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.  
1372)

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS" (Change of Zone No. 1372) filed on behalf of Francis J. and Heather B. Cassidy. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 190 99  
Adopt  
Ordinance  
No. 1302

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1302 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT

M 190 99  
(con't)

FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS" (Change of Zone No. 1372) filed on behalf of Francis J. and Heather B. Cassidy.

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 established by substantial evidence that the change of zone is consistent with the character of the neighborhood as it has developed and continues to develop. The change of zone will have no adverse impact of any sort on the surrounding area.
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.  
1370)

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.10 ACRES, MORE OR LESS" (Change of Zone No. 1370) filed on behalf of Henry T. Waring. Public comments were heard in support of the application. There were no comments in opposition to this application and the Public Hearing was closed. It was the consensus of Council to defer action and hold the record open until July 7, 1999, for information from the Sussex County Engineering Department regarding possible connection to the sewer district and for a recommendation by the Planning and Zoning Commission. Written comments from the public will also be accepted until July 7, 1999.

Corre-  
spondence

Mr. Cole read the following correspondence

INDIAN RIVER VOLLEYBALL BOOSTERS, FRANKFORD, DELAWARE.  
RE: Letter in appreciation of Councilmanic Grant.

INDIAN RIVER HIGH SCHOOL BAND BOOSTERS, FRANKFORD, DELAWARE.  
RE: Letter in appreciation of Councilmanic Grant.

Corre-  
spondence  
(con't)

REHOBOTH ELEMENTARY SCHOOL PARENT TEACHER ORGANIZA-  
TION, REHOBOTH, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

M 191 99  
Council-  
manic  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$400.00 from Mr. Rogers' Councilmanic Account to the Milton Little League for operating expenses.

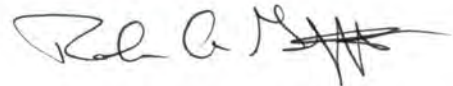
Motion Adopted: 5 Yea.

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

M 192 99  
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 3:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council