

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE, MAY 1, 2001

Call to Order On Tuesday, May 1, 2001, at 9:00 a.m., Mr. Dukes called Council into session in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

M 230 01 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to recess and go Recess/ into Executive Session. Motion Adopted by Voice Vote. Executive Session

An Executive Session of the Sussex County Council was held Tuesday, May 1, 2001, at 9:00 a.m., in the Caucus Room of the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes.	President
Finley B. Jones Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney
Dennis Schrader	Assistant County Attorney
Eddy Parker	Director of Assessments
Dennis Norwood	Supervisor of Mapping and Addressing

The Executive Session was held for the purpose of discussing pending litigation.

At the conclusion of the Executive Session, Council reconvened in the Council Chambers.

M 231 01 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to adjourn the Adjourn Executive Session and recess until 10:00 a.m. Motion Adopted by Voice Session Vote.

Call to Order/ The regular meeting of the Sussex County Council was held Tuesday, May 1, Regular Meeting 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes.	President
Finley B. Jones Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
Robert L. Stickels	County Administrator

Call to
Order
(continued)

David Baker
Eugene Bayard

Finance Director
County Attorney

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

M 232 01
Amend
and
Approve
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the Agenda by (1) inserting "2.A. Chris Tinsman, Legislative Representative – Report", (2) deleting "4. Legislative Update" and (3) changing the order of the Public Hearings scheduled for 1:30 p.m. to (1) Conditional Use No. 1386, (2) Change of Zone No. 1427, and (3) Conditional Use No. 1391; and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 233 01
Approve
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of the April 24, 2001 meeting, as distributed.

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Bayard read the following correspondence:

MICHAEL N. CASTLE, MEMBER OF CONGRESS, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

RE: Copy of a letter to The Honorable James T. Walsh, House Appropriations Subcommittee on VA, HUD, and Independent Agencies asking that \$12 million be included in the Fiscal Year 2002 FZ, HUD, and Independent Agencies Appropriation bill, to pay down the debt on the West Rehoboth Sewer Expansion.

3DI
Imaging
LLC/
Readdressing
Contract

Mr. Stickels and Mr. Norwood, Supervisor of Mapping and Addressing, discussed the Readdressing Contract between 3DI (3D Imaging, LLC) and Sussex County. Mr. Stickels reported that 3DI has failed to deliver a feasible addressing scheme for the County's 911 Emergency System despite the County Addressing Department's efforts to work with 3DI in resolving the conflicts and errors in the addressing process. Mr. Stickels emphasized that the County has tried to reduce the impact of readdressing on the residents of Sussex County and 3DI has not been receptive to the County's efforts.

Readdressing Contract (continued) Mr. Stickels continued that the County is displeased with the progress of 3DI; that there are still approximately 30,000 addresses outstanding (approximately one-third of the project). Mr. Stickels advised that, based on this information, he cannot recommend continuing with the contract with 3DI.

M 234 01 Terminate Readdressing Contract A Motion was made by Mr. Rogers, seconded by Mr. Jones, to enter into negotiations with 3DI Imaging, LLC, for the purpose of terminating the Readdressing Contract.

Motion Adopted: 5 Yea.

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

Readdressing Project Mr. Stickels clarified that the termination of the contract will only affect the delivery of addresses and tying the addresses into the road names. He emphasized that the road names will not change. Mr. Stickels reported that the project will still continue; that the project will be completed in-house; and that the project may go past the June 30th deadline. It was noted that the subdivision appeal process remains in place.

Mr. Stickels emphasized that the County needs to make sure the project is publicly acceptable, but also at the same time, the County cannot lose track of the fact that it has to be able to provide public safety services and deliver those services to an address. Mr. Stickels noted that it might not be necessary to go to five digits for all addresses; however, residents have to have addresses that facilitate the delivery of the public safety services.

Mr. Rogers referred to the major roads which are commercialized in the Lewes/Rehoboth area (i.e. Savannah Road, Rehoboth Avenue Extended), stating that if it is determined that an acceptable (sequential) addressing scheme exists, there is a possibility the businesses will not have to change their addresses.

Mr. Rogers requested that a news release be issued to assure the public that the County is taking a direction that the constituents favor.

Mr. Norwood reported that a news release will be issued this week advising residents living in subdivisions (who are in the petition process), that they should not change their addresses until they are further notified.

Miss Sussex County 2001 Ashley Rose, Miss Sussex County 2001, was in attendance and announced that she is a contestant in the Miss Delaware Pageant which will take place June 8 – June 9. Miss Rose, an honors senior at Milford Senior High School, told Council that she is very active in community and school organizations and that her Miss Delaware “platform” is Youth Volunteerism.

YMCA
Youth
In
Government
Legislative
Session

Chris Tinsman was in attendance and thanked Council members for their sponsorship of the YMCA Youth In Government Legislative Session. Mr. Tinsman announced that, during the session, he was appointed Secretary of Transportation, advising the Youth Governor on all transportation bills. Mr. Tinsman announced that he was awarded the 2001 Youth In Government Character Development Award and that he was one of ten students chosen to attend the 2001 Youth Conference on National Affairs.

M 235 01
Adopt
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF MAY AS 'MAMMOGRAMS FOR MOTHERS MONTH'".

Motion Adopted: 5 Yea.

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

M 236 01
Adopt
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING MAY 14, 2001 AS 'YOUNG MOTHERS DAY'".

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Community Development Audit Report – FY '00

I have received notification from the Delaware State Housing Authority that they have completed the audit for the Sussex County Community Development Block Grant for FY '00. During the audit, nothing came to attention that indicated that generally-accepted government audit standards had not been met. The 2000 audit review closes out the County's Community Development Block Grant Contract No. 03-98.

William Lecates, Director of the Community Development and Housing Division, and his staff should be complimented for once again successfully completing the Delaware State Housing Authority audit.

2. Student Government Day

The Sussex County Council will be hosting Student Government Day

Adminis-
trator's
Report
(continued)

on Thursday, May 10, 2001, starting at 9:00 a.m. Boys and Girls State students who are juniors in high school from all Sussex County public schools have been invited to participate in this day. There will be an explanation of County government responsibilities and a mock County Council meeting. The media, as well as the general public, is invited to attend.

Bid
Recommen-
dation/
Microfilm
Reader-
Printer

Mr. Shade, Purchasing Director, reported on a bid opening for a Microfilm Reader Printer for the Register in Chancery. The bid requirements required that both leasing and purchase prices be submitted. Mr. Shade stated that the lease is being recommended due to fact that legislation is pending whereby the State of Delaware will take over the Register in Chancery Office.

Mr. Shade reported that only one bid was received. The bid was received from National Micrographic Systems in the amount of \$504.00 per month for a 36-month lease

Another bid was submitted; however, the bid arrived late and was disqualified.

M 237 01
Accept
Bid/
Microfilm
Reader-
Printer

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to accept the bid of National Micrographic Systems for a Microfilm Reader Printer in the amount of \$504.00 per month for a 36-month lease.

Motion Adopted: 5 Yea.

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

Bid
Recommen-
dation/
Heavy
Duty
Pickup
Truck

Mr. Shade, Purchasing Director, reported on a bid opening for a Heavy Duty Boom Truck needed by the Engineering Department at the treatment facilities. The bid for this purchase was originally awarded to First State Chevrolet. Shortly thereafter, the vendor informed the County that the truck (as specified) was not going to be available; that the diesel engine was not going to be available due to demand. Mr. Shade stated that he contacted Mr. Schrader, Assistant County Attorney, about purchasing the same truck with a gas engine. Mr. Schrader advised that the County had to rebid the truck. After bidding the truck a second time and while waiting for bids to come in, the end of production date passed. Mr. Shade stated that the only alternative to obtaining this truck was to buy it on the open market as an "emergency item", due to the fact that the South Coastal Regional Wastewater Facility needed the vehicle as soon as possible. In accordance with Mr. Schrader's counsel, the County can make this type of purchase under the Delaware State Code, Title 29, Section 6906, Paragraph G. Mr. Shade announced that two trucks have been found that meet the needs of the department. The lowest price was \$30,913.00 (I.G. Burton); the original bid price was \$31,777.61.

M 238 01
Authorize
Purchase/
Heavy
Duty
Pickup
Truck

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the Delaware State Code, Title 29, Section 6906, Paragraph G, that the Engineering Department be excepted from the required use of a competitively bid contract and is hereby authorized to purchase a Chevy 4X4 Heavy Duty Pickup Truck from I.G. Burton.

Motion Adopted: 5 Yea.

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

Ocean
View
Expansion
of the
Bethany
Beach
Sanitary
Sewer
District/
Change
Order
No. 2

Mr. Izzo, County Engineer, discussed a paving project in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District. Mr. Izzo referred to the new agreement with the bonding company that was executed when L. A. Merrell went out of business, wherein it was specified that when the new contractor was selected, they would agree to upgrade all the existing tar and chip streets to hot mix (during restoration of the streets following the installation of sewer lines). Mr. Izzo noted, however; that there are areas within each subdivision that will not be impacted by sewer lines. The Town of Ocean View has agreed to pay the price to have the contractor restore those areas with hot mix also. Mr. Izzo reported that the Town of Ocean View will be paying approximately \$77,000 for the paving project. Mr. Izzo reported that the first repaving project that will fall under the repayment terms of the agreement with the Town is the Country Village Subdivision, which will cost \$21,907.20. The County will pay the contractor initially and the Town will reimburse the County.

M 239 01
Approve
Change
Order
No. 2/
Ocean
View
Expansion
of the
Bethany
Beach
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Jones, based on the recommendation of the Consulting Engineers, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Sussex County Council approves Change Order No. 2 for Contract 99-09, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, for additional paving in the Country Village Subdivision, at a cost of \$21,907.20, that increases the contract amount to \$7,866,344.40, whereby the increased cost is subject to reimbursement by the Town of Ocean View.

Motion Adopted: 5 Yea.

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

M 240 01
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$350.00 from Mr. Rogers' Councilmanic Account to the Slaughter Neck Community Action Agency, Inc. for the grounds and the upgrading of the community buildings.

M 240 01
(continued)

Motion Adopted: 5 Yea.

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

M 241 01
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$150.00 from Mr. Rogers' Councilmanic Account to the Leukemia & Lymphoma Society, Delaware Chapter, for a fund raising event sponsorship.

Motion Adopted: 5 Yea.

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

M 242 01
Youth
Activity
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$500.00 from Mr. Rogers' Youth Activity Grant Fund to the Lewes Little League, Inc. for renovations to the Little League complex.

Motion Adopted: 5 Yea.

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

M 243 01
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00, \$250.00 each from Mr. Jones' and Mr. Phillips' Councilmanic Accounts, to the Minority Leadership Alliance for the sponsorship of an alumni basketball game which is being held to raise funds for scholarships for two minority students in the Indian River School District.

Motion Adopted: 5 Yea.

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

Seaside
Residence

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in Seaside Residence, located in the West Rehoboth Sanitary Sewer District.

M 244 01
Grant
Beneficial
Acceptance/
Seaside
Residence

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 176, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Seaside Residence, located in the West Rehoboth Sanitary Sewer District.

M 244 01
(continued)

Motion Adopted: 5 Yea.

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

Public
Hearing/
Issuance
of
General
Obligation
Bonds/
Oak
Orchard
Sanitary
Sewer
District

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE OAK ORCHARD SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". This Proposed Ordinance authorizes the County to issue bonds in the maximum aggregate principal amount not to exceed \$3,943,000 to finance or refinance a portion of the cost of the construction and equipping of the Project. Mr. Baker advised that, while the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Oak Orchard Sanitary Sewer District. It is anticipated that Bonds in an aggregate principal amount of up to \$1,500,000 will be sold to the State of Delaware Revolving Loan Fund and that the balance will be sold to the United States of America Rural Utilities Service.

Mr. Dukes announced that on Friday, April 27th, at a Press Conference held at Riverdale Park in Oak Orchard, checks were presented to the County Council totaling \$7.7 million for the Oak Orchard Sewer Project. The Delaware Department of Natural Resources and Environmental Control presented a check in the amount of \$4,800,000 (a grant in the amount of \$3,800,000 and a SRF loan in the amount of \$1,000,000). The United States Department of Agriculture (USDA), Rural Development, Rural Utilities Services, presented a check in the amount of \$2,943,000 (a grant in the amount of \$500,000 and a loan in the amount of \$2,443,000).

Mr. Baker announced that the estimated cost to sewer users is \$500 annually with no hook-up costs. The original estimates were \$726 per year and a one-time hook-up fee of \$1,000. The grants and low-interest loans totaling \$7.7 million have substantially reduced the costs for the sewer users.

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

M 245 01
Adopt
Ordinance
No. 1449

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1449 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE OAK ORCHARD SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

M 245 01
(continued)

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

Old
Business

Council discussed three pending zoning ordinances relating to sales cart programs for the sale of soft and hard goods off of carts. Two of the applications were filed by Rehoboth Outlets Center (Conditional Use Nos. 1352 and 1353) and one of the applications was filed by Super Fresh Food Market (Conditional Use No. 1357). The Planning and Zoning Commission recommended that these applications be approved, with stipulations.

M 246 01
Adopt
Ordinance
No. 1450
(C/U
No. 1352)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1450 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A SALES CART PROGRAM FOR THE SALE OF SOFT AND HARD GOODS OFF OF CARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 34.41 ACRES, MORE OR LESS" (Conditional Use No. 1352) filed on behalf of Rehoboth Outlets Center 3, with the following conditions:

1. The number of carts shall not exceed eight (8) in three (3) locations.
2. Items for sale shall be limited to food products.
3. Carts shall be mobile and capable of being anchored.
4. Carts shall not be placed in designated parking areas.
5. Carts shall not be located in public walkways.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings
of Fact

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

1. The applicant established by substantial evidence that the proposed use is within a C-1 General Commercial District and will operate as an adjunct to existing retail activity without creating any additional traffic or any other adverse impact.

Findings
of Fact
(continued)

2. The proposed use is consistent with the purposes and goals of the Comprehensive Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 247 01
Adopt
Ordinance
No. 1451
(C/U
No. 1353)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1451 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A SALES CART PROGRAM FOR THE SALE OF SOFT AND HARD GOODS OFF OF CARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 15.14 ACRES, MORE OR LESS" (Conditional Use No. 1353) filed on behalf of Rehoboth Outlets Center 2, with the following conditions:

1. The number of carts shall not exceed two (2) in two (2) locations.
2. Items for sale shall be limited to food products.
3. Carts shall be mobile and capable of being anchored.
4. Carts shall not be placed in designated parking areas.
5. Carts shall not be located in public walkways.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings
of Fact

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

1. The applicant established by substantial evidence that the proposed use is within a C-1 General Commercial District and will operate as an adjunct to existing retail activity without creating any additional traffic or any other adverse impact.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 248 01
Adopt
Ordinance
No. 1452
(C/U
No. 1357)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1452 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A SALES CART PROGRAM FOR THE SALE OF SOFT AND HARD GOODS OFF OF CARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14.86 ACRES, MORE OR LESS" (Conditional Use No. 1357) filed on behalf of Super Fresh Food Market, with the following conditions:

1. The number of carts shall not exceed three (3) in two (2) locations.
2. Items for sale shall be limited to food products.
3. Carts shall be mobile and capable of being anchored.
4. Carts shall not be placed in designated parking areas.
5. Carts shall not be located in public walkways.
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. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Findings
of Fact

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

1. The applicant established by substantial evidence that the proposed use is within a C-1 General Commercial District and will operate as an adjunct to existing retail activity without creating any additional traffic or any other adverse impact.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Draft
Ordinance
(Vendors)

Mr. Cole requested that Mr. Lank, Director of Planning & Zoning, prepare some suggested conditions that could be placed in the County's Zoning Ordinance if vendors were to be permitted; that the conditions be submitted to the Planning and Zoning Commission for discussion; and that a Draft Ordinance be prepared.

M 249 01
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$200.00, \$40.00 from each Councilmanic Account, to the Delaware Mentoring Council to sponsor the *Forming Partnerships for Youth: A Sussex County Summit*.

Motion Adopted: 5 Yea.

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

M 250 01
Recess

At 12:05 p.m., a Motion was made by Mr. Cole, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:35 p.m.

Public
Hearing
(C/U
No. 1386)

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 EXPANSION TO AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 14.16 ACRES, MORE OR LESS" (Conditional Use No. 1386) filed on behalf of Homestead Camping, Inc., c/o William Prettyman.

The Planning and Zoning Commission conducted a Public Hearing on this application on March 29, 2001, at which time they recommended that the application be approved.

The Council found that William Prettyman and John Baron were present on behalf of the application. Mr. Prettyman stated that he plans to add approximately 100 additional camping sites to his existing 158-site campground.

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

M 251 01
Adopt
Ordinance
No. 1453
(C/U
No. 1386)

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1453 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 14.16 ACRES, MORE OR LESS" (Conditional Use No. 1386) filed on behalf of Homestead Camping, Inc., c/o William Prettyman, with the following stipulations:

1. The park shall only be open from May 1 through September 30.
2. Fifty (50) sites shall be limited to transient camping.

M 251 01
(continued)

3. 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. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Findings
of Fact

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

1. The applicant established by substantial evidence that the proposed use is an addition to an existing, fully developed campground and will provide much needed additional camping facilities in the area, without adverse impact of any sort.
2. 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/Z
No. 1427)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.61 ACRES, MORE OR LESS, OF A 22.02 ACRE TRACT" (Change of Zone No. 1427) filed on behalf of Balsamo Norino Properties, Inc.

The Planning and Zoning Commission conducted a Public Hearing on this application on March 29, 2001, at which time they deferred action. On April 19, 2001, the Commission recommended that this application be approved since the adjoining subdivisions of Keen-Wik and Fenwick Farms are zoned MR Medium Density Residential.

The Council found that Joseph Balsamo and Steve Parsons, Attorney, were present on behalf of the application. Mr. Parsons stated that the site is located in the Development District – a growth area proposing 4 dwelling units per acre – according to the Comprehensive Plan; that sewer capacity is available; that the Comprehensive Plan states that the goal of the County is to have future growth occur around existing towns and in designated Development Districts; and that the site is surrounded by MR Medium Density Residential zoning and areas of higher density.

There were no public comments in support of the application.

Public Hearing
(continued)

Public comments were heard in opposition to the application. Concerns were expressed relating to doubling the density in a flood plain and an evacuation area; public safety; questioning the need for rezoning when there is no need for additional lots; that the multi-family use is not compatible with the area; traffic problems; encroachment on wetlands; impact on the Inland Bays and wildlife; and property values. The Public Hearing was closed.

M 252 01
Adopt
Ordinance
No. 1454
(C/Z
No. 1427)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1454 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.61 ACRES, MORE OR LESS, OF A 22.02 ACRE TRACT" (Change of Zone No. 1427) filed on behalf of Balsamo Norino Properties, Inc.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Nay;
Mr. Dukes, 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 zoning classifications assigned to neighboring and nearby properties and is thereby consistent with the purposes and goals of the Comprehensive Land Use Plan, and thus will have no adverse impact of any sort.
2. The change of zone will permit single family residential lots and single family residences, consistent with the character of the area as developed, as MR Medium Density residential homes
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing
(C/U
No. 1391)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (85 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.61 ACRES, MORE OR LESS, OF A 22.02 ACRE TRACT" (Conditional Use No. 1391) filed on behalf of Balsamo Norino Properties, Inc.

Public Hearing
(continued)

The Planning and Zoning Commission conducted a Public Hearing on this application on March 29, 2001, at which time they deferred action. On April 19, 2001, the Commission recommended that this application be denied since it is not consistent with developments along the south side of Route 54; it is not consistent with the MR Medium Density Residential zoning in the area; that an eighty-five unit multi-family project is out of character with the area; that there is concern about the amount of wetlands on the site; and that the site is not appropriate for multi-family development.

The Council found that Joseph Balsamo; Steve Parsons, Attorney; and other representatives were present on behalf of the application. It was stated into the record that they proposed 14 structures containing a total of 85 units; that the site is located in a Development District and a Conservation District; that the design of the project addresses all of the concerns relating to environmental issues; that a need exists for multi-family units in the area; and that the project will provide affordable housing in the area.

There were no public comments heard in support of the application

Public comments were heard in opposition to the application and the same concerns were expressed as stated in the Public Hearing for Change of Zone No. 1427. In addition, concerns were expressed that drainage will impact adjacent properties; that street lighting will impact neighbors; that wetlands surround the majority of the site; that the proposed density will result in increased vehicles and vehicle trips; that the site is in a flood plain; that there will be environmental impacts; and that the cumulative impact on the area needs to be considered.

The Public Hearing was closed.

M 253 01
Adopt
Proposed
Ordinance
(C/U
No. 1391)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (85 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.61 ACRES, MORE OR LESS, OF A 22.02 ACRE TRACT" (Conditional Use No. 1391) filed on behalf of Balsamo Norino Properties, Inc., with conditions.

Motion Denied: 5 Nay.

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

Findings
of Fact

The Council found that the conditional use was not appropriate legislative action based on the following findings of fact:

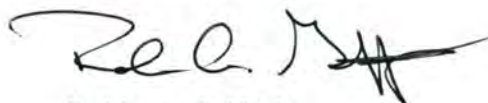
Findings
of Fact
(continued)

1. The proposed multi-family project is out of character with the single-family residential character of the area.
2. The proposed project may generate more traffic in an area that already experiences heavy traffic flow.
3. That there could be an adverse impact on area roadways unless major improvements are performed on roads in the area.
4. The area is already experiencing substantial development pressure and the cumulative effects of already approved developments has caused concerns about adequate infrastructure and resource protection.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 254 01
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 3:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council