

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 2, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 2, 1998, 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
George J. Collins	Member
Lynn J. Rogers	Member

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

M 228 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 229 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated May 19, 1998.

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

ALFRED CANNON, SUSSEX COUNTY CHAPTER, NATIONAL FEDERATION OF THE BLIND OF DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

WILLIAM A. CARTER, Ph.D., MILLSBORO, DELAWARE.

RE: Letter in appreciation of Proclamation.

ANDREW J. LORENZ, DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE.

RE: DSHA monitoring of Sussex County Community Development Block Grant (CDBG) Contract #03-97.

M 230 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Authorize Executive Session authorize an Executive Session to be held on Tuesday, June 9, 1998, at 9:00 a.m., to discuss personnel and pending litigation.

Motion Adopted: 5 Yea.

June 2, 1998 - Page 2

M 230 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 231 98 A Motion was made by Mr. Jones, seconded by Mr. Cole, to
Adopt Adopt the Proclamation entitled "HONORING JOHN HOLLIS ON
Procla- SATURDAY, JUNE 6, 1998".
mation

Motion Adopted: 5 Yea.

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

M 232 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adopt Adopt the Proclamation entitled "PROCLAIMING SATURDAY, MAY 30,
Procla- 1998, AS A DAY TO HONOR ANDREW B. JONES".
mation

Motion Adopted: 5 Yea.

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

Payment Mr. Stickels, County Administrator, reported that a check in
in Lieu the amount of \$48,264.00 has been received from the United
of Taxes/ States Department of the Interior, Fish and Wildlife Service,
Prime as a federal payment in lieu of taxes for the Prime Hook
Hook National Wildlife Refuge. The check represents payment
National under the Refuge Revenue Sharing Act covering Fiscal Year
Wildlife 1997. The funds may be used by Sussex County for any govern-
Refuge mental purpose. Mr. Stickels presented, for Council's author-
ization, the distribution of the Refuge Revenue Sharing Funds,
as follows: Sussex County Council - \$7,957.03; Vocational
School District - \$4,522.26; Library - \$857.70; Cape Henlopen
School District - \$25,500.70; and Milford School District -
\$9,426.31.

M 233 98 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
Authorize the Sussex County Council authorizes the distribution of the
Distri- Refuge Revenue Sharing Funds, as follows: Sussex County
bution/ Council - \$7,957.03; Vocational School District - \$4,522.26;
Refuge Library - \$857.70; Cape Henlopen School District - \$25,500.70;
Revenue and Milford School District - \$9,426.31.
Sharing

Motion Adopted: 5 Yea.

Funds/ Prime
Hook National
Wildlife
Refuge
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Town of Milton Building Code Inspection Request Mr. Stickels, County Administrator, advised Council of a request from the Town of Milton that Sussex County enforce building code requirements within their town limits, including all commercial, single, and multi-family dwellings. The Town of Milton has asked for this service due to the resignation of their Building Inspector.

M 234 98 Authorize Building Code Inspections for Town of Milton A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council authorizes the Building Code Department to do inspection and plan review for single family, multi-family and commercial buildings as requested by the Mayor of the Town of Milton.

Motion Adopted: 5 Yea.

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

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

1. Business Luncheon

The Sussex County Council will be hosting a luncheon on Friday, June 12, 1998, at the Sussex Pines Golf and Country Club for approximately 25 to 30 business leaders in Sussex County. The purpose of the luncheon is to outline the goals and objectives of the FY '99 budget. Following the overview of the budget, the business community will be invited to express their views and make suggestions in the best interest of Sussex County.

2. 1988 Storm Reimbursement

The Emergency Operations Center has received a check in the amount of \$24,164 for reimbursement for costs associated with the two nor'easters in February. The funding was made available from the Federal Emergency Management Agency and Red Cross of Delaware. Funding will be distributed as follows:

Rehoboth Fire Company	\$5,469
Memorial Fire Company	\$2,684
Gumboro Fire Company	\$1,401
Delmar Fire Company	\$1,193

Adminis- trator's Report (con't)	Lewes Fire Company	\$ 855
	Cape Henlopen School District	\$1,421
	Indian River School District	\$1,187
	Sussex County Emergency Operations Center	\$9,954

Rural Development Loan Resolution/Airport Terminal Building Mr. Baker, Finance Director, discussed a Proposed Loan Resolution of the Sussex County Council authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its County Airport Terminal Building. Financial assistance in the amount of \$750,000 is being sought from Rural Utility Service for this project; loan proposal terms include an interest rate of 4.75% maximum, 40 year maximum term, payments at \$10,493 per quarter or \$41,974 per year, and no pre-payment penalty.

M 235 98 Adopt Rural Development Loan Resolution/Airport Terminal Building A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Rural Development Loan Resolution entitled "A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS COUNTY AIRPORT TERMINAL BUILDING".
 Motion Adopted: 5 Yea.
 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
 Mr. Collins, Yea; Mr. Jones, Yea;
 Mr. Dukes, Yea

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR IMPROVEMENTS FOR A COUNTY AIRPORT TERMINAL BUILDING AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". A Public Hearing will be scheduled for June 23, 1998.

Pension Fund Investment Agreement Revision/Wilmington Trust Mr. Baker, Finance Director, discussed a change in the status of the County's pension fund at the Wilmington Trust Company. Notification has been received from the Wilmington Trust Company that, as part of their strategic decision to offer mutual funds, they will be converting several of the collective funds in which the County's Plan is invested to the Mutual Fund Portfolios. Consistent with the Wilmington Trust Company's current investment philosophy, the Mutual Fund Portfolios will provide Sussex County employees with an attractive mix of investments to pursue their retirement goals.

M 236 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, Authorize that the County Council President be authorized to approve a Pension Consent, Approval and Instruction Form and a Fee Schedule Form Fund In- for the Wilmington Trust Company portion of County Pension vestment Fund investments.

Agreement
Revision/ Motion Adopted: 5 Yea.
Wilmington

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

Street- Mr. Izzo, County Engineer, discussed the formation of
lighting Proposed Streetlighting Districts in Atlanta Estates and
Districts The Meadows on Cabbage Pond.

M 237 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, that
Seek owners of real property in the subdivision known as Atlanta
Estimates Estates have submitted petitions, which request estimates of
Atlanta costs and charges to form a Streetlighting District under
Estates Chapter 95 of the Code of Sussex County, and that the Sussex
Street- County Engineering Department be authorized to seek said
lighting estimates of costs and charges for the purpose of administering
District a Streetlighting District referendum.

Motion Adopted: 5 Yea.

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

M 238 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, that
Seek owners of real property in the subdivision known as The Meadows
Estimates on Cabbage Pond have submitted petitions, which request esti-
The mates of costs and charges to form a Streetlighting District
Meadows under Chapter 95 of the Code of Sussex County, and that the
on Sussex County Engineering Department be authorized to seek said
Cabbage estimates of costs and charges for the purpose of administering
Pond a Streetlighting District referendum.

Street- Motion Adopted: 5 Yea.
lighting

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

Ocean Mr. Archut, Assistant County Engineer, discussed the Ocean View
View Expansion of the Bethany Beach Sanitary Sewer District. Cur-
Project/ rently, the proposed financing for the project is from the
Rural State Revolving Loan Fund at an estimated rate of 3.75 percent
Utility for twenty years. Mr. Archut stated that Cedar Neck recently
Service received an award of a low interest loan from the Rural Utility

Ocean
View
Project
(con't)

Service. Due to the positive response for the Cedar Neck project, in April a letter was sent to the Rural Utility Service to request a low interest loan for the Ocean View project. A response to this letter was received in May in which the Rural Utility Service invited the County to submit an application for the Ocean View project. Mr. Archut requested permission to prepare and submit an application to Rural Utility Service for assistance for the Ocean View project.

M 239 98
Submit
Applica-
tion to
Rural
Utility
Service/
Ocean
View
Project

A Motion was made by Mr. Collins, seconded by Mr. Rogers, that the Sussex County Engineering Department is hereby directed to prepare and submit an application to the Rural Utility Service for funding assistance for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Prince
George's
Acres
Project/
Contract
Amend-
ment

Mr. Archut, Assistant County Engineer, discussed a proposed amendment to a Contract with George, Miles & Buhr for the design and bid award of the Prince George's Acres Project. The original contract was approved in October, 1995, in the amount of \$14,500; the proposed amendment will increase the contract amount to \$18,000. The design portion of the contract has extended past the two year time period that was anticipated; this was due to the fact that the plans had to be redrawn to consider alternatives to bypass a drainage pipe found in direct level with the proposed sewer line alignment. Approval of the contract amendment will enable George, Miles & Buhr to continue working with the County during the bid award process of this project.

M 240 98
Authorize
Contract
Amend-
ment/
Prince
George's
Acres
Project

A Motion was made by Mr. Collins, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that the Agreement with George, Miles & Buhr for Prince George's Acres be increased from \$14,500 to \$18,000.

Motion Adopted: 5 Yea.

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

The Pines
of Long
Neck

Mr. Green, Director of Utility Construction, discussed waste-water facilities to be constructed in The Pines of Long Neck, Phases 3 and 4, located in the Long Neck Sanitary Sewer District.

M 241 98
Execute
Agree-
ments/
The
Pines
of Long
Neck

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the President of the Sussex County Council execute an Agreement between Sussex County Council and V & L Partnership for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in The Pines of Long Neck, Phase 3 & 4, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Bid
Results/
Main
Line
Camera
System

Mr. Hawkes, Director of Maintenance, S.C.R.W.F., reported the bid results for Sussex County Project No. 98-01, Main Line Camera System, as follows:

<u>Supplier</u>	<u>Bid Amount</u>
Maryland Industrial Trucks, Inc. Linthicum, Maryland	\$39,674.00
Mid Atlantic Waste Systems Easton, Maryland	\$39,680.00

Mr. Hawkes advised that the County's legal counsel has recommended that the bids be rejected due to discrepancies contained within the bids.

M 242 98
Reject
Bids/
Main
Line
Camera
System

A Motion was made by Mr. Collins, seconded by Mr. Jones, based upon the recommendation of the Assistant County Attorney, that due to certain discrepancies contained within the bids received for Sussex County Project No. 98-01, Main Line Camera System, all bids be rejected and the contract re-bid.

Motion Adopted: 5 Yea.

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

Bid
Results/
SCRWF
Motor
Control
Center
No. 2

Mr. Hudson, Maintenance Division Manager, S.C.R.W.F., reported bid results for Sussex County Project No. 98-02, South Coastal Regional Wastewater Facility, Motor Control Center No. 2, as follows:

<u>Contractor</u>	<u>Bid Amount</u>
United Electric Supply Company, Inc. Wilmington, Delaware	\$64,631.76
Tri-State Electrical Supply Company, Inc. Salisbury, Maryland	\$67,057.68

Bid Results (con't) Mr. Hudson advised that the Sussex County Engineering Department recommends that the bid be awarded to the low bidder, United Electric Supply Company, Inc.

M 243 98 Award Bid/ SCRWF Motor Control Center No. 2 A Motion was made by Mr. Collins, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 98-02, South Coastal Regional Wastewater Facility, Motor Control Center No. 2, be awarded to the low bidder, United Electric Company, Inc., at the bid amount of \$64,631.76.

Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.60 ACRES, MORE OR LESS" (Change of Zone No. 1340) filed on behalf of IPM Equities, Inc. 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 A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS" (Change of Zone No. 1341) filed on behalf of Judith Taggart Bullis. The Proposed Ordinance will be advertised for Public Hearing.

M 244 98 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Ellendale Community Civic Improvement Association for community projects.

Motion Adopted: 5 Yea.

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

M 245 98 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$200.00 from Mr. Dukes' Councilmanic Account to the Laurel School District for Rhonda McDowell's trip to France as a foreign exchange student.

Motion Adopted: 5 Yea.

M 245 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 246 98 At 11:35 a.m., a Motion was made by Mr. Rogers, seconded by
Recess Mr. Collins, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

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

Public Hearing (C/U No. 1242) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF LANDSCAPING SUPPLIES NOT PRODUCED ON SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.39 ACRES, MORE OR LESS" (Conditional Use No. 1242) filed on behalf of RSC Landscaping, LTD. There were no public comments and the Public Hearing was closed.

M 247 98 Adopt Ordinance No. 1235 (C/U No. 1242) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 1235 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF LANDSCAPING SUPPLIES NOT PRODUCED ON SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.39 ACRES, MORE OR LESS" (Conditional Use No. 1242) filed on behalf of RSC Landscaping, LTD., with the following condition:

1. The final site plan is subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, 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 consistent with the purpose and goals of the Comprehensive Land Use Plan and will have no adverse impact upon the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed use will enable the applicant to expand its rapidly growing agricultural business and to better serve its residential and commercial customers in Sussex County.

Findings of Fact 3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1336) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, FOR THREE (3) TRACTS CONTAINING 49.49 ACRES, MORE OR LESS" (Change of Zone No. 1336) filed on behalf of William H. and Barbara Y. Nichols. There were no public comments and the Public Hearing was closed.

M 248 98 Adopt Ordinance No. 1236 (C/Z No. 1336) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 1236 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, FOR THREE (3) TRACTS CONTAINING 49.49 ACRES, MORE OR LESS" (Change of Zone No. 1336) filed on behalf of William H. and Barbara Y. Nichols.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
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 applicants established by substantial evidence that the proposed change of zone is a downzoning, encouraged by the Comprehensive Land Use Plan to preserve agricultural lands, and will have no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1337) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.43 ACRES, MORE OR LESS" (Change of Zone No. 1337) filed on behalf of Hilda Louise Norwood and Delores P. N. Handy. There were no public comments and the Public Hearing was closed.

M 249 98 Adopt Ordinance No. 1237 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1237 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DIS-

M 249 98 TRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES
(con't) AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.43 ACRES,
MORE OR LESS" (Change of Zone No. 1337) filed on behalf of
Hilda Louise Norwood and Delores P. N. Handy.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
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 applicants established by substantial evidence that the proposed change of zone is a downzoning, encouraged by the Comprehensive Land Use Plan to preserve agricultural lands, and will have no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Attorney Mr. Jones, Assistant County Attorney, was the attorney present for the last two public hearings.

Public Hearing (C/U No. 1243) 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 AMENDMENT TO STIPULATION NO. 1 OF CONDITIONAL USE NO. 1028, RELATING TO SQUARE FOOTAGE OF FLOOR SPACE, FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.33 ACRES, MORE OR LESS" (Conditional Use No. 1243) filed on behalf of H.L.M.M., L.L.C. There were no public comments and the public hearing was closed.

M 250 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, to
Adopt Ordinance No. 1238 entitled "AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT FOR AN AMENDMENT TO STIPULATION NO. 1 OF CONDITIONAL
USE NO. 1028, RELATING TO SQUARE FOOTAGE OF FLOOR SPACE, FOR
(C/U No. 1243) MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 5.33 ACRES, MORE OR LESS" (Conditional Use No. 1243)
filed on behalf of H.L.M.M., L.L.C., with the following
condition:

1. The project shall be limited to a maximum of three (3) one and one-half story buildings, containing a maximum of 27,000 square feet of first-floor space and 12,000 square feet of second-floor space contained in the three buildings. No building shall contain more than 10,000 square feet of first-floor space.

M 250 98 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, 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 proposed 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.

Public Hearing (C/U No. 1244) 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 No. STRUCTURES (28 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.615 ACRES, MORE OR LESS" (Conditional Use No. 1244) filed on behalf of Salt Pond East, L.L.C., t/a Bethany Courts, L.L.C. Public comments were heard in opposition to this application. The Public Hearing was closed and action was deferred; the record was left open until the close of business on June 15, 1998 for additional information from DelDOT regarding the status of easements. Following the June 15, 1998 deadline, the record will remain open until the close of business on June 29, 1998 for written comments on any additional information submitted.

M 251 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adjourn adjourn at 3:07 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council