

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 3, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 3, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 232 97 A Motion was made by Mr. Jones, seconded by Mr. Cole, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 233 97 A Motion was made by Mr. Jones, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting, dated May 20, 1997.

Motion Adopted: 4 Yea, 1 Absent.

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

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice disclosing Secretary's Order No. 97-A-0014 revising the State of Delaware "Regulations Governing the Control of Air Pollution", Regulation No. 2 - PERMITS.

THE GOLDEN KNIGHTS, SUSSEX CENTRAL HIGH SCHOOL, BAND AND BOOSTERS, GEORGETOWN, DELAWARE.

RE: Letter of appreciation for Councilmanic Grant.

JUDY EVANS, LAUREL SCHOOL DISTRICT, LAUREL, DELAWARE.

RE: Card of thanks for lapel pins and pencils donated by the County for the Delaware Association of Educational Office Professionals Annual Spring Banquet.

DELAWARE HOT AIR BALLOON TEAM.

RE: Request for councilmanic funds.

Corre-
spondence
(con't)

MICHAEL N. CASTLE, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.
RE: Letter in response to County Administrator Robert L. Stickels' letters regarding legislation before Congress; House Resolution 906 and House Resolution 883.

Proposed
Procla-
mation

Mr. Stickels, County Administrator, read in it's entirety a Proposed Proclamation "PROCLAIMING JUNE 1 THROUGH JUNE 7, 1997, AS 'HURRICANE AWARENESS WEEK' IN SUSSEX COUNTY".

M 234 97
Adopt
Procla-
mation

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING JUNE 1 THROUGH JUNE 7, 1997, AS 'HURRICANE AWARENESS WEEK' IN SUSSEX COUNTY".

Motion Adopted: 4 Yea, 1 Absent.

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

Bay
Colony/
Septic
and
Building
Permits

Mr. Stickels, County Administrator; Mr. Archut, Assistant County Engineer; Mr. Wyatt of the Department of Natural Resources and Environmental Control; Mr. Carbaugh, President of Utility Systems, Inc.; and Mr. Sergovic, Attorney representing Utility Systems, Inc., discussed the issuance of building permits and septic permits in Bay Colony. Residents of Bay Colony have ongoing concerns regarding wastewater disposal; concerns that were brought to the attention of DNREC and the County back into 1993. Since that time, a moratorium has been implemented and lifted on septic and building permits. It is DNREC's opinion that a moratorium is not necessary at this time; DNREC and Utility Systems, Inc. are working toward a resolution of the wastewater disposal problem -- fourteen alternative solutions are currently being investigated. It was noted that the County does not have jurisdiction over the septic process; this issue falls under the jurisdiction of the State of Delaware. However, should DNREC declare a moratorium on septic systems in Bay Colony, the County would refrain from issuing building permits, if requested to do so.

Proposed
State
Legisla-
tion

Mr. Stickels, County Administrator, updated Council on the following Proposed State Legislation:

1. Un-numbered Senate Bill

AN ACT TO AMEND CHAPTER 65 OF TITLE 9 OF THE DELAWARE CODE RELATING TO ESTABLISHMENT OF SANITARY SEWER OR WATER DISTRICTS IN SUSSEX COUNTY

Proposed
State
Legis-
lation
(con't)

Existing law makes it difficult to use special districts to establish needed infrastructure in Sussex County. For water or sewer districts either a referendum is required or an existing district must be expanded. Non-essential impediments to the establishment of sewer or water districts to provide needed infrastructure, especially where there are demonstrated or imminent public health or environmental threats, should be eliminated. This Act allows Sussex County, DNREC and Public Health to jointly determine areas under threat and permits the County to proceed with establishing or expanding a district without referendum.

It was the consensus of Council to support this legislation.

2. Senate Bill No. 146

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ALLOCATION OF FUNDS TO THE COUNTIES AND INCORPORATED CITIES AND TOWNS TO BE KNOWN AS THE "DELAWARE FINANCIAL PARTNERSHIP ACT"

This Bill would implement a financial partnership between the State of Delaware and its counties and incorporated cities and towns. The formula is calculated by taking 2.5% of the State Personal Income Tax. The fund would be equally divided among the counties and incorporated towns and cities on a per capita basis except in the County of New Castle and the City of Wilmington.

Sussex County would receive \$1,861,715 under the Delaware Financial Partnership Act. Mr. Stickels, County Administrator, submitted to Council a proposal itemizing how the funds allocated to the County could be distributed, if received:

<u>PROJECT</u>	<u>AMOUNT</u>
Town Grants	\$ 500,000
Fire Companies	102,500
Sheriff - Outstanding State Fees	51,815
Milton Library	250,000
Ellendale Sewer Contribution	125,000
West Rehoboth Sewer Contribution	247,400

Proposed
Legis-
lation
(con't)

PROJECT	AMOUNT
North Bethany Sewer Contribution	\$ 75,000
Low Income Sewer Program	100,000
County Vehicles	60,000
Economic Development - Low Interest Loans	100,000
Cedar Neck Sewer Contribution	125,000
Ocean View Sewer Contribution	<u>125,000</u>
	\$1,861,715

Mr. Stickels also submitted to Council a chart reflecting the concept of distributing funds to towns/cities based on population; he further submitted, for Council's consideration, the concept that no town/city receive less than \$10,000.

It was the consensus of Council to support this legislation.

Library
Policies,
Fines
and
Fees

Ms. Fitzgerald, Director of County Libraries, discussed library policies, fines and fees proposed to be implemented with the new automated system. The policies and fines would apply to all libraries. The fee schedule would apply to all libraries except for the charge for photocopies. Ms. Fitzgerald advised that this proposal has been reviewed and approved by Mr. Jones, Assistant County Attorney, and the Library Advisory Board. In addition, all libraries are in agreement with the terms of the proposal.

M 235 97
Adopt
Library
Policies,
Fines
and
Fees

A Motion was made by Mr. Jones, seconded by Mr. Cole, to adopt the policies, fines and fees for Sussex County libraries, as presented on June 3, 1997.

Motion Adopted: 4 Yea, 1 Absent.

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

IRB
Committee
Members

Mr. Stickels, County Administrator, advised that the terms of the members of the Industrial Revenue Bond Committee have expired.

M 236 97
Appoint
IRB
Committee
Members

A Motion was made by Mr. Jones, seconded by Mr. Cole, to appoint Robert Stickels, David Baker, Frank Calio, Steve Masten, and Eugene Bayard to the Industrial Revenue Bond Committee for the Calendar Year 1997.

M 236 97 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

M 237 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, that Authorize the Sussex County Council authorizes an Executive Session to Executive be held at Sussex Pines Country Club on this date, June 3, Session 1997, at the conclusion of the A.M. session, for the purpose of discussing land acquisition.

Motion Adopted: 4 Yea, 1 Absent.

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

Cancel (Mr. Stickels, County Administrator, advised later in the Executive meeting that the Executive Session was canceled due to the Session fact that the client Council was to meet with was unable to attend the Session.

Adminis- Mr. Stickels, County Administrator, submitted the following
trator's Administrator's Report:
Report

1. Milton Library Extended Hours

The Milton Library will be open until 4:00 p.m. on June 14, 1997, to allow for the library to participate in the Summer Sizzler in Milton Memorial Park. Normally the library would close at 2:00 p.m.

2. 1997 Carolling on The Circle

The Sussex County Council's 1997 Carolling on The Circle will feature students from Sussex County schools. Auditions will be held at Possum Hall in Georgetown on Sunday, September 7, 1997, at 2:00 p.m. and Tuesday, September 9, 1997, at 7:00 p.m. Students should come prepared to sing one Christmas song, a cappella, of their choosing and may be asked to sing additional songs, words and music to be provided. Auditions are open to all students in the County, grades one through twelve, that will be attending Sussex County schools in the 1997-1998 school year.

Carolling on The Circle will be held December 8, 1997. Ten students will be selected from the auditions. The ten selected students will be required to attend at least

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trator's
Report
(con't)

four group rehearsals. Students that are not able to commit the necessary time should not audition.

Carolling on The Circle is the County's largest food drive to benefit the residents of Sussex County.

3. Greenwood Library Addition

Plans and specifications have been finalized and approved by the State Fire Marshal's Office. The advertisement for the project will appear in the May 30 and June 4 editions of the Delaware State News and the News Journal. A pre-bid meeting will be held at the Greenwood Library on June 6, 1997, at 9:30 a.m. The bidding period will be three weeks, with the opening of bids on Monday, June 30, at 2:00 p.m. in the Sussex County Council Chambers.

Richard S. McCabe of the Sussex County Engineering Department will be the Project Engineer. Mr. McCabe will be meeting with Greenwood town officials to make a presentation at their next Town Council meeting scheduled for Tuesday, June 3, at 7:30 p.m. Anyone with comments or questions should contact Mr. McCabe at 855-7729.

4. Extended Hours

The following activities took place during the extended hours on Wednesday, May 21, 1997:

- (a) Treasury Division - No activity;
- (b) Utility Billing Division - No activity;
- (c) Clerk of the Peace - No activity from 7:30 a.m. to 8:30 a.m., five wedding licenses from 4:30 p.m. to 7:30 p.m.;
- (d) Planning and Zoning - One manufactured home placement permit, one building permit, and two Building Code reviews from 7:30 a.m. to 8:30 a.m., one building permit from 4:30 p.m. to 7:30 p.m.;
- (e) Assessment Division - No activity;
- (f) Recorder of Deeds - No activity.

The following activities took place during the extended hours on Wednesday, May 28, 1997:

- (a) Treasury Division - No activity;

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trator's
Report
(con't)

- (b) Utility Billing Division - No activity;
- (c) Clerk of the Peace - No activity from 7:30 a.m. to 8:30 a.m., five wedding licenses from 4:30 p.m. to 7:30 p.m.

The Clerk of the Peace has discontinued extended hours from 7:30 a.m. to 8:30 a.m. The Clerk of the Peace informed me he will continue to have his employees work from 4:30 p.m. to 7:30 p.m.

- (d) Planning and Zoning - One building permit from 7:30 a.m. to 8:30 a.m., two building permits from 4:30 p.m. to 7:30 p.m.;
- (e) Assessment Division - No activity from 7:30 a.m. to 8:30 a.m., one inquiry regarding a tax release from 4:30 p.m. to 7:30 p.m.;
- (f) Recorder of Deeds - No activity from 7:30 a.m. to 8:30 a.m., six recordings from 4:30 p.m. to 7:30 p.m.

5. Public Hearing Establishing the Annual Operating Budget for FY '98

The Public Hearing for the adoption of the operating budget for the Sussex County Council for FY '98, including the water and sewer rates, will be held on Tuesday, June 17, 1997. The hearing will be held in the Council Chambers of the County Administrative Office Building. The General Fund operating budget hearing will be held at 10:30 a.m., with the water and sewer assessment hearing being held at 11:00 a.m.

Originally it was announced that the Public Hearing would be held on Tuesday, June 10, 1997. However, the Budget Ordinance requires a 21-day advertising period. The proper legal advertising of the time has been published in the News Journal.

6. Airport Meeting Location

The Airport Committee meeting for the months of June, July, and August will be held on the first Wednesday of each month starting at 10:00 a.m. The meetings will take place at the Sussex County Administrative Offices West Complex (formerly the Wilmington Trust Administrative Building), Conference Room, First Floor, located on DuPont Highway, Georgetown.

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trator's
Report
(con't)

7. Grand Opening of Hollinet - Sussex County Automated Library System

On Friday, May 30, 1997, the Sussex County Department of Libraries officially began using its automated library system with ceremonies at the South Coastal Library. Officials participating in the grand opening were County Councilman George Cole, County Administrator Robert Stickels, State Librarian Tom Sloan, and County Librarian Carol Fitzgerald. Councilman Cole checked out the first book to begin the use of the system.

All public libraries in Sussex County (with the exception of the Millsboro Library) are now on-line. The on-line public access catalog will provide information on all the holdings in every public library in the County, including whether or not the item is on the shelf. Patrons can request books from other libraries in the system and can place a hold on items that are in circulation. In addition, through a gateway to the State library, patrons can search the on-line catalogs of public libraries in Kent and New Castle Counties, as well as the University of Delaware and Delaware Technical and Community College.

For the first time, patrons will be able to search the Internet for information and search magazine indexes of more than 1,000 business and 3,100 general interest magazines, of which there are full text articles included for more than 500 of the business magazines and more than 1,000 of the general interest magazines.

The automated system was funded through a combination of Federal, State, County and private funds at a cost of \$714,268.

Assess- ment Rolls/ Ocean Way Estates/ Phase I & II/ Extension of the BBSSD	A Public Hearing was held on the Assessment Rolls for Ocean Way Estates, Section I and II, Extension of the Bethany Beach Sanitary Sewer District. The Assessment Rolls proposed are for the period January 1, 1997 through June 30, 1997:	
	Annual Service Charge (\$/EDU)	\$ 205.44
	Annual Assessment Charge	
	Distribution or Collection (\$/foot)	3.17
	Transmission and/or Treatment (\$/foot)	.25
	Total (\$/foot)	3.42

The Connection Charge proposed is also for the period January 1, 1997 through June 30, 1997:

Total System Connection Fee (\$/EDU)	\$2,052.00
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Public comments were heard and the Public Hearing was closed.

M 238 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, that
Adopt the Sussex County Council hereby adopts the Assessment Rolls
Assess- for Ocean Way Estates, Sections I and II, Extension of the
ment Bethany Beach Sanitary Sewer District, as presented on June
Rolls/ 3, 1997, for the period January 1, 1997 to June 30, 1997.
Ocean

Way Motion Adopted: 4 Yea, 1 Absent.
Estates/
Sections

I & II Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Absent;
Mr. Dukes, Yea

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing/ "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL
Proposed ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND TREAT-
Ordinance MENT, AND CONNECTION CHARGES FOR OCEAN WAY ESTATES, SECTIONS
I AND II, EXTENSION OF THE BETHANY BEACH SANITARY SEWER
DISTRICT". There were no public comments and the Public Hearing
was closed.

M 239 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to
Adopt Adopt Ordinance No. 1138 entitled "AN ORDINANCE ESTABLISHING
Ordinance ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION
No. 1138 AND TRANSMISSION AND TREATMENT, AND CONNECTION CHARGES FOR OCEAN
WAY ESTATES, SECTIONS I AND II, EXTENSION OF THE BETHANY BEACH
SANITARY SEWER DISTRICT".

Motion Adopted: 4 Yea, 1 Absent.

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

Public A Public Hearing was held to consider extending the boundary
Hearing/ of the Bethany Beach Sanitary Sewer District (BBSSD) to en-
Boundary compass a certain piece, parcel, or tract of land on Cedar
Extension Neck, lying contiguous to the BBSSD, situate north of the
of the Town of Bethany Beach and being in Baltimore Hundred, Sussex
BBSSD County, Delaware. As a result of public comments, Mr. Archut,
Assistant County Engineer, and David Baker, Finance Director,
discussed estimated rates and financing options. Numerous
public comments were heard in favor of the extension; Council
was urged to expedite the project. The Public Hearing was
closed.

M 240 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt
Adopt Resolution No. R 019 97 entitled "A RESOLUTION TO EXTEND THE
Resolu- BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD)
tion No. TO ENCOMPASS A CERTAIN PIECE, PARCEL OR TRACT OF LAND LYING
R 019 97 CONTIGUOUS TO THE BBSSD, SITUATE NORTH OF THE TOWN OF BETHANY
BEACH AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

M 240 97 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

M 241 97 At 12:32 p.m., a Motion was made by Mr. Cole, seconded by Mr.
Recess Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:40 p.m.

SRF Mr. Izzo, County Engineer, requested permission to apply to
Applica- the Delaware Department of Natural Resources and Environmental
tion/ Control Water Pollution Revolving Loan Assistance Program for
Cedar a \$8,678,000 loan to finance the Cedar Neck Expansion of the
Neck Bethany Beach Sanitary Sewer District.

M 242 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, based
Authorize upon the recommendation of the Sussex County Engineering
SRF Department, that the County Engineer be authorized to apply to
Applica- the Delaware Department of Natural Resources and Environmental
tion/ Control Water Pollution Revolving Loan Assistance Program for
Cedar a \$8,678,000 loan to finance the Cedar Neck Expansion of the
Neck Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

Line of Mr. Baker, Finance Director, discussed the reconfirmation of
Credit/ a \$25,000,000 revolving line of credit with the Wilmington
WTC Trust Company. This line of credit is used for interim
financing for sewer and water projects.

M 243 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, that
Approve the Sussex County Council approves the reconfirmation of a line
Reconfir- of credit for a maximum of \$25,000,000 with Wilmington Trust
mation/ Company with the same terms, except that the interest rate
Line of payable on obligations outstanding, which are not designated
Credit/ under Section 265(B) of the Internal Revenue Code of 1986 as
WTC amended, shall, effective as of May 1, 1997, be payable at the
rate of 89 percent of the Bank's National Commercial Rate.

Motion Adopted: 4 Yea, 1 Absent.

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

Public Hearing (C/Z No. 1296) 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37.80 ACRES, MORE OR LESS" (Change of Zone No. 1296) filed on behalf of Howard W. Pepper. There were no public comments and the Public Hearing was closed.

M 244 97 Adopt Ordinance No. 1139 (C/Z No. 1296) A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1139 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37.80 ACRES, MORE OR LESS" (Change of Zone No. 1296) filed on behalf of Howard W. Pepper.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Absent;
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 will serve to protect and preserve farmland and the agricultural industries in Sussex County and will thereby meet the purposes and goals of the Comprehensive Land Use Plan, the Comprehensive Zoning Ordinance and of the Delaware Agricultural Lands Preservation Foundation.

Public Hearing (C/Z No. 1297) 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.10 ACRES, MORE OR LESS OF A 70.22 ACRE TRACT" (Change of Zone No. 1297) filed on behalf of Frank J. and Ruth W. Morris. There were no public comments and the Public Hearing was closed.

M 245 97 Adopt Ordinance No. 1140 (C/Z No. 1297) A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1140 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.10 ACRES, MORE OR LESS OF A 70.22 ACRE TRACT" (Change of Zone No. 1297) filed on behalf of Frank J. and Ruth W. Morris.

M 245 97 Motion Adopted: 4 Yea, 1 Absent.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Absent;
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 will serve to protect and preserve farmland and the agricultural industries in Sussex County and will thereby meet the purposes and goals of the Comprehensive Land Use Plan, the Comprehensive Zoning Ordinance and of the Delaware Agricultural Lands Preservation Foundation.

Public Hearing
(C/U
No. 1181)

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 FLORAL AND CRAFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS" (Conditional Use No. 1181) filed on behalf of Acorn Properties, Ltd. There were no public comments in opposition to this Proposed Ordinance. The Public Hearing was closed.

M 246 97 Adopt
Ordinance
No. 1141
(C/U
No. 1181)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1141 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FLORAL AND CRAFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS" (Conditional Use No. 1181) filed on behalf of Acorn Properties, Ltd., subject to the following conditions:

1. The entrance shall be subject to DelDOT approval.
2. The site plan shall be corrected to show deletion of the greenhouse building.
3. A landscaped buffer shall be provided between the site and the Graves property.
4. 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. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Absent;
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 that the proposed use will be consistent with the character of the development in the immediate area and will have no adverse impact on traffic or the environment in the area, and with the four stipulations established by the Planning and Zoning Commission, the purposes and goals of the Comprehensive Land Use Plan will be met.

Public Hearing (C/U No. 1180) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29,476 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1180) filed on behalf of Mary O. Rizk. There were no public comments and the Public Hearing was closed.

M 247 97 Adopt Ordinance No. 1142 (C/U No. 1180) A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1142 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29,476 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1180) filed on behalf of Mary O. Rizk, with the following conditions:

1. The proposed use shall involve only a two-unit multi-family residential structure.
2. The use shall be subject to final site plan review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Absent;
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 involves relocation of an existing dwelling a distance of less than 300 feet and creation of a two-unit residential multi-family structure, a use far less traffic intense than neighborhood business activity authorized within the property's zoning classification.

- 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 MULTI-FAMILY USE, TWO (2) UNITS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.21 ACRES, MORE OR LESS" (Conditional Use No. 1196) filed on behalf of Edwin B. and Hannah N. Mowen. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance Mr. Jones introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 30,360 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1197) filed on behalf of Harry and Sally Daisey. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Change of Zone No. 1305) filed on behalf of Mark Jay Smith, T/A M & S Auto Care). The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS" (Change of Zone No. 1306) filed on behalf of William and Ellen Cassatt. 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 A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26.91 ACRES, MORE OR LESS" (Change of Zone No. 1307) filed on behalf of Nola Marvil Arnold and Arline Hudson Marvil. 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 A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 63 ACRES, MORE OR LESS" (Change of Zone No. 1308) filed on behalf of Lin-Lo Farms, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Extended
Hours

Mr. Stickels, County Administrator, advised that a notice will be included in the tax bills announcing the County's extended hours on Wednesdays. It was discussed that the notice should state that the extended hours may be temporary; continuance of extended hours will be contingent on the amount of business transacted during those hours.

Filing
Fee/
Down-
zoning

Mr. Stickels, County Administrator, discussed Council's decision on March 11, 1997, to waive the filing fee for rezoning applications for any property owner wishing to have their property rezoned to AR-1. A deadline of June 30, 1997 was established. It was the consensus of Council to extend this deadline indefinitely.

M 248 97
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$500.00 from Mr. Jones' Councilmanic Account to the Georgetown Little League for operating expenses.

Motion Adopted: 4 Yea, 1 Absent.

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

M 249 97
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$50.00 from Mr. Jones' Councilmanic Account to the National Pre-Teen Corporation to be used towards the sponsorship fee for Megan Gorman, Miss Delaware National Pre-Teen 1997.

Motion Adopted: 4 Yea, 1 Absent.

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

M 250 97
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to adjourn at 2:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council