

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 15, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 15, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member

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

M 290 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the
Approve Agenda, as presented.
Agenda

Motion Adopted: 5 Yea.

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

M 291 99 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the
Approve minutes of the previous meeting, dated June 8, 1999.
Minutes

Motion Adopted: 5 Yea.

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

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

KRIS L. SMITH, CHRISTIAN FELLOWSHIP SOFTBALL LEAGUE,
LAUREL, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

DAVID W. HILL, EXECUTIVE DIRECTOR, FIRST STATE COMMUNITY
ACTION AGENCY, GEORGETOWN, DELAWARE.

RE: Letter requesting financial support in the amount of \$2,000 to establish a
pilot transportation project to promote employment for Sussex County youth
and families.

Corre-
spondence
(continued)

SUSAN A. FRANK, DIRECTOR, DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE.

RE: Letter to Robert Stickels, County Administrator, in appreciation of his participation in the first Governor's Conference on Housing.

BRUCE A. RICHARDS, EXECUTIVE DIRECTOR, CENTER FOR THE INLAND BAYS, LEWES, DELAWARE.

RE: Letter to Russell Archut, Assistant County Engineer, in appreciation of his involvement at the recent Center for the Inland Bays Board of Directors meeting.

MR. AND MRS. GEORGE GATTIS, SR., DELMAR, DELAWARE.

RE: Letter in appreciation of improvements to their home which were made possible by Sussex County Community Development and Housing.

LEE P. RIGGIN, LAUREL, DELAWARE.

RE: Letter seeking information about the naming and numbering of County roads.

Certificate
of
Appreciation

On behalf of the Sussex County Council, Mr. Jones presented a Certificate of Appreciation to James C. Phillips for "devotion, loyalty, and excellence in serving Sussex County as a member of the Planning & Zoning Commission from July 1, 1993 to June 30, 1999".

Funding
Request

Mr. Stickels, County Administrator, presented a request from the Delaware Commission of Veterans Affairs for funding in an amount up to \$500 in support of the dedication ceremony at the new Veterans Cemetery in Sussex County.

Library
Board

Mr. Stickels, County Administrator, advised Council that the term of Mrs. Jean Gandek on the Library Advisory Board will expire on June 30, 1999.

M 292 99
Reappoint-
ment to
Library
Advisory
Board

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to reappoint Mrs. Jean Gandek to the Library Advisory Board for a term of three years.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Joseph W. Watson

It is with regret that I inform the Council of the passing of Joseph W. Watson on Tuesday, June 8, 1999, at the age of 81. Mr. Watson was

Adminis-
trator's
Report
(continued)

employed as a Security Guard at the Industrial Airpark until his retirement on January 31, 1984.

2. General Obligation Bond Anticipation Notes

On Monday, June 14, 1999, David B. Baker, Finance Director; Rodney D. Johnson, Financial Advisor, Fairmount Capital Advisors, Inc.; and Robert L. Stickels, County Administrator, held a telecommunications conference interview with Moody's Investors Service, Inc., of New York regarding the County's General Obligation Bond Anticipation Note sale. We are anticipating receiving a rating from Moody's on Monday, June 21, 1999. Upon receiving the rating, we will print and mail to prospective bidders the County's Official Statement. Legal advertisements will take place on June 23, 1999. We are anticipating receiving bids either July 1 or July 8, 1999. Once we have selected the official date of sale, I will notify the Council.

The General Obligation Bond Anticipation Note offering will be \$16,900,000. This funding will be used to provide financing or refinancing of costs for the construction and equipping of facilities for the wastewater collection and transmission systems of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, the Cedar Neck and Ocean View Expansions and North Millville Sewer improvements of the Bethany Beach Sanitary Sewer District, the Holts Landing Sanitary Sewer District, and the regional improvements to the South Coastal Regional Wastewater Treatment Facility, including interest on the Notes and the reasonable cost of issuance of the Notes, in anticipation of the issuance of bonds to repay the short-term funding.

Deposit
Accounts

Mr. Baker, Finance Director, reviewed a Proposed Resolution for the establishment of new bank accounts at Delaware National Bank.

M 293 99
Adopt
Resolution
No.
R 017 99

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 017 99 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF FINLEY B. JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 4 Yea, 1 Abstention.

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

Mr. Dukes abstained due to a possible conflict of interest.

Attorney Mr. Bayard, County Attorney, left the meeting.

Attorney Mr. Schrader, Assistant County Attorney, joined the meeting.

Funding Request The County Council considered the request from First State Community Action Agency for financial support in the amount of \$2,000 for a pilot project to establish transportation to promote employment for Sussex County youth and families. This project is being organized by First State Community Action Agency in partnership with DART First State and Kent Sussex Industries. Financial support is being requested for the first four weeks of the project until federal grant funds are available. Funds will support shuttle service from the entire County to the DART hub in Georgetown to transport employees to work and home.

M 294 99 Authorize Grant to First State Community Action Agency A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$2,000 from Grants to First State Community Action Agency for a pilot project to establish transportation to promote employment in Sussex County, contingent upon the requirement that First State Community Action Agency report back to Council with statistics reflecting how many people used the transportation.

Motion Adopted: 5 Yea.

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

Funding Request The County Council considered the request from the Delaware Commission of Veterans Affairs for a donation in an amount up to \$500.00 in support of the dedication ceremony at the new Delaware Veterans Memorial Cemetery.

M 295 99 Authorize Grant to Delaware Commission of Veterans Affairs A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500.00 to the Delaware Commission of Veterans Affairs for the dedication ceremony of the new Delaware Veterans Memorial Cemetery.

Motion Adopted: 5 Yea.

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

Public Hearing/
Fiscal 2000 Budget A Public Hearing was held on the Sussex County Fiscal 2000 Budget for General Fund, Bond Issues, Community Development and Housing Grant Programs, Specialized Transportation Program, Sewer and Water Districts, and Capital Improvement Programs as proposed on May 18, 1999.

Public
Hearing/
Fiscal
2000
Budget
(continued)

Mr. Stickels, County Administrator, conducted an audio presentation highlighting the detailed information contained in Sussex County's Fiscal 2000 Budget. Mr. Stickels stated that the Budget Committee feels that this Budget will allow the County to provide new programs that will be beneficial to the taxpayers. The Budget Committee has recommended a four-year program that (1) will eliminate the General Fund debt and (2) will fully fund the Pension Fund. If the County is successful in paying off the General Fund debt and fully funding the Pension Fund, a savings of \$1 Million will be realized.

Mr. Stickels submitted additional information to be entered into the record:

1. Press Release – National Association of Counties, dated April 23, 1999.

Highlights from the Press Release are as follows:

Nation's counties forced to raise property taxes to pay for growing expenditures.

Despite having a positive view of the future, a third of the nation's counties have had to raise property taxes in the last three years to meet growing expenditures according to a survey released today by the National Association of Counties (NACo).

The survey, conducted in February and March of 500 counties, shows that at least 30 percent of the responding governments had raised property taxes in each of the last three fiscal years. The highest number of governments (32 percent) reported increasing property taxes in Fiscal Year 1996.

More than 77 percent of the counties that have increased property taxes in the past three years indicated the reason was the need for additional revenue to meet growing expenditures.

Fifty-one percent of the counties responded that the property tax increases were necessary to provide funding for new growth and 41 percent indicated that the tax increases were necessary because of a declining revenue base.

2. Publication of Standard & Poor's CreditWeek Municipal, dated August 4, 1997 entitled "Allegheny County, Pennsylvania.

The rating downgrade on Allegheny County, Pa.'s bonds is due to the county's inability to sufficiently offset a 1996 property tax-rate reduction, with cost savings and/or new revenues needed to structurally balance its budget. In addition, the county's financial reserves and liquidity have significantly deteriorated over the past 18 months.

Public
Hearing/
Fiscal
2000
Budget
(continued)

Even if the county closes the estimated gap, it expects to end fiscal 1997 with an ending general fund balance of \$19.2 million (4.1% of expenditures), which represents a significantly lower balance than in recent years (17% in fiscal 1995) and would necessitate the issuance of short-term debt in January 1998.

Audited results for fiscal 1996 show a \$27.3 million ending general fund balance, which is equivalent to 5.6% of expenditures. This compares to an \$82.3 million balance at December 31, 1995 (17% of expenditures).

3. Newspaper article dated April 16, 1999 entitled “Moody’s Says D.C. Upgrade May be Near

Moody’s Investors Service yesterday put the District of Columbia’s general obligation rating on its watch list for possible upgrade in the next 60 days, only hours before two District Council members launched a tax-cut proposal that some say could undermine the financial stability the capital city is achieving.

4. “The Kiplinger Washington Letter” dated May 14, 1999.

A word of caution on inflation.

Prices aren’t going to behave as well during the next year or so.

Reasons: Strong economic growth and a consumer spending spree...

It will INCH upward. From 1.6% last year to 2%-2½% this year and probably another notch higher in 2000 as overseas economies brighten.

The farm economy will remain in a slump.

Corn and soybeans probably won’t start recovering until 2000. There’s a worldwide glut.

Look for the Fed to raise interest rates...

4. Moody’s Investors Service Municipal Credit Research dated March, 1999.

We expect state new money investment in capital infrastructure to continue to grow as long as the national economy remains strong, given the health of state finances and the public support for capital investment, even that financed with debt. The low cost of borrowing and the pent-up demand for capital improvements to meet the needs of a growing population and deferred infrastructure repair will likely cause debt levels to continue to move upwards.

Public
Hearing/
Fiscal
2000
Budget
(continued)

Mr. Stickels referred to the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2000" which was introduced on May 18, 1999. Mr. Stickels advised that, since that time, questions have arisen regarding the proposed increases in spending. A report, prepared by the Budget Committee, was submitted to Council supporting the budget increases. The report consisted of information, by department, highlighting the increase in the demand for services over the past ten years.

Mr. Baker, Finance Director, distributed a report analyzing increases from Fiscal 1999 to Fiscal 2000 (Proposed Budget). The dollar amount in the General Fund budget increased 12 percent. Mr. Baker identified some of the major reasons for the increase, as follows:

- Fire Enhancement Fee Grants
- Pension Fund – Additional Funding
- Sewer Grants Increase
- Transportation Program Funding
- Tax Subsidy Program
- Recreational Assistance Program
- Emergency Operations Center – Computer Aided Dispatch Program
- Recorder of Deeds – Map Project and Research Room
- Milton Library- Building Expansion Project
- Human Service Grant Increase
- Local Library Placement Fee Grants

Mr. Baker, explained that if these 11 items totaling \$2.2 Million were taken out of the Fiscal 2000 Budget, then the increase over the one year period would only be 3.15 percent.

Mr. Stickels reported that some citizens will see an increase in their tax bills. Mr. Stickels emphasized that the County portion of the tax bill is not going up; however, there are four school districts that are increasing their taxes: Indian River, Milford, Woodbridge, and Cape Henlopen.

The following correspondence was read into the record:

PETER P. ROENKE, PRESIDENT, COASTAL IMAGES, INC., BETHANY BEACH, DELAWARE.

RE: Letter in appreciation of the inclusion of \$20,000 in the Fiscal 2000 Budget for youth recreational activities.

SUSSEX COUNTY LIBRARY ADVISORY BOARD, GEORGETOWN, DELAWARE.

RE: Letter in support of the proposed budget for library funding.

Public
Hearing/
Fiscal
2000
Budget
(continued)

WAYNE CARTER, TREASURER, SEAFORD DISTRICT LIBRARY,
SEAFORD, DELAWARE.

RE: Letter in support of the proposed budget for library funding.

DIANE MCDONNELL, DIRECTOR, SEAFORD DISTRICT LIBRARY,
SEAFORD, DELAWARE.

RE: Letter in support of the proposed budget for library funding.

EDWARD RALPH, PRESIDENT, LAUREL PUBLIC LIBRARY BOARD
OF COMMISSIONERS, LAUREL, DELAWARE.

RE: Letter in support of the FY 2000 Budget, as proposed.

JUDITH FORD, PRESIDENT, FRIENDS OF THE SOUTH COASTAL
LIBRARY, BETHANY BEACH, DELAWARE.

RE: Letter requesting funding in the amount of \$25,000 to assist in the
purchase of a parcel of land adjacent to the South Coastal Library.

F. GARY SIMPSON, ASSISTANT DIRECTOR, ALUMNI AND
UNIVERSITY RELATIONS, UNIVERSITY OF DELAWARE,
GEORGETOWN, DELAWARE.

RE: Letter requesting Council's financial support of the annual Cape Concert
as performed by the Delaware Symphony Orchestra on the University of
Delaware's campus in Lewes.

GREGG SYLVESTER, MD., SECRETARY, DELAWARE HEALTH AND
SOCIAL SERVICES, NEW CASTLE, DELAWARE.

RE: Letter notifying Mr. Stickels that the recommendation for a sixth
paramedic unit to be located in Sussex County has been approved.

RODNEY JOHNSON, PRESIDENT, FAIRMOUNT CAPITAL ADVISORS,
INC., PHILADELPHIA, PENNSYLVANIA.

RE: Letter commending the County on the Fiscal 2000 Budget.

Public comments were heard at this time. Comments included requests for
Council to (1) look at options for reducing long term sewer debt, (2)
undertake active research in the Engineering Department for alternative sewer
treatment systems, (3) review the County's policy of providing grant funding
to private, non-profit entities, (4) consider reducing fees to a break-even level,
(5) consider reducing realty transfer tax, etc. Other comments made were very
supportive of the Fiscal 2000 Budget in general and more specifically for: (1)
fire service funding, (2) cash reserves, (3) funding the Pension Fund, (4)
eliminating General Fund debt, etc.

The Public Hearing was closed.

Public
Hearing

A Public Hearing was held on the Assessment Rolls for Dewey Beach Water
District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer

Public
Hearing/
Assessment
Rolls
(continued)

District, South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, North Bethany Expansion of the Bethany Beach Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District, West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, and the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

Public comments were heard. Comments included recommendations to the County to consider and implement a low-cost alternative and innovative wastewater treatment system. Comments were also heard in opposition of (1) rates, (2) paying fees for empty lots, (3) process of calculating charges, (4) using a sewer district's money to finance capacity and expansion studies, (5) the fact that agricultural lands are exempt from fees, etc.

Mr. Cole expressed his agreement in everyone paying their fair share in a sewer district, including agricultural lands.

Mr. Phillips expressed his opinion that assessing sewer fees on agricultural lands may lead to the acceleration of agricultural land development. Mr. Phillips went on record to say that Council should be careful of any policy change in respect to agricultural lands.

The Public Hearing was closed.

Public
Hearing/
Proposed
Ordinance/
Annual
Service
Charges,
Annual
Assessment
Rates, Etc.

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

Public comments were heard and centered around the disparity in rates in the different sewer districts and the fact that relief from sewer fees is needed now.

The Public Hearing was closed.

Proposed
Amendments
to Fiscal
2000
Budget

Mr. Stickels, County Administrator, advised that since the introduction of the Fiscal 2000 Budget on May 18, 1999, different Councilmembers have presented four amendments for consideration, as follows:

Amendment No. 1

Decrease Reserve for Contingencies \$25,000, Increase Line Item 57 – Improvements Other Than Buildings \$25,000 for South Coastal Library.

M 296 99
Approve
Amendment
No. 1/
Fiscal
2000
Budget

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to approve Amendment No. 1 to the Fiscal 2000 Budget.

Mr. Phillips stated that he strongly objects to not having this information beforehand and requested that action on the amendments be delayed to permit time to study and consider them.

The other Councilmen noted that they were aware of the amendments and that the amendments have been discussed.

M 297 99
Amend
M 296 99

A Motion was made by Mr. Phillips, amending the Motion made by Mr. Cole and seconded by Mr. Rogers, to delay action on the amendment.

Mr. Cole did not agree to the amendment and the Motion remained unchanged.

Restate
Motion
M 296 99

(A Motion was made by Mr. Cole, seconded by Mr. Rogers, to approve Amendment No. 1 to the Fiscal 2000 Budget.)

Motion Adopted: 4 Yea, 1 Nay.

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

M 298 99
Recess
Meeting

A Motion was made by Mr. Phillips to recess the meeting until the 1:30 p.m. public hearings and that any future votes on the Fiscal 2000 Budget be delayed until at least June 22, 1999. The Motion died for the lack of a second.

Amend-
ment
No. 2

Amendment No. 2

Decrease Line Item 84 – County Council Mileage \$2,000; Increase Line Item 11 – County Council Salaries \$2,000 (\$400 for each Councilman).

M 299 99
Approve
Amend-
ment
No. 2

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to approve Amendment No. 2 to the Fiscal 2000 Budget.

Motion Adopted: 3 Yea, 2 Nay.

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

Amend-
ment
No. 3

Amendment No. 3

Increase all employees salaries an additional 1 percent, over the 3 percent recommended, effective January 1, 2000 contingent on expenses and incomes meeting budget projections; Increase Department Line Items for Salaries and Benefits \$63,100 and Increase Appropriated Surplus \$63,100.

M 300 99
Approve
Amend-
ment
No. 3

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to approve Amendment No. 3 to the Fiscal 2000 Budget, contingent upon approval of the County Council in December, 1999.

Motion Adopted: 4 Yea, 1 Nay.

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

Amend-
ment
No. 4

Amendment No. 4

Increase Paramedic Line Item 74 – Programs and Projects \$594,000; Increase Appropriated Surplus \$250,000, contingent upon the Delaware General Assembly approving a sixth Paramedic Unit for the Long Neck/Oak Orchard Area and Increase State Paramedic Grant \$344,000.

M 301 99
Approve
Amend-
ment
No. 4

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to approve Amendment No. 4 to the Fiscal 2000 Budget.

Motion Adopted: 4 Yea, 1 Nay.

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

M 302 99
Adopt
Ordinance
No. 1318

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1318 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2000, as amended, to include a Property Tax Rate of 44.5 cents per hundred dollars of Assessed Value, Capitation Rate of \$3.00, Firemen's Enhancement rate of one-quarter of one percent of Building Costs, Property Tax Subsidy Program, Sewer and Loan Grant Program, and establishing an Unobligated Reserve Account of 18 percent of General Fund Expenditures".

Motion Adopted: 4 Yea, 1 Nay.

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

M 303 99
Adopt
Assess-
ment Rolls

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Assessment Rolls for all Sussex County Sanitary Sewer and Water Districts as presented on June 15, 1999 for the period July 1, 1999 to June 30, 2000.

Motion Adopted: 5 Yea.

M 303 99
(continued)

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

M 304 99
Adopt
Ordinance
No. 1317

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1317 entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

Motion Adopted: 5 Yea.

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

M 305 99
Recess

At 1:25 p.m., a Motion was made by Mr. Cole, seconded by Mr. Rogers, to recess until 1:35 p.m. Motion Adopted by Voice Vote.

Attorney

Mr. Schrader, Assistant County Attorney, left the meeting at this time.

Reconvene

At 1:40 p.m., Mr. Jones called Council back into session.

Absence

Mr. Rogers was not present for the afternoon session.

Attorney

Mr. Bayard, County Attorney, joined the meeting.

Public
Hearing
(C/U
No. 1288)

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 TO MODIFY THE LAND AREA AND AMEND THE CONDITIONS OF CONDITIONAL USE NO. 1205 (PLAY AND RECREATION AREA) FOR A PUBLIC SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS" (Conditional Use No. 1288) filed on behalf of Milford School District. It was noted that Conditional Use No. 1205 expired on October 14, 1998 since a time extension had not been requested nor granted. The Planning and Zoning Commission recommended approval of this application. There were no public comments and the Public Hearing was closed.

M 306 99
Adopt
Ordinance
No. 1319

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1319 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MODIFY THE LAND AREA AND AMEND THE CONDITIONS OF CONDITIONAL USE NO. 1205 (PLAY AND RECREATION AREA) FOR A PUBLIC SCHOOL TO BE LOCATED ON A

M 306 99
(continued)

CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS” (Conditional Use No. 1288) filed on behalf of Milford School District, with the following condition:

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

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Absent;
Mr. Jones, 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 will serve the needs of students, teachers, and staff of the School District without adverse impact of any sort.
2. The use meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of facts and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1286)

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 AGRICULTURAL AND TURF CONSULTING BUSINESS AND REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRES, MORE OR LESS” (Conditional Use No. 1286) filed on behalf of G. Anthony and Jacqueline R. Keen. There were no public comments. The Planning and Zoning Commission recommended approval of this application. The Public Hearing was closed.

M 307 99
Adopt
Ordinance
No. 1320

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1320 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AGRICULTURAL AND TURF CONSULTING BUSINESS AND REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRES, MORE OR LESS” (Conditional Use No. 1286) filed on behalf of G. Anthony and Jacqueline R. Keen, with the following conditions:

M 306 99
(continued)

CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS” (Conditional Use No. 1288) filed on behalf of Milford School District, with the following condition:

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

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Absent;
Mr. Jones, 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 will serve the needs of students, teachers, and staff of the School District without adverse impact of any sort.
2. The use meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of facts and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1286)

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 AGRICULTURAL AND TURF CONSULTING BUSINESS AND REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRES, MORE OR LESS” (Conditional Use No. 1286) filed on behalf of G. Anthony and Jacqueline R. Keen. There were no public comments. The Planning and Zoning Commission recommended approval of this application. The Public Hearing was closed.

M 307 99
Adopt
Ordinance
No. 1230

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1320 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AGRICULTURAL AND TURF CONSULTING BUSINESS AND REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRES, MORE OR LESS” (Conditional Use No. 1286) filed on behalf of G. Anthony and Jacqueline R. Keen, with the following conditions:

M 307 99
(continued)

1. One unlighted sign, not to exceed thirty-two (32) square feet per side or facing, may be permitted.
2. The site plan shall be subject to the review and approval of the Planning and Zoning Commission upon receipt of all required agency approvals and permits.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Absent;
Mr. Jones, 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 will serve the needs of the agricultural, recreational, and residential customers throughout the County without adverse impact of any sort.
2. The 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/U
No. 1287)

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 FOUR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS" (Conditional Use No. 1287) filed on behalf of Ken Shapter. Public comments were heard in opposition to this application. The Planning and Zoning Commission recommended that this application be denied. It was noted that the applicant was not in attendance. The Public Hearing was closed.

M 308 99
Adopt
Proposed
Ordinance
(C/U
No. 1287)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR FOUR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS" (Conditional Use No. 1287) filed on behalf of Ken Shapter.

M 308 99
(continued)

Motion Denied: 4 Nay, 1 Absent.

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

Findings
of Fact

The conditional use application was denied due to the lack of record of support and due to the applicant's failure to appear for the Public Hearing.

Proposed
Oak
Orchard
Sanitary
Sewer
District

Council discussed the Proposed Oak Orchard Sanitary Sewer District. Mr. Stickels advised that Mr. Wolfgang von Baumgart had presented for Council's consideration a Proposed Resolution relating to the formation of the Proposed Oak Orchard Sanitary Sewer District. The Proposed Resolution extended the public commentary period to August 18, 1999.

A Public Hearing on the formation of the District was held on June 12, 1999 and the present close of the commentary period is June 18, 1999. Mr. Stickels advised that Sussex County Administration and the Engineering Department cannot support the Proposed Resolution due to the schedule that has been developed for the establishment of the District.

Mr. Izzo, County Engineer, reported that the Engineering Department will rework the district boundaries based on the comments made at the Public Hearing. A revised district boundary will be presented to County Council.

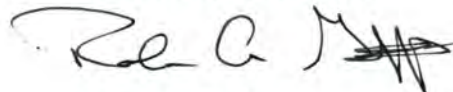
Mr. Izzo stated that he felt sufficient comment was heard at the Public Hearing although the record was left open until June 18, 1999.

No action was taken on this Proposed Resolution.

M 309 99
Adjourn

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

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council