

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 8, 1997

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, July 8, 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 J. Collins	Vice 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 288 97
Approve
Agenda
With
Amend-
ments

A Motion was made by Mr. Jones, seconded by Mr. Collins, to approve the Agenda, with the following amendments:

Delete "Capitalization/Impact Fee Appeal".

Delete "Introduction of Proposed Zoning Ordinances".

Motion Adopted by Voice Vote.

M 289 97
Approve
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve the minutes of the previous meeting, dated June 24, 1997.

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

KRISTEN HALL, SEAFORD, DELAWARE.

RE: Letter of appreciation for Councilmanic Grant.

JOSEPH L. THOMAS, DIRECTOR, EMERGENCY OPERATIONS, GEORGETOWN, DELAWARE.

RE: Memorandum to Mr. Stickels, County Administrator, regarding Dispatcher Kevin Ritchie's Emergency Medical Dispatch instructions for emergency childbirth on a 911 call.

JANET C. RZEWNICKI, STATE TREASURER, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter to Mr. Stickels, County Administrator, regarding the County's new Administrative Office Building.

Corre- DONALD RAPER, JR., AND GINA RAPER, DAGSBORO CHURCH OF GOD,
spondence DAGSBORO, DELAWARE.
(con't) RE: Invitation to the 1997, Family Day 4th of July Celebration.

M 290 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, that
Authorize the Sussex County Council authorizes an Executive Session to
Executive be held in Council Chambers on July 15, 1997, at 9:00 a.m.,
Session for the purpose of discussing land acquisition.

Motion Adopted: 5 Yea.

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

Request Mr. Stickels, County Administrator, advised Council of a letter
With- from David N. Rutt, attorney for Mary A. Bensinger, dated June
drawal 25, 1997. Mr. Rutt, on behalf of Mrs. Bensinger, requested
of that County Council permit the withdrawal of Change of Zone No.
C/Z 1298; an application heard by the County Council on June 10, No.
No. 1298 1997. Mr. Rutt further requested that Mrs. Bensinger be granted
leave to refile her application as a conditional use and that the
application fee for this filing be waived.

M 291 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to permit
Permit the withdrawal of Change of Zone No. 1298, an application of
With- Mary A. Bensinger; filing fees for a new application will not
drawal be waived.
of C/Z

No. 1298 Motion Adopted: 5 Yea.

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

Appoint- Mr. Stickels, County Administrator, discussed Committee appoint-
ments ments that have expired.

Library The appointment of Patricia Reichert to the Library Advisory
Advisory Board expired on June 30, 1997. Mrs. Reichert represents the
Board Fourth Councilmanic District. Mr. Cole advised that he was not
Appoint- prepared to make a recommendation; he will be ready to make a
ment recommendation at the July 15, 1997, Council meeting.

M 292 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Appoint- reappoint Albert Clark to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 5 Yea.

M 292 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 293 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Appoint- reappoint Byron Cooper to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 5 Yea.

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

M 294 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Appoint- reappoint Vance Daniels to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 5 Yea.

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

M 295 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Appoint- reappoint Rev. Clarence H. Hays to the Advisory Committee for
ment Handicapped & Aging Citizens of Sussex County for a term of
two years.

Motion Adopted: 5 Yea.

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

M 296 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Appoint- reappoint Paul Lynch to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 5 Yea.

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

M 297 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Appoint- reappoint L. Thomas Shockley to the Advisory Committee for
ment Handicapped & Aging Citizens of Sussex County for a term of
two years.

M 297 97 Motion Adopted: 5 Yea.
(con't)

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

M 298 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Appoint- reappoint Raymond Townsend to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 4 Yea, 1 Nay.

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

M 299 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Appoint- reappoint David B. Webb, Jr. to the Advisory Committee for
ment Handicapped & Aging Citizens of Sussex County for a term of
two years.

Motion Adopted: 5 Yea.

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

M 300 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Appoint- reappoint Claudia Waters to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 5 Yea.

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

M 301 97 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Appoint- reappoint Irvin Aydelotte to the Advisory Committee for Handi-
ment capped & Aging Citizens of Sussex County for a term of two
years.

Motion Adopted: 5 Yea.

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

Aging & Handi- capped Committee Mr. Cole advised that he will offer his recommendation regarding Sandra Dole's appointment to the Advisory Committee for Handicapped & Aging Citizens of Sussex County at the July 15, 1997, Council meeting.

Appointment/ P&Z Mr. Cole discussed an appointment to the Planning & Zoning Commission. The term of Ronald P. Lynch expired in June, 1997.

M 302 97 Appointment (Denied) A Motion was made by Mr. Cole, seconded by Mr. Collins, to appoint Donald Hearn to the Planning and Zoning Commission for a term of three years.

Motion Denied: 3 Nay, 2 Yea.

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

M 303 97 Appointment (Denied) A Motion was made by Mr. Collins, seconded by Mr. Cole, to appoint Ellen Magee to the Planning and Zoning Commission for a term of three years.

Motion Denied: 3 Abstentions, 2 Yea.

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

M 304 97 Appointment A Motion was made by Mr. Jones, seconded by Mr. Rogers, to reappoint Ronald P. Lynch to the Planning and Zoning Commission for a term of three years.

Motion Adopted: 4 Yea, 1 Nay.

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

Legislative Update Mr. Stickels, County Administrator, and Mr. Maxwell, Professional Lobbyist for the Delaware Association of Counties, provided an update regarding the following legislation:

1. House Bill No. 380

AN ACT MAKING APPROPRIATIONS FOR CERTAIN GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 1998; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS, AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS

Legis-
lative
Update
(con't)

This Act provides supplementary appropriations to certain Grants-in-Aid for Fiscal Year 1998.

Mr. Stickels reviewed funding appropriations as outlined in this legislation.

2. House Bill No. 400 - Bond Bill

Mr. Stickels reviewed the Fiscal Year 1998 Capital Improvement's Project Schedule. The Bond Bill includes a One Time Aid to Local Governments; Sussex County will receive \$708,106.

3. Senate Bill No. 212, State Plan

4. House Bill No. 394, Advisory Panel Membership

5. House Bill No. 395, Statewide Database/GIS

6. House Bill No. 396, Municipal Planning

7. House Bill No. 397, Inter-Governmental Coordination

8. Senate Bill No. 213, Transfer of Development Rights

9. Senate Bill No. 214, Sunsetting Rezoning and Subdivisions

10. House Bill No. 377 w/HA 1, Development Agreements for Multi-Phased Projects

11. House Bill No. 398, Comprehensive Rezoning After Plan

12. Senate Bill No. 215, County Plan Enhancements

13. Senate Bill No. 216, Sewer and Water Districts/Sussex County

Mr. Stickels advised that the legislature did not enact reassessment; Kent County did not support the legislation, as promised.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, distributed the following County Administrator's Report:

1. Airport Committee Meeting

The Sussex County Airport Committee will be meeting on Wednesday, July 9, 1997, at 10:00 a.m. in the Conference Room, First Floor, County Administrative Building West Complex, DuPont Highway, Georgetown, Delaware. Airport Committee meetings are open to the public.

Adminis-
trator's
Report
(con't)

2. Extended Hours

The following activities took place on Wednesday, June 25, 1997:

- (a) Treasury Division - One phone call from 4:30 p.m. to 7:30 p.m.;
- (b) Utility Billing Division - No activity;
- (c) Clerk of the Peace - Five wedding licenses issued and four weddings conducted after 4:30 p.m.;
- (d) Planning and Zoning - No activity from 7:30 a.m. to 8:30 a.m., five building permits issued and one Building Code plan review from 4:30 p.m. to 7:30 p.m.;
- (e) Assessment Division - No activity;
- (f) Recorder of Deeds - Two phone calls and three documents recorded from 4:30 p.m. to 7:30 p.m.

3. First State Manufactured Housing Meeting

On Wednesday, July 2, 1997, Councilman Dukes, Collins, Jones, and Rogers met with the First State Manufactured Housing Institute. The meeting was publicly posted prior to the Council members attending. The meeting took place at 8:00 a.m. at the Seaford Diner. In addition to the Council members, County Administrator Robert Stickels, Assessment Director Eddy Parker, and Building Code Supervisor Van Milligan also attended the meeting.

The purpose of the meeting was to review the standards for installing manufactured homes. The County Council has directed the Building Code Department to come up with a program for inspection of the installation of manufactured homes.

After a meeting of approximately one hour, Councilman Dukes, Councilman Collins, Robert Stickels, Eddy Parker, and Van Milligan visited the Cool Branch Manufactured Home Park in western Sussex County to watch the installation of a new home. Staff and Council left the Cool Branch site prior to 12:00 p.m.

New
Deposit
Accounts

Mr. Baker, Finance Baker, discussed the establishment of three new checking accounts, one at Baltimore Trust Company for the RDA Bond for Airport and Emergency Operations Center Improvements and two at Delaware National Bank for the 1997 Housing Preservation Grant and the 1997 Community Development Block Grant.

M 305 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adopt Adopt Resolution No. R 021 97 entitled "AUTHORIZING THE PAYMENT
Resolu- FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE
tion No. BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF
R 021 97 DALE R. DUKES, PRESIDENT; GEORGE J. COLLINS, 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: 5 Yea.

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

M 306 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adopt Adopt Resolution No. R 022 97 entitled "AUTHORIZING THE PAYMENT
Resolu- FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE
tion No. DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF
R 022 97 DALE R. DUKES, PRESIDENT; GEORGE J. COLLINS, 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: 5 Yea.

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

Public Hearings/
Bound- A Public Hearing was held on the revision of the boundaries of
aries/ the Ocean View Expansion of the Bethany Beach Sanitary Sewer
BBSSD District to exclude three (3) parcels of land. A Public Hearing
was held on the revision of the boundaries of the Savannah's
Landing Extension of the Bethany Beach Sanitary Sewer District to
include the three parcels of land. There were no public comments
and the Public Hearings were closed.

M 307 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adopt Adopt Resolution No. R 023 97 entitled "REVISION OF THE BOUND-
Resolu- ARIES OF THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY
tion No. SEWER DISTRICT TO EXCLUDE THREE (3) PARCELS OF LAND LOCATED
R 023 97 WEST OF THE ASSAWOMAN CANAL AND THE TOWN OF BETHANY BEACH AND
BEING SITUATE IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 4 Yea, 1 Abstention.

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

M 308 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Adopt Adopt Resolution No. R 024 97 entitled "REVISION OF THE BOUND-
Resolu- ARIES OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS
tion No. THREE (3) PARCELS OF LAND LOCATED WEST OF THE ASSAWOMAN CANAL
R 024 97 AND THE TOWN OF BETHANY BEACH AND BEING SITUATE IN BALTIMORE
HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 4 Yea, 1 Abstention.

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

Bay
Colony/
Fairway
Villas
Waste-
water
Disposal

Mr. Archut, Assistant County Engineer, provided Council with an update on the Bay Colony/Fairway Villas wastewater disposal situation. On June 3, 1997, representatives from Bay Colony and Utility Systems, Inc. met with the County Council concerning the status of wastewater treatment and disposal in Bay Colony. On June 11, 1997, Mr. Stickels, County Administrator, and Mr. Archut met with representatives of the Department of Natural Resources and Environmental Control, Utility Systems, Inc., Bay Colony and Fairway Villas to discuss treatment and disposal options that were included in a report prepared by consultants for Utility Systems, Inc. The result of this meeting was that the County would follow through on estimates for installing sewer from its South Coastal Facility. This report was completed and presented to the same group of people on June 25, 1997. Mr. Archut distributed this report to Council members and reviewed the information contained therein, including information about the County's User Charge System, estimated user charges, and three different funding scenarios. It was noted that any fees charged by the County would be in addition to fees charged by Utility Systems, Inc. Mr. Archut read a letter from the Bay Colony Citizens Association Environmental Committee requesting the County to authorize the preparation and circulation of petitions to submit the question of organizing a sanitary sewer district in the Bay Colony/Fairway Villas area. A community meeting is scheduled for July 26, 1997, to discuss this issue.

M 309 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, that
Approve the Sussex County Council approves the preparation and circula-
Circula- tion of petitions to submit the question of organizing the Holt's
tion of Landing Sanitary Sewer District, to include Bay Colony and Fair-
Petitions way Villas, to a vote of electors in that district.

for
Holt's Motion Adopted: 5 Yea.

Landing
SSD

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

Request From Bay Colony/ Buy-out of Existing Sewer System

Mr. Archut, Assistant County Engineer, advised Council of another letter received from the Bay Colony Citizens Association requesting the County to consider assuming ownership and responsibility for the existing community sewer system from Utility Systems, Inc.; to consider taking complete control over the entire system and purchasing the existing pipeline and other related equipment from Utility Systems, Inc. at an approximate buy-out cost of \$300,000. It was the recommendation of staff that this request not be supported at this time for several reasons, including but not limited to: (1) time constraints and (2) the system was not built in accordance with County requirements. Council took no action on this request.

Greenwood Library Addition Bid Results

Mr. McCabe, Project Engineer, reported on bids received for Sussex County Project No. 94-14, Greenwood Library Addition, as follows:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Nanticoke Homes Greenwood, Delaware	\$126,150.00
Barry G. Joseph Construction, Co. Georgetown, Delaware	\$138,965.00
Lockwood Design and Construction Co. Milton, Delaware	\$145,000.00
Mark F. Deeney, Inc. Milford, Delaware	\$134,604.00
Currie Construction Milford, Delaware	No Bid
Warfel Construction Co., Inc. Milford, Delaware	\$109,500.00
Honya Associates, Inc. Harrington, Delaware	\$128,374.00
Manufactured's Survey Association Langehorne, Pennsylvania	No Bid
(Engineer's Estimate - \$120,000.00)	

It was noted that the building site is located on land owned by the Town of Greenwood; it is proposed that the County will lease this land from the Town.

M 310 97 Award Bid/ Greenwood Library Addition A Motion was made by Mr. Jones, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 94-14, Greenwood Library Addition, be awarded to Warfel Construction Co., Inc., at a cost of \$109,500.00, contingent upon receipt of necessary funds from the State of Delaware and private sources, to supplement the County's portion of the project cost; and further contingent upon the execution of a valid lease for the area of the building site.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 311 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$100.00 from Mr. Jones' Councilmanic Account to the Emerald USA Pageant for Katie Ann Tomeski's participation in the pageant.

Motion Adopted: 5 Yea.

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

M 312 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$100.00 from Mr. Jones' Councilmanic Account to the Sussex Central High School PTSA to help defray the cost of obtaining speakers for monthly meetings.

Motion Adopted: 5 Yea.

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

M 313 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$200.00 from Mr. Jones' Councilmanic Account to the Greater Seaford Chamber of Commerce for Project 13.

Motion Adopted: 5 Yea.

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

M 314 97 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$200.00 from Mr. Collins' Councilmanic Account to the Town of Laurel for the annual Fourth of July fireworks display.

M 314 97 Motion Adopted: 5 Yea.
(con't)

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

M 315 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$800.00 (\$200.00 each from Mr. Collins', Mr. Dukes', Mr.
manic Rogers' and Mr. Jones' Councilmanic Accounts) to the Dagsboro
Grant Church of God for the Fourth of July celebration.

Motion Adopted: 5 Yea.

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

M 316 97 At 12:10 p.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
(C/U "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
No. 1183) AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL BAKERY AND
PRODUCE STAND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-
TAINING 20.48 ACRES, MORE OR LESS" (Conditional Use No. 1183)
filed on behalf of Cynthia Wolfe-Larsen. There were no public
comments and the Public Hearing was closed.

M 317 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Adopt Adopt Ordinance No. 1148 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1148 DISTRICT FOR A SMALL BAKERY AND PRODUCE STAND TO BE LOCATED
(C/U ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND
No. 1183) REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES,
MORE OR LESS" (Conditional Use No. 1183) filed on behalf of
Cynthia Wolfe-Larsen, with the following conditions:

1. Revised site plans shall be submitted that specifically depict the locations of the buildings, driveways, approved entrance location, and parking.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
3. An entrance permit shall be submitted with the site plan.
4. The building shall be no larger than 40' by 65'.

M 317 97
(con't)

5. No parking or buildings shall be closer than 100 feet from the right of way of Route 9.
6. One ground sign, not exceeding 32 square feet per side or facing, may be permitted.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, 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 will enable her bakery business to make necessary expansions, caused by the growth of her business.
2. The applicant established by substantial evidence that the neighborhood is a mix of residential and neighborhood business use. The proposed use will have no impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1300)

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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 26,530 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1300) filed on behalf of Jessica and Jason Moore. There were no public comments and the Public Hearing was closed.

M 318 97
Adopt
Ordinance
No. 1149
(C/Z
No. 1300)

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1149 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 26,530 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1300) filed on behalf of Jessica and Jason Moore.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, 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 applicant established by substantial evidence that a change of zone is necessary to enable the applicant to replace an aged manufactured home with a new home.
2. The change of zone will, as a result, have no impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1301) 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.27 ACRES, MORE OR LESS" (Change of Zone No. 1301) filed on behalf of James R. Schrepplery. There were no public comments and the Public Hearing was closed.

M 319 97 Adopt Ordinance No. 1150 (C/Z No. 1301) A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1150 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.27 ACRES, MORE OR LESS" (Change of Zone No. 1301) filed on behalf of James R. Schrepplery.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, 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 applicant established that he is voluntarily down-zoning his property to conform its zoning classification to its actual use as a residence and tree farm.
2. As a result, the change of zone will have no impact whatsoever.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1302)

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 A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.93 ACRES, MORE OR LESS" (Change of Zone No. 1302) filed on behalf of Lacey E. Spencer, Jr. and Aleathia E. Spencer. There were no public comments and the Public Hearing was closed.

M 320 97 Adopt Ordinance No. 1151 (C/Z No. 1302)

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Adopt Ordinance No. 1151 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.93 ACRES, MORE OR LESS" (Change of Zone No. 1302) filed on behalf of Lacey E. Spencer, Jr. and Aleathia E. Spencer.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Collins, 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 applicant established that the business is not permitted in a GR zone and to operate, that business can only operate in a C-1 zone. The business benefits the area by promoting recycling and refurbishing recreational vehicles.
2. The change of zone has no impact on the character of the of the community, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing Amend Chapter 99/ Sub-division of Land

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND", TO AMEND PROVISIONS RELATING TO THE STANDARDS APPLICABLE TO THE REVIEW OF SUBDIVISIONS". An amendment to the body of the Proposed Ordinance was recommended, as follows:

Replace

4. Preservation of scenic views from publicly accessible locations.]

Public
Hearing
(con't)

With

4. Preservation of open space and scenic views.

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

M 321 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Ordinance No. 1152 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION
No. 1152 OF LAND", TO AMEND PROVISIONS RELATING TO THE STANDARDS APPLI-
CABLE TO THE REVIEW OF SUBDIVISIONS", as amended.

Motion Adopted: 5 Yea.

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

Brochure Mr. Cole recommended that the information contained in
Ordinance No. 1152 be printed in the form of a brochure and
made available to the public.

Public
Hearing
Amend
Chapter
115/
Zoning

A Public Hearing was held on the Proposed Ordinance entitled
"AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX
COUNTY, ENTITLED "ZONING", TO AMEND PROVISIONS RELATING TO
THE PLACEMENT OF MOBILE HOMES". Public comments were heard
in favor of the Proposed Ordinance. The Public Hearing was
closed.

M 322 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt Ordinance No. 1153 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED "ZONING",
No. 1153 TO AMEND PROVISIONS RELATING TO THE PLACEMENT OF MOBILE HOMES".

Motion Adopted: 5 Yea.

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

Burnt-
Out
Homes

Mr. Cole discussed the County's lack of regulations regarding
the removal/demolition of burnt-out homes. Mr. Cole requested
that this issue be placed on a future agenda for review.

M 323 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 2:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council