

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 13, 1999

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, July 13, 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
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 336 99            A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve the Amend and Approve Agenda            Agenda with an amendment to include "Proclamation to Honor Jonathan B. Hastings" as item "1 (A)" under Robert Stickels.  
Motion Adopted: 5 Yea.

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

M 337 99            A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the Approve Minutes            minutes of the previous meeting, dated June 29, 1999.  
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

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

RE: Legal Notice of a public hearing to be held on the 2002 Rate of Progress Plan (RPP) on August 3, at 6:00 p.m. in the DNREC auditorium in Dover.

Corre-  
spondence  
(continued)

LYNNE MALOY, EXECUTIVE DIRECTOR, POSSUM POINT PLAYERS,  
GEORGETOWN, DELAWARE.

RE: Invitation to attend ribbon cutting ceremony for the newly renovated  
Possum Hall on July 24, 1999, from 10:00 a.m. to 12:00 noon.

RONALD JESTER, DELAWARE SAFE KIDS COALITION, SUSSEX  
COUNTY CHAPTER, GEORGETOWN, DELAWARE.

RE: Letter requesting support of this year's Sussex County Safe Kids Day to  
be held on Wednesday, August 11, 1999, from 8:30 a.m. to 12:00 noon.

LUCIEN FERGUSON, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Council's approval of the elderly housing project  
in Long Neck, a project of Dyer McCrea Ventures, LLC.

DAVID W. BAIRD, TOWN MANAGER, TOWN OF GEORGETOWN,  
GEORGETOWN, DELAWARE.

RE: Letter of thanks for the use of the County Council Chambers on June 28,  
1999.

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

RE: Letter requesting the County Council to consider the Center's offer to  
continue their efforts on the Eastern Shore of the James Farm.

Certificate  
of  
Appreciation

A Certificate of Appreciation was presented to Norma L. Talley for devotion,  
loyalty, and excellence in serving Sussex County from May 24, 1971 to July  
15, 1999.

M 338 99  
Adopt  
Proclamation

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt the  
Proclamation entitled "PROCLAIMING SUNDAY, JULY 11, 1999, AS A  
DAY TO HONOR JONATHAN B. HASTINGS".

Motion Adopted: 5 Yea.

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

Lease  
Agreements  
for  
T-Hangars

Mr. Stickels discussed two leases for T-Hangars located at the Sussex County  
Airport, as follows:

1. William Briedis

Term – One Year  
Amount - \$6,000.00

Lease  
Agreements  
(continued)

2. Robert E. Young

Term – One Year  
Amount - \$2,100.00

Mr. Calio, Director of Economic Development and Industrial Airpark, advised that Mr. Young has also expressed interest in leasing one of the new hangars proposed to be constructed. Mr. Young has submitted a check as security deposit and first month's rent.

M 339 99  
Authorize  
Lease  
Agreements  
for  
T-Hangars

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to authorize Lease Agreements with William Briedis and Robert Young for T-Hangars at the Sussex County Industrial Airpark.

Motion Adopted: 5 Yea.

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

DeIDOT  
Five  
Year  
Capital  
Improvement  
Program

Mr. Stickels advised Council that this year, the Transportation Committee is going to require more than the usual letter outlining Sussex County's priorities for inclusion in the Delaware Department of Transportation Five Year Capital Improvement Program. An in-depth report is being required and, for this reason, Mr. Stickels requested that Council members submit a list of priority road projects in their respective districts no later August 3, 1999, so that a report can be prepared and submitted to the Transportation Committee in September.

Mr. Stickels distributed to Council a copy of last year's County priorities for inclusion in the State of Delaware Department of Transportation Five Year Capital Improvement Program, as follows:

1. Upgrading of Route 54 to the 100 Year Flood Plain

The current State plan calls for the upgrading of Route 54 from Route 1 west to Route 58. The improvements include raising the road to accommodate the 100 Year Flood Plain. Those improvements are only extended back to Route 58C. The County Council has recommended that those improvements be extended west to State Road 382 (Roxana Road).

*Update: This project is scheduled for Fall, 1999; however, it only goes to Road 58C.*

2. Safety Improvements to Route 1 from the Five Points Intersection to the Town Limits of Dewey Beach

DelDOT  
Five  
Year  
Capital  
Improvement  
Program

Improvements should include the computerizing and synchronizing of all traffic lights, development of a dedicated lane for emergency vehicles, pedestrian crossings, and bikeways.

*Update: DelDOT has been working on this; traffic lights have been synchronized.*

3. Upgrading of State Road 26

The current State plan only calls for improvements of Route 26 to the Assawoman Canal within the town limits of Bethany Beach. The County Council feels that a plan should be incorporated to upgrade the road capacity of Route 26 to the town limits of Dagsboro. The upgrade of road capacity may include upgrading other roads to be used for alternative traffic flow, such as Route 363 and Route 370.

*Update: A study was completed and a report generated. Sussex County Council considers this a high priority project.*

4. Sussex County Airport Facility

The County has requested that the Department of Transportation conduct a study to investigate the feasibility of the Sussex County Airport becoming a transportation center for vehicles, trains, and commuter airplane service.

*No update.*

5. Enhanced Vehicle Inspections

This project would mirror activities that are going on in both Kent and New Castle County with the acquisition of equipment and construction of new facilities. With the increased population on the eastern side of the County, it would be advantageous to have a second inspection service in the coastal area. Equipment should be purchased for the existing facility in Georgetown that has as stringent requirements as those being tested in New Castle and Kent Counties.

*Update: The Georgetown facility now has the same stringent requirements as New Castle and Kent Counties. The State is looking to expand the Georgetown facility.*

6. Comprehensive Repaving of all Secondary Roads in Sussex County

The County Council believes that the current DelDOT program of tar and chipping secondary roads every seven or eight years is insufficient. The County Council believes that the money would be better spent if the State would abandon the tar and chip process and resurface all roads with asphalt.

DelDOT  
(continued)

*Update: The Secretary has endorsed this; however, following negotiations over the Bond Bill, funding may be eliminated.*

Mr. Cole stated that there is a major need for shoulders along Sussex County roadways.

Legislative  
Update

Mr. Stickels submitted a legislative update of the 140th General Assembly. Highlights were as follows:

Legislation was passed to allow the Chief Financial Officer of the County to reject all bids on Sheriff's sales relating to delinquent taxes. The County will be required to advertise minimum bids with each sale. The County may now hold Sheriff's sales at the Office of the Sheriff. Legislation was amended to add the Sheriff's Office as a location for sales, in addition to the Sussex County Courthouse and the site of the property being offered.

Legislation was passed to require that a mortgage satisfied in Sussex County be recorded in the Recorder of Deeds Office. Previously, it was an option of the mortgage-holder if they wanted to record the fact that the mortgage had been satisfied.

Legislation is still pending that would impose exceptional practical difficulty standards with respect to the granting of an area variance by the Sussex County Board of Adjustment. (This would bring Sussex County into conformity with Kent and New Castle Counties.) Legislation will be reintroduced in January.

Legislation is still pending allowing the County to set the amount of income and assessment value for exemption from school and County property taxes. This legislation would provide the County with the same ability as Kent County. Legislation will be reintroduced in January.

Governor Carper has signed House Bill No. 332 establishing guidelines/goals for the EMS System Grant-in-Aid Legislation providing funding for the sixth paramedic unit in Sussex County.

Sussex County was exempted from House Substitute No. 1 for House Bill No. 250 establishing total maximum daily loading requirements. This legislation would have put public wastewater facilities under the requirements of the Department of Agriculture. Mr. Stickels lobbied to have Sussex County exempt from this legislation since the County is already governed by the U.S. EPA and the Department of Natural Resources and Environmental Control.

Sussex County was exempted from House Bill No. 383 establishing impact fees for schools. It is Sussex County's position that the schools are already in the subdivision approval process and they should participate at the review and

Legislative  
Update  
(continued)

approval process of new subdivisions, not after the subdivision has been approved (at the time of issuing building permits). This legislation will add over \$2,000 for every new home built in New Castle County.

Legislation for tax relief for senior citizens and property owners did not get passed and is still on the table for negotiation.

Legislation for reassessment is still on the table for negotiation.

Legislation for tax credits for the cost of sewer is still on the table for negotiation.

Mr. Stickels pointed out that \$5,000,000 has been allocated by the Bond Bill to allow the State to purchase 11,000 wooded acres in the Millsboro area from a company in Chesapeake, Virginia to remain as open space. Mr. Stickels advised that school taxes for this acreage have been less than \$5,000 and County taxes have been less than \$1,000. Mr. Stickels stated that any resulting impact to tax revenues would be minimal. Mr. Stickels mentioned that the County might want to consider asking for a payment in lieu of taxes.

Legislation did not pass requiring Sheriffs and Deputy Sheriffs to go through the State Police Academy. It was noted that the Sussex County Council does not support this legislation.

Adminis-  
trator's  
Report

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

1. Airport Public Meeting

The Sussex County Economic Development Office and Delta Airport Consultants will be conducting a public meeting on Thursday, July 15, 1999, starting at 7:00 p.m. at the Sussex County Administrative Office West Complex Building, DuPont Highway, Georgetown, for the purpose of taking public input on the reopening of Runway 10-28 at the Sussex County Industrial Airpark. The public, as well as the County Council, is encouraged to attend this meeting.

2. Security Guard Service

The Sussex County Council will be receiving bids for security guard service for the Sussex County Industrial Airpark for a period beginning August 1, 1999, through July 31, 2000. Bids will be accepted until 2:00 p.m., local time, on Monday, July 19, 1999, at the County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

Adminis-  
trator's  
Report  
(continued)

Anyone requesting additional information regarding the County's bid requirements should contact Steve Masten, Sussex County Economic Development Office, DuPont Highway, Georgetown, Delaware, at 855-7770.

3. Paramedic Holiday Activities

The Sussex County Paramedic Office had a very active 4<sup>th</sup> of July holiday weekend. Paramedic calls increased 18 percent over the July 4<sup>th</sup> holiday weekend of 1998. Paramedics responded to 199 calls during the weekend. In addition to the five units in the County, two paramedics were in Rehoboth during July 4<sup>th</sup> on bicycles and responded to eight calls for assistance.

As a result of the recent heat wave, the paramedics have responded to 15 heat-related calls, and two deaths have been attributed to heat exhaustion. I have designated the South Coastal Library, Greenwood Library, Milton Library, and the County Administrative Building as heat relief stations for anyone who would want to get a few hours of relief if they do not have air conditioning. I would encourage the news media to remind people that local libraries are available should the need arise.

4. Sussex County Tax Bills

Sussex County's Tax Division will be mailing property tax bills for school and County taxes starting this week. This is approximately ten days later than bills are normally sent out. The reason for the delay is that we were asked by the State of Delaware not to mail bills until after the legislative session, in hopes that the General Assembly would provide some type of tax relief for property owners, as well as senior citizens. Anyone having questions regarding their tax bill should call the Treasury Division at 855-7766.

General  
Obligation  
Bond  
Anticipation  
Notes,  
Series  
1999

Mr. Baker reported to Council on the bid results of the General Obligation Bond Anticipation Notes, Series 1999. The Notes were issued to finance or refinance a portion of the costs for various sewer and wastewater expansions and improvements. The Notes were sold through a competitive bidding process on Tuesday, June 29, 1999. Seven bids were received ranging from 4.18992% to 4.2753697%. The low bidder was Morgan Stanley Dean Witter at 4.18992%. The two year bonds will mature on June 15, 2001. An estimated savings of \$630,000 will benefit the West Rehoboth Phase III Sewer Project and the Cedar Neck Sewer Project. Mr. Baker reviewed a Proposed Resolution that will enable the County to use a portion of the proceeds from the Bond Anticipation Notes to provide funds for the construction of the West Rehoboth Phase III Project in anticipation of draws that would be made from DNREC on the SRF Loan.

M 340 99  
Adopt  
Resolution  
No.  
R 019 99

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 019 99 entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BOND ANTICIPATION NOTES OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE WASTEWATER COLLECTION AND TRANSMISSION SYSTEMS TO PROVIDE SEWER SERVICES FOR THE AREAS IN PHASE III OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

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

Road  
Naming  
Project

Mr. Norwood, Supervisor of Mapping and Addressing, submitted for Council's consideration a list of Proposed Administrative Road Name Changes and a Proposed Procedure for Requesting a Road Name Change. The Proposed Procedure, as presented, requires that 51 percent of the residents support the proposed road name change by signing a petition. The Proposed Procedure requires (1) a \$175.00 application fee and (2) a fee covering the cost of a new road sign.

Discussion ensued regarding alternative ways to accept and permit road name changes. Suggestions included (1) to allow, for a certain period of time, road name changes with costs absorbed by the County, (2) reducing costs for a certain period of time, and (3) considering each road name change on a case by case basis.

Several Council members noted that the list of Proposed Administrative Road Name Changes may not include all the road names that require administrative changes – changes that should occur without requiring a fee from the public.

Mr. Dukes noted that he would support the Proposed Procedure once the public has been given one more opportunity to request a road name change.

In an effort to give the public one more opportunity to submit requests for road name changes without having to pay the proposed fees, Mr. Dukes recommended that a period of three to six months be opened up to receive requests for changes. During this time, a petition requiring signatures from 90 percent of the residents would be required; in addition, fees would be reduced to a \$25.00 application fee and a fee to cover the cost of a new road sign. Once the time period has ended, one public hearing would be held to consider all the requests.

M 341 99  
Adopt  
Road  
Naming  
Project  
Interim  
Policy

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the County will accept road name change requests until August 31, 1999, if the following guidelines are met and agreed upon: (1) 90 percent of the residents must sign a petition in support of the road name change, (2) a \$25.00 non-refundable application fee must be paid, and (3) if the road name change is approved, a fee to cover the cost of a new road sign must be paid by the residents. A Public Hearing will be held on September 21, 1999, to consider all the requests received.

Motion Adopted: 5 Yea.

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

Guide  
to  
Posting  
Numbers

Mr. Norwood presented for Council's consideration a Guide to Posting Numbers, a process that will be necessary once all roads in Sussex County have been named and road signs erected. The Guide describes where house numbers should be placed and the size of the house numbers. Mr. Rogers asked that Council consider adopting an ordinance regulating the placement and size of road numbers. Action was deferred.

Ms. Foulke addressed Council regarding her concerns over the naming of Bundick Road.

MOU/  
Delaware  
Seashore  
State Park

Mr. Archut, Director of Utility Engineering, discussed a Memorandum of Understanding between Sussex County and the State of Delaware Department of Natural Resources and Environmental Control. The Memorandum of Understanding outlines the stipulations and agreements associated with the connection of the Delaware Seashore State Park to the County sewer system. The Delaware Seashore State Park currently discharges its treated wastewater into the Indian River Inlet. Mr. Archut advised that in order to annex this area into the Bethany Beach Sanitary Sewer District, the State of Delaware and the County must enter into a Memorandum of Understanding obligating the State to pay the same charges as the users of the sewer district. Mr. Cole questioned whether the Memorandum of Understanding includes the stipulation that the State must comply with the capacity restrictions placed on the North Bethany sewer district users (four units per acre). Mr. Archut advised that he believed that the ordinance outlining the capacity restrictions is specific to the North Bethany area. Mr. Cole expressed his belief that the capacity restriction should apply to this extension also. Further discussion on this issue was tabled until the afternoon session to allow Mr. Archut to further investigate the issue.

Draft  
Ordinance/  
Sewer  
Capital-  
ization Fee

Mr. Archut discussed a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, TO ADD A PROVISION RELATING TO THE SEWER CAPITALIZATION FEE". Mr. Archut explained that the draft ordinance is for "housekeeping" purposes only. When the capitalization fee was amended with respect to Phase III of the West

Draft Ordinance Rehoboth Sewer District, Section 110-142, dealing with the granting of additional EDU's, was inadvertently omitted.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, TO ADD A PROVISION RELATING TO THE SEWER CAPITALIZATION FEE". The Proposed Ordinance will be advertised for Public Hearing.

Bid Results/ Sussex County Project No. 99-04 Mr. Marvel, Maintenance Division Manager, informed Council of the bid results for Sussex County Project No. 99-04, Generator Installation for Station No. 40 and 43, as follows:

John W. Tieder, Inc. \$219,514.00

The Engineer's estimate for this project was \$271,000.00.

M 342 99 Award Bid/ Sussex County Project No. 99-04 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based on the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 99-04, Generator Installation for Station No. 40 and 43, be awarded to John W. Tieder, Inc. of Cambridge, Maryland, at the bid amount of \$219,514.00.

Motion Adopted: 5 Yea.

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

Bid Results/ Sussex County Project No. 99-13 Mr. Hawkes, Director of Utility Engineering, reported on the bid results for Sussex County Project No. 99-13, Submersible Pumping Equipment, as follows:

BIDDER	BID AMOUNT	EQUIPMENT CREDIT	FINAL BID AMOUNT
Pump & Power Equipment Corp.	\$48,714.00	\$2,000.00	\$46,714.00
Riordan Materials Corp.	\$51,014.00	.00	\$51,014.00

The Engineer's Estimate for this project was \$50,000.00.

M 343 99 Award Bid/ Sussex County Project No. 99-13 A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 99-13, Submersible Pumping Equipment for Station No. 30, be awarded to Pump and Power Equipment Corporation of Jessup, Maryland, at the bid amount of \$46,714.00 including a credit of \$2,000.00 for equipment trade-in.

No. 99-13

M 343 99  
(continued)

Motion Adopted: 5 Yea.

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

Bid  
Results/  
Sussex  
County  
Project  
No. 98-07

Mr. Sapp, Project Engineer, reported on the bid results for Sussex County Project No. 98-07, Airport Sewer and Water Installation, as follows:

CONTRACTOR	ALTERNATE BID A	ALTERNATE BID B	ALTERNATE BID C
Hopkins Construction	\$366,768.00	\$342,128.00	\$318,128.00
Bunting & Murray	\$435,491.24	\$410,089.64	\$383,445.64
George & Lynch	\$494,549.00	\$473,349.00	\$448,849.00
A. P. Croll	\$498,273.75	\$476,993.75	\$456,665.75
David G. Horsey & Sons	\$527,630.94	\$500,698.14	\$471,508.86
Daisey Construction	\$549,733.00	\$525,093.00	\$504,593.00
Teal Construction	\$562,728.80	\$534,428.80	\$504,728.80
Bramble Construction	\$566,448.00	\$510,448.00	\$488,184.00
R.A.M. Construction	\$648,088.00	\$612,228.00	\$589,868.00

The Engineer's Estimate for this project is \$470,000.00. The bids will be reviewed for a recommendation at a later date.

Hazardous  
Materials  
Decontami-  
nation  
Trailer

Mr. Torbert, Paramedic Director, and Mr. Wessel of the Delaware Emergency Management Agency, were in attendance announcing the official delivery of the New Hazardous Materials Decontamination Trailer Unit from the Delaware Emergency Management Agency. The trailer will improve hazardous materials response within Sussex County and Delaware. The trailer was purchased at a cost of \$75,000 by the State of Delaware under the State Emergency Response Commission. The trailer will be maintained by Sussex County EMS and used with the cooperation of Sussex County Fire and Ambulance Companies, the Delaware State Fire School, the Delaware Emergency Management Agency, and the Department of Natural Resources and Environmental Control.

Proposed  
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 – RPC AGRICULTURAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 57.45 ACRES, MORE OR LESS"

Proposed Ordinance (Change of Zone No. 1386) filed on behalf of Walls Farms, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

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 BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 9.97 ACRES, MORE OR LESS" (Conditional Use No. 1305) filed on behalf of Short's Marine, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 344 99 Recess At 12:30 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public Hearing (C/Z No. 1382) 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 31,983 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1382) filed on behalf of Paul D. Smith. The Planning and Zoning Commission recommended that this application be approved. Public comments were heard in support of and in opposition to this application. Comments in opposition related primarily to the fact that the change of zone would invite the interest of more businesses to the area and would negatively impact property values. The Public Hearing was closed.

M 345 99 Adopt Ordinance No. 1326 (C/Z No. 1382) A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Ordinance No. 1326 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 31,983 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1382) filed on behalf of Paul D. Smith.

Motion Adopted: 4 Yea, 1 Nay.

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

Findings of Fact The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

Findings  
of Fact  
(continued)

1. The applicant established by substantial evidence that the change of zone will enable him to centrally locate his business at one site, and with the site plan he proposes, protect the residential neighborhood business character of the area without adverse impact on traffic, property values or the environment.
2. The triangular shape of the parcel of which this property forms a part does not lend itself to residential development; nevertheless, the applicant's site plan reflects a sensitivity toward his neighbors and an intent to give the property a screened, residential appearance.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
No 1383)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.11 ACRES, MORE OR LESS" (Change of Zone No. 1383) filed on behalf of Central Storage at Long Neck. The Planning and Zoning Commission recommended that this application be denied for the following reason: it appears that there is adequate storage facilities in the area. Public comments were heard in support of and in opposition to this application. Comments in opposition related primarily to concerns over competition and the fact that there is no need for additional storage facilities in the area. The Public Hearing was closed.

M 346 99  
Adopt  
Ordinance  
No. 1327  
(C/Z  
No. 1383)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1327 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.11 ACRES, MORE OR LESS" (Change of Zone No. 1383) filed on behalf of Central Storage at Long Neck.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

Findings  
of Fact  
(continued)

1. The applicant established by substantial evidence that the change of zone will bring the property into conformity with the character of the neighborhood as developed, and will bring the property's zoning classification into conformity with the Comprehensive Land Use Plan.
2. The change of zone, with the covenants extended by the applicant to its neighbors to the west, will have no adverse impact on traffic, property values, or the environment in the area.
3. Accordingly, the recommendation of the Planning and Zoning Commission must be rejected, since market conditions and concerns about competition are not legitimate reasons to deny land use applications.

MOU/  
Delaware  
Seashore  
State  
Park

Mr. Archut, Assistant County Engineer, addressed the issue tabled by Council during the A.M. session; the Memorandum of Understanding between Sussex County and the State of Delaware Department of Natural Resources and Environmental Control regarding the connection of the Delaware Seashore State Park to the County sewer system. Mr. Archut addressed Mr. Cole's question regarding capacity requirements. Mr. Archut advised that, after a review of the ordinance, it was determined that the capacity requirements are specific to the North Bethany Expansion of the Bethany Beach Sanitary Sewer District. Mr. Archut was unable to obtain an answer from DNREC relating to whether the capacity limitations would be acceptable as a stipulation to be included in the Memorandum of Understanding. Mr. Bayard advised against making the capacity restriction a part of the Memorandum of Understanding due to the fact that it would permit a greater density than needed by the area in question. Mr. Cole was advised that the design report, as prepared by Cabe Associates, Inc., provides for the capacity restrictions needed for this area.

M 347 99  
Authorize  
MOU/  
Delaware  
Seashore  
State  
Park

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council President is hereby authorized to execute a Memorandum of Understanding with the State of Delaware Department of Natural Resources and Environmental Control to design, construct, operate and maintain the necessary facilities to pump wastewater from Delaware Seashore State Park to the County sewer system, as presented on July 13, 1999, in accord with a design report prepared by Cabe Associates, Inc., dated March, 1999.

Motion Adopted: 5 Yea.

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

Boundary  
Extension/  
BBSSD

Mr. Archut advised that the next step in the process of allowing the connection of the Delaware Seashore State Park to the County sewer system is to post notices regarding the proposed boundary extension to the Bethany Beach Sanitary Sewer District.

M 348 99  
Authorize  
Posting of  
Notices/  
BBSSD  
Extension

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to include the Delaware Seashore State Park, as presented on July 13, 1999.

Motion Adopted: 5 Yea.

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

Requests  
for  
Funding

Mr. Phillips discussed several requests for funding that he has received, as follows: Laurel Lions Club, Delaware Yankees, Stockley Stride, Town of Laurel, Greater Millsboro Chamber of Commerce. No action was taken on these requests at this time.

M 349 99  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$300.00 from Mr. Cole's Councilmanic Account to the Salt Pond Homeowners Association for their Community Watch Program.

Motion Adopted: 5 Yea.

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

M 350 99  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$250.00, \$50.00 from each Councilmanic Account, to Delaware Safe Kids Coalition for Sussex County Safe Kids Day.

Motion Adopted: 5 Yea

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

Corre-  
spondence

Mr. Cole read a letter from the Town of South Bethany requesting Council's support of the Town purchasing the Natter property, twenty-six acres of land located within the Town's boundaries. Twenty-three of these acres are classified wetlands. The Town would like to protect this environmentally sensitive area and preserve one of the last open spaces in Bethany Beach. Mr. Stickels advised that the County has already sent a letter in support of the Town acquiring this property.

Corre-  
spondence

Mr. Cole read a letter from the Town of South Bethany requesting Council's support of funds being provided for the establishment of a State park in South Bethany as additional facilities in the South Bethany beach area are needed to

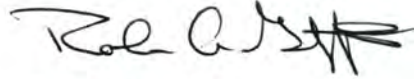
Corre-  
spondence

accommodate the increasing population making use of the beaches. Mr. Stickels advised that he will write a letter in support of the Town's endeavor.

M 351 99  
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn at 3:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council