

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 15, 1997

Executive Session

An Executive Session of the Sussex County Council was held Tuesday, July 15, 1997, at 9:00 a.m., in the Caucus Room, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing land acquisition. The Executive Session concluded at 9:55 a.m.

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, July 15, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following members present:

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

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

M 324 97
Adopt
Agenda

A Motion was made by Mr. Collins, seconded by Mr. Jones, to adopt the Agenda, as presented. Motion Adopted by Voice Vote.

M 325 97
Approve
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Collins, to approve the minutes of the previous meeting dated July 8, 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. Jones, Assistant County Attorney, read the following correspondence:

LESLIE SCHAAP, WOODBRIDGE POP WARNER

RE: Note of appreciation to Councilman Jones for his support of her trip to California as an "Academic All Start" to attend the 37th Annual Pop Warner Awards Dinner.

CARING ABOUT PEOPLE, FRANKFORD, DELAWARE

RE: Note of thanks to Councilman Collins for his support of their "Summer Park Program" for the youth of Frankford.

Corre-
spondence
(Con't.)

KAY OLMSTEAD, FRANKFORD TOWN COUNCIL, FRANKFORD, DELAWARE
RE: Letter to Councilman Dukes on behalf of the Town Board and residents of Frankford expressing appreciation for implementing a lower sewer impact fee for their district.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY
RE: Notice of Public Hearing for approval to construct a sewage treatment plant in Jefferson Township, Pennsylvania.

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

RE: Legal Notice that the Secretary of the Department of Natural Resources and Environmental Control has issued a Secretary's Order to Tilcon of Delaware, Inc., to construct/relocate and operate a hot mix asphalt plant on Route 113 in Georgetown.

REVEREND JOE JAMES, PRESIDENT OF SUSSEX COUNTY STAMP CLUB
RE: Letter of thanks for Council's contribution in support of their 6th Annual Stamp Exhibition and Bourse which will be held on September 20 and 21, 1997, at the Long Neck Elementary School.

PAT ANDREWS, THE FUTURE PROGRAM, SEAFORD, DELAWARE
RE: Letter to Councilman Dukes requesting funding in support of their 3rd Annual Cultural Festival to be held on August 2 and 3, 1997, in Seaford, Delaware.

Agenda
Amendments

Mr. Stickels advised Council of three amendments which needed to be made to today's agenda.

M 326 97
Amend
Agenda/
Delete
Item

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to delete the agenda item entitled "Sussex County Project No. 96-10, Sussex County Parking Facility No. 2, Change Order No. 1" that was to have been presented by Richard S. McCabe, Project Engineer.

Motion Adopted: 5 Yea.

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

M 327 97
Amend
Agenda/
Delete
Item

A Motion was made by Mr. Rogers, seconded by Mr. Collins, to delete an item from the agenda under "Old Business" entitled, "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO

M 327 97
(Con't.)

DEVELOPMENT IN THE C-1 GENERAL COMMERCIAL ZONING DISTRICT AND THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT, TO ADD A NEW PROVISION CREATING A C-2 SPECIAL COMMERCIAL ZONING DISTRICT, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING AND OFF-STREET LOADING, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS".

Motion Adopted: 5 Yea.

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

M 328 97
Amend
Agenda/
Add Item

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the agenda to include 4.A. under Mr. Stickels' items, for the introduction of a proposed ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY, DELAWARE TO IMPOSE LIMITATIONS ON PILE DRIVING IN THE COASTAL ZONE AREA OF SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

State Aid
to Sussex
County/
Bond Bill/
Revenue
Sharing

Mr. Stickels, County Administrator, discussed the State's one-time aid to local governments contained in their 1998 Bond Bill. Sussex County will receive \$708,106. Mr. Stickels reported that there are certain limitations as to how this funding can be spent and explained that these funds can be utilized for one-time capital and equipment expenditures associated with public safety, public works, debt reduction, beach preservation, and water/waste water issues. No monies appropriated for One-Time Aid to Local Government can be utilized for general operating and/or administrative expenses. The Secretary of Finance cannot disburse any funds for One-Time Aid to Local Government until such time as a plan of expenditures is submitted to and approved by the Budget Director and Controller General. Mr. Stickels presented Council with the following proposal as to how this funding could be used by the County:

1. County Vehicles	\$108,106
2. Expansion of Greenwood & Milton Libraries	\$100,000
3. Sussex County Industrial Airpark	\$200,000
4. Debt Reduction	\$300,000
	<u>\$708,106</u>

M 329 97
Revenue
Sharing
Application

A Motion was made by Mr. Collins, seconded by Mr. Jones, to authorize the Sussex County Administrator to submit the Expenditure Plan to the State of Delaware.

Motion Adopted: 5 Yea.

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

Rodent
Control

Mr. Stickels, County Administrator, advised Council that the State, in their Fiscal Year 1998 Budget, has made available \$10,000 in funding to Sussex County to use for rodent control activities. Delaware Health and Social Services, Division of Public Health, is charged with the administration and oversight of the funds and related activities.

M 330 97
Contract
for Rodent
Control
Activities
with
State

A Motion was made by Mr. Collins, seconded by Mr. Jones, authorizing the Sussex County Administrator to make application to the State Department of Health and Social Services in the amount of \$10,000 for Rodent Control Activities.

Motion Adopted: 5 Yea.

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

Appoint-
ments

Mr. Stickels, County Administrator, discussed Committee appointments which were not acted on at last week's Council meeting.

M 331 97
Library
Board
Appoint-
ment

A Motion was made by Mr. Cole, seconded by Mr. Collins, to reappoint Patricia Reichert to the Library Advisory Board for a term of 3 years.

Motion Adopted: 5 Yea.

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

Letter from
State
Cabinet
Committee
on State
Planning
Issues/
Land Use
Plan

Mr. Thomas Schafer, of Whitman, Requardt & Associates, was in attendance to discuss a letter dated May 30, 1997 to Robert Stickels from Jeffrey Bullock, Chairman of the State of Delaware Cabinet Committee on State Planning Issues. The State Committee finds many of the proposed plan implementation strategies are responsive to State concerns. Mr. Schafer stated that many of the issues raised by the Cabinet Committee have been addressed by the County. Mr. Stickels read into the record a portion of Mr. Bullock's letter which states, "On behalf of the Cabinet Committee on State Planning Issues, I commend the County for preparation and adoption of the Sussex County Comprehensive Plan. I appreciate the extensive public process that the staff, the Planning and Zoning Commission, and the County Council undertook to involve stakeholders in helping to take positive steps for the future of this portion of Delaware. I also appreciate the cooperation and coordination with the State through the Office of State Planning Coordination and a number of other agencies." The State, in response to the Land Use Summit, has developed 11 legislative proposals. Mr. Schafer reviewed with Council a "Summary of Legislative Proposals". It was the consensus of the Council that Mr. Stickels will report back to Council next week as to a recommended date and time to hold a Public Hearing regarding the adoption of the Land Use Plan as an ordinance.

Proposed
Ordinance

Mr. Cole introduced a Proposed Ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY, DELAWARE TO IMPOSE LIMITATIONS ON PILE DRIVING IN THE COASTAL ZONE AREA OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for a Public Hearing.

County
Adminis-
trator's Report

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

1. Extended Hours

The following activities took place on Wednesday, July 2, 1997:

- (a) Clerk of the Peace - One wedding license issued and two weddings performed after 4:30 p.m.;
- (b) Building Code Department - No activity from 7:30 a.m. to 8:30 a.m., four building permits issued after 4:30 p.m.;
- (c) Utility Billing Division - No activity from 7:30 a.m. to 8:30 a.m., one telephone inquiry after 4:30 p.m.;

County
Adminis-
trator's
Report
(Con't.)

- (d) Treasury Division - No activity;
- (e) Recorder of Deeds - No activity from 7:30 a.m. to 8:30 a.m., two phone calls and three document recordings after 4:30 p.m.

2. Public Workshops - Delaware Department of Transportation

The Delaware Department of Transportation has scheduled the following workshops in Sussex County:

- (a) A State Route 1 Improvement Study Public Workshop will be conducted on Wednesday, July 16, 1997, from 4:00 p.m. to 8:00 p.m. at the Cape Henlopen High School Lobby, 1250 Kings Highway, Lewes, Delaware. The SR1 Improvement Study is a planning process to identify alternate transportation links and connections to improve mobility on State Route 1 between Five Points and Rehoboth. The alternate transportation connections will be comprehensive and address all modes of travel in the corridor including auto, bike, pedestrian, and bus.
- (b) Public Workshop meeting for the proposed replacement of Bridge 238 on S46 over Gravelley Fork, Sussex County - The meeting will be held on July 17, 1997, between the hours of 6:00 p.m. and 8:00 p.m. at the Virgil Wilson V.F.W. Post 4961, Middleford Road, Seaford, Delaware. The proposed improvements include replacing the existing timber bridge with precast concrete rigid frame and approximately 350 meters of approach roadway work.
- (c) The Statewide Access Management Policy will be released by DelDOT beginning July 16, 1997. The Draft Policy will be available in libraries and municipal offices throughout the State. A Public Hearing on the Draft Policy will be held on Thursday, August 7, 1997, from 4:00 p.m. to 8:00 p.m. in the Theatre Lobby at the Jack F. Owens Campus of Delaware Technical and Community College, Georgetown, Sussex County, Delaware. As mandated by Subsection 8409, Chapter 84, Title 29 of Delaware Code, the meeting is designed to ensure that the public has ample opportunity to participate in the transportation planning process.

County Administrator's Report (Con't.)

The County Council will be given a special briefing on Tuesday, July 22, 1997, in a workshop at 1:30 p.m. in the Council Chambers.

3. Public Hearing

The Sussex County Commercial, Industrial, and Agricultural Revenue Bond Committee will meet on Monday, July 28, 1997, at 9:00 a.m. in the Sussex County Council Chambers, Georgetown, Delaware, for the purpose of conducting a Public Hearing to review the application for the issuance of revenue bonds. Application has been received for revenue bonds in the amount of \$2,000,000 from PATS, Inc. The funding will be used for a manufacturing facility to assemble and install metal fuel tanks into Boeing 737 business jet aircraft. The bonds will be used to help finance the acquisition of the lease on the property, two aircraft hangars, and on-site equipment

Copies of the application may be inspected and written comments may be submitted in advance by contacting Steve Masten, Sussex County Economic Development Office, West Complex, DuPont Highway, Georgetown, Delaware.

Mr. Stickels noted that Mr. Gary Smith, with the State Economic Development Office, was in attendance. The application by PATS, Inc. will create 100+ jobs, with an annual payroll of approximately \$3.6 million.

Airport Bid Results/Taxiway and Guidance Lights

Derek Sapp, Project Engineer, reported on bids received for Sussex County Project No. 97-04, Medium Intensity Taxiway Lights and Guidance Lights, as follows:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
<u>John W. Tieder</u>	
Alternate 1	\$316,311.00
Alternate 2	\$279,586.00
<u>Rommell Electric</u>	
Alternate 1	\$359,800.00
Alternate 2	\$324,170.00
<u>Jaco Electric</u>	
Alternate 1	\$385,516.00
Alternate 2	\$341,175.68

Airport
Bid
Results
(Con't.)

Tudor Electric

Alternate 1
Alternate 2

\$466,247.20
\$425,687.20

Engineer's Estimate

Alternate 1 - \$342,065.00
Alternate 2 - \$315,210.00

Mr. Sapp reported that funding for this project will be 90 percent FAA, 5 percent DelDOT, and 5 percent County. To allow time for further review of the bids, a recommendation will be made at next week's Council meeting.

Old
Business
(C/U No.
1177)

Conditional Use No. 1177 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES NOT EXCEEDING 25 UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.08 ACRES, MORE OR LESS", filed on behalf of Bertie E. Dawson, c/o Col. Richard A. Dawson, was discussed. A Public Hearing on this application was held on April 29, 1997, at which time the Public Hearing was closed, however, the record was left open until May 29, 1997, for written comments.

M 332 97
Table
Action/
C/U No.
1177

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to table action on C/U No. 1177 (filed on behalf of Bertie E. Dawson, c/o Richard A. Dawson) until July 22, 1997 to allow County staff sufficient time to review the stipulations which have been submitted by the Planning and Zoning Commission, the applicant, and the opposition.

Motion Adopted: 5 Yea.

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

M 333 97
Council-
manic
Grant/
Ellendale
Fire Co.

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$600 from Mr. Rogers' Councilmanic Account to the Ellendale Volunteer Fire Company to be used to defray the cost to repair one of their tankers.

Motion Adopted: 5 Yea.

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

M 334 97
Council-
manic
Grant/
Woodbridge
Pop Warner

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$550 from Mr. Jones' Councilmanic Account to the Woodbridge Pop Warner to be used for general operating expenses.

Motion Adopted: 5 Yea.

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

M 335 97
Council-
manic
Grant/
Bridgeville
Apple-
Scrapple
Festival

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$600 from Mr. Jones' Councilmanic Account to the Bridgeville Apple-Scrapple Festival to be used to help defray expenses of their 6th Annual Apple-Scrapple Festival to be held on October 10 and 11, 1997.

Motion Adopted: 5 Yea.

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

M 336 97
Council-
manic
Grant/
The Future
Program

A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$200 from Mr. Dukes' Councilmanic Account to "The Future Program" to help defray the costs of its Third Annual Cultural Festival on August 2 and 3, 1997, in Seaford, Delaware.

Motion Adopted: 5 Yea.

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

Road
Sign

Councilman Collins questioned the absence of a County road sign marking the entrance into Sussex County on Rt. 113 and Rt. 1. Mr. Collins further questioned if a sign could be obtained and at what cost. Mr. Stickels will look into this matter and report back to Council.

State
Police
Recogni-
tion

Mr. Stickels, County Administrator, introduced Major Joseph Forrester, Captain Jay Lewis of Troop 4, Captain Ralph Mitchell of Troop 5, and Captain Ron Barkauskie of Troop 7. Mr. Stickels recognized these individuals and the entire Sussex County State Police Force for their tremendous effort in protecting the residents of Sussex County over the July 4th holiday weekend.

M 337 97
Motion
Died

A Motion was made by Mr. Jones to give \$4,000 from County Council Grants to Delaware District 3 Eastern Regional Softball Tournament. Motion Died for the lack of a second.

M 338 97
County
Council
Grant/
Delaware
District 3
Eastern
Regional
Softball
Tournament

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$1,000 from County Council grants to "Delaware District 3 Eastern Regional Softball Tournament" to help defray expenses associated with holding the tournament in Sussex County this summer.

Motion Adopted: 5 Yea.

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

M 339 97
Council-
manic
Grant/
Delaware
District 3
Eastern
Regional
Softball
Tournament

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$1,000 (\$200 from each Councilman's Councilmanic Account) to "Delaware District 3 Eastern Regional Softball Tournament" to help defray expenses associated with holding the tournament in Sussex County this summer.

Motion Adopted: 5 Yea.

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

M 340 97
Recess

At 12:15 p.m., a Motion was made by Mr. Cole, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:42 p.m.

Public
Hearing
(C/U No.
1187)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, SHOP, AND STORAGE BUILDING FOR A PLUMBING AND BACKHOE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS" (C/U No. 1187) filed on behalf of Merlin Schrock/Elvin Schrock and Sons. There were no public comments and the Public Hearing was closed.

M 341 97
Adopt Ord.
No. 1154
(C/U No.
1187) with
condition

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1154 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL

C/U No.
1187
(Con't.)

DISTRICT FOR AN OFFICE, SHOP, AND STORAGE BUILDING FOR A PLUMBING AND BACKHOE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS" (C/U No. 1187) filed on behalf of Merlin Schrock/Elvin Schrock and Sons, with the following condition:

1. The final site plan, including the location of stone storage, shall be reviewed and approved by the Planning and Zoning Commission.

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
(C/U No.
1187)

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 a 41-year old business to grow, which was a preexisting, nonconforming use and will now be the subject of a permit, with conditions.
2. The proposed use will have no adverse impact of any sort on the neighborhood or the nearby area.
3. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U No.
1184)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 480 FOOT HIGH RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (C/U No. 1184) filed on behalf of the State of Delaware, Office of Telecommunications Management. There were no public comments and the Public Hearing was closed.

M 342 97
Adopt Ord.
No. 1155
(C/U No.
1184) with
condition

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1155 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL

M 342 97
(Con't.)

DISTRICT FOR A 480 FOOT HIGH RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (C/U No. 1184) filed on behalf of the State of Delaware, Office of Telecommunications Management, with the following condition:

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

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
(C/U No.
1184)

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 statewide communication needs and will enhance statewide emergency and police communications.
2. The proposed use will have no adverse impact on adjoining properties, property values, traffic or the environment in the area.
3. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan and serves statewide communication needs.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U No.
1185)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 430 FOOT HIGH RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.56 ACRES, MORE OR LESS" (C/U No. 1185) filed on behalf of the State of Delaware, Office of Telecommunications Management. There were no public comments and the Public Hearing was closed.

M 343 97
Adopt Ord.
No. 1156
(C/U No.
1185) with
condition

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1156 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL

M 343 97
(Con't.)

DISTRICT FOR A 430 FOOT HIGH RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.56 ACRES, MORE OR LESS (C/U No. 1185) filed on behalf of the State of Delaware, Office of Telecommunications Management, with the following condition:

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

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
(C/U No.
1185)

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 statewide communication needs and will enhance statewide emergency and police communications.
2. The proposed use will have no adverse impact on adjoining properties, property values, traffic or the environment in the area.
3. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan and serves statewide communication needs.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Chair

At this point in the meeting, Mr. Dukes turned the Chair over to Mr. Collins to conduct the Public Hearing on C/U No. 1186. Mr. Dukes is an adjoining property owner to the site under consideration for the construction of a radio communication tower.

Public
Hearing
(C/U No.
1186)

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 AND A C-1 GENERAL COMMERCIAL DISTRICT FOR A 450 FOOT HIGH RADIO COMMUNICATION TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 5.24 ACRES, MORE OR LESS" (C/U No. 1186) filed on behalf of the

Public
Hearing
(C/U No.
1986)
Con't.

State of Delaware, Office of Telecommunications Management. Due to public opposition of this conditional use, the applicant announced that it is actively pursuing a suitable alternative site for the location of this tower. The applicant requested action on this application be tabled and requested an extension not to exceed 6 months to allow time to find an alternative site and obtain FAA approval.

M 344 97
Recess
Public
Hearing &
Table
Action on
C/U No.
1186

A Motion was made by Mr. Cole, seconded by Mr. Jones, to recess the Public Hearing and table action on Conditional Use No. 1186, filed on behalf of the State of Delaware - Office of Telecommunications Management, for a period not to exceed 6 months.

Motion Adopted: 4 Yea; 1 Not Voting

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Not Voting

Chair

Mr. Collins turned the meeting back over to Mr. Dukes at this time and Mr. Dukes resumed as Chair.

Public
Hearing/
Amend
Chapter
115

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCREASE IN CERTAIN ZONING DISTRICTS THE MINIMUM LOT SIZE TO THREE QUARTERS (3/4) OF AN ACRE WHERE A CENTRAL SEWER SYSTEM IS NOT PRESENT". An amendment to the body of the Proposed Ordinance was recommended by the Planning and Zoning Commission to revise Section 1 through Section 11 as follows:

Replace

** NOTE: Any lot which is not connected to a central sewer system, as defined by §115-194 A, shall have a minimum area of three quarters (3/4) of an acre.

With

** NOTE: Any lot which is not connected to a central sewer system, as defined by §115-194 A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of three-quarters (3/4) acre.

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

M 345 97
Adopt
Ord. No.
1157

A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Ordinance No. 1157 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCREASE IN CERTAIN ZONING DISTRICTS THE MINIMUM LOT SIZE TO THREE QUARTERS (3/4) OF AN ACRE WHERE A CENTRAL SEWER SYSTEM IS NOT PRESENT", 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

Public
Hearing
Opened/
C/Z No.
1303

A Public Hearing was opened on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.85 ACRES, MORE OR LESS" (C/Z No. 1303) filed on behalf of Donald L. and Jean S. Lankford and Ronald Eugene Lankford and Mary Burt. Since the applicant was not present and the application was for a downzoning, it was the consensus of the Council to table action.

M 346 97
Table
Action
on C/Z
No. 1303

A Motion was made by Mr. Collins, seconded by Mr. Jones, to table action, for a period of two weeks, only for the downzoning application to the Delaware Agricultural Lands Preservation Foundation for Change of Zone No. 1303, entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.85 ACRES, MORE OR LESS" filed on behalf of Donald L. and Jean S. Lankford and Ronald Lankford and Mary Burt.

Motion Adopted: 5 Yea.

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

M 347 97
Adjourn

At 2:55 p.m., a Motion was made by Mr. Jones, seconded by Mr. Rogers, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Assistant Clerk of the County Council