

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 24, 2001

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, July 24, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	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 408 01            A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend the agenda Amend and Approve Agenda            by moving "Grant Requests" to the end of the agenda and by striking "Introduction of Proposed Zoning Ordinances"; and to approve the agenda, as amended.

Motion Adopted:        5 Yea.

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

M 409 01            A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to approve the minutes of July 17, 2001, as distributed. Approve Minutes

Motion Adopted:        5 Yea.

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

Correspondence      Mr. Bayard read the following correspondence:

AIR QUALITY MANAGEMENT, DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.  
RE: Public Hearing and Public Workshop Notices.

M 410 01            A Motion was made by Mr. Rogers, seconded by Mr. Jones, to reappoint Ann Porter Library Board Appointment            to the Library Advisory Board for a term of three years.

Motion Adopted:        5 Yea.

M 410 01  
(continued)

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

M 411 01  
Library  
Advisory  
Board  
Appointment

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to appoint Luray McClung to the Library Advisory Board for a term of three years.

Motion Adopted: 5 Yea.

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

Proposed  
Land  
Acquisition  
Program

Mr. Stickels reported on the “Proposed Land Acquisition Program” proposal previously discussed by Council on July 10, 2001. Mr. Stickels stated that the Program would compliment the efforts of the State of Delaware in regards to open-space and the “Livable Delaware” concept and would be the beginning of a “Greener Sussex”. He noted that it is necessary that there be a long-term commitment by the County government for the Program to be successful. Under the Land Acquisition Program, the following types of land could be acquired: agricultural areas, land to buffer County facilities, historic sites, recreational areas, commercial areas, and cooperative purchases with other agencies.

Funding consideration would be included in the County’s Capital Improvement Fund each year. For FY 2002, \$1 million would be dedicated from the \$2.4 million that is currently in this account. This funding is generated from the County’s Realty Transfer Tax. Each year, the Budget Committee would make a recommendation as to the level of funding. In addition to the budgeted amount, 25 percent of the retained earnings from the previous budget would be dedicated. The additional 25 percent would only be provided as long as the County’s General Fund Unobligated Balance remains.

Mr. Stickels noted that the \$1 Million from the Capital Improvement Fund for FY 2002 would provide sufficient funding to begin the program. Once the program has been established, the County could look to expand into farmland preservation. Funding could also be increased with the issuance of bonds, with the Realty Transfer Tax repaying the interest in payments. Mr. Stickels emphasized that, to ensure that the Land Acquisition Program is going to be successful, it is important that the County does not over-commit itself.

Mr. Stickels recommended that the County Council appoint one member from each Councilmanic District to serve on an Advisory Committee. Each member would serve for a term of three years and would be compensated at a rate of \$50.00 per meeting. No more than three members would be appointed from the same political party. The County Administrator, the Finance Director, and a County Attorney would also serve on the Advisory Committee. Committee responsibilities would include but would not be limited to:

Proposed  
Land  
Acquisition  
Program  
(continued)

- Identify specific types of land to be acquired.
- Develop criteria to identify and prioritize land acquisition.
- Identify options for acquisition such as private donations and/or development dedications.
- Develop incentives to encourage property owners to conserve open-space resources.
- Build support with community organizations to ensure that the Land Acquisition Program is publicly acceptable.

The Committee would also be responsible for reviewing acquisitions and making recommendations to the Council. The County Council would have the final decision on land that would be authorized for purchase.

Mr. Stickels further recommended that, once the County Council has appointed a committee, a land acquisition consultant could be hired to help draft procedures for a formal program.

Mr. Cole referred to the Advisory Committee and recommended that (1) persons nominated for appointment to the Committee should first be interviewed publicly by Council, and (2) political party affiliation should not be a consideration.

It was the consensus of Council that each Land Acquisition Advisory Committee member shall be publicly interviewed prior to the confirmation vote.

Public comments were heard.

Mr. Kramer questioned whether the proposal for this program initiated upstate. Mr. Kramer also commented that there are better ways for the County to spend its money than buying land.

Mr. Phillips responded that perhaps Mr. Kramer was referencing the General Assembly threatening to cut off the County's 1/2 percent transfer tax.

Mr. Stickels responded that Sussex County legislators spoke with him about the County developing a Land Acquisition Program or the possibility of losing support of an existing program.

Senator Bunting stated that the Senate feels very strongly that there should be more effort made toward purchasing open-space and for agriculture preservation. The Senator encouraged the County to look into various manners of trust, i.e. American Farmland Trust, Land Banking, etc. and encouraged others to donate money/land for the preservation of open space and agricultural land. Senator Bunting noted that, even though the County is going to be looking at this Program as a yearly line item, a mechanism is needed to provide money in the fund every year.

Proposed  
Land  
Acquisition  
Program  
(continued)

Senator Bunting referred to the TDR Program and noted that he is the sponsor of that legislation. He asked Council to look at the legislation earnestly. He noted that the County does not have to have a State TDR Program; that the County can have its own TDR Program; and that the TDR Program will not cost the County nor the State “one penny”.

Many people in support of the Land Acquisition Program were in attendance and spoke to that effect. Comments were heard from representatives of many groups and agencies including Friends of Herring Creek, Center for the Inland Bays, Delaware Bayshores Project for The Nature Conservancy, Nanticoke Watershed Alliance, Delaware Wild Lands, Inc., Nanticoke River Watershed Conservancy, Sierra Club, Delaware Nature Society, Preservation Coalition, Save our Coastal Communities, Abbotts Mill Nature Center, Community Action Agency, Governor Minner’s Office, and Delaware Agricultural Lands Preservation Foundation.

Comments included but were not limited to the following:

- Expressing support of the Program.
- Applauding Council for its efforts to initiate the Program.
- Encouraging the County to put out a Bond Bill to support the Program.
- That land is disappearing at a rapid rate and the County needs to start purchasing open-space now.
- Offers of help from the Center of the Inland Bays and Abbotts Mill Nature Center.
- Asking Council to consider earmarking a substantial portion of the funding for an open space and farmland acquisition protection and preservation program.
- The Program will protect the quality of the County’s air and water and provide habitat for plants, birds, and animals.
- Expressing concerns regarding the TDR concept.
- Asking the County to consider establishing a land trust program.
- Emphasizing the importance of identifying natural areas and ecologically significant areas and working to preserve them.
- That natural areas be included in any land acquisition program that the County establishes.
- Encouraging the County to partner with the State.

Program  
(continued)

A letter from Senator Robert Venables was read into the record. Senator Venables expressed his “strong support of the proposed measure to create a county land purchasing program to preserve open space and create buffers for Sussex County”.

M 412 01  
Draft  
Proposed  
Ordinance  
for  
Land  
Acquisition  
Program

A Motion was made by Mr. Jones, seconded by Mr. Cole, that Mr. Stickels be directed to draft a Proposed Ordinance to formalize a Land Acquisition Program for Council’s consideration.

Motion Adopted: 5 Yea.

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

Adminis-  
trator’s  
Report

Mr. Stickels distributed the County Administrator’s Report:

1. UHF Paging System

The Sussex County Emergency Operations Center/Fire and Ambulance Callboard is pleased to announce that on August 1, 2001 at 7:00 a.m., they will have completed the testing process and will completely switch over to a new UHF paging system.

This new system replaces the old low band system that was in operation for over 20 years. The Sussex County Council funded 50 pagers for each fire department in Sussex County. They have also funded the infrastructure to support the new paging system. On January 29, 2001, testing began with the new pagers. Since that time, this Center has issued all of the Sussex County Fire Departments the new pagers. The Sussex County Communications Support Section has completed the pager testing and is currently preparing to switch over to the new system.

Motorola manufacturers the new Minitor III pagers. These pagers are programmable for frequency and codes. They are compact and lightweight with both tone and vibrate alerting methods. The pagers are able to alert fire, ambulance, paramedics, and fire police.

At this point in time, all of the companies are ready for the switch with the exception of the Blades Volunteer Fire Department. The members and officers, on their own behalf, have chosen not to participate in the new UHF paging program.

For more information on the new UHF paging system, please contact Mr. Joseph L. Thomas, Director, Sussex County Emergency Operations Center at (302) 855-7801.

Adminis-  
trator's  
Report  
(continued)

2. Sussex County Firemen's Monthly Meeting

Blades Fire Company will be the hosting Sussex County Volunteer Firemen's Association monthly meeting at their fire station, Blades, Delaware, on Tuesday, July 24, 2001, starting at 7:30 p.m. During the meeting, County Council will distribute checks totaling \$231,195. This is the final payment for FY 2001. During budget year 2001, County Council contributed \$1.8 million to the Fire Service.

3. 911 Addressing

The Sussex County Addressing Department continues to evaluate subdivisions in areas contiguous to existing sequentially addressed areas. Within the unincorporated areas of Sussex County, if you are in a subdivision or an area that is in process of petitioning to retain your existing addressing scheme, you should not change your address until further notification from the Sussex County Addressing Department. To date, we have received 230 requests. With this report, is a list of 20 subdivisions that have been certified to retain their existing addresses. The department will continue to review the applications that they have received. It appears that many of these subdivisions will be able to retain their address with little adjustments. For some divisions, it may require one or two streets to be redone. Every effort is being made to limit the impact as much as possible for the residents.

All County residents, who currently have rural addresses and who have received street names and house numbers, should make those changes at this time. Anyone wishing additional information regarding their subdivision or an area that it is the petition process, should contact the Addressing Department at (302) 855-7898.

Proposed  
Ordinance/  
Pension  
Formula  
for  
Dispatchers  
and  
Paramedics

Mr. Baker, Finance Director, discussed a draft of a Proposed Ordinance regarding a change in the pension formula for dispatchers and paramedics. The Pension Committee recommended this change and funding has been included in the FY 2002 Budget. The Proposed Ordinance revises the pension benefit calculation for paramedics and emergency communications specialists for covered employees hired after July 1, 2001 and provides that covered employees hired prior to July 1, 2001 may choose the revised pension benefit formula which limits countable years of service to twenty-five (25) or the previously existing pension benefit formula which included all years of service.

Introduction  
of  
Proposed  
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY PERTAINING TO THE EMPLOYEE PENSION PLAN BY PROVIDING A REVISED PENSION BENEFIT CALCULATION FORMULA FOR PARAMEDICS AND EMERGENCY COMMUNICATIONS SPECIALISTS". The Proposed Ordinance will be advertised for Public Hearing.

Old  
Business/  
Change  
of Zone  
No. 1419

Council discussed Change of Zone No. 1419 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.63 ACRES, MORE OR LESS" filed on behalf of Elmer Fannin.

Mr. Bayard advised Council of a letter received from James D. Griffin, Attorney, dated July 24, 2001 advising that Elmer Fannin is withdrawing the change of zone application and asking that the matter be removed from the Council's agenda

M 413 01  
Permit  
Withdraw  
of Change  
of Zone  
No. 1419

A Motion was made by Mr. Cole, seconded by Mr. Jones, permitting the withdrawal of Change of Zone No. 1419 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.63 ACRES, MORE OR LESS" filed on behalf of Elmer Fannin.

Motion Adopted: 4 Yea, 1 Abstention.

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

Old  
Business/  
Conditional  
Use No.  
1366

Council discussed Conditional Use No. 1366 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 118.90 ACRES, MORE OR LESS" filed on behalf of Melvin L. Joseph Construction Co.

The Planning and Zoning Commission held a Public Hearing on this application on November 2, 2000; the Commission recommended that the application be denied.

The Sussex County Council held a Public Hearing on this application on November 28, 2000. The Council requested an Environmental Impact Study; the Study was performed and reviewed by the Roy F. Weston and the County Engineering Department.

Mr. Lank reviewed eighteen (18) proposed stipulations of approval, which were developed by staff following a review of the application.

Mr. Izzo addressed the concern relating to the site's close proximity to the County's landfill. He advised that the hydraulic and groundwater data was reviewed and proposed stipulations were developed.

M 414 01  
Adopt  
Ordinance  
No. 1480  
(C/U  
No. 1366)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1480 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 118.90 ACRES, MORE OR LESS" (Conditional Use No. 1366) filed on behalf of Melvin L. Joseph Construction Co., with the following stipulations:

1. A final site plan, including all pit side slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission and the County Engineer prior to commencement of operations.
2. All activities that include the implementation of any mechanism (e.g. pumping, surface drainage modifications) that lower the water table shall be strictly prohibited.
3. Any activity that alters the current groundwater flow direction on the adjoining Sussex County property shall be prohibited.
4. Owner shall be responsible for monitoring groundwater quality. Specifically, owner shall submit a monitoring plan to the County Engineer for his approval. Monitoring shall be performed by a licensed geologist and the results filed on an annual basis with the County Engineer and DNREC. Owner shall be responsible for all costs associated with the water monitoring. Owner shall also be responsible for the cost of correcting any adverse impact on surface waters or groundwater conditions that result from the borrow pit activities.
5. Every five (5) years after the date of approval by the County Council, the Planning and Zoning Department and the County Engineer shall perform an inspection of the site to verify compliance with the above conditions. The Planning and Zoning Department shall also request written comments from all appropriate State agencies so that the Planning and Zoning Commission can review the comments to verify compliance withal then-existing regulations. After twenty (20) years, the owner shall complete and pay for an Environmental Impact Study (EIS), as the phrase is defined by DNREC or any successor. Upon certification of compliance by DNREC of owner's compliance with then-existing regulations, the permit shall be extended for an additional ten (10) years. This permit shall terminate upon the expiration of forty (40) years from the date of enactment.
6. No material may be brought from off the site for processing, mixing or similar purposes.
7. The operation of the borrow pit shall be controlled to provide reasonable protection to surrounding properties, as follows:
  - A. A 100-foot wide vegetated buffer shall be maintained along all adjacent property lines of other ownership. The 100-foot wide buffer strip shall be grassed and/or landscaped.

M 414 01  
(continued)

There shall be no subdivision of the buffer area.

- B. A water truck will be available to control dust from road traffic when conditions require.
8. Regular scheduled hours of operation of trucking activities shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday. There shall be no trucking activities on Sunday.
  9. Entrance improvements, as required by DelDOT, will be completed by the applicant.
  10. The entrance shall have a fenced gate, which shall be secured when the operation is closed.
  11. No materials shall be stored on any access roads or buffer areas.
  12. Markers and signs will be placed at appropriate locations to designate pit areas.
  13. There shall be no fuel stored on the site.
  14. No stumps, branches, debris or similar will be buried in the site.
  15. Owners shall comply with State and County erosion and sedimentation control regulations.
  16. Reclamation plans shall indicate finished grading, seeding, and planting schedules designed to create a pleasing appearance. Reclamation will be completed in sections as excavation operations in a section are completed. Applicant will notify the Planning and Zoning Department in writing on or about April 1st of each year as to the status of the reclamation and reclamation plans for the following year.
  17. Phases shall be designated on the final site plan.
  18. There shall be no dredging operations performed on the site.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Rogers, Absent; Mr. Jones, 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 serve an area need for gravel and borrow and is consistent with the purposes and goals of the Comprehensive Land Use Plan. With the eighteen conditions

Findings  
of Fact  
(continued)

heretofore set forth. there will be no adverse impact of any sort.

2. The record of the Planing and Zoning Commission is incorporated herein.

(Mr. Rogers was not present during the discussion or vote on Conditional Use No. 1366.)

Old  
Business/  
Conditional  
Use No. 1401

Conditional Use No. 1401 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.61 ACRES, MORE OR LESS" (Conditional Use No. 1401) filed on behalf of Randy Burton.

The Planning and Zoning Commission held a Public Hearing on this application on May 17, 2001; on May 24, 2001 the Commission recommended that the application be denied since Bay Road is a narrow road and parking occurs on both sides of the road; that the majority of homes in the immediate area are single family dwellings; and that the use would be out of character with the neighborhood.

The Sussex County Council held a Public Hearing on this application on June 19, 2001 at which time the applicant asked Council to consider changes that were made to the application since the Planning and Zoning Commission's Public Hearing. Mr. Sergovic, Attorney, explained that the original application called for fifteen (15) multi-family attached units and that the new plan calls for eight (8) multi-family detached units. The County Council directed the Planning and Zoning Commission to review the revised site plan and to report back to Council with their findings/recommendations.

It was the opinion of Mr. Schrader, Assistant County Attorney, that there may be a procedural problem; that the Commission's Public Hearing record was closed; that the Commission made a decision based on the record of the Public Hearing; that the Commission would not have the benefit of comments from residents in the area or agencies on the revised plan; and that since the Commission recommended denial of the application, they should not comment on the application unless another Public Hearing is held.

Following a discussion, it was recommended that action be deferred to allow time for staff to develop proposed stipulations.

M 415 01  
Defer  
Action on  
Conditional  
Use No.  
1401

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.61 ACRES, MORE OR LESS" (Conditional Use No. 1401) filed on behalf of Randy Burton.

Motion Adopted: 5 Yea.

M 415 01  
(continued)

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

Old  
Business/  
Conditional  
Use No.  
1408

Conditional Use No. 1408 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SCHOOL (SUSSEX CENTRAL HIGH SCHOOL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 159.57 ACRES, MORE OR LESS" filed on behalf of the Indian River School District.

The Planning and Zoning Commission held a Public Hearing on this application on June 28, 2001 and recommended that the application be approved with stipulations.

The Sussex County Council held a Public Hearing on this application on July 17, 2001 at which time action was deferred and the Public Hearing record was left open pending receipt of a letter from the Delaware State Planning Office.

Mr. Bayard noted that a letter has been received from Mr. Jim Griffin, Attorney, dated July 19, 2001 which enclosed a copy of a letter to Mr. Stickels from Nicholas Vacirca of the Department of Education and a letter to Lois Hobbs, Superintendent, Indian River School District, from Lee Ann Walling, Senior Advisor to the Governor. Mr. Griffin summarized the letters.

Mr. Griffin, Attorney, advised that there was also a letter to Mr. Stickels, dated July 23, 2001 from the Town of Georgetown. Mr. Griffin submitted the letter to be entered into the record.

Mr. Phillips read a letter from Scott Phillips and submitted the letter to be entered into the record. The letter referred to a proposed modification to the entrance for the new high school and recommended that the entrance be moved from its current location on Patriots Way to Avenue of Honor. Senator Bunting spoke and agreed that this was an appropriate modification.

The Public Hearing record was closed.

M 416 01  
Adopt  
Ordinance  
No. 1481  
(Conditional  
Use No.  
1408)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1481 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SCHOOL (SUSSEX CENTRAL HIGH SCHOOL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 159.57 ACRES, MORE OR LESS" (Conditional Use No. 1408) filed on behalf of the Indian River School District, with the following conditions and recommendation:

1. All lighting fixtures to be shielded and/or baffled to direct the lights so that they do not impact neighboring properties or travelling motorists.

M 416 01  
(continued)

2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
3. The Sussex County Council recommends that the applicant and DeIDOT reconsider the location of the school's main entrance and consider relocating that entrance to the Avenue of Honor (Route 86).

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Rogers, Yea; Mr. Jones, 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 a compelling need for a new high school in this district. Although somewhat remote, the site is centrally located and is endorsed by the Department of Education and by the Cabinet Committee for Land Use Planning. It will be served by central sewer provided by the Town of Georgetown.
2. With the conditions heretofore set forth, there will be no adverse impact of any sort and will be consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 417 01  
Defer  
Action on  
Grant  
Requests

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to defer action on all grant requests until the July 31, 2001 Council meeting.

Motion Adopted: 5 Yea.

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

Milton  
Public  
Library

Mr. Izzo, County Engineer, discussed Amendment No. 1, in the amount of \$123,500.00, to a contract with Weymouth Architects and Planners to provide final design and bidding for the Milton Public Library Expansion.

M 418 01  
Execute  
Contract  
Amend-  
ment

A Motion was made by Rogers, seconded by Mr. Cole, based upon the recommendation of the County Engineering Department that the Sussex County Council authorizes its President to execute Amendment No. 1 to its contract with Weymouth Architects and Planners to complete a design for the Milton Public Library Expansion.

M 418 01

Motion Adopted: 5 Yea.

Execute  
Contract  
Amendment  
(continued)

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

Water  
Pollution  
Control  
Revolving  
Loan  
Fund/  
Applica-  
tions

Mr. Archut, Assistant County Attorney, reviewed the following proposed funding applications to the Delaware Water Pollution Control Revolving Loan Fund (SRF):

<u>Project Name</u>	<u>Estimated Funding Request</u>
Bay View Estates Sanitary Sewer District	\$ 3,300,000
Proposed Sea Country Estates Sanitary Sewer District	\$ 910,000
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District	\$13,000,000
South Coastal Regional Wastewater Facilities	\$13,000,000
Proposed Miller Creek Sanitary Sewer District	\$ 5,000,000

Mr. Archut advised that the County Engineering Department would like to submit the funding applications by July 31, 2001.

M 419 01  
Approve  
Submitting  
Funding  
Applica-  
tions  
(SRF)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council hereby approves submitting funding applications to the Delaware Water Pollution Control Revolving Loan Fund (SRF) for Proposed Sewer Projects, as presented on July 24, 2001.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Cole was out of the room during the discussion and vote on this matter.)

Terminal  
Building  
Contract  
C/O

Mr. Sapp, Project Engineer, reviewed a change order request for the Sussex County Airport Terminal Building Construction Contract. The change order is a result of bad soil conditions under most of the proposed parking lot location, as well as several spots under the proposed building pad location.

M 420 01  
Approve  
C/O –  
Terminal  
Building

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves Change Order No. 1 for Sussex County Project No. 98-04, Sussex County Airport Terminal Building Construction, in the amount of \$17,476.74, increasing the contract amount from \$1,032,950.00 to \$1,050,426.74.

M 420 01  
(continued)

Motion Adopted: 5 Yea.

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

Piney  
Neck  
Irrigation  
Pump  
Replace-  
ment/  
Project  
Bid  
Award

Mr. West, Purchasing Supervisor, Operations and Maintenance Division, reported on the bid results for Sussex County Project No. 01-03 entitled "Piney Neck Irrigation Pump Replacement":

Pump & Power Equipment Corp. \$31,500.00  
Jussup, MD

Mr. West advised that funds in the amount of \$32,485.00 were encumbered for the project.

M 421 01  
Award  
Bid/  
Piney  
Neck  
Irrigation  
Pump  
Replace-  
ment  
Project

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 01-03, entitled "Piney Neck Irrigation Pump Replacement" be awarded to the low bidder, Pump & Power Equipment Corp. at the bid amount of \$31,500.00.

Motion Adopted: 5 Yea.

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

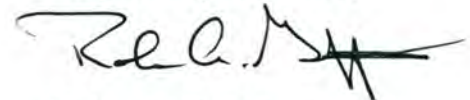
M 422 01  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 12:40 p.m. Motion Adopted by Voice Vote.

Luncheon

The Sussex County Council attended a luncheon with the Sussex County Association of Realtors in Georgetown.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council