

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 29, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 29, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

M 361 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Agenda approve the Agenda, with the following amendment:

Delete "Committee Appointments".

Motion Adopted: 5 Yea.

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

M 362 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting, dated July 22, 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- Mr. Bayard, County Attorney, read the following correspondence: spondence

STEVEN N. TWILLEY, EXECUTIVE DIRECTOR, CHAMBER OF COMMERCE FOR GREATER MILFORD, MILFORD, DELAWARE.
RE: Letter of appreciation for Council's Grant in support of the 49th Delmarva Chicken Festival.

SLAM DUNK TO THE BEACH, REHOBOTH BEACH, DELAWARE.
RE: Request for additional grant funding.

Annual Mr. Baker, Finance Director, discussed the County's current Audit Agreement and a proposed extension to this Agreement, as previously discussed at the July 22, 1997, Council meeting. Mr. Baker advised that he renegotiated the terms of a one-year extension to the current Agreement with Jefferson, Urian, Doane & Sterner; the result of the renegotiation was a reduction in costs, as follows:

Agreement
(con't)

<u>Scope of Work</u>	<u>7/22/97 Proposal</u>	<u>7/29/97 Proposal</u>
Complete Audit	\$67,195.50	\$64,355.00
Audit with Library Unaudited Reports	\$58,995.50	\$55,555.00
Audit with Library Audited & Unaudited Reports	\$63,245.50	\$59,555.00
Audit with A-128 Federal Funds Audit No Reports or Audits for Local Libraries	\$49,645.50	\$47,855.00

Based on the reduction in costs and based on the fact that a significant savings would not be likely through the competitive bid process, Mr. Baker recommended that the County negotiate a one year extension for FY '98 with Jefferson, Urian, Doane, & Sterner to provide the following: County Audit, A-128 Federal Funds Audit and Local Library Reports/Audit. Mr. Baker further recommended that the County establish for the future a new procedure by which the County would procure the services of a Certified Public Accountant for the purpose of providing annual audits. A new policy would be established by requesting RFP's from interested firms and by establishing a Committee to evaluate proposals based on factors such as experience, ability to perform work, accessibility, and cost; a recommendation would not be based primarily on cost.

M 363 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, that the
Approve County Council authorizes the Finance Director to negotiate an
Audit extension of the current Audit Agreement with Jefferson, Urian,
Agree- Doane & Sterner for a one year term covering Fiscal 1998 and
ment to establish a new selection policy for subsequent auditor
Extension selections.

Motion Adopted: 5 Yea.

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

IRB
Committee
Recommen-
dation/
PATS,
Inc.

Mr. Baker, Finance Director, advised Council that on July 28, 1997, the County's Industrial Revenue Bond Committee held a Public Hearing to consider a Bond Application from PATS, Inc., in an amount not to exceed \$2 Million. PATS, Inc. is requesting the Industrial Revenue Bond for the purpose of acquiring and improving the Georgetown Aircraft Facility located at the Sussex County Industrial Airpark. The facility will be used to assemble

IRB and install long-range fuel tanks in the new Boeing Business
Committee Jet (BBJ). PATS, Inc. has a long-term agreement with Boeing
Recommendation to manufacture and install the extra fuel tanks which will give
(con't) the BBJ an intercontinental range. The Industrial Revenue Bond
Committee approved the application with two contingencies:
receipt of a final commitment letter from the Lender (PNC)
and final Bond Counsel approval.

M 364 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, that
Authorize the Sussex County Council approves the Industrial Revenue
Issuance Bond Committee's recommendation to authorize the issuance of
of IRB a Sussex County Industrial Revenue Bond, in the amount of \$2
Bond for Million, for PATS, Inc., for the purpose of purchasing, re-
PATS, novating, and equipping two hangars from Georgetown Aircraft
Inc. at the Sussex County Industrial Airpark, contingent upon
PATS, Inc. obtaining a lender commitment letter and contingent
upon final approval by the County's Bond Counsel.

Motion Adopted: 5 Yea.

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

PATS, Mr. Baker, Finance Director, introduced Mr. Jack Frost, Presi-
Inc. dent of PATS, Inc.; Mr. Larry Ohler, Chief Financial Officer
Representatives of PATS, Inc.; and Mr. Tom Gollicker of Thomas Gollicker and
Company, an aviation development firm. Mr. Frost, addressed
Council providing a history of PATS, Inc. and answering
questions regarding the proposed project.

Lease Mr. Stickels, County Administrator, reviewed the County's
with current Agreement of Lease with Georgetown Aircraft Services,
George- Inc. and a proposed Assignment of Lease between Georgetown
town Aircraft Services, Inc. and PATS, Inc.; the current Agreement
Aircraft/ of Lease has a provision providing for an Assignment of
Assign- Lease. Mr. Stickels advised that should the County consent
ment of to the Assignment of Lease, certain amendments to the original
Lease to Lease should be made, as follows: (1) the deletion of Subpara-
PATS, graph 15(f)(A-F) which prohibits certain categories of aviation
Inc. businesses, (2) requiring the Tenant to use and occupy leased
premises for airport or manufacturing related activities only,
(3) limit regularly scheduled flights to the hours of 6:00 a.m.
to 11:00 p.m. (4) any lots not subleased by the Year 2021 will
return to the County, (5) the County will receive five percent
gross annual rent from any subleases, (6) PATS, Inc. will pay
to the County a fuel service charge of ten cents on the first
100,000 gallons and eight cents on the balance, (7) meet new
wastewater quality criteria established by EPA and DNREC. Mr.
Stickels discussed the potential for increased income; income
from the current Lease is \$6,125.20 (rent); under the proposed
Lease, if 250,000 gallons of fuel is sold, the County would

Lease (con't) receive an additional \$22,000, increasing income to \$28,125.20; added income may be realized from any future subleases. These changes will improve the County's position from the current Lease with Georgetown Aircraft Services, Inc.

Financing of PATS, Inc. Project Mr. Stickels, County Administrator, discussed the financing of the PATS, Inc. Project. The total project cost is \$2,937,000; \$2,000,000 will be funded by the Industrial Revenue Bond; \$450,000 will be funded by a Grant from the State of Delaware. Mr. Stickels proposed that the County provide an interest free note in the amount of \$150,000 for a term of ten years; every year that PATS, Inc. remains in operation at the Sussex County Industrial Airpark, the note would decrease \$15,000; should anytime during the ten year agreement, if PATS, Inc. goes out of business or if they should sell, the County would be paid back the outstanding amount of the \$150,000. It was noted that the \$150,000 is not coming out of tax money, it will be funded by the Economic Development Fund that was created with the sale of the Coastal Stock Tab building. Mr. Stickels further proposed that the County provide a \$300,000 loan with a fixed interest rate of six percent, with a five year balloon payment, based on a fifteen year amortization with semi-annual payments; at the end of the five years, the County has the right to renegotiate the loan.

M 365 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, that Execute Assign- the Sussex County Council authorizes the Sussex County Council ment of Lease/ President to execute an Assignment of Lease with PATS, Inc. for George- the property currently being leased by Georgetown Aircraft & PATS, Inc. Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 366 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, that Authorize the Sussex County Council authorizes the Sussex County Council Loan President to execute a Loan Agreement with PATS, Inc. for a Agree- \$150,000 interest-free note and a \$300,000 repayable note with ment with a fixed rate of six percent, with a five-year balloon payment. PATS, Inc. Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Proposed Procla- Mr. Stickels, read in its entirety a Proposed Proclamation mation entitled "PROCLAIMING FRIDAY, AUGUST 1, 1997, AS A DAY TO HONOR UTICA PRESBYTERY". The Utica Presbytery of Utica,

Proposed Proclamation (con't)

New York is an association of five member churches. They are partnering with the First State Resource Conservation and Development Council's Emergency Home Repair Project. This is the fifth year that they have come to Sussex County for a week long session of making repairs for low income residents. Several volunteers from the Utica Presbytery were in attendance and recognized by Council.

M 367 97 Adopt Proclamation

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING FRIDAY, AUGUST 1, 1997, AS A DAY TO HONOR UTICA PRESBYTERY".

Motion Adopted: 5 Yea.

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

Administrator's Report

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

1. Extended Hours

The following hours of activity took place on Wednesday, July 16, 1997:

- (a) Treasury Division - One telephone call and one tax payment from 7:30 to 8:30 a.m., ten telephone calls, one manufactured home release, and two tax payments from 4:30 to 7:30 p.m.;
- (b) Planning and Zoning - No activity from 7:30 to 8:30 a.m., three tax releases, one manufactured home placement permit, and one telephone inquiry from 4:30 to 7:30 p.m.;
- (c) Utility Billing Division - No activity;
- (d) Clerk of the Peace - Two weddings and five wedding licenses from 4:30 to 7:30 p.m.

2. Sussex County Status Report - Second Quarter, 1997

The following hours of duty and enforcement were compiled by the uniformed patrol officers of the Delaware State Police in Sussex County from April 1, 1997, through June 30, 1997:

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	10,578.5	12,040.5	15,337
Hours Assisted Other Agencies	144	57	94.5
Total Traffic Arrests	2,760	3,167	3,228
Total DUI's	95	131	134

Adminis-
trator's
Report
(con't)

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Accident Reports:			
Property Damage	148	262	295
Personal Injury	<u>59</u>	<u>78</u>	<u>107</u>
Total Accident Reports	207	340	402
Criminal Arrests:			
Felony	64	83	128
Misdemeanor	<u>307</u>	<u>544</u>	<u>555</u>
Total Criminal Arrests	371	627	683
Total 10-29 P's (wanted persons)	106	232	126
Total Number of Complaints	2,063	3,617	4,118

Creek's
End/
Ocean
Ridge/
Ocean
Farm

Mr. Green, Director of Utility Construction, discussed granting Conditional Acceptance for the wastewater facilities constructed in Creek's End Subdivision, Long Neck Sanitary Sewer District; Ocean Farm, Phase II, South Bethany Sanitary Sewer District; and Ocean Ridge West, Section I, Bethany Beach Sanitary Sewer District.

M 368 97
Grant
Condi-
tional
Accept-
ance/
Creek's
End

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Creek's End, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 369 97
Grant
Condi-
tional
Accept-
ance/
Ocean
Farm

A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Ocean Farm, Phase II, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 370 97 Grant Conditional Acceptance/Ocean Ridge West A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Ocean Ridge West - Section I, located in the North Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Boundary Extension Long Neck SSD Mr. Archut, Assistant County Engineer, discussed a request that the County Council consider extending the Long Neck Sanitary Sewer District to include a certain piece, parcel, or tract of land (identified as Lot 2 and part of Lot 3 of Steele Land Development subdivision - Strayer property) and lying contiguous to the Long Neck Sanitary Sewer District.

M 371 97 Boundary Extension Long Neck SSD A Motion was made by Mr. Collins, seconded by Mr. Jones, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Long Neck Sanitary Sewer District boundary to include Lot 2 and part of Lot 3 of the Steele Land Development subdivision.

Motion Adopted: 5 Yea.

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

Boundary Extension Dagsboro Frankford SSD Mr. Archut, Assistant County Engineer, discussed an extension to the Dagsboro-Frankford Sanitary Sewer District to include several lots in the Prince George's Acres subdivision that were in the District when it was created, but were not served during original construction. A previous proposal provided for serving the entire subdivision; however, remaining original grant funds are not sufficient to cover the cost. For this reason, Mr. Archut proposed that the County serve that portion of the subdivision that can be financed with available funding. Mr. Archut advised that the Rural Economic and Community Development Service has agreed to allow the County to use the remaining original grant funds for this extension.

M 372 97 Boundary Extension Dagsboro Frankford SSD A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District to include that portion of the Prince George's Acres subdivision that can be served with available funding.

M 372 97 Motion Adopted: 5 Yea.
(con't)

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

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ANTIQUES AND GIFTS RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.51 ACRES, MORE OR LESS" (Conditional Use No. 1202) filed on behalf of James D. Atkins. 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 A THRIFT SHOP AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,405 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1203) filed on behalf of Lewes and Rehoboth Association of Churches, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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 A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS" (Change of Zone No. 1310) filed on behalf of Charles and Mary Parks, and William Friend. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.77 ACRES, MORE OR LESS" (Change of Zone No. 1311) filed on behalf of Henry A. and Betty L. Hastings. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 195.98 ACRES, MORE OR LESS" (Change of Zone No. 1312) filed on behalf of Ralph E. Benson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS OF A 14.3 ACRE TRACT" (Change of Zone No. 1313) filed on behalf of Mildred M. Long. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A H-1 HEAVY INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 107.57 ACRES, MORE OR LESS" (Change of Zone No. 1314) filed on behalf of E. I. duPont de Nemours & Co. The Proposed Ordinance will be advertised for Public Hearing.

Correspondence Mr. Rogers read the following correspondence:
LIDA W. WELLS, PRESIDENT, THE AUXILIARY OF THE MILFORD MEMORIAL HOSPITAL, MILFORD, DELAWARE.
RE: Letter of appreciation for Councilmanic Grants.

M 373 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$300.00 from Mr. Jones' Councilmanic Account to the Bad Company Coed Softball Team to attend the Coed World Series in South Carolina.

Motion Adopted: 5 Yea.

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

M 374 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$500.00 from Mr. Jones' Councilmanic Account to the Preston Ford Softball Team to attend the National Softball Championships in Florida.

Motion Adopted: 5 Yea.

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

M 375 97 Recess At 11:40 a.m., a Motion was made by Mr. Collins, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m. Mr. Cole was not present for the first Public Hearing.

Public Hearing (C/Z No. 1303) A continuation of a Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.85 ACRES, MORE OR LESS" (Change of Zone No. 1303) filed on behalf of Donald L. and Jean S. Lankford and Ronald Eugene Lankford and Mary Burt. This Public Hearing was continued from July 22, 1997. There were no public comments and the Public Hearing was closed.

M 376 97 Adopt Ordinance No. 1159 (C/Z No. 1303) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1159 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" (Change of Zone No. 1303) filed on behalf of Donald L. and Jean S. Lankford and Ronald Eugene Lankford and Mary Burt.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. The applicant established by substantial evidence that the Change of Zone will provide one zoning classification for his farm and enable him to make application for inclusion in an agricultural preservation district.
2. The Change of Zone has no adverse impact whatsoever on neighboring properties or the area and will promote 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.

Mr. Cole joined the meeting at this time.

Public Hearing (C/U No. 1188) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (3 UNITS) AND RELATED PARKING LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING TWO (2) PARCELS, ONE (1) CONTAINING 10,570 SQUARE

Public Hearing (con't) FEET AND ONE (1) CONTAINING 10,250 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1188) filed on behalf of Indian River Marina Pier, Inc. There were no public comments and the Public Hearing was closed.

M 377 97 Adopt Ordinance No. 1160 (C/U No. 1188) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1160 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (3 UNITS) AND RELATED PARKING LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING TWO (2) PARCELS, ONE (1) CONTAINING 10,570 SQUARE FEET AND ONE (1) CONTAINING 10,250 SQUARE FEET, MORE OR LESS (Conditional Use No. 1188) filed on behalf of Indian River Marina Pier, Inc., with the following condition:

1. The final site plan shall be subject to 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 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 be a less intrusive use than the property's former use as a restaurant. The proposed residential use is more consistent with the character of the neighborhood than the former use.
2. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U No. 1190) 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 CONTINUED USE OF AN AIRSTRIP FOR A BANNER TOWING SERVICE AND AMENDMENT TO CONDITIONAL USE NO. 939 AND CONDITIONAL USE NO. 1116 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 9.86 ACRES, MORE OR LESS" (Conditional Use No. 1190) filed on behalf of Skybanners, Inc. There were no public comments and the Public Hearing was closed.

M 378 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt Ordinance No. 1161 entitled "AN ORDINANCE TO GRANT A
Ordinance No. 1161 CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
(C/U No. 1190) DISTRICT FOR CONTINUED USE OF AN AIRSTRIP FOR A BANNER TOWING
SERVICE AND AMENDMENT TO CONDITIONAL USE NO. 939 AND CONDITIONAL
USE NO. 1116 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING
9.86 ACRES, MORE OR LESS" (Conditional Use No. 1190) filed on
behalf of Skybanners, Inc., with the following conditions:

1. Hours of operation shall be from 10:00 a.m. to 4:00 p.m.
2. No more than four (4) aircraft shall be stored on the site with appropriate tie-downs.
3. No aircraft shall utilize the airstrip other than the four (4) aircraft being used for the private business.
4. There shall be a ten (10) year limit to the use of the property as an airstrip.
5. Toilet facilities shall be located on-site.
6. No advertising signs may be located on the site.
7. Two (2) portable buildings shall be permitted on the site. Per the request of the applicant, one (1) building shall be 18' by 20' and one (1) building shall be 18' by 40'.
8. All aircraft shall be baffled.
9. These conditions replace and supersede the conditions attached to Conditional Use No. 939 and Conditional Use No. 1116.

Motion Adopted: 5 Yea.

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

Findings of Fact The Council found that the Conditional Use is appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is an expansion of the prior conditional uses and will enable the applicant to consolidate and further develop the expanding business.

Findings
of Fact
(con't)

2. The proposed use has had and will have no adverse impact of any sort on the surrounding area.
3. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

Mr. Bayard, County Attorney, left the meeting at this time.

Public
Hearing
(C/U
No. 1191)

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 EXPANSION OF TALL PINES CAMPSITE BY ADDING 54 ADDITIONAL SITES LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING APPROXIMATELY 8.7 ACRES, MORE OR LESS" (Conditional Use No. 1191) filed on behalf of Tall Pines Associates, L.L.C. There were no public comments and the Public Hearing was closed.

M 379 97
Adopt
Ordinance
No. 1162
(C/U
No. 1191)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1162 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION OF TALL PINES CAMPSITE BY ADDING 54 ADDITIONAL SITES LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING APPROXIMATELY 8.7 ACRES, MORE OR LESS" (Conditional Use No. 1191) filed on behalf of Tall Pines Associates, L.L.C., with conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. The location of any wetlands (State or Federal) shall be indicated.
3. The location of the one-hundred-year floodplains, based on current Flood Insurance Rate Maps, shall be indicated.
4. The applicants shall provide a copy of the traffic signal installation agreement with DelDOT prior to consideration of the site plan by the Planning and Zoning Commission.
5. Months of operation shall be from April through October.
6. Twenty-seven (27) additional sites shall be for transient camping only.

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

1. The applicant established by substantial evidence that the Conditional Use is an expansion to an existing use and will serve a growing need for campsites.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Mr. Bayard rejoined the meeting.

Public
Hearing
(C/Z
No. 1304)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, INCLUDING PORTIONS OF FOUR PROPERTIES AND CONTAINING 138.14 ACRES, MORE OR LESS" (Change of Zone No. 1304) filed on behalf of Fred Bennett III. Public comments were heard in opposition to this application; comments centered around setback requirements and property rights. The Public Hearing was closed.

M 380 97
Adopt
Ordinance
No. 1163
(C/Z
No. 1304)

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Adopt Ordinance No. 1163 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, INCLUDING PORTIONS OF FOUR PROPERTIES AND CONTAINING 138.14 ACRES, MORE OR LESS" (Change of Zone No. 1304) filed on behalf of Fred Bennett III.

Motion Adopted: 5 Yea.

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

Findings
of Fact

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

1. The applicant established by substantial evidence that the Change of Zone will preserve farmland, promote agriculture and promote the purposes and goals of the Comprehensive Land Use Plan and the Statewide Agricultural Preservation Program.
2. The Change of Zone will cause no adverse impact of any sort on the character of the neighborhood or property values therein. The only change, in fact, is a zoning classification, not a change in the way the land is used, or will be used.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Conflict
of
Interest

Mr. Dukes advised that he would not be participating in the next Public Hearing due to a possible conflict of interest. Mr. Dukes turned the meeting over to Mr. Collins.

Public
Hearing
(C/U
No. 1189)

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 AUTOMOTIVE, TRUCK AND BUS REPAIR WITH AN IMPOUND YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.506 ACRES, MORE OR LESS" (Conditional Use No. 1189) filed on behalf of William C. Holloway. Public comments were heard in opposition to this application; comments centered around the extent to which the business has grown. The Public Hearing was closed. Mr. Rogers requested that action be deferred for the purpose of further study of the concerns and the proposed stipulations.

M 381 97
Defer
Action
on C/U
No. 1189

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE, TRUCK AND BUS REPAIR WITH AN IMPOUND YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.506 ACRES, MORE OR LESS" (Conditional Use No. 1189) filed on behalf of William C. Holloway.

Motion Adopted: 4 Yea, 1 Absent.

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

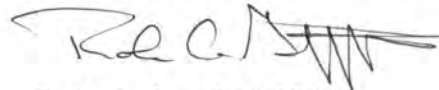
County
Policy

Mr. Cole requested that Council discuss, at a future meeting, the County's policy on dealing with violators of zoning regulations.

M 382 97
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 4:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council