

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 10, 1999

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, August 10, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
Eugene Bayard	County Attorney

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

M 404 99            A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the  
Approve            Agenda, as presented.  
Agenda

Motion Adopted: 5 Yea.

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

M 405 99            A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the  
Approve            minutes of the previous meeting, dated August 3, 1999.  
Minutes

Motion Adopted: 5 Yea.

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

Corre-            Mr. Bayard, County Attorney, read the following correspondence:  
spondence

TOWN OF BETHANY BEACH, BETHANY BEACH, DELAWARE.  
RE: The Draft Bethany Beach Flood Mitigation Plan.

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

Corre-  
spondence  
(continued)

RE: Notice of Public Hearing on the proposal of Regulation 39 – NOx Budget Trading Program, to be added to the State of Delaware Regulations Governing the Control of Air Pollution.

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

RE: Legal Notice regarding a Public Hearing on an amendment to the Delaware Phase II Attainment Demonstration for Philadelphia-Wilmington-Trenton Ozone Nonattainment Area.

UNIVERSITY OF DELAWARE, COLLEGE OF AGRICULTURE AND NATURAL RESOURCES, RESEARCH AND EDUCATION CENTER, GEORGETOWN, DELAWARE.

RE: Letter of invitation to tour the new interactive video teaching facility located in the Lasher Laboratory at the Research and Education Center in Georgetown.

M 406 99  
Adopt  
Proclamation

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING WEDNESDAY AUGUST 11, 1999 AS 'SUSSEX COUNTY SAFE KIDS DAY'".

Motion Adopted: 5 Yea.

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

Program

Mr. Stickels reviewed funding requests received for consideration in accordance with the guidelines of the Youth Activity Assistance Program.

M 407 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$750.00 to the Georgetown Little League from the Youth Activity Assistance Program (Jones - \$750.00).

Motion Adopted: 5 Yea.

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

M 408 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$210.00 to the Midway Girls Softball from the Youth Activity Assistance Program (Cole - \$70.00, Jones - \$70.00, Phillips - \$70.00).

Motion Adopted: 5 Yea.

M 408 99  
(continued)

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

M 409 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$150.00 to the Delaware 4-H Foundation from the Youth Activity Assistance Program (Jones - \$50.00, Phillips - \$50.00, Rogers - \$50.00).

Motion Adopted: 5 Yea.

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

M 410 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$750.00 to the Woodbridge Little League from the Youth Activity Assistance Program (Jones - \$750.00).

Motion Adopted: 5 Yea.

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

M 411 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$600.00 to the Delaware Yankees from the Youth Activity Assistance Program (Dukes - \$150.00, Jones - \$150.00, Rogers - \$150.00, Phillips - \$150.00).

Motion Adopted: 5 Yea.

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

M 412 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 to the Sussex Community Swim Team from the Youth Activity Assistance Program (Cole - \$100.00, Dukes - \$100.00, Jones - \$100.00, Rogers - \$100.00, Phillips - \$100.00).

Motion Adopted: 5 Yea.

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

M 413 99  
Program  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$375.00 to the Sussex Stars from the Youth Activity Assistance Program (Cole - \$125.00, Dukes - \$125.00, Phillips - \$125.00).

M 413 99  
(continued)

Motion Adopted: 5 Yea.

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

M 414 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00 to the Eastern Shore Lady Cats from the Youth Activity Assistance Program (Cole - \$100.00, Dukes - \$100.00, Jones - \$100.00, Rogers - \$100.00, Phillips - \$100.00).

Motion Adopted: 5 Yea.

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

M 415 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 to the Delaware Diamonds from the Youth Activity Assistance Program (Cole - \$100.00, Dukes - \$100.00, Jones - \$100.00, Rogers - \$100.00, Phillips - \$100.00).

Motion Adopted: 5 Yea.

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

M 416 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 to the Sussex County Alley Cats from the Youth Activity Assistance Program (Cole- \$125.00, Dukes - \$125.00, Jones - \$125.00, Phillips - \$125.00).

Motion Adopted: 5 Yea.

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

M 417 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$500.00 to the Cape Henlopen Softball Team from the Youth Activity Assistance Program (Cole - \$250.00, Rogers - \$250.00).

Motion Adopted: 3 Yea, 2 Nay.

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

M 418 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$1,750.00 to the Delaware District 3 Little League Regional Tournament from the Youth Activity Assistance Program (Cole - \$150.00, Dukes - \$400.00, Jones - \$400.00, Phillips - \$400.00, Rogers - \$400.00). (It was noted that Mr. Cole has already donated \$250.00 to this event.)

Motion Adopted: 5 Yea.

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

M 419 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 to the River Soccer Club from the Youth Activity Assistance Program (Cole - \$350.00, Phillips - \$150.00).

Motion Adopted: 5 Yea.

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

M 420 99  
Youth  
Activity  
Assistance  
Program  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$250.00 to the Big League Girls Softball from the Youth Activity Assistance Program (Cole - \$50.00, Dukes - \$50.00, Jones - \$50.00, Phillips - \$50.00, Rogers - \$50.00).

Motion Adopted: 5 Yea.

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

Town of  
Milton Build-  
ing Code  
Inspection  
Request

Mr. Stickels advised Council of a request from the Town of Milton that Sussex County enforce building code requirements within their town limits, including all commercial, single, and multi-family dwellings. The Town of Milton has asked for this service due to the resignation of their Building Inspector.

M 421 99  
Authorize  
Building  
Code  
Inspections  
for Town  
of Milton

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Council authorizes the Building Code Department to do inspection and plan review for single family, multi-family and commercial buildings in the Town of Milton as requested by the Mayor of the Town of Milton.

Motion Adopted: 5 Yea.

M 421 99  
(continued)

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

Adminis-  
trator's  
Report

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

1. Economic Development Revenue Bonds

I have received notification from the Wilmington Trust Company that the following Economic Development Revenue Bonds have been satisfied:

- A. Charles F. Davidson and Elva H. Davidson, trading as Tenley Court Project in the amount of \$400,000. Approval for this issuance was granted by the County Council on March 27, 1984. The project consisted of financing a portion of the cost for the construction of a shopping center and the renovation of an existing building located at 1420 Highway One, Lewes, Delaware.
- B. Moore Partnership Venture Project in the amount of \$1,600,000 authorized by the County Council on November 8, 1983. The project consisted of financing a portion of the cost of the acquisition of land and construction of a three-story, 68-unit motel at Bayfront between Bellevue and Dagsworthy Streets, Dewey Beach, Delaware.

2. Sussex County State Police Status Report - Second Quarter 1999

The following hours of duty and enforcement were compiled by the Delaware State Police during the second quarter of 1999 in Sussex County:

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	14,325.5	14,525.5	18,338
Hours Assisted Other Agencies	133.5	69	86
Total Traffic Arrests	3,557	3,523	4,156
Total DUI's	108	113	131
Accident Reports:			
Personal Damage	151	205	335
Personal Injury	<u>45</u>	<u>82</u>	<u>97</u>
<b>Total Accidents Reports</b>	196	287	432
Criminal Arrests: Felony			
	84	34	83
Misdemeanor	<u>335</u>	<u>300</u>	<u>645</u>
<b>Total Criminal Arrests</b>	419	334	728

Adminis-  
trator's  
Report  
(continued)

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total 10-29 P's (wanted persons)	144	149	193
Total Number of Complaints	1,961	3,182	4,184

3. Summer Recess

The Sussex County Council will be taking a summer recess on August 17, 1999. There will not be a Council meeting that day. The next regularly scheduled Council meeting will be at 10:00 a.m. on Tuesday, August 24, 1999, in the Council Chambers on The Circle in Georgetown, Delaware.

4. Capacity Evaluation and Planning Study for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

I want to publicly announce that the draft of the Capacity Evaluation and Planning Study for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District is available. Anyone who wishes to review it can do so by obtaining a copy at the Planning and Permits Division, Sussex County Engineering Department, Sussex County Administrative Offices, 2 The Circle, Georgetown, Delaware.

There are six pending zoning applications that were affected by this report. Silver Properties L.L.C. (C/U 1278), Henry T. Waring (C/Z 1370), Craig Hudson and Joseph Hudson (C/Z 1373), C.L.H. Design (C/Z 1374), C.L.H. Design (C/Z 1375), and C.L.H. Design (C/Z 1376). The comments of the Engineering Department are available in the file of each one of these applications for the public to review. The record will be left open for written comments until the close of business on Tuesday, August 31, 1999. Comments will be limited to those pertaining to the sewer report. The County Council and the Planning and Zoning Commission will be made aware of the Engineering Department's recommendations and any public comments received.

Airport  
Terminal  
Building/  
Consultant  
Selection

Mr. Izzo, County Engineer, discussed the selection of an architectural firm to perform consulting services for the Sussex County Airport Terminal Building. Preliminary discussions with an architect to perform consulting services resulted in the quoting of high rates. For this reason, the County decided to pursue the Consultant Selection Procedure. Mr. Izzo reported that the preliminary project budget is \$815,000; \$750,000 of the amount may be funded by a low interest loan from Rural Utilities Services. Other funding being sought is additional grant money and excess funds from the Airport Sewer and Water Project. During the Consultant Selection Procedure, three firms were interviewed: French and Ryan, McCool and McCool, and Design Atlantic. Although all three firms were qualified, French & Ryan was the highest ranked firm.

M 422 99  
Approve  
Consultant  
Selection  
for Airport  
Terminal  
Building

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Consultant Selection Team that the architectural firm of French & Ryan, Inc. of Georgetown, Delaware, be selected to perform consulting services for the Sussex County Airport Terminal Building and that the County Engineer be authorized to negotiate a contract for those purposes.

Motion Adopted: 5 Yea.

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

Headworks  
Design  
Proposal/  
SCRWF

Mr. Izzo, County Engineer, discussed a Proposed Agreement between Sussex County Council and George, Miles & Buhr to plan and design headworks improvements for the South Coastal Regional Wastewater Facilities. Mr. Izzo reported that the improvements are needed to accommodate the Ocean View, Cedar Neck, and Holts Landing Sanitary Sewer Districts. It was noted that there is sufficient capacity for these additional districts; however, if all the pumping stations came on at one time, a “bottleneck” problem could occur. Mr. Izzo reported that the project is proposed at a cost not to exceed \$86,255.00; \$87,110.00 is available for this project although connection fees will ultimately fund the project.

M 423 99  
Authorize  
Agreement/  
Headworks  
Design  
Proposal/  
SCRWF

A Motion was made by Mr. Dukes, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council President be authorized to execute an Agreement with George, Miles & Buhr to plan and design headworks improvements for the South Coastal Regional Wastewater Facilities at a cost not to exceed \$86,255.00, subject to the approval of the Assistant County Attorney and Internal Auditor.

Motion Adopted: 5 Yea.

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

Bid  
Results/  
Delaware  
Seashore  
State  
Park/  
Pump  
Station  
No. 65

Mr. Hawkes, Director of Utility Engineering, reviewed the bid results for Sussex County Project No. 99-14, Delaware Seashore State Park, Sewage Pumping Station No. 65, as reported to Council on July 22, 1999.

BIDDER	BASE BID	ALTERNATE	
		BID NO. 1	BID NO. 2
David A. Bramble, Inc.	\$393,082.00	\$379,082.00	\$349,082.00
David G. Horsey & Son.	\$436,255.99	\$412,781.27	\$382,430.39

**Bid  
Results  
(continued)**

<b>BIDDER</b>	<b>BASE BID</b>	<b>ALTERNATE</b>	
		<b>BID NO. 1</b>	<b>BID NO. 2</b>
A.P. Croll & Son, Inc.	\$448,986.90	\$436,036.90	\$418,041.90
Hopkins Construction, Inc.	\$465,150.00	\$460,150.00	\$454,150.00
Bunting & Murray	\$472,616.44	\$464,177.44	\$450,978.44
L.A. Merrell Constr. Co.	\$621,057.39	\$591,687.39	\$548,782.39
George & Lynch	\$634,745.00	\$615,745.00	\$589,745.00

The Engineer's Estimate for this project is \$418,000.00 Mr. Hawkes recommended that the bid be awarded to David A. Bramble, Inc. at the base bid amount.

**M 424 99  
Award  
Bid/  
Delaware  
Seashore  
State Park/  
Pump  
Station  
No. 65**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Engineering Consultants, Cabe Associates, and the Sussex County Engineering Department, that Sussex County Project No. 99-14, Delaware Seashore State Park Sewage Pumping Station No. 65, be awarded to David A. Bramble, Inc. at the base bid amount of \$393,082.00.

Motion Adopted: 5 Yea.

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

**Proposed  
Ordinance**

Mr. Phillips 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 36,035 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1387) filed on behalf of David C. Blackwell. The Proposed Ordinance will be advertised for Public Hearing.

**M 425 99  
Council-  
manic  
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$300.00 from Mr. Cole's Councilmanic Account to the City of Rehoboth Beach for the Bandstand performance of the Delaware State Marching Band.

Motion Adopted: 5 Yea.

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

Public Hearing/  
Dagsboro-Frankford Sanitary Sewer District Extension

A Public Hearing was held to consider extending the Dagsboro-Frankford Sanitary Sewer District (DFSSD) to include the Delaware Army National Guard lying contiguous to the DFSSD, situate east of the Town of Dagsboro and being in Dagsboro Hundred, Sussex County, Delaware. Mr. Archut advised that a Memorandum of Understanding has been executed between the Sussex County Council and the Delaware Army National Guard to connect the Dagsboro Armory to the County sewer system. There were no public comments and the Public Hearing was closed.

M 426 99  
Adopt Resolution No. R 023 99

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 023 99 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS THE DELAWARE ARMY NATIONAL GUARD, LYING CONTIGUOUS TO THE DFSSD, SITUATE EAST OF THE TOWN OF DAGSBORO AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

Bid Results/  
Pickup Trucks/  
Paramedics

Mr. Torbert, Paramedic Director, presented bid results for three (3) 1 ton diesel pickups, as follows:

First State Chevrolet	\$27,465.00 per vehicle
I.G. Burton, Inc.	\$25,997.00 per vehicle

The purchase of these pickups will replace existing vehicles that are due for replacement. Mr. Torbert recommended that the bid from I. G. Burton be accepted.

M 427 99  
Award Bid/  
Pickup Trucks/  
Paramedics

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to accept the bid from I. G. Burton, Inc., in the amount of \$25,997.00 per vehicle, for a total of \$77,991.00, for three (3) Year 2000 C3500 1 ton extended cab pickup trucks.

Motion Adopted: 5 Yea.

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

M 428 99  
Councilmanic Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$100.00 from Mr. Phillips' Councilmanic Account to the Town of Delmar to fund promotional expenses for the U.S. Route 13 Speedway's "Sears Craftsman NED Bracket Finals Event".

M 428 99  
(continued)

Motion Adopted: 5 Yea.

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

Mr. Phillips advised that he will recommend to the Town of Delmar that they solicit additional funds from the Delaware Tourism Office.

M 429 99  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$200.00 from Mr. Cole's Councilmanic Account to the Lord Baltimore PTA for the 1999 Coastal Music & Arts Festival.

Motion Adopted: 5 Yea.

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

M 430 99  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$225.00 from Mr. Dukes' Councilmanic Account to the Woodland Neighborhood Watch Program for supplies.

Motion Adopted: 5 Yea.

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

M 431 99  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$250.00 from Mr. Dukes' Councilmanic Account to the Future Program for the 5th Annual African-American Festival.

Motion Adopted: 5 Yea.

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

M 432 99  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$200.00, \$100.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Accounts, to Laurel High School for the purchase of a 1999 Southern Division Championship sign.

Motion Adopted: 5 Yea.

M 432 99  
(continued)

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

M 433 99  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$200.00 from Mr. Dukes' Councilmanic Account to the Laurel Lions Club for the recreational facility at the corner of Evergreen Drive and South Central Avenue.

Motion Adopted: 5 Yea.

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

Corre-  
spondence

Mr. Dukes read into the record a letter from the City of Seaford regarding the Sheriff's "Senior Safe Night Out". In the letter, the Sheriff was advised that he should have contacted the City for approval of any proposed activities.

M 434 99  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00, \$100 from each Councilmanic Account, to MADD – Delaware Chapter, for a sign, office equipment and/or furniture.

Motion Adopted: 5 Yea.

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

M 435 99  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$100.00 from Mr. Jones' Councilmanic Account to the SCHS Varsity Swim Team (Sussex Central) for the purchase of a timing and scoring system.

Motion Adopted: 5 Yea.

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

M 436 99  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$100.00 from Mr. Phillips' Councilmanic Account to the SCHS Varsity Swim Team (Sussex Central) for the purchase of a timing and scoring system.

Motion Adopted: 5 Yea.

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

M 437 99  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$300.00, \$100.00 from Mr. Phillips' and \$200.00 from Mr. Jones' Councilmanic Accounts, to the Sussex Central Football Boosters for activities planned for the upcoming 1999 season.

Motion Adopted: 5 Yea.

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

M 438 99  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00, \$100.00 from each Councilmanic Account, to the Auxiliary of Stockley Center for the 11th Annual Stockley Stride.

Motion Adopted: 5 Yea.

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

M 439 99  
Recess

At 11:30 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Jones called Council back into session at 1:30 p.m.

Public  
Hearing  
(C/U  
No. 1296)

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 MOBILE DIESEL REPAIR SERVICE OF CARS, TRUCKS, AND GENERATORS AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.68 ACRES, MORE OR LESS" (Conditional Use No. 1296) filed on behalf of Charles E. and Carol F. James. The Planning and Zoning Commission recommended approval of this application on July 22, 1999. Correspondence was read in opposition to the application. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 440 99  
Adopt  
Ordinance  
No. 1334  
(C/U  
No. 1296)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1334 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILE DIESEL REPAIR SERVICE OF CARS, TRUCKS, AND GENERATORS AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.68 ACRES, MORE OR LESS" (Conditional Use No. 1296) filed on behalf of Charles E. and Carol F. James, with the following conditions:

M 440 99  
(continued)

1. There shall be no outside storage.
2. One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.
3. Business hours shall be from 7:00 a.m. to 5:00 p.m., six days per week, with no Sunday hours, except for emergencies.
4. There shall be no outside repairs, except on emergency vehicles.
5. There shall be no parking or repair of vehicles between the 28' by 50' building and the front of the parcel.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 5 Yea.

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

Findings of  
Fact

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

1. The applicant established by substantial evidence that the proposed use serves a wide variety of public and volunteer emergency vehicles as well as agricultural equipment and vehicles, without adverse traffic impact since the vast majority of the applicant's work is off site.
2. With the conditions imposed hereafter, there is no adverse impact of any sort on property values, the character of the neighborhood or the environment in the area.
3. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1298)

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 NURSERY, LANDSCAPING AND GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 1298) filed on behalf of Lawrence and Susan Kelly. The Planning and Zoning Commission recommended approval of this application on July 22, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 441 99  
Adopt  
Ordinance  
No. 1335  
(C/U  
No. 1298)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1335 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NURSERY, LANDSCAPING AND GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 1298) filed on behalf of Lawrence and Susan Kelly, with the following conditions:

1. The use of the property shall be limited to a nursery, greenhouses, landscaping and garden center.
2. Business hours shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday, 8:00 a.m. to 1:00 p.m. on Saturday, and 12:00 p.m. to 5:00 p.m. on Sunday.
3. The area of land to be dedicated for the nursery, greenhouses, landscaping and garden center shall be five (5) acres.
4. One (1) lighted sign, not exceeding 32 square feet per side or facing may be permitted.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

The Council found that the 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 as an area need for retail goods and services proposed, both in terms of residential and business customers.
2. The use will have no adverse impact of any sort on the neighborhood or surrounding area, and is consistent with the purposes and goals of the Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1299)

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 BOAT REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 5.07 ACRES, MORE OR LESS" (Conditional Use No. 1299) filed on behalf of Vaughn P. Esham. The Planning and Zoning Commission recommended approval of this application on July 22, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 442 99  
Adopt  
Ordinance  
No. 1336  
(C/U  
No. 1299)

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1336 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 5.07 ACRES, MORE OR LESS" (Conditional Use No. 1299) filed on behalf of Vaughn P. Esham, with the following conditions:

1. The area of the conditional use shall be limited to the front portion of the site, 150' by 373'.
2. No boats shall be stored between the house and Road 561.
3. One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.
4. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

1. The applicant established by substantial evidence that the proposed use, with the conditions in place, will have no adverse impact of any sort, and will serve the area's convenience in terms of recreational and commercial boat repair.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Findings  
(continued)

3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1297)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR OUTDOOR RETAIL SALES (FLEA MARKET) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRES, MORE OR LESS" (Conditional Use No. 1297) filed on behalf of J. David Lynam. The Planning and Zoning Commission deferred action on this application on July 22, 1999. It was noted that the applicant was not in attendance. The Public Hearing was closed.

M 443 99  
Adopt  
Proposed  
Ordinance  
(C/U  
No. 1297)

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR OUTDOOR RETAIL SALES (FLEA MARKET) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRES, MORE OR LESS" (Conditional Use No. 1297) filed on behalf of J. David Lynam.

Motion Adopted: 4 Nay, 1 Abstention

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

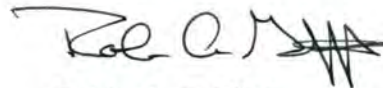
Findings

The conditional use application was denied due to the lack of record of support and due to the applicant's failure to appear for the Public Hearing.

M 444 99  
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 2:37 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council