

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 12, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 12, 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 390 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Amend and Approve Agenda approve the Agenda, with the following amendment:

Add:

"Resolution Approving the Transfer of an Industrial Revenue Bond"

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

M 391 97 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Approve Minutes approve the minutes of the previous meeting, dated August 5, 1997.

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

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

COMMUNITY SERVICE BUILDING CORPORATION, WILMINGTON, DELAWARE.
RE: Invitation to Grand Opening on Monday, September 8, 1997, and Tuesday, September 9, 1997.

AMERICAN CANCER SOCIETY, GEORGETOWN, DELAWARE.
RE: Letter of appreciation for Council's sponsorship of runners/walkers in the 1997 Southern Delaware Relay for Life.

Corre- STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRON-
spondence MENTAL CONTROL, DOVER, DELAWARE.
(con't) RE: Legal Notice regarding an amendment to Regulations Governing
the Control of Air Pollution.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public Notice regarding Project Review Applications, only one
of which is located in Sussex County: Town of Milton.

Cole Mr. Cole joined the meeting at this time.

Fish Mr. Roy Miller, a representative of the Department of Natural
Diseases Resources and Environmental Control, was in attendance at the
in invitation of Council to discuss two fish diseases which are
Delaware causing concern in Delaware. During the spring and summer of
1997, there have been numerous reports from the Delaware Bay,
Atlantic Ocean and Chesapeake Bay of diseased fish. One type
of skin virus, called Lymphocystis has been identified in
Delaware. A second possible problem is called Pfiesteria;
Pfiesteria is currently active in the Pocomoke River; it is
unsure if it is active in Delaware. Water samples have been
taken from Indian River and have been sent away to be analyzed.
As a precaution, until the cause of the diseased fish can be
determined, an advisory is being issued by DNREC to avoid
eating dead or dying fish or fish with sores/lesions. It
was the consensus of Council that more water samples should be
taken and should include samples from the Nanticoke River.

Certifi- A Certificate of Appreciation was presented to Bobby Prillhart
cate for serving Sussex County from July 10, 1989 to July 15, 1997.

Certifi- A Certificate of Appreciation was presented to Linwood Whaley
cate for serving Sussex County from January 4, 1983 to August 4,
1997.

Proposed Mr. Stickels, County Administrator, read in its entirety a
Procla- Proposed Proclamation entitled "PROCLAIMING WEDNESDAY, AUGUST
mation 13, 1997, AS 'SUSSEX COUNTY SAFE KIDS DAY'".

M 392 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adopt the Proclamation entitled "PROCLAIMING WEDNESDAY, AUGUST
Procla- 13, 1997, AS 'SUSSEX COUNTY SAFE KIDS DAY'".
mation

Motion Adopted: 5 Yea.

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

Request Mr. Stickels, County Administrator, advised Council of a
for request for funding from the Georgetown Hispanic Festival
Funding to be held Sunday, September 14, 1997.

M 393 97 Grant A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$1,000 from Grants to the Georgetown Hispanic Festival.

Motion Adopted: 5 Yea.

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

Transportation Funding Mr. Stickels, County Administrator, discussed Delaware Transit Corporation's recommended funding of the specialized transportation service for the elderly and handicapped in Sussex County for FY '98. Contracts were distributed to each of the agencies for execution; all contracts were signed by the agencies with the exception of CHEER.

Indian River Senior Center

The proposed transportation budget for the Indian River Senior Center is for the amount of \$2,205.00; including an increase over last year of \$105.00. The Center has advised that they do not need the proposed increase.

<u>Budget Category</u>	<u>Amount Approved</u>	<u>Agency Budget Request</u>
Purchased Transportation	\$ 1,900.00	\$ 1,900.00
Volunteer Transportation	200.00	200.00
Approved Increase	<u>105.00</u>	<u> </u>
TOTAL	\$ 2,205.00	\$ 2,100.00

M 394 97 Approve Indian River Senior Center A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve the transportation budget for the Indian River Senior Center in the amount of \$2,100.00.

Motion Adopted: 5 Yea.

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

Cape Henlopen Senior Center

Transportation Funding The proposed transportation budget for the Cape Henlopen Senior Center is for the amount of \$30,660.00; including an increase over last year in the amount of \$1,460.00.

Transportation Funding (con't)	<u>Budget Category</u>	<u>Amount Approved</u>	<u>Agency Budget Request</u>
	Purchased Transportation	\$ 3,600.00	\$ 3,600.00
	Operated Transportation		
	a) Salaries & Benefits of Drivers	19,000.00	19,960.00
	b) Fuel and Oil	2,500.00	2,500.00
	c) Vehicle Maintenance	1,500.00	1,500.00
	d) Insurance	2,600.00	2,600.00
	Volunteer Transportation		500.00
	Approved Increase	<u>\$ 1,460.00</u>	_____
	TOTAL	\$30,660.00	\$30,660.00

M 395 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve the transportation budget of the Cape Henlopen Senior Center in the amount of \$30,660.00.

Cape Henlopen Senior Center Motion Adopted: 5 Yea.

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

Transportation Funding Easter Seal Rehabilitation Center

The proposed transportation budget for the Easter Seal Rehabilitation Center is for the amount of \$33,591.60; including an increase over last year in the amount of \$1,599.60.

<u>Budget Category</u>	<u>Amount Approved</u>	<u>Agency Budget Request</u>
Operated Transportation		
a) Salaries & Benefits of Drivers	\$16,095.00	\$16,095.00
b) Fuel and Oil	5,516.00	5,516.00
c) Vehicle Maintenance	2,833.00	4,432.60
d) Insurance	4,861.00	4,861.00
Overhead		
a) Wages & Benefits of Admin. Personnel	2,060.00	2,060.00
d) Other	627.00	627.00
Approved Increase	<u>1,599.60</u>	_____
TOTAL	\$33,591.60	\$33,591.60

M 396 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
 Approve approve the transportation budget of the Easter Seal Rehab-
 Easter ilitation Center in the amount of \$33,591.60.
 Seal

Transportation Motion Adopted: 5 Yea.

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

Transportation Laurel Senior Center

Funding The proposed transportation budget for the Laurel Senior
 Center is for the amount of \$48,825.00; including an increase
 over last year in the amount of \$2,325.00.

<u>Budget Category</u>	<u>Amount Approved</u>	<u>Agency Budget Request</u>
Operated Transportation		
a) Salaries & Benefits of Drivers	\$23,000.00	\$32,651.00
b) Fuel and Oil	7,500.00	4,700.00
c) Vehicle Maintenance	8,000.00	4,474.00
d) Insurance	8,000.00	7,000.00
Approved Increase	<u>2,325.00</u>	<u> </u>
TOTAL	\$48,825.00	\$48,825.00

M 397 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
 Approve approve the transportation budget of the Laurel Senior Center
 Laurel in the amount of \$48,825.00, as amended.
 Senior

Center Motion Adopted: 5 Yea.

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

Transportation Lewes Senior Center

Funding The proposed transportation budget for the Lewes Senior Center
 is for the amount of \$16,905.00; including an increase over last
 year in the amount of \$805.00.

<u>Budget Category</u>	<u>Amount Approved</u>	<u>Agency Budget Request</u>
Purchased Transportation	\$ 1,000.00	\$ 1,000.00
Operated Transportation		
a) Salaries & Benefits of Drivers	7,500.00	7,500.00

Transportation Funding (con't)	Budget Category	Amount Approved	Agency Budget Request
	b) Fuel and Oil	\$ 1,800.00	\$ 1,800.00
	c) Vehicle Maintenance	1,500.00	2,305.00
	d) Insurance	1,100.00	1,100.00
	Volunteer Transportation	1,200.00	1,200.00
	Overhead		
	a) Wages & Benefits of Admin. Personnel	1,600.00	1,600.00
	b) Other	400.00	400.00
	Approved Increase	<u>\$ 805.00</u>	<u>\$</u>
	TOTAL	\$16,905.00	\$16,905.00

M 398 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve the transportation budget for the Lewes Senior Center in the amount of \$16,905.00.

Senior Center Motion Adopted: 5 Yea.

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

Transportation Funding Nanticoke Senior Center

The proposed transportation budget for the Nanticoke Senior Center is for the amount of \$23,004.45; including an increase over last year in the amount of \$1,095.45.

Budget Category	Amount Approved	Agency Budget Request
Operated Transportation		
a) Salaries & Benefits of Drivers	\$13,163.00	\$14,904.00
b) Fuel and Oil	2,625.00	2,000.00
c) Vehicle Maintenance	2,625.00	2,000.00
d) Insurance	2,586.00	1,140.00
Volunteer Transportation	660.00	
Overhead		
a) Wages & Benefits of Admin. Personnel	250.00	2,300.00
b) Rent Expense		330.00
c) Office Supplies Expense		330.00
Approved Increase	<u>1,095.45</u>	<u></u>
TOTAL	\$23,004.45	\$23,004.45

M 399 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Nanticoke Senior Center in the amount of \$23,004.45.

Senior Center Transportation Budget Motion Adopted: 5 Yea.

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

Transportation Funding The proposed transportation budget for Sussex County Senior Services (CHEER) is for the amount of \$377,820.00; including an increase over last year in the amount of \$37,000.00.

<u>Budget Category</u>	<u>Amount Approved</u>	<u>Agency Budget Request</u>
Purchased Transportation	\$ 2,000.00	\$ 2,000.00
Operated Transportation		
a) Salaries & Benefits of Drivers	167,931.00	167,931.00
b) Fuel and Oil	23,500.00	23,500.00
c) Vehicle Maintenance	30,000.00	30,000.00
d) Insurance	33,000.00	33,000.00
Volunteer Transportation	6,000.00	6,000.00
Overhead		
a) Wages & Benefits of Admin. Personnel	37,782.00	37,782.00
b) Other	7,556.00	7,556.00
Unallocated Funds	33,051.00	70,051.00
Approved Increase	<u>37,000.00</u>	<u> </u>
TOTAL	\$377,820.00	\$377,820.00

CHEER has advised that they cannot sign the contract due to the limitations established in regards to exceeding annual apportionments on salaries and benefits of administrative personnel (10%) and overhead (2%). It was noted that the County does not have the authority to waive these limitations; a waiver is needed from the Delaware Transit Corporation.

M 400 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Approve CHEER Transportation Budget on the execution of the contract by CHEER.

Motion Adopted: 5 Yea.

M 400 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Rental Mr. Stickels, County Administrator, discussed a Proposed
Agreement Rental Agreement for floor space in The PumpHouse Gym &
Fitness Center, Inc. The floor space will be used to store
the Emergency Operation Center's 800 megahertz system equip-
ment. The rental agreement is for the period September 1,
1997, through February 28, 1998, at an agreed upon rate of
\$225.00 per month.

M 401 97 A Motion was made by Mr. Collins, seconded by Mr. Jones,
Authorize to authorize the Sussex County Council President to execute
Rental a Rental Agreement between the Sussex County Council and The
Agree- PumpHouse Gym & Fitness Center, Inc. for the period September
ment 1, 1997 to February 28, 1998, contingent on securing proper
insurance.

Motion Adopted: 5 Yea.

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

IRB Mr. Stickels, County Administrator, discussed a Proposed
Assump- Resolution authorizing the assumption of the Sussex County
tion/ Industrial Revenue Bond (A & A Jones-Revolver Corporation
Proposed Project) originally given to Mark A. Holliday for the con-
Resolu- struction of Penny Lane Mall in Rehoboth Beach, Delaware.
tion The Bond is to be assumed by Harold E. Dukes, Jr. and Clayton
C. Bunting. This assumption is subject to (1) the approval
of the Wilmington Trust Company, (2) Sussex County's legal
counsel, and (3) payment by Messrs. Dukes and Bunting of all
County fees and costs.

M 402 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Adopt Adopt Resolution No. R 027 97 entitled "AUTHORIZING THE
Resolu- ASSUMPTION OF THE A & A JONES-REVOLVER CORPORATION PROJECT
tion No. (PENNY LANE MALL IN REHOBOTH BEACH, DELAWARE) INDUSTRIAL
R 027 97 REVENUE BOND".

Motion Adopted: 5 Yea.

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

Adminis- Mr. Stickels, County Administrator, submitted the following
trator's County Administrator's Report:
Report

Adminis-
trator's
Report
(con't)

1. Sussex County Advisory Committee for Handicapped and Aging Citizens

The Sussex County Council will be meeting on Monday, September 15, 1997, at 9:00 a.m. in the Council Chambers with the Advisory Committee for Handicapped and Aging Citizens of Sussex County.

2. Consultant Selection for South Coastal Planning Area

The Sussex County Engineering Department will be accepting applications for consulting services for the Ocean View, Cedar Neck, and Holts Landing wastewater sewer projects. The anticipated scope of work includes, but is not limited to, planning, design, rights-of-way and easement acquisition, contract administration, inspection, and operations and maintenance training related to the extension of sanitary sewer service to the unsewered portion of the South Coastal Planning Area.

The consultant selection procedure shall be performed in accordance with Title 29, Chapter 69, of the Delaware Code, which is commonly referred to as the "Professional Services Negotiation Act." A Sussex County furnished Consultant Information Package may be requested by telephone at 855-7719 or in writing to the Sussex County Engineering Department, Sussex County Administrative Offices, 2 The Circle, Post Office Box 589, Georgetown, Delaware, 19947-0589, ATTENTION: Mr. Russell W. Archut.

3. Extended Hours

The following hours of activity took place on Wednesday, July 30, 1997:

- (a) Planning and Zoning - No activity from 7:30 to 8:30 a.m., four building permits and one tax release issued from 4:30 to 7:30 p.m.;
- (b) Utility Billing - No activity;
- (c) Clerk of the Peace - Four wedding licenses issued and three weddings performed from 4:30 to 7:30 p.m.;
- (d) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., four public information contacts from 4:30 to 7:30 p.m.;
- (e) Treasury Division - Three telephone calls from 7:30 to 8:30 a.m., three telephone calls and one public information assistance from 4:30 to 7:30 p.m.

Proposed Ordinance Regarding Pile Driving A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY, DELAWARE TO IMPOSE LIMITATIONS ON PILE DRIVING IN THE COASTAL ZONE AREA OF SUSSEX COUNTY". Public comments were heard and the Public Hearing was closed.

M 403 97 Adopt Proposed Ordinance Regarding Pile Driving (Denied) A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY, DELAWARE, TO IMPOSE LIMITATIONS ON PILE DRIVING IN THE COASTAL ZONE AREA OF SUSSEX COUNTY".

Motion Denied: 5 Nay.

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

Findings of Fact Mr. Cole noted that his vote to deny the Proposed Ordinance was based on the fact that the Proposed Ordinance encompasses too large of an area and should be limited to specific areas.

M 404 97 Recess At 12:30 p.m., a Motion was made by Mr. Cole, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:45 p.m.

Public Hearing (C/U No. 1192) 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 CELLULAR TOWER (500 FEET TALL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 26.46 ACRES, MORE OR LESS" (Conditional Use No. 1192) filed on behalf of Meekins Antenna Rentals, Inc. Public comments were heard and the Public Hearing was closed.

M 405 97 Adopt Ordinance No. 1164 (C/U No. 1192) A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1164 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CELLULAR TOWER (500 FEET TALL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 26.46 ACRES, MORE OR LESS" (Conditional Use No. 1192) filed on behalf of Meekins Antenna Rentals, Inc., subject to the following conditions:

1. Final site plan review and approval shall be obtained from the Planning and Zoning Commission.
2. The 50' right of way serving the site shall be improved with a crusher-run stone surface to a width of 12 feet.

Motion Adopted: 5 Yea.

M 405 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) 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 serve to enhance area telephone, radio and pager communications without any impact on the character of the neighborhood, property values, traffic or the environment in the area.
2. The proposed use is 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.

Public Hearing (C/U No. 1193) 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 PRIVATE AIRSTRIP AND SALES, MAINTENANCE, ASSEMBLY FOR POWER PARACHUTING AND FLIGHT INSTRUCTION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 34.5 ACRES, MORE OR LESS" (Conditional Use No. 1193) filed on behalf of Freebirds, L.L.C. There were no public comments and the Public Hearing was closed.

M 406 97 Adopt Ordinance No. 1165 (C/U No. 1193) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1165 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP AND SALES, MAINTENANCE, ASSEMBLY FOR POWER PARACHUTING AND FLIGHT INSTRUCTION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 34.5 ACRES, MORE OR LESS" (Conditional Use No. 1193) filed on behalf of Freebirds, L.L.C., with the following conditions:

1. Final site plan review and approval shall be obtained from the Planning and Zoning Commission.
2. Not more than two students or trainees shall be on site at any time.

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 provide an additional recreational opportunity in Sussex County, without any impact on the character of the neighborhood, property values, environment or traffic in the area. A machine traveling at 25 miles per hour will not adversely impact indigenous wildlife nor will a machine consuming two gallons of gasoline per hour pose any threat to indigenous plant life.
2. The proposed use is 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.

Public Hearing (C/Z No. 1305) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Change of Zone No. 1305) filed on behalf of Mark Jay Smith, T/A M & S Auto Care. There were no public comments and the Public Hearing was closed.

M 407 97 Adopt Ordinance No. 1166 (C/Z No. 1305) A Motion as made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1166 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Change of Zone No. 1305) filed on behalf of Mark Jay Smith, T/A M & S Auto Care.

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 bring the site into conformity with its historic uses and eliminate a pre-existing non-conforming use, as the Comprehensive Land Use Plan recommends.

Findings
of Fact
(con't)

2. The change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area, since the use of the property will not change; only the property's zoning classification changes.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing/
Proposed
Ordinance
Relating
to the
Conser-
vation
Zone

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'ZONING', TO AMEND PROVISIONS RELATING TO THE CONSERVATION ZONE, TO AMEND PROVISIONS RELATING TO THE MINIMUM LOT SIZE WITHIN THE TIDAL AREA OF THE ZONE, TO AMEND PROVISIONS RELATING TO REVISING AND CLARIFYING THE LOCATION OF THE ZONE, AND TO GENERALLY CLARIFY THE ORDINANCE". It was the consensus of Council that additional information be obtained from the Department of Natural Resources and Environmental Control and the Soil Conservation District and further, that the Public Hearing be recessed and continued at a later date, and that the record remain open.

M 408 97
Recess
Public
Hearing
and
Table
Action/
Proposed
Ordinance
Relating
to the
Conser-
vation
Zone

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to recess the Public Hearing and table action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'ZONING', TO AMEND PROVISIONS RELATING TO THE CONSERVATION ZONE, TO AMEND PROVISIONS RELATING TO THE MINIMUM LOT SIZE WITHIN THE TIDAL AREA OF THE ZONE, TO AMEND PROVISIONS RELATING TO REVISING AND CLARIFYING THE LOCATION OF THE ZONE, AND TO GENERALLY CLARIFY THE ORDINANCE" and further, that the record remain open.

Motion Adopted: 5 Yea.

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

M 409 97
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$800.00 from Mr. Cole's Councilmanic Account to the Town of Bethany Beach for upgrading and repairing volleyball courts.

Motion Adopted: 5 Yea.

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

M 410 97
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$800.00, \$400.00 from Mr. Rogers' Councilmanic Account and \$400.00 from Mr. Jones' Councilmanic Account, to Milford Community Parades, Inc. for this year's parade scheduled for October 22, 1997.

M 410 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

M 411 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$500.00, \$100.00 from each Councilmanic Account, to the
manic Delaware Rural Ministries, Inc. for van repairs.
Grant

Motion Adopted: 5 Yea.

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

M 412 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Council- give \$500.00 from Mr. Dukes' Councilmanic Account to the
manic City of Seaford for the Seaford Little League Football
Grant Program.

Motion Adopted: 5 Yea.

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

M 413 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$500.00, \$100.00 from each Councilmanic Account, to the
manic Carson Scholars Fund to sponsor the first annual Carson
Grant Scholars Awards Banquet.

Motion Adopted: 5 Yea.

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

Agenda Mr. Stickels, County Administrator, advised that Mr. Collins
Item has requested that the Pending Ordinance entitled "AN ORDINANCE
RELATING TO PROPERTY MAINTENANCE AND UNSAFE BUILDINGS" be placed
on the agenda for discussion in the near future.

Farmland Council discussed submitting an application to place two County
Preser- owned farms into a Farmland Preservation District. This would
vation enable other properties in close proximity to become extensions
District of the District. The County's legal counsel will prepare the
documents for the application.

Slam Mr. Dukes discussed a donation to the Slam Dunk to the Beach
Dunk tournament. Council currently contributes \$10,000 to this event;
an additional \$5,000 has been requested. It was the consensus

Slam of Council to deny the request for an additional \$5,000.
Dunk It was suggested that any request for funding for next year's
(con't) event be submitted prior to the budget process for FY '99.

M 414 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 4:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council