

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 21, 2001

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, August 21, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**M 470 01
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend the agenda by moving "Grant Requests" to the end of the morning agenda and to approve the agenda, as amended.

Motion Adopted: 5 Yea.

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

**M 471 01
Approve
Minutes**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to approve the minutes of August 7, 2001, as distributed.

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Bayard read the following correspondence:

ARCHBISHOP SPALDING HIGH SCHOOL, SEVERN, MARYLAND.

RE: Letter in appreciation of Council's support of Slam Dunk to the Beach Basketball Tournament.

**KIM TEPHABOCK, SENIOR PASTOR, DAGSBORO CHURCH OF GOD,
DAGSBORO, DELAWARE.**

**Correspondence
(continued)**

RE: Letter in appreciation of Council's support of the Celebration of Our Nation event.

DELAWARE DEVILS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

Ocean View Expansion of the Bethany Beach Sanitary Sewer District

Mr. Baker reviewed two Proposed Ordinances for the Ocean View Expansion of the Bethany Beach Sanitary Sewer Project, which is scheduled to begin operations on approximately August 31, 2001. The Proposed Ordinances will (1) amend the Fiscal 2002 Budget to include the revenues and expenditures for the Project and (2) establish service charges and assessment rates for the Project.

Mr. Baker advised that the budget, as proposed, includes \$214,338 for interest and principal payments on the \$6.2 million State Revolving Fund loan which will be used to pay for the Project. The total project cost is estimated to be \$7,914,000 which includes approximately \$1.7 million in grant funding from the State of Delaware.

Mr. Baker reported that the Proposed Ordinance relating to the service charge and rates includes a recommended annual service charge of \$195.10 per EDU; an assessment rate per billable front foot of \$2.63; and for transmission and/or treatment, an assessment rate per billable front foot of \$1.05. Mr. Baker noted that these rates are substantially lower than those projected in October, 1996.

Proposed Ordinances

Mr. Cole introduced the Proposed Ordinances entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2002 TO INCORPORATE PROJECTED REVENUES AND EXPENDITURES FROM THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT" and "AN ORDINANCE ESTABLISHING THE ANNUAL SERVICE CHARGE AND ANNUAL ASSESSMENT RATES FOR THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT". The Proposed Ordinances will be advertised for Public Hearings on September 18, 2001.

Holts Landing Sanitary Sewer District/ Negotiations with Utility Systems, Inc.

Mr. Baker discussed the Holts Landing Sanitary Sewer District and the negotiations that have been taking place with Utility Systems, Inc. regarding the purchase of a contract to operate and maintain the sewer collection system in the Holts Landing Sewer District.

Mr. Archut reported on the status of the negotiations. He noted that on April 11, 2001 the County Council authorized the Engineering Department to enter into negotiations with Utility Systems, Inc. (USI) to develop a financial package which would permit Sussex County to assume operations and maintenance of the existing collection system for Bay Colony/Fairway Villas. Mr. Archut advised that Mr. Carbaugh of Utility Systems, Inc. was asking \$725,000 for the purchase of the existing contract, outstanding debt and future earnings that he anticipated. The Engineering Department engaged the services of an evaluator to value the existing business and contract; the evaluation was completed and

Holts
Landing
Sanitary
Sewer
District
(continued)

they put the value of the existing contract at \$177,718. Following a meeting with the homeowners and USI, a price of \$586,000 was agreed on. The County's portion of the \$586,000 would be \$177,718; the developers have agreed to pick up the \$408,282; and, the homeowners have agreed to assume responsibility for the outstanding accounts receivable.

Mr. Archut advised that, pending Council's approval, the County will take over the USI contract on November 1, 2001. Liabilities prior to November 1 will be USI's responsibility; liabilities after November 1 will be the County's responsibility and will be recouped through service charges.

Mr. Archut advised that the total cost to the County (in form of assessment rates) will be approximately \$1.5 million – the \$177,718 and the \$1.3 million which has been budgeted in the proposed rates for major upgrades which will be made to the system by the County. Upgrades will be made to the pump stations and pipelines.

Mr. Archut reported that the current assessment rate is \$2.50 per front foot; this rate will increase to \$5.68 per front foot in order to cover the costs of the County buying out the contract and making improvements to the system. Under the revised rates, the homeowners will pay annual charges of approximately \$680.00 compared to the current rate the homeowners are paying which is \$407.00 to the County plus \$607.00 to USI. This will result in a savings of approximately \$300.00 annually.

M 472 01
Authorize
to
Finalize
Agreements/
Utility
Systems,
Inc./
Holts
Landing
Sanitary
Sewer
District

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Engineering Department is hereby authorized to finalize agreements for execution by the Sussex County Council President for the transfer of all ownership rights and contractual obligations for the operations and maintenance of the existing wastewater collection system in the Holts Landing Sanitary Sewer District, effective November 1, 2001, based on the County's contribution of \$177,718.

Motion Adopted: 4 Yea, 1 Abstention.

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

Adminis-
trator's
Report

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

1. Public Hearing - Delaware Department of Transportation

The Delaware Department of Transportation will be conducting a public hearing with regard to the proposed vacating and abandonment of a

**Administrator's
Report
(continued)**

portion of State Route 5, an extension to County Road 297, at the Department of Transportation's Administrative Building, located at the intersection of County Road 431 and U. S. 113 near Georgetown, in the Conference Room on Friday, September 7, 2001 at 11:00 a.m. Included with this report is a copy of the formal DelDOT announcement.

2. Street Addressing

Included with this report is a listing of 10 additional subdivisions that have been certified by the County's Addressing Department to have addresses suitable so residents will not have to change. The residents of these 10 subdivisions, in addition to the 20 announced earlier, will be receiving individual announcements that they will be able to retain their current addresses. Individual letters will be mailed after Labor Day.

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in the Bethany Beach Sanitary Sewer District and the West Rehoboth Sanitary Sewer District.

**M 473 01
Execute
Agreements/
Dolphin
Manor**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 224, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dolphin Manor Investment Group, L.L.C. for wastewater facilities to be constructed in Dolphin Manor, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**M 474 01
Grant
Beneficial
Acceptance/
Rehoboth
Beach
Yacht &
Country
Club**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 221, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Rehoboth Beach Yacht & Country Club, Phase 6B, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 475 01
Execute
Agreements/
Carpenter's
Crossing

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 211, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Race Street, L.L.C., for wastewater facilities to be constructed in Carpenter's Crossing, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 476 01
Execute
Agreements
Aydelotte
Estates

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 227, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Unity Development, L.L.C. for wastewater facilities to be constructed in Aydelotte Estates, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, 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 STORAGE AND AN OFFICE FOR A LOCAL PLUMBING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23,700 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1425) filed on behalf of Brice and Wanda M. Butler. The Proposed Ordinance will be advertised for Public Hearing.

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 BULK PROPANE STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS" (Conditional Use No. 1426) filed on behalf of Cedar Beach Enterprises. The Proposed Ordinance will be advertised for Public Hearing.

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 A SHOWROOM AND COUNTERTOP SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS” (Conditional Use No. 1427) filed on behalf of Michael Biggs. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A SALES CART PROGRAM FOR THE SALE OF HOT DOGS/FOOD ITEMS OFF OF CARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 17.48 ACRES, MORE OR LESS” (Conditional Use No. 1428) filed on behalf of Kyle W. Welsh. 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 EXPANSION OF CONDITIONAL USE NO. 1112 (CUSTOM SEWING WORKROOM AND SHOWROOM) TO ALLOW FOR ADDITIONAL DISPLAY AREA AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 40,000 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1429) filed on behalf of Dreamweaver Interiors LLC. The Proposed Ordinance will be advertised for Public Hearing.

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 TO STORE CONSTRUCTION EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 4.8507 ACRES OF A 23.597 ACRE TRACT” (Conditional Use No. 1430) filed on behalf of Rose Aileen Cartwright. The Proposed Ordinance will be advertised for Public Hearing.

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 A MASONRY CONTRACTOR’S HOME OFFICE AND STORAGE OF EQUIPMENT IN STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.3782 ACRES, MORE OR LESS (Conditional Use No. 1431) filed on behalf of Randy D. Wilson. The Proposed Ordinance will be advertised for Public Hearing.

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 A LANDSCAPING BUSINESS WITH RELATED STORAGE OF MATERIALS AND EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.78 ACRES, MORE OR LESS” (Conditional Use No. 1432) filed on behalf of Frederick J. Winward. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Phillips 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 27.3139 ACRES, MORE OR LESS” (Change of Zone No. 1451) filed on behalf of David B. Webb, Jr. 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 43,478 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1452) filed on behalf of Dr. Joel Halpern. The Proposed Ordinance will be advertised for Public Hearing.

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 A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.71 ACRES, MORE OR LESS” (Change of Zone No. 1453) filed on behalf of Yoder’s Care Center, Inc. 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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.63 ACRES, MORE OR LESS” (Change of Zone No. 1454) filed on behalf of Elmer Fannin. 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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 105.47 ACRES, MORE OR LESS” (Change of Zone No. 1455) filed on behalf of Bridle Ridge Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.

M 477 01 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 from Mr. Cole’s Councilmanic Account to the Town of Ocean View for revisions to their Zoning Ordinance Manual.

Motion Adopted: 5 Yea.

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

M 478 01 Councilmanic Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$200.00 (\$50.00 each from Mr. Dukes’, Mr. Jones’, Mr. Phillips’, and Mr. Rogers’ Councilmanic Accounts) to the Royal Ministries & Mission for their food and clothing program.

Motion Adopted: 5 Yea.

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

M 479 01 Councilmanic Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$300.00 (\$100.00 from Mr. Phillips Councilmanic Account and \$200.00 from Mr. Jones’ Councilmanic Account) to the Sussex Central High School Football Boosters for football tee shirts.

Motion Adopted: 5 Yea.

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

Funding Request

At the request of Mr. Jones, the funding request from the River of Life Christian Center was tabled.

Correspondence

Mr. Dukes read the following correspondence:

BOY SCOUTS OF AMERICA, BALTIMORE, MARYLAND.

RE: Letter thanking Mr. Steve Masten for the time he volunteered to take

Corre-
spondence
(continued)

Troop 102 to camp.

PHIL FLEMING, REALTOR, LONG & FOSTER, BETHANY BEACH, DELAWARE.

RE: Letter thanking Council for attending the Realtors luncheon.

MARIA PICAZO, EXECUTIVE DIRECTOR, ABRIENDO PUERTAS, GEORGETOWN, DELAWARE.

RE: Letter announcing the opening of a shelter for abused immigrant women.

Newspaper
Article

Mr. Dukes distributed an article from the State News Sunday entitled "Sussex development must be met sensibly", a Guest Opinion by Kevin R. O'Connor.

Public
Hearing/
Proposed
Ordinance/
Employee
Pension
Plan

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY PERTAINING TO THE EMPLOYEE PENSION PLAN BY PROVIDING A REVISED PENSION BENEFIT CALCULATION FORMULA FOR PARAMEDICS AND EMERGENCY COMMUNICATIONS SPECIALISTS". This Proposed Ordinance revises the pension benefit calculation for paramedics and emergency communications specialists for covered employees hired after July 1, 2001 and provides that covered employees hired prior to July 1, 2001, may choose the revised pension benefit formula which limits countable years of service to twenty-five (25) or the previously existing pension benefit formula which included all years of service. There were no public comments and the Public Hearing was closed.

M 480 01
Adopt
Ordinance
No. 1485

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1485 entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY PERTAINING TO THE EMPLOYEE PENSION PLAN BY PROVIDING A REVISED PENSION BENEFIT CALCULATION FORMULA FOR PARAMEDICS AND EMERGENCY COMMUNICATIONS SPECIALISTS".

Motion Adopted: 5 Yea.

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

M 481 01
Recess

At 11:06 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:35 p.m.

Public
Hearing
(C/U
No. 1412)

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 TO AMEND THE BOUNDARIES FOR CONDITIONAL USE NO. 1272 TO ALLOW FOR AN ADDITION TO THE EXISTING OFFICE BUILDING TO BE LOCATED ON

**Public
Hearing
(C/U
No. 1412)
(continued)**

A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.53 ACRES, MORE OR LESS” (Conditional Use No. 1412) filed on behalf of Mark H. Davidson.

The Planning and Zoning Commission held a Public Hearing on this application on July 26, 2001 at which time they recommended approval with stipulations.

Mark Davidson was present on behalf of his application and stated that he proposes to redistribute the boundaries of the conditional use; that the boundaries of the conditional use will maintain the same square footage as the original conditional use; that originally his personal home was within the boundaries of the site; that his billing office was located within his home; that he proposes to move the billing office to the office building and out of his home; and that the proposed addition to the building measures 14’ by 30’. There were no public comments and the public hearing was closed.

**M 482 01
Adopt
Ordinance
No. 1486
(C/U
No. 1412)**

A Motion was made by Mr. Rogers seconded by Mr. Phillips, to Adopt Ordinance No. 1486 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE BOUNDARIES FOR CONDITIONAL USE NO. 1272 TO ALLOW FOR AN ADDITION TO THE EXISTING OFFICE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.53 ACRES, MORE OR LESS” (Conditional Use No. 1412) filed on behalf of Mark H. Davidson, with the following stipulations:

- 1. The proposed addition to the building shall measure no more than 14’ by 30’. Additions to the building for the private use of the residents on the premise may be permitted.**
- 2. One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.**
- 3. 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. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Findings
of Fact**

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

- 1. The applicant established by substantial evidence that the proposed use is consistent with the purposes and goals of the Comprehensive Land Use**

Findings of Fact (continued)

Plan and will have no adverse impact of any sort.

- 2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.**

Public Hearing (C/Z No. 1440)

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6231 ACRES, MORE OR LESS OF A 36.024 ACRE TRACT” (Change of Zone No. 1440) filed on behalf of Gerald T. Landy.

The Planning and Zoning Commission held a Public Hearing on this application on July 26, 2001 at which time they recommended approval.

Mr. Gerald Landy was present on behalf of his application and stated that he has applied to down-zone the parcel so that he may create a horse riding academy on the site; that he proposes to provide one enclosed arena and two outdoor arenas; and that he could not apply for the academy since the present zoning of the parcel is MR Medium Density Residential.

There were no public comments and the public hearing was closed.

M 483 01 Adopt Ordinance No. 1487 (C/Z No. 1440)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1487 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6231 ACRES, MORE OR LESS OF A 36.024 ACRE TRACT” (Change of Zone No. 1440) filed on behalf of Gerald T. Landy.

Motion Adopted: 5 Yea.

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

Findings of Fact

The Council found that the 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 is a downzoning to a less dense development classification, consistent with the purposes and goals of the Comprehensive Land Use Plan.**
- 2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.**

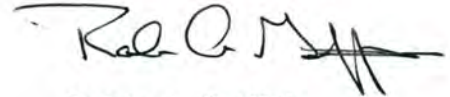
**Agenda
Item**

Mr. Stickels advised that the applications of Walter Wilson (Change of Zone No. 1438 and Change of Zone No. 1439) will be placed on the September 11th agenda under "Old Business".

**M 484 01
Adjourn**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to adjourn at 1:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



**Robin A. Griffith
Clerk of the Council**