

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 9, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, September 9, 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 441 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 442 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting, dated August 26, 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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of proposed rulemaking and public hearing.

MILFORD COMMUNITY PARADES, INC., MILFORD, DELAWARE.
RE: Letter of appreciation for Councilmanic Grant.

DELAWARE VIPERS SOFTBALL, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Council's support during the 1997 softball season.

SCOTT COULBOURN, DIRECTOR, SEAFORD PARKS & RECREATION, SEAFORD, DELAWARE.

RE: Letter to Mr. Dukes in appreciation of his Councilmanic Grant for the football program.

CHIEF WILLIAM A. HOGAN, CHAIRMAN, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.

RE: Letter requesting assistance in providing partial reimbursement for expenses to permit Mr. Martin Johnson, Local Police Coordinator, to attend a meeting of the Committee of Executive Directors at the International Association of Chiefs of Police Annual Conference in Orlando, Florida.

Conflict of Interest Mr. Dukes advised that he would not be participating in the discussion on Conditional Use No. 1189 due to a possible conflict of interest. Mr. Dukes turned the meeting over to Mr. Collins.

Old Business/Proposed Ordinance (C/U 1189) 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 was discussed. A Public Hearing was held on this Proposed Ordinance on July 29, 1997, at which time action was deferred. Mr. Stickels, County Administrator, reviewed fourteen drafted conditions for Council's consideration.

M 443 97 Adopt Ordinance No. 1167 (C/U 1189) A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Ordinance No. 1167 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, with the following conditions:

1. Security lighting, if required by the State Police to light the impound yard, shall be directed into the impound yard and away from neighboring properties.
2. The fencing on the impound yard shall be 8 feet high solid fencing with siding that matches color of building.
3. The gate to the impound yard shall be on the south side between the two buildings.
4. The application shall be limited to automotive, truck, bus, go-cart and farm related equipment repairs, and retail parts sales.
5. There will be no repair of heavy equipment on-site. Heavy equipment shall mean backhoes, tractors, tractor and trailers, rollers, dozers, and similar heavy construction equipment.
6. Business hours shall be 7:00 a.m. to 6:00 p.m. Monday through Friday, and 7:30 a.m. to 1:00 p.m. on Saturday, with no Sunday hours.
7. No additional signage shall be permitted.
8. Parking of vehicles outside of the impound yard shall be limited to eight vehicles, including those of tenants of the property.

M 443 97
(con't)

9. The applicant may construct one 40' x 60' shop. The shop shall not be constructed until proper permits have been submitted to the County to include Building Code review. State permits shall be required to include approved septic system from the Department of Natural Resources and Fire Marshall approvals.
10. All necessary permit applications shall be submitted within 60 days of application.
11. Impound yard shall not be utilized until fence is complete.
12. All activities at the property shall cease if permits are not secured within 9 months.
13. The Conditional Use shall become void if the owner/operator changes his residence to an off-site location.
14. The second road entrance that has been added must be approved by DelDOT.
15. The applicant has the right to ask the County Council for one time-extension of any imposed deadlines.

Motion Adopted: 3 Yea, 1 Nay, 1 Absent.

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

Findings
of Fact

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 has existed in one form or another for the past twelve years, in violation of the Comprehensive Zoning Ordinance. This is the applicant's sole business and the site is the applicant's residence.
2. The applicant established by substantial evidence that the use serves a community-wide need and promotes local commerce, industry and agriculture, and with the fifteen conditions set forth heretofore, the interests and concerns of neighboring and nearby property owners are protected. There will be minimal, if any, impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

- Officer Mr. Collins turned the meeting back over to Mr. Dukes.
- County Policy Mr. Cole discussed the County's policy on dealing with violators of zoning regulations.
- M 444 97 (died) Mr. Cole made a Motion to shut down anyone found in violation of the County's zoning regulations. The Motion died for the lack of a second.
- State Aid to Local Governments Lieutenant Governor Ruth Ann Minner and Secretary of Finance John C. Carney were in attendance to present a check in the amount of \$708,106 to the Sussex County Council representing Sussex County's share of the \$12 Million earmarked for one-time assistance to local governments in the Fiscal Year 1999 Bond Bill. Lieutenant Governor Minner advised that in addition to the \$708,106, individual cities and towns in Sussex County are receiving a total of \$268,449 to be used for one-time capital and equipment expenditures related to public safety, public works, debt reduction, beach preservation and water/wastewater issues. Another \$588,949 is allocated to Sussex cities and towns for police radios and \$2,001,700 is allocated for fire company radios to accommodate the new statewide 800 Megahertz system. Mr. Stickels, County Administrator, discussed Sussex County's plans for the \$708,106, as follows: County Vehicles - \$108,106; Libraries - \$100,000; Sussex County Industrial Airpark - \$200,000; Debt Reduction - \$300,000.
- Old Business/ C-2 Special Commercial Zoning District The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO DEVELOPMENT IN THE C-1 GENERAL COMMERCIAL ZONING DISTRICT AND THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT, TO ADD A NEW PROVISION CREATING A C-2 SPECIAL COMMERCIAL ZONING DISTRICT, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING AND OFF-STREET LOADING, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS" was discussed. A Public Hearing was held on this Proposed Ordinance on April 1, 1997, at which time action was deferred. Mr. Stickels, County Administrator, presented several options for Council's consideration: (1) Adopt the Proposed Ordinance, as presented; (2) Amend the Proposed Ordinance changing square footage from 50,000 to 75,000 and requiring 60 foot setbacks for C-1, C-2 and B-1 Districts; (3) Draft a completely different ordinance, or (4) Reject the proposed ordinance in its entirety.
- M 445 97 Adopt Proposed Ordinance (C-2 District) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO DEVELOPMENT IN THE C-1 GENERAL COMMERCIAL ZONING DISTRICT AND THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT, TO ADD A NEW PROVISION CREATING A C-2 SPECIAL COMMERCIAL ZONING DISTRICT, TO AMEND THE PROVISIONS RELATING TO OFF-STREET

M 445 97 (con't) PARKING AND OFF-STREET LOADING, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS" with amendments requiring 60 foot setbacks for C-1, C-2 and B-1 Districts and changing square footage from 50,000 to 75,000.

Motion Denied: 3 Nay, 2 Yea.

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

Draft Ordinance It was the consensus of Council that a new ordinance be drafted incorporating restrictions in the C-1 District to address "big box stores", i.e. setbacks, buffers, square footage, etc.

Public Hearing/ Extension to Long Neck SSD A Public Hearing was held to consider extending the Long Neck Sanitary Sewer District (LNSSD) to include a certain piece, parcel, or tract of land (identified as Lot 2 and part of Lot 3 of Steele Land Development subdivision) and lying contiguous to the Long Neck Sanitary Sewer District, situate, lying and being in Indian River Hundred, Sussex County, Delaware. There were no public comments and the Public Hearing was closed.

M 446 97 Adopt Resolution No. R 031 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 031 97 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT (LNSSD) TO INCLUDE A CERTAIN PIECE, PARCEL, OR TRACT OF LAND (IDENTIFIED AS LOT 2 AND PART OF LOT 3 OF STEELE LAND DEVELOPMENT SUBDIVISION) AND LYING CONTIGUOUS TO THE LONG NECK SANITARY SEWER DISTRICT (LNSSD), SITUATE, LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

CDBG Applications Mr. Stickels, County Administrator, reported to Council concerning State of Delaware Community Development Block Grant applications. This year, the Delaware State Housing Authority (DSHA) is moving up the timelines for the Community Development Block Grant Program. In the past, the County has assisted communities in procuring grants for the purpose of keeping administrative costs down. This year, the County will need to send out (CDBG) letters to towns by the end of September. Mr. Stickels requested permission from Council to continue this service.

M 447 97 Authorize CDBG Assistance A Motion was made by Mr. Jones, seconded by Mr. Collins, that the Sussex County Council authorizes the Sussex County Community Development Division to assist local Sussex County governments in the preparation and administration of Community Development Block Grant applications.

M 447 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

Conflict of Interest Mr. Dukes advised that he would not be participating in the discussion on an appeal request of Donald M. Martin due to a possible conflict of interest. Mr. Dukes turned the meeting over to Mr. Collins.

Appeal/ Sub-division Application No. 96-18 (Martin) Council discussed an appeal of the Sussex County Planning and Zoning Commission's decision to deny an application (Subdivision Application No. 96-18) of Donald M. Martin for the subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 4.58 acres into four lots, located at the end of Pit Road, 1,720 feet southeast of Road 530. This is the second appeal request on this application.

M 448 97 Reverse Planning and Zoning Decision A Motion was made by Mr. Cole, seconded by Mr. Rogers, to reverse the decision of the Planning and Zoning Commission on Subdivision Application No. 96-18 (Donald M. Martin).

Motion Adopted: 4 Yea, 1 Not Voting.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Not Voting

Officer Mr. Collins turned the meeting back over to Mr. Dukes.

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

1. Economic Development Revenue Bonds

I have received notification from Wilmington Trust that D. F. Quillen & Sons, Inc., has satisfied the obligation on two Industrial Revenue Bonds. The first bond was in the amount of \$750,000 and was approved by the Sussex County Council with a Resolution adopted on February 28, 1984. The purpose of the financing was for a portion of the costs of a project consisting of the acquisition of land located at 101 Rehoboth Avenue, Rehoboth Beach, Delaware, and construction of a building and equipping for the use as a hardware store and equipment rental business. The second bond that was satisfied was in the amount of \$400,000 that was authorized by a Resolution adopted November 18, 1986. The funding was used for the purpose of financing the construction and equipping of a one-story building located on U.S. Route 1 and Hebron Road near the entrance to Rehoboth Beach, Delaware.

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Report
(con't)

2. Sussex County Airport Committee Meeting

The next meeting of the Sussex County Airport Committee will be held on Wednesday, September 10, 1997. This meeting was originally scheduled to be held on Wednesday, September 3, 1997. The rescheduled meeting will take place at Sussex County Offices, West Complex Building, DuPont Highway, Georgetown, Delaware, First Floor Conference Room, starting at 10:00 a.m. All airport meetings are open to the public and media.

3. Federal Aviation Administration (FAA) Grant

Ray Webb, Facilities Manager for Sussex County, has taken possession of a New Holland Ford Tractor. The tractor has been outfitted with a snow blade. The cost of the tractor was \$32,360. Ninety percent of the funding was made available by the FAA. The County Council was required to match the State five percent grant. Michael Izzo, County Engineer, assisted Frank Calio, Director of Sussex County Economic Development, in securing the funding for this equipment.

4. Proposed Asphalt Plant - Indian River Power Plant

Lawrence Lank, Director of Planning and Zoning, has received notification from William F. Gibbons, Senior Real Estate Representative for Delmarva Power, that Delmarva Power respectfully requests to withdraw its application for Case No. 6415. This application was for a special use exception to operate an asphalt plant in a Heavy Industrial District at the Indian River Power Plant.

5. Extended Hours

The following activities took place on Wednesday, August 20, and Wednesday, August 27, 1997:

(a) Utility Billing

August 20 - No activity from 7:30 to 8:30 a.m., one telephone inquiry from 4:30 to 7:30 p.m.

August 27 - No activity from 7:30 to 8:30 a.m., no activity from 4:30 to 7:30 p.m.

(b) Assessment/Planning and Zoning

August 20 - One building permit issued from 7:30 to 8:30 a.m., eight building permits issued and one tax release from 4:30 to 7:30 p.m.

Adminis-
trator's
Report
(con't)

August 27 - Two building permits issued from 7:30 to 8:30 a.m., five building permits issued from 4:30 to 7:30 p.m.

(c) Clerk of the Peace

August 20 - Four wedding licenses issued from 4:30 to 7:30 p.m.

August 27 - Six wedding licenses issued and one wedding performed from 4:30 to 7:30 p.m.

(d) Treasury Division

August 20 - No activity from 7:30 to 8:30 a.m., one inquiry regarding property taxes, two tax bills paid, and one telephone inquiry regarding change of address from 4:30 to 7:30 p.m.

August 27 - No activity from 7:30 to 8:30 a.m., one tax bill paid and one telephone inquiry from 4:30 to 7:30 p.m.

6. Council Meeting Schedule

The Sussex County Council will not meet until 12:30 p.m. on Tuesday, September 16, 1997. The change in the Council meeting will allow County Council members to participate in the PATS, Inc., Ribbon Cutting at the Sussex County Industrial Airpark at 10:00 a.m.

7. Annual Dinner

The Sussex County Council, Planning and Zoning Commission, and Board of Adjustment will be meeting on Wednesday, September 17, 1997, at the Sussex Pines Country Club at 6:30 p.m. for their annual dinner. There is no official agenda for the evening; however, items of County business may be discussed.

Street-
lighting
District

Mr. Izzo, County Engineer, discussed a request from property owners of Nanticoke Estates that a streetlighting district be formed for the Rivershore Drive/Riverview Circle section.

M 449 97
Adopt
Resolu-
tion No.
R 030 97

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 030 97 entitled "A RESOLUTION ESTABLISHING THE DATE, TIME, AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED NANTICOKE ESTATES STREETLIGHTING DISTRICT".

Motion Adopted: 5 Yea.

M 449 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Proposed Mr. Archut, Assistant County Engineer, discussed the Proposed
Holt's Holt's Landing Sanitary Sewer District. Mr. Archut advised
Landing that Council previously authorized the circulation of petitions
Sanitary to create a sanitary sewer district for Holt's Landing, including
Sewer Bay Colony and Fairway Villas. The Engineering Department has
District received 158 petitions of which at least 118 are clearly valid.
Mr. Archut requested authorization to schedule a Public Hearing
to review the boundaries of the Proposed District and to discuss
the costs.

M 450 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, that
Set based on the receipt of petitions submitted pursuant to 9 Del.C.
Public \$6503, the Sussex County Council hereby sets a date and time of
Hearing October 11, 1997 at 9:30 a.m. for a Public Hearing on the
Date/ question of organizing the Holt's Landing Sanitary Sewer
Proposed District.
Holt's

Landing Motion Adopted: 5 Yea.
Sanitary

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

Proposed Mr. Archut, Assistant County Engineer, discussed the Proposed
Ellendale Ellendale Sanitary Sewer District. In September, 1996, Council
Sanitary approved an amendment to a contract with Whitman, Requardt &
Sewer Associates to permit the study of looking at a wastewater treat-
District/ ment alternative involving the Town of Milton. This option
Contract was not feasible and since that time, the Town of Georgetown
Amend- has asked that they be considered as an alternative for the ment
treatment of wastewater. This alternative would require the
County to look at what this would do to the internal collection
system design being proposed for Ellendale. To date, \$1,581
remains in the contract with Whitman, Requardt & Associates;
Mr. Archut requested permission to use this remaining money
to review the impact of the Georgetown alternative on the pro-
posed collection system to accommodate the treatment of waste-
water at the Georgetown Wastewater Treatment Facilities.

M 451 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, that
Authorize the funds remaining in the Whitman, Requardt & Associates Con-
Contract tract for the Ellendale Sanitary Sewer District be used to re-
Amend- view the impact of the Georgetown alternative on the Proposed
ment/ Collection System to accommodate the treatment of wastewater
Proposed at the Georgetown Wastewater Treatment Facilities.
Ellendale

Sanitary Motion Adopted: 5 Yea.
Sewer

District

M 451 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
 (con't) Mr. Jones, Yea; Mr. Collins, Yea;
 Mr. Dukes, Yea

Proposed Mr. Archut, Assistant County Engineer, reported on the Proposed
 Possum Possum Point Sanitary Sewer District. Sussex County Engineering
 Point Department has been contacted by Consultant's Unlimited, repre-
 Sanitary sentatives for Colonial Estates Mobile Home Park (located next
 Sewer to Possum Point), regarding their existing wastewater treatment
 District/ system that has not been meeting discharge requirements. Con-
 Colonial sultant's Unlimited is concerned that they need to make a
 Estates decision to make the repairs to their system or connect to
 Mobile Millsboro. The County is still not in a position with Possum
 Home Point to move forward; Possum Point is about a \$1.2 Million
 Park project; the average cost per homeowner approximately \$1,000
 Update per year; efforts in reducing this cost have been unsuccessful.
 The Engineering Department is recommending that the project be
 put on hold and that Colonial Estates be notified to move ahead
 in correcting their problem and that they should leave the option
 open to connect to the Possum Point Sanitary Sewer District,
 if it is established. It was the consensus of Council to
 follow the recommendations of the Engineering Department.

Bid Mr. Sapp, Project Engineer, reported on the bid results for
 Results/ Sussex County Project No. 97-02, Six T-Hangars at the Sussex
 T-Hangars County Airport, as follows:

Contractor	Bid
Building Concepts of America, Inc. Newark, Delaware	\$235,466.00
JOB Construction Bridgeville, Delaware	\$217,647.00
George and Lynch New Castle, Delaware	\$236,870.00
J. A. Moore and Son, Inc. Rehoboth Beach, Delaware	\$221,698.00
Preston L. McIlvaine, Inc. Georgetown, Delaware	Rejected
Carl J. Williams Delmar, Maryland	\$183,248.25

M 452 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, based
 Award upon the recommendation of the Sussex County Engineering De-
 Bid/ partment, that Sussex County Council awards Sussex County Pro-
 T-Hangars ject No. 97-02, Six (6) T-Hangars at Sussex County Airport, to
 Carl J. Williams & Sons, Inc. for the bid amount of \$183,248.25
 pending approval from Delaware Rural Development Association.

M 452 97 Motion Adopted: 4 Yea, 1 Not Voting.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Not Voting

Vote Mr. Dukes did not participate in or vote on the bid award of Sussex County Project No. 97-02.

Bid Results/ EMS Garage Mr. Sapp, Project Engineer, reported on the bid results for Sussex County Project No. 97-01, Emergency Medical Service Garage, as follows:

<u>Contractor</u>	<u>Bid</u>
Preston L. McIlvaine, Inc. Georgetown, Delaware	\$ 73,753.00 (Rejected)
Building Concepts of America, Inc. Newark, Delaware	\$156,000.00
J. A. Moore and Son, Inc. Rehoboth Beach, Delaware	\$125,900.00
Swain Construction Lincoln, Delaware	\$137,020.20

All of the bids were above the engineering estimate of \$66,000.

M 453 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, based
Award upon the recommendation of Sussex County Engineering Department,
Bid/ that Sussex County Council reject all bids for Sussex County
EMS Project No. 97-01, Emergency Medical Garage, as the bid package
Garage received from the low bidder was not in order, and the remaining
bids were too high.

Motion Adopted: 5 Yea.

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

Bid Results/ Vac Sewer Cleaning Truck Mr. Hawkes, Director of Maintenance, reported on the bid results for Sussex County Project No. 97-05, Jet/Vac Sewer Cleaning Jet/Truck:

<u>Bidder</u>	<u>Bid</u>
Maryland Industrial Trucks, Inc.	\$127,552.00
Mid-Atlantic Waste Systems, Inc. (International Chassis)	\$150,175.38

M 454 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 97-05, Jet/Vac Sewer Cleaning Truck, be awarded to Maryland Industrial Trucks at a cost of \$127,552.00.

Award Bid/ Jet/ Vac Sewer Cleaning Truck

Motion Adopted: 5 Yea.

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 A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING POTABLE WATER STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 39,700 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1206) filed on behalf of Broadkill Beach Water Co. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.69 ACRES, MORE OR LESS" (Conditional Use No. 1207) filed on behalf of Delaware Electrical Cooperative. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 43,318 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1208) filed on behalf of Gene Wildonger. The Proposed Ordinance will be advertised for Public Hearing.

M 455 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$200.00 from Mr. Collins' Councilmanic Account to the Millsboro Historical Society for the ongoing restoration of the Godwin School.

Councilmanic 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 456 97 At 12:35 p.m., a Motion was made by Mr. Collins, seconded by
Recess 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.

Public Hearing (C/U No. 1194) 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 PROPANE TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.97 ACRES, MORE OR LESS, OF A 16.56 ACRE TRACT" (Conditional Use No. 1194) filed on behalf of Pep-Up, Inc. The Public Hearing was closed.

M 457 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Ordinance No. 1168 entitled "AN ORDINANCE TO GRANT A
Ordinance No. 1168 (C/U No. 1194) CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROPANE TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.97 ACRES, MORE OR LESS, OF A 16.56 ACRE TRACT" (Conditional Use No. 1194) filed on behalf of Pep-Up, Inc., subject to the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission with all appropriate agency approvals and/or permits.
2. Fencing around the tank farm shall be subject to review and approval by the Office of the State Fire Marshal.
3. Security lighting shall be provided if required by any agency.
4. Tanks shall be located a minimum of 50 feet from the property line at the railroad.

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 serve the agricultural, commercial, and residential community in the County and will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.

Findings
of Fact
(con't)

2. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1195)

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 PRODUCE, FLOWERS AND PLANT SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,417 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1195) filed on behalf of Michael J. Evans. The Public Hearing was closed.

M 458 97
Adopt
Ordinance
No. 1169
(C/U
No. 1195)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1169 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PRODUCE, FLOWERS, AND PLANT SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,417 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1195) filed on behalf of Michael J. Evans, subject to the following conditions:

1. The final site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. All entrance approvals for Route 24 and Road 499 shall be verified by DelDOT.
3. One building is permitted, not to exceed 300 square feet.
4. One unlit sign, not to exceed 32 square feet per side or facing, is permitted.

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 serve the agricultural, commercial, and residential community in the County and will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.

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

Public Hearing (C/U No. 1196) 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 MULTI-FAMILY USE, TWO (2) UNITS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.21 ACRES, MORE OR LESS" (Conditional Use No. 1196) filed on behalf of Edwin B. and Hannah N. Mowen. The Public Hearing was closed.

M 459 97 Adopt Ordinance No. 1170 (C/U No. 1196) A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Ordinance No. 1170 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY USE, TWO (2) UNITS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.21 ACRES, MORE OR LESS" (Conditional Use No. 1196) filed on behalf of Edwin B. and Hannah N. Mowen, subject to the following conditions:

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 that the proposed use will enable the applicant to retrofit their garage as a family apartment or mother-in-law suite. The applicant further established that the proposed use will have no adverse impact on the character of the community, property values therein, traffic or the environment in the area.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1306) 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS" (Change of Zone No. 1306) filed on behalf of William and Ellen Cassatt. The Public Hearing was closed.

M 460 97 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt Ordinance No. 1171 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM
No. 1171 DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDEN-
(C/Z TIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1306) INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES,
MORE OR LESS" (Change of Zone No. 1306) filed on behalf of
William and Ellen Cassatt.

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 be consistent with the County's downzoning initiative and will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Public Hearing (C/Z No. 1307) A Public Hearing was held on 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26.91 ACRES, MORE OR LESS" (Change of Zone No. 1307) filed on behalf of Nola Marvil Arnold and Arline Hudson Marvil. Since the applicant was not present and the application was for a downzoning, it was the consensus of Council to defer action and recess the Public Hearing.

M 461 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Recess Public Hearing (C/Z No. 1307) recess the Public Hearing on 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26.91 ACRES, MORE OR LESS" (Change of Zone No. 1307) filed on behalf of Nola Marvil Arnold and Arline Hudson Marvil.

Motion Adopted: 5 Yea.

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

Public Hearing (C/Z No. 1308) 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 63 ACRES, MORE OR LESS" (Change of Zone No. 1308) filed on behalf of Lin-Lo Farms, Inc. The Public Hearing was closed.

M 462 97 Adopt Ordinance No. 1172 (C/Z No. 1308) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1172 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 63 ACRES, MORE OR LESS" (Change of Zone No. 1308) filed on behalf of Lin-Lo Farms, Inc.

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 meet the purposes of the County's down-zoning initiative and will meet the purposes and goals of the Comprehensive Land Use Plan and statewide long-range agricultural preservation goals.

Public Hearing (C/Z No. 1309) A Public Hearing was held on 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 THREE PARCELS TOTALING 28.51 ACRES, MORE OR LESS" (Change of Zone No. 1309) filed on behalf of Sussex Realty Co. The Public Hearing was closed.

M 463 97 Adopt Ordinance No. 1173 (C/Z No. 1309) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1173 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 THREE PARCELS TOTALING 28.51 ACRES, MORE OR LESS" (Change of Zone No. 1309) filed on behalf of Sussex Realty Co.

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 meet the purposes of the County's down-zoning initiative and will meet the purposes and goals of the Comprehensive Land Use Plan and statewide long-range agricultural preservation goals.

Public Hearing (Electrical Systems) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XXV, RELATING TO ELECTRICAL SYSTEMS IN COASTAL AND FLOOD-PRONE DISTRICTS". The Public Hearing was closed.

M 464 97 Adopt Ordinance No. 1174 (Electrical Systems) A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Ordinance No. 1174 entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XXV, RELATING TO ELECTRICAL SYSTEMS IN COASTAL AND FLOOD-PRONE DISTRICTS".
Motion Adopted: 5 Yea.

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

M 465 97 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for the Local Police Coordinator's attendance at the International Association of Chiefs of Police Annual Conference.

Motion Adopted: 5 Yea.

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

M 466 97 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Rogers, to adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council