

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 12, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, September 12, 1995, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

M 396 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve approve the minutes of the previous meeting dated August 29, Minutes 1995. Motion Adopted by Voice Vote.

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

JESSICA SHORTER, HEATHER MOORE, AND NOELL ELLINGSWORTH, SEAFORD SENIOR HIGH SCHOOL, SEAFORD, DELAWARE.

RE: Letter to Mr. Dukes in appreciation of his Councilmanic Grant for expenses associated with attending the National Student Government Conference in Tulsa, Oklahoma.

SUSSEX CENTRAL FOOTBALL BOOSTERS, GEORGETOWN, DELAWARE.

RE: Letter to Mr. Stevenson and Mr. Collins in appreciation of their Councilmanic Grants for the purchase of football practice shirts.

RICHARD BRYANT, CAMPOREE CHAIRMAN, BOY SCOUTS OF AMERICA, TROOP 95, GEORGETOWN, DELAWARE.

RE: Letter requesting a donation in support of the Sussex County Emergency Services Camporee.

CONGRESSMAN MICHAEL N. CASTLE, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

RE: Letter to Carol M. Browner, Administrator, Environmental Protection Agency, Washington, D.C., regarding the costs charged to Sussex County for the overseeing of the remedial investigation of the Laurel Landfill.

BRUCE E. LITTLETON, CHIEF TRAFFIC ENGINEER, STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Letter to Mr. Stickels regarding his request for a traffic signal study at the intersection of Delaware 26 and Sussex 349 (Old Mill Road).

MARY ANN HOOK, CRISIS HOUSE, GEORGETOWN, DELAWARE.

RE: Letter to Mr. Stevenson regarding the Bison Bingo Fund-raising Event.

Corre- JEFFREY BAUER, SALES REPRESENTATIVE, SALISBURY BRICK COMPANY,
spondence INC., SALISBURY, MARYLAND.
(con't) RE: Letter to Mr. Stickels regarding the brick selection for
the Sussex County Administrative Office Building.

JOHN A. HUGHES, DIRECTOR, STATE OF DELAWARE, DEPARTMENT OF
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL
AND WATER CONSERVATION, DOVER, DELAWARE.

RE: Request for Funds from the Board of Supervisors of the
Sussex Conservation District.

Proposed Mr. Stickels, County Administrator, advised that the Council
Recommen- on Transportation and the Metropolitan Planning Organizations
dations for New Castle and Kent Counties are jointly sponsoring three
for meetings to solicit public input in the preparation of DelDOT's
DelDOT Capital Improvement Program (CIP) beginning Fiscal Year 1997.
Capital The Sussex County meeting will be held on Thursday, September
Improve- 14, 1995, at Delaware Tech's Georgetown Campus Auditorium. Mr.
ment Stickels reviewed proposed recommendations to be submitted on
Plan behalf of Sussex County Council, as follows:

- o Upgrade State Road 54 to 100 Year Flood Plain.
- o Safety improvements for Route 1 from the Five Points Inter-
section to Rehoboth Avenue Extended Intersection.
- o Shoulder paving for State Roads 9, 18, 54, 404, 26, 30, 24,
5, and 20.
- o Left-hand turn lanes and intersection upgrades where traffic
counts warrant for State Roads 9, 18, 54, 404, 26, 30, 24, 5,
and 20.
- o Sussex County Airport taxiway lights and guidance signs.
- o Sussex County Airport taxiway improvements.

Following a lengthy discussion, two additional recommendations
were added to the list, as follows:

- o Perform a study of secondary roads and develop a plan
prioritizing the roads to be upgraded.
- o Road improvements to Woodland Ferry area.

It was the consensus of Council that these capital improvement
recommendations be submitted to the Delaware Department of
Transportation; and further, that the Department be advised
that the recommendations, as submitted by the County, are
listed in priority order.

Sheriff Department Uniforms Mr. Stickels, County Administrator, discussed his findings in response to Council's request that he research the possibility of the County subsidizing the expense of Sheriff Department uniforms. In the past, Sheriff Department personnel have purchased uniforms at their own expense, at a cost ranging from \$196.00 to \$340.00. To date, \$1,100.00 has been spent by the employees. Mr. Stickels recommended that the employees be reimbursed for the cost of the uniforms and that an additional \$1,400.00 be allocated for future purchases.

M 397 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, that Authorize the Sussex County Council authorizes the transferring of Funding of \$2,500.00 from the County General Fund Contingency to the Sheriff's Department Budget for the purchasing and reimbursement of uniform costs for FY '96.

Sheriff Department Uniforms Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE I, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, ARTICLE VIII, ARTICLE IX, ARTICLE X, ARTICLE XI, ARTICLE XII, ARTICLE XIII, ARTICLE XIV, ARTICLE XXV, TABLE 1 AND TABLE II RELATING TO THE HEIGHT AND STORIES OF STRUCTURES". The Proposed Ordinance will be advertised for Public Hearing.

Draft Proposed Ordinance Mr. Cole requested that a Proposed Ordinance be drafted relating to square footage limitations and the creation of a C-2 district.

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

1. Sussex County Volunteer Firemen's Association Monthly Meeting

Bethany Beach Fire Company will be hosting the Sussex County Volunteer Firemen's Association monthly meeting on Tuesday, September 26, 1995, at the Bethany Beach Fire Hall starting at 7:30 p.m.

2. Sussex County Airport

The last of the 17 Viscount airplanes which have been stored at the Sussex County Airport since 1977 has been removed. The last Viscount was removed from the airport on Tuesday, August 29, 1995, and taken to the Mid-Atlantic Air Museum in Reading, Pennsylvania.

Adminis-
trator's
Report
(con't)

The Viscount was once a part of the former Capital Airlines fleet. The museum purchased two Capital Airlines Viscounts from Sussex County to serve as a source of need for spare parts. Both aircraft were operated by Capital from 1955 until 1961. Each aircraft had less than 32,000 hours total airframe time.

The Viscount was powered by a Rolls Royce Dart turbo prop engine. If the Mid-Atlantic Air Museum is able to obtain a permanent flight certificate, the Viscount will be shown at numerous air shows throughout the eastern and southern United States and Canada.

3. Road Naming - Public Hearing

A reminder that a public hearing will be held on Wednesday, September 20, 1995, at 7:30 p.m. in the Theater of Delaware Technical & Community College, Jack F. Owens Campus, Georgetown, for the purpose of receiving input on the names of roads in rural Sussex County. Upon completion of the public hearing, Council will be asked to vote on adoption of the recommendations.

Attorney Mr. Bayard, County Attorney, left the meeting. Mr. Jones, Assistant County Attorney, joined the meeting.

Agreement with Delaware Trust Mr. Baker, Finance Director, reviewed a Depository Pledge and Security Agreement with the Delaware Trust Company which specifies terms for the collateralization of Sussex County Council deposits at Delaware Trust Company.

M 398 95 Approve with Delaware Trust A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council approves the Depository Pledge and Security Agreement with Delaware Trust Company.
Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Pension Committee Meeting Summary Mr. Baker, Finance Director, provided Council with a summary of the September 7, 1995, Pension Committee Meeting. The following items were reviewed:

1. Pension Fund Performance.

As of July 31, 1995, the stock funds with the Wilmington Trust Pension Investments had slightly outperformed the indexes. The total return for the first seven months of 1995 was 24.4 percent versus the comparable indexes

Summary
(con't)

of 23.4 percent. The total return, including the fixed income portion of the fund, was 13.3 percent compared to the 8 percent actuarial goal.

2. Wilmington Trust Recommendation Regarding Bonds

The Committee reviewed a letter received from Mr. Clayton Albright of the Wilmington Trust Company which recommended that the County allow up to 30 percent of the fixed income portion of the fund to be invested in U.S. Government Agency Securities. The advantage of investing part of the Pension Fund in these securities versus U.S. Treasury Issues is that the interest rate is slightly higher and the County could earn an additional \$4,000 to \$5,000 per year in interest in the fund. Mr. Baker noted that he has discussed this proposal with Mr. Jay Gefaell, the County's financial advisor, and with Mr. David Craik, of the State Pension Office, and they are both in agreement. The Pension Committee recommends that the County concur with the Wilmington Trust recommendation and invest a maximum of 30 percent of the fixed income portion of the fund in these securities.

M 399 95
Approve
Invest-
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U.S.
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Agency
Securi-
ties

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council approves the recommendation from the Pension Committee authorizing the investment of up to 30 percent of the fixed income portion of the Pension Fund in U.S. Government Agency Securities.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Summary
(con't)

3. Pension Calculations Regarding State Time

A schedule was reviewed that indicated the cost to the County for allowing the inclusion of State time in the pension calculation. Only one current pensioner is affected. The annual cost to the County for the one pensioner is \$4,543 per year. It was noted that the State does count County time if the County time was prior to June 1, 1970. The Committee recommends that the current Ordinance be revised so that the County allowance for State time would reflect the State allowance for County time. Thus, for any new County employees, State time worked would not be considered in determining the County pension unless the State time occurred prior to June 1, 1970. This proposal would only be effective for new employees after adoption of an ordinance.

Draft Ordinance It was the consensus of Council that an ordinance be drafted limiting the inclusion of State time in the County's pension calculation to time prior to June 1, 1970.

Summary (con't) 4. State Pension Fund Investment Fund Status

A bill has been drafted, but not introduced, to allow counties to participate in the State Pension Investment Fund on a voluntary basis. Per David Craik of the State Pension Office, the bill may be introduced in January, 1996. This bill would allow the County to consider, as another investment option, investing through the State Pension Investment Fund. The Committee recommends that the County Council support the passage of this bill.

Lobby for Bill It was the consensus of Council that Mr. Stickels, County Administrator, lobby for the passage of this bill.

Summary (con't) 5. Proposals for Supplemental Investment Manager

A draft RFP for the partial management of Pension Fund monies was reviewed. The proposal outlines an initial investment amount of \$1,000,000 and an investment composition similar to the County's current allocations. This proposal will be sent to organizations that have expressed interest in the past in the County's fund, as well as the Fidelity Investment Company and the Vanguard Investment Company. RFP's were mailed out on September 8, 1995. The Pension Committee will review the proposals which are due on September 29, 1995.

6. Composition of Pension Committee

The Committee discussed increasing its size. The Committee recommended to the County Council that its size be increased from three to five members, to include the following: County Council Representative; Personnel Director; Finance Director; Department of Finance Representative; Representative appointed by Employee Benefit Committee.

M 400 95 Increase Size of Pension Committee A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council approves the recommendation from the Pension Committee to increase the size of this Committee from three to five members, including a County Council Representative, the Personnel Director, the Finance Director, a Department of Finance representative, and a representative appointed by the Employee Benefit Committee.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Ordinance Amendment A question was raised as to whether increasing the size of the Pension Committee would require an ordinance amendment. It was noted that the matter will be researched and the proper course of action will be taken.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY". The Public Hearing was closed.

M 401 95 Adopt Ordinance No. 1047 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1047 entitled "AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO UTILITY BILLINGS AND INDUSTRIAL PRE-TREATMENT FEES". Public comments were heard. In view of the concerns expressed regarding assessments on car washes, it was the consensus of Council to defer action on this application and to leave the record open through September 30, 1995, for additional input and comments.

Status of C/Z No. 1261 and Voting Procedures Mr. Jones, Assistant County Attorney, advised that, as requested, he has reviewed the proceedings of the Sussex County Council which took place on Tuesday, August 1, 1995, with respect to the consideration of Change of Zone No. 1261. Of particular concern was the status of the application and whether the County Council has ever adopted rules of procedure. Mr. Jones reported that no evidence exists of the County Council ever adopting any rules of procedure. Mr. Jones pointed out that these findings highlight the need for the County Council to seriously consider the adoption of procedural rules to govern its affairs. Mr. Jones also offered his opinion that the vote of the County Council on Change of Zone No. 1261 was never completed. Mr. Jones suggested that this matter be placed on a future agenda under "Unfinished Business" and the vote completed. It was the consensus of Council that Mr. Jones, Assistant County Attorney, prepare a draft of procedural rules for Council's consideration.

Para-medical Vehicles Bid Review Mr. Stevenson, Paramedic Director, reported that bids have been received for one Suburban-type vehicle to replace an existing vehicle with over 100,000 miles and two extended cab chassis for the rechassis of Medic 101 and 102 units, as follows:

Bid
Review
(con't)

Suburban Bid

Townsend Brothers	\$32,119.00
Diver Chevrolet	\$32,323.00
First State Chevrolet	\$33,764.00

Cab/Chassis Bid

I. G. Burton	\$24,406.35
Townsend Brothers	\$25,699.00
Diver Chevrolet	\$27,224.00
First State Chevrolet	\$27,179.92

Bid Recommendation Mr. Stevenson recommended that the bids be awarded to the low bidders. Mr. Stevenson noted that this is the second time these bids have been solicited. The first bids were too high and were rejected.

M 402 95 Award Bid A Motion was made by Mr. Benson, seconded by Mr. Cole, to accept the bid from I.G. Burton, in the amount of \$24,406.35 per vehicle, for the extended cab paramedic vehicles.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 403 95 Award Bid A Motion was made by Mr. Cole, seconded by Mr. Collins, to accept the bid from Townsend Brothers Chevrolet, in the amount of \$32,119.00 for the Suburban.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 404 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$600.00, \$300.00 from Mr. Stevenson's Councilmanic Account and \$300.00 from Mr. Benson's Councilmanic Account, to Milford Community Parades, Inc. for the Milford Community Parade scheduled for October 25, 1995.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 405 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00 from Mr. Cole's Councilmanic Account to the Town of Fenwick Island for holiday lighting.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 406 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00, \$50.00 from each Councilmanic Account, to the Boy Scouts of America Troop 95 for the Sussex County Emergency Services Camporee.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 407 95 Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00 from Grants to Sussex County Senior Services for transportation costs during the Bison Bingo Fundraising Event.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 408 95 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00 from Mr. Dukes' Councilmanic Account to the City of Seaford Parks and Recreation for the Seaford Little League Football Program.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 409 95 Recess A Motion was made by Mr. Cole, seconded by Mr. Collins, to recess at 12:20 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:37 p.m.

Attorney Mr. Schrader, Assistant County Attorney, was present.

Public Hearing (C/U No. 1129) 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 PLUMBING BUSINESS WITH RELATED STORAGE AS AN ACCESSORY USE TO DWELLING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Conditional Use No. 1129) filed on behalf of Brice J. Butler, Jr. The Public Hearing was closed.

M 410 95 Adopt Ordinance No. 1048 (C/U No. 1129) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 1048 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLUMBING BUSINESS WITH RELATED STORAGE AS AN ACCESSORY USE TO DWELLING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Conditional Use No. 1129) filed on behalf of Brice J. Butler, Jr., with the following conditions:

1. Any further construction relating to the business shall require submittal of a new Conditional Use application.
2. No outside storage shall be permitted.
3. No signage shall be placed on the site.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested conditional use, finding that the proposed conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

Public Hearing (C/U No. 1130) 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 DISPLAY AND SALE OF ANTIQUES WITH RELATED STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS" (Conditional Use No. 1130) filed on behalf of Robert B. Atallian. The Public Hearing was closed.

M 411 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 1049 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1049 DISTRICT FOR DISPLAY AND SALE OF ANTIQUES WITH RELATED STORAGE
(C/U TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1130) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.91
ACRES, MORE OR LESS" (Conditional Use No. 1130) filed on
behalf of Robert B. Atallian, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. No indoor or outdoor flea market type of activity shall be permitted.
3. No outdoor display of sale items shall be permitted between the parking area and Route 9.
4. One ground sign, not exceeding 32 square feet per side or facing, may be permitted.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council granted the requested conditional use, finding that the proposed conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County. The Council found that due to the pre-existing building and commercial activity, it is appropriate to grant a conditional use for the proposed commercial activity. The Council also found that the proposed property use is not out of character with the area and will have no adverse impact on traffic in the area.

Public Hearing (C/U No. 1131) 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 AN EIGHTY-TWO LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41.1 ACRES, MORE OR LESS" (Conditional Use No. 1131) filed on behalf of Nicholas P. DelCampo, Jr. and Cynthia S. DelCampo. The Public Hearing was closed.

M 412 95 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 1050 entitled "AN ORDINANCE TO GRANT
Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDEN-
No. 1050 TIAL DISTRICT FOR AN EIGHTY-TWO LOT ADDITION TO AN EXISTING
(C/U MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF
No. 1131) LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 41.1 ACRES, MORE OR LESS" (Conditional Use No.
1131) filed on behalf of Nicholas P. DelCampo, Jr. and
Cynthia S. DelCampo, with the following stipulations:

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission. A playground and other recreational facility shall be provided by the applicant as a part of the final site plan.
2. The maximum number of lots in the expansion area shall not exceed 82.
3. All septic or sewer effluent is to be disposed of on-site, under the terms of a DNREC central system permit.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Abstained;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

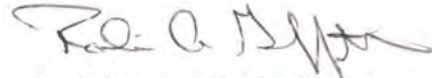
Findings of Fact The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the use proposed will be an extension of a fully developed, fully leased manufactured home park and that the use proposed will serve a clear need for additional leased lots for manufactured homes in the Milford area.
2. The applicant established by substantial evidence that the existing park and the use proposed will be served by a central sewerage system with effluent treatment permitted by DNREC and that the use proposed will cause no adverse impact on the character of the neighborhood since it is an extension thereof, no adverse impact on traffic or the environment in the area.
3. The use proposed is consistent with the purposes and goals of the Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

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M 413 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Adjourn to adjourn at 2:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council