

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 17, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 17, 2000, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	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 515 00 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the
Approve Agenda to include "Proclamation Honoring Benjamin Joseph Rogers", and to
Agenda approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 516 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve minutes of the October 10, 2000 meeting, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard read the following correspondence:
spondence

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL, AIR QUALITY MANAGEMENT, DOVER, DELAWARE.
RE: Notice of Public Hearing on proposed revisions to the State
Implementation Plan.

INTERFAITH MISSION OF SUSSEX COUNTY, INC., MILLVILLE,
DELAWARE.

(continued) RE: Request for funds for “2000 Make a Difference Day”.

M 517 00 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt the
 Adopt Proclamation Proclamation entitled “PROCLAIMING SUNDAY, OCTOBER 15, 2000, AS
 A DAY TO HONOR BENJAMIN JOSEPH ROGERS”.

Motion Adopted: 5 Yea.

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

Friends of Ms. Judy Ford, President of the Friends of the South Coastal Library, Inc., was
 the South in attendance to accept a check from Council in the amount of \$25,000 for the
 Coastal purchase of 2.9 acres of land adjacent to the South Coastal Library. The 2.9
 Library acres of land will be used for additional parking until such time as the land will
 be used for an expansion of the library facility. The total purchase price of the
 property is \$375,000 with the County providing \$25,000; the Friends providing
 \$162,500; and the State providing \$187,500.

2001 Mr. Stickels presented for Council’s consideration the 2001 Holiday Schedule
 Holiday and a list of dates that the County Council will not meet, as follows:

2001 Holiday Schedule

<u>Holiday</u>	<u>State Observance</u>	<u>County Observance</u>
New Year's Day	January 1 (Monday)	January 1 (Monday)
Martin Luther King, Jr.'s Birthday	January 15 (Monday)	January 15 (Monday)
Presidents' Day	February 19 (Monday)	February 19 (Monday)
Good Friday	April 13 (Friday)	April 13 (Friday)
Memorial Day	May 28 (Monday)	May 28 (Monday)
Independence Day	July 4 (Wednesday)	July 4 (Wednesday)
Labor Day	September 3 (Monday)	September 3 (Monday)
Columbus Day	October 8 (Monday)	October 8 (Monday)
Veterans' Day	November 12 (Monday)	November 12 (Monday)
Thanksgiving Day	November 22 (Thursday)	November 22 (Thursday)
Day After Thanksgiving	November 23 (Friday)	November 23 (Friday)
Christmas Eve		December 24 (Monday)
Christmas Day	December 25 (Tuesday)	December 25 (Tuesday)

2001
Holiday
Schedule
(continued)

2001 Council Holiday Schedule

March 6, 2001	-	NACo Conference
April 17, 2001	-	Easter Holiday
May 29, 2001	-	Memorial Day Holiday
July 3, 2001	-	Independence Day Holiday
August 14, 2001	-	Summer Holiday
September 4, 2001	-	Labor Day Holiday
November 20, 2001	-	Thanksgiving Holiday
December 25, 2001	-	Christmas Day
January 1, 2002	-	New Years Day

M 518 00
Adopt
Holiday
Schedule

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the 2001 Holiday Schedule and County Council Schedule, as presented.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Regional Planning Meetings

The following Regional Planning meetings have been scheduled:

Region No. 1 (Greenwood, Bridgeville, Seaford, Blades, Bethel, Laurel, Delmar)

Monday, November 13, 2000
10:00 a.m.
Seaford City Hall

Region No. 2 (Milford, Ellendale, Georgetown, Milton, Slaughter Beach, Millsboro)

Friday, November 3, 2000
1:30 p.m.
Sussex County Administrative Office Building

Region No. 3 (Dagsboro, Frankford, Selbyville, Fenwick, South Bethany, Bethany, Ocean View, Millville)

Adminis-
trator's
Report
(continued)

Thursday, October 19, 2000
9:00 a.m.
Fenwick Island Town Hall

Region No. 4 (Lewes, Rehoboth, Dewey, Henlopen Acres)

Friday, November 17, 2000
10:00 a.m.
Rehoboth Beach City Hall

The Public is encouraged to attend these workshop meetings.

Long
Term
Disability
Insurance/
Bid
Proposals

Mr. Cordrey, Personnel Director, reported on proposals received for Long Term Disability Insurance for Sussex County employees. Bids were received from:

- Cigna Group Insurance
- Commerce National Insurance Services
 - Shenandoah Life Insurance
 - The Standard Insurance
- Hal Carmean, Financial Advisor
- Integra Administrative Group
- North American Benefits Co./Union Central Life
- Nureck Financial Services
 - The Standard Insurance
 - United States Life
- Statewide Financial Group
- Sun Life of Canada
- The Standard Insurance

Mr. Cordrey advised that the proposals have been sent to AON Consulting for review and ranking. A recommendation will be made to Council at a later date.

C/Z
No. 1414

Mr. Lank, Director of Planning and Zoning, presented information on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 10.14 ACRES, MORE OR LESS (Change of Zone No. 1414) filed on behalf of Allen T. Handy, Sr. The Planning and Zoning Commission recommended that this application be approved as a C-1 General Commercial District.

M 519 00
Amend
Title
of
Proposed
Ordinance
(C/Z
No. 1414)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the title of the Proposed Ordinance (Change of Zone No. 1414 filed on behalf of Allen T. Handy, Sr.) **from** "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 10.14 ACRES, MORE OR LESS **to** "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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 10.14 ACRES, MORE OR LESS".

Motion Adopted: 5 Yea.

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

M 520 00
Adopt
Ordinance
No. 1404

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1404 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 10.14 ACRES, MORE OR LESS" (Change of Zone No. 1414) filed on behalf of Allen T. Handy, Sr., as amended.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, 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, if amended to C-1 General Commercial, will be consistent with the purposes and goals of the Comprehensive Plan since the site is within a Development District and is adjoined by C-1 General Commercial property.
2. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.

C/Z
No. 1412

Mr. Lank, Director of Planning and Zoning, presented information on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 15.9487 ACRES, MORE OR LESS" (Change of Zone No. 1412) filed on behalf of L.A. Williams. The Planning and Zoning Commission recommended that this application be approved as a C-1 General Commercial District.

M 521 00
Amend
Title
of
Proposed
Ordinance
and
Adopt
Ordinance
No. 1405
(C/Z
No. 1412)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the title of the Proposed Ordinance (Change of Zone No. 1412 filed on behalf of L. A. Williams) from "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 15.9487 ACRES, MORE OR LESS" to "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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 15.9487 ACRES, MORE OR LESS"; and to Adopt Ordinance No. 1405 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 15.9487 ACRES, MORE OR LESS" (Change of Zone No. 1412) filed on behalf of L. A. Williams, as amended.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, 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, if amended to C-1 General Commercial, will be consistent with the purposes and goals of the Comprehensive Plan since the site is within a Development District and is adjoined by C-1 General Commercial property.

Findings
(continued)

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

C/Z
No. 1413

Mr. Lank, Director of Planning and Zoning, presented information on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.9314 ACRES, MORE OR LESS" (Change of Zone No. 1413) filed on behalf of L. A. Williams. The Planning and Zoning Commission recommended that this application be approved as a C-1 General Commercial District with a depth of 649.95 feet from the easterly right-of-way of U.S. Route 13.

M 522 00
Amend
Title of
Proposed
Ordinance
and
Adopt
Ordinance
No. 1406
(C/Z
No. 1413)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the title of the Proposed Ordinance (Change of Zone No. 1413 filed on behalf of L. A. Williams) from "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.9314 ACRES, MORE OR LESS" to "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.87 ACRES, MORE OR LESS"; and to Adopt Ordinance No. 1406 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.87 ACRES, MORE OR LESS" (Change of Zone No. 1413) filed on behalf of L. A. Williams, as amended.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, 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, if amended to C-1 General Commercial, will be consistent with the purposes and goals of the Comprehensive Plan since the site is within a

Findings
(continued)

Development District and is adjoined by C-1 General Commercial property.

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

C/Z
No. 1415

Mr. Lank, Director of Planning and Zoning, presented information on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE OR LESS" (Change of Zone No. 1415) filed on behalf of James and Martha Turner. The Planning and Zoning Commission recommended that this application be denied since there was not adequate space on the site for any business or commercial activities.

It was noted that, although Mr. Cole was not present during the Public Hearing on this application, he has listened to the taped proceedings of the Public Hearing and he is familiar with the area.

Council members expressed concern that a use for the property has not been established; that the applicant is speculating on a use for the property; that a conditional use would be more appropriate; and that B-1 zoning permits a broad range of uses.

M 523 00
Adopt
Proposed
Ordinance
(C/Z
No. 1415)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE OR LESS" (Change of Zone No. 1415) filed on behalf of James and Martha Turner.

Motion Denied: 5 Nay.

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

C/U
No. 1360

Mr. Lank, Director of Planning and Zoning, presented information on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.34 ACRES, MORE OR

C/U
No. 1360
(continued)

LESS” (Conditional Use No. 1360) filed on behalf of Raymond Michitti. The Planning and Zoning Commission recommended approval of this application with stipulations.

It was noted that Mr. Cole was not present during this Public Hearing and did not listen to the taped proceedings of the Public Hearing. For this reason, Mr. Cole did not participate in the discussion/vote on this application.

M 524 00
Adopt
Ordinance
No. 1407
(C/U
No. 1360)

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1407 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.34 ACRES, MORE OR LESS” (Conditional Use No. 1360) filed on behalf of Raymond Michitti, with stipulations:

1. The maximum number of multi-family units to be built on the property shall be 24.
2. All entrance and roadway improvements, required by DelDOT, shall be constructed by the applicant.
3. The development shall be served as part of the Cedar Neck Sanitary Sewer District.
4. The development shall be served by a central water system providing drinking water and fire protection per applicable regulations of State Agencies.
5. Stormwater Management improvements shall be provided in conformity with applicable regulations of the Sussex Conservation District.
6. A landscaping buffer shall be provided along the southerly boundary of the property.
7. Bicycle racks shall be provided per the recommendations of DelDOT.
8. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Abstained;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, 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 Plan, is in a Development District, and is consistent with the character and density of nearby development. The proposed use will cause no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

C/U
No. 1354

Mr. Lank, Director of Planning and Zoning, presented information on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOFTBALL COMPLEX, CABINS, PARENT LODGING, ADMINISTRATION BUILDINGS, BATH HOUSES, POOL, AND DINING HALL, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 131.94 ACRES, MORE OR LESS" (Conditional Use No. 1354) filed on behalf of Softball World, L.L.C. The Planning and Zoning Commission recommended that this application be denied since the application is not in accordance with the 1997 Comprehensive Plan; since it is not in a Development District; since the use is not an appropriate use in this agricultural/residential area; due to increased traffic concerns; due to the possible depreciation of property values; due to the possible negative impact on the historical Indian Mission Church and cemetery; due to the possible negative impact on the surrounding residential area by noise, traffic, and lighting; due to entrance concerns due to the entrance location's close proximity to the intersection of Route 5 and Route 48 and the curvature on Route 5 near the intersection; and due to the record of opposition against the application.

M 525 00
Adopt
Proposed
Ordinance
(C/U
No. 1354)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOFTBALL COMPLEX, CABINS, PARENT LODGING, ADMINISTRATION BUILDINGS, BATH HOUSES, POOL, AND DINING HALL, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 131.94 ACRES, MORE OR LESS" (Conditional Use No. 1354) filed on behalf of Softball World, L.L.C.

Motion Denied: 5 Nay.

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

Findings of Fact The Council found that the conditional use was not appropriate legislative action based on the findings of the Planning and Zoning Commission.

Pagers/ Bid Recommendation Mr. Thomas, Director of Emergency Operations, discussed the bids received for Sussex County Project No. EOC-02-00 entitled "Pagers" as follows:

Caldabaugh Communications, Inc.	\$572,155.00
Motorola, Inc.	\$517,281.48

These bids were discussed in detail at the September 26, 2000 Council meeting.

Mr. Cole suggested that, in the future, projects which benefit the fire companies should be funded by the ¼ of 1% fee that is collected through the building permit application process. Mr. Cole stated that this fee is collected for the benefit of the fire companies and that the money should be used first to fund projects such as this one. Mr. Stickels commented that he is not sure whether the Ordinance would permit this action.

M 526 00 Award Contract/ Pagers A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council authorizes the contract for Sussex County Project EOC-02-00 entitled "Pagers" to be awarded to Motorola, Inc.; and allows the fire companies to order any additional equipment at their request with the prices quoted within the first 90 days of the contract award.

Motion Adopted: 5 Yea.

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

Ocean Farms Mr. Baker of the Utility Construction Division requested Beneficial Occupancy acceptance for Ocean Farms, Phase IIIA.

M 527 00 Grant Beneficial Acceptance/ Ocean Farms A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Ocean Farms – Phase IIIA, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

SCRWF/
GM&B
Contract
Amendment

Mr. Archut, Assistant County Engineer, discussed a contract amendment with the County's current contract with George, Miles & Buhr for the South Coastal Regional Wastewater Facilities. The proposed agreement is for the design, construction administration, and construction coordination services associated with work that needs to be done at the South Coastal facilities. The proposed project consists of the construction of the 6 million-gallon per day sand filter, construction of a 15-inch force main, and an upgrade to Pump Station 100. On April 4, 2000, the County Council authorized a Rural Development loan application in the approximate amount of \$2 million for this project. The approval for Rural Development was received in May. The loan application included approximately \$250,000 for inspection and construction administration work; this proposed agreement amounts to \$212,803, which is within the budget, as proposed.

M 528 00
Execute
GM&B
Contract
Amendment/
SCRWF

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council President is hereby authorized to execute an agreement with George, Miles and Buhr to provide design, construction administration, and construction coordination services for the effluent filter expansion and Pump Station No. 100 upgrade and force main construction for the South Coastal Regional Wastewater Facilities, in an amount not to exceed \$212,803, subject to the review and approval of Rural Development, USDA.

Motion Adopted: 5 Yea.

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

Request
for Petitions/
Shady Del
Park

Mr. Archut, Assistant County Engineer, advised that the Sussex County Engineering Department has received a request for petitions for sanitary sewer service from a resident of Shady Del Park. The Shady Del Park area is an isolated area surrounded by existing sewer districts – the South Bethany Sanitary Sewer District, the Bethany Beach Sanitary Sewer District, and the Ocean View Sanitary Sewer District expansion area. Mr. Archut requested permission to prepare and post notices for organizing the South Ocean View Sanitary Sewer District.

M 529 00
Approve
Circulation
of Petitions/
South Ocean
View SSD

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Council approves the preparation and circulation of petitions to submit the question of organizing the South Ocean View Sanitary Sewer District to a vote of electors in that district.

Motion Adopted: 5 Yea.

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

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 A CHIROPRACTIC OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23,877 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1375) filed on behalf of Herring Chiropractic. 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 MULTI-FAMILY DWELLINGS (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.89 ACRES, MORE OR LESS" (Conditional Use No. 1376) filed on behalf of David S. Elechko. 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 A DOCTOR'S OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 16,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1377) filed on behalf of William A. Thomas. 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 A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.16 ACRES, MORE OR LESS" (Conditional Use No. 1378) filed on behalf of Robert L. O'Day, Sr. The Proposed Ordinance will be advertised for Public Hearing.

Dilapidated House/
Delmar

Mr. Phillips recognized Delmar Code Enforcement Officer Gaylon Bounds who was present on behalf of the Town of Delmar regarding the dilapidated house on State Street that is to be burned down. Mr. Stickels reported that he delivered an application for a "request to burn" to the Secretary of the Department of Natural Resources. Mr. Stickels further reported that, on this date, October 17th, the Secretary has advised that he has asked for a field officer to look at the site; he anticipates receiving this report and issuing a permit to burn this week.

M 530 00
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$200.00 from Mr. Phillips Councilmanic Account to the Millsboro Hut, Inc. for scouting programs in Millsboro.

M 530 00
(continued)

Motion Adopted: 5 Yea.

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

M 531 00
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$300.00 from Mr. Cole's Councilmanic Account to Interfaith Mission of Sussex County, Inc. for "2000 Make A Difference Day".

Motion Adopted: 5 Yea.

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

M 532 00
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00, \$125.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts, to the American Legion Country Show which is being held by the American Legion Ambulance Service in Georgetown for the purpose of raising money for a new ambulance.

Motion Adopted: 5 Yea.

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

M 533 00
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$150.00 from Mr. Jones' Councilmanic Account to the Christian Storehouse Building Fund for the purchase of the building currently occupied by the Christian Storehouse.

Motion Adopted: 5 Yea.

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

M 534 00
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$125.00 from Mr. Jones' Councilmanic Account for the purchase of a sign for "Isdell Dr." for emergency response purposes (payee unknown at this time).

Motion Adopted: 5 Yea.

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

M 535 00
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$300.00 from Mr. Dukes' Councilmanic Account to Daybreak Counseling Services, Inc. for operating expenses.

Motion Adopted: 5 Yea.

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

M 536 00
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Dukes, to give \$280.00 from Mr. Cole's Councilmanic Account to Briarwood Homeowners Association for a neighborhood watch program.


Motion Adopted: 5 Yea.

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

M 537 00
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of Council