

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 27, 1998

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, October 27, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

M 476 98      A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda      approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 477 98      A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Minutes      approve the minutes of the previous meeting, dated October 20, 1998.

Motion Adopted: 5 Yea.

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

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

WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.  
RE: Letter in response to correspondence from Mr. Stickels regarding the Superfund Recycling Equity Act of 1998.

GEORGE H. BUNTING, JR., SENATE, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter to Mr. Stickels in appreciation of his leadership in organizing the clean up in the West Rehoboth area.

Certi-      Ms. Baunchalk, Vice President of the Delaware League of Local ficate      Governments, presented Certificates of Appreciation to Mr. Presenta-      Dukes and Mr. Stickels for their dedication, generosity, and tion      support of the Delaware League of Local Governments.

Delaware  
National  
Bank  
Lease  
Amend-  
ment

Mr. Stickels, County Administrator, discussed a Lease Amendment between Delaware National Bank and the Sussex County Council. Delaware National Bank currently leases space at the County's West Complex Building and is interested in leasing additional space (3,520 square feet) that will become available when Wilmington Trust Company vacates the premises in December, 1998. The additional space will be rented at a cost of \$9.00 per square foot, generating \$31,680.00 in additional revenues. All other terms and conditions of the original Lease Agreement, dated April 1, 1996, will remain the same.

M 478 98  
Authorize  
Delaware  
National  
Bank  
Lease  
Amend-  
ment

A Motion was made by Mr. Collins, seconded by Mr. Jones, that the Sussex County Council authorizes an amendment to the Lease Agreement between the Sussex County Council and Delaware National Bank for the property located on the southeast corner of U.S. 113 and Sussex County 9 to increase the rentable space by 3,520 square feet; and be it further moved that all of the provisions of the Lease Agreement shall remain the same.

Motion Adopted: 4 Yea, 1 Abstention.

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

Mr. Dukes abstained from voting due to the fact that he serves on the Board of Directors of Delaware National Bank.

Library  
Con-  
tracts/  
Con-  
sultant  
and  
Survey  
Research

Ms. Fitzgerald, Director, Department of Libraries, presented information on contracts for a Consultant and Survey Research. Mr. Stickels, County Administrator, explained that as part of the State's standards, the County is required to develop a Comprehensive Library Plan for the fifteen libraries in Sussex County, including the Bookmobile. The County has completed the Consultant Selection Process and the Committee has recommended that Ilona Holland be awarded the contract to develop a Comprehensive Library Plan for Sussex County. The contract requires (1) that planning meetings be facilitated, (2) that written records be kept of the activities that take place, (3) assistance in developing a Community Advisory Group and (4) coordination with other consultants in developing a plan for each of the libraries. The cost of the contract is not to exceed \$10,000; the cost of the contract will be funded 100% by the State. The development of a Comprehensive Plan is a requirement if the County wants to continue receiving State aid for the libraries.

Mr. Stickels advised that the firm selected for the contract to perform survey research was the Ivy Group Ltd. at a cost of \$75,240; this cost will also be funded 100% by the State.

Library Con-tracts (con't) The contract includes a random telephone survey in which 150 people from each library service area will be surveyed; at least 50% non-users and 50% users of the libraries will be surveyed. Upon completion of the survey, Ivy Group Ltd. will tabulate the data accumulated and present analytical reports for each of the fifteen libraries.

M 479 98 Authorize Con-sultant Selection and Contract A Motion was made by Mr. Cole, seconded by Mr. Jones, to authorize approval of Department of Library Contract No. 99-01 between Sussex County Council and Ilona Holland for the development of a Comprehensive Library Plan, in an amount not to exceed \$10,000, contingent on the approval of the Assistant County Attorney.

Motion Adopted: 5 Yea.

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

M 480 98 Authorize Survey Research Contract A Motion was made by Mr. Cole, seconded by Mr. Jones, to authorize approval of Department of Library Contract No. 99-02 between Sussex County Council and Ivy Group, Ltd. for survey research, in the amount of \$75,240.00, contingent on the approval of the Assistant County Attorney.

Motion Adopted: 5 Yea.

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

1999 Holiday Schedule Mr. Stickels, County Administrator, reviewed the Proposed 1999 Sussex County Holiday Schedule and the proposed dates that Council meetings will not be held, as follows:

<u>HOLIDAY</u>	<u>COUNTY OBSERVANCE</u>
New Year's Day	January 1, 1999
Martin Luther King, Jr.'s Birthday	January 18, 1999
Presidents' Day	February 15, 1999
Good Friday	April 2, 1999
Memorial Day	May 31, 1999
Independence Day	July 5, 1999
Labor Day	September 6, 1999
Columbus Day	October 11, 1999
Veterans' Day	November 11, 1999
Thanksgiving Day	November 25, 1999
Day After Thanksgiving	November 26, 1999
Christmas Eve	December 24, 1999
Christmas Day	December 27, 1999
New Year's Eve	December 31, 1999

NO COUNCIL MEETING

1999  
Holiday  
Schedule  
(con't)

National Association of Counties Conference	March 2, 1999
Easter Week	April 6, 1999
Memorial Day Week	June 1, 1999
Independence Day Week	July 6, 1999
	August 17, 1999
Labor Day Week	September 7, 1999
Thanksgiving Day Week	November 23, 1999
Christmas Week	December 28, 1999

M 481 98  
Adopt  
1999  
Holiday  
Schedule

A Motion was made by Mr. Cole, seconded by Mr. Rogers, authorizing the adoption of the 1999 Sussex County Holiday Schedule, and the dates that Council meetings will not be held, as presented by the County Administrator.

Motion Adopted: 5 Yea.

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

Fiscal  
1999  
Human  
Service  
Grants

Mr. Stickels, County Administrator, discussed the listing of recommendations for the Fiscal 1999 Human Service Grants. Mr. Stickels advised that the recommended distribution totals \$96,000 with \$9,000 remaining in grant funding that can be awarded during Fiscal Year 1999.

M 482 98  
Authorize  
1999  
Human  
Service  
Grants  
Distri-  
bution

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the distribution of \$96,000 in Fiscal 1999 Human Service Grants, as follows:

AHEDD	\$	500.00
American Diabetes Association		1,000.00
American Heart Association		1,000.00
American Red Cross		2,500.00
ANKH, Inc.		500.00
Arthritis Foundation, Delaware Chapter		1,000.00
The Beacon Mission		500.00
Big Brothers/Big Sisters of Delaware, Inc.		1,000.00
Boys & Girls Club of Delaware (Western Sussex)		1,500.00

M 482 98 (con't)	Boys & Girls Club of Delaware (Greater Milford)	750.00
	Casa San Francisco	2,000.00
	CHEER Centers	
	Georgetown	500.00
	Greenwood	500.00
	Huling Cove (Lewes)	500.00
	Nanticoke Indian Elder	500.00
	Oak Orchard	500.00
	Roxana	500.00
	Slaughter Neck	500.00
	Children & Families First	1,000.00
	Colonel David Hall	500.00
	Community Legal Aid Society, Inc.	1,000.00
	Contact Delaware	1,000.00
	Dagsboro Church of God	1,000.00
	Delaware Agricultural Museum and Village	1,000.00
	Delaware Association for Children of Alcoholics	500.00
	Delaware Association for Home & Community Care	500.00
	Delaware Crime Stoppers	500.00
	Delaware Hospice	2,000.00
	Delaware Music School	500.00
	Delaware Nature Society	1,000.00
	Delaware Police Chiefs' Council	2,750.00
	Delaware Senior Olympics	500.00
	Delaware Society for the Prevention of Cruelty to Animals (SPCA)	1,000.00
	Delaware State Police Museum	1,500.00
	Delmarva Clergy United in Social Action	750.00
	Philadelphia Pentecostal Holiness Church, Inc.	750.00

October 27, 1998 - Page 6

M 482 98  
(con't)

Dry Dock, Inc.	1,000.00
Easter Seal Rehabilitation Center	1,000.00
Families in Crisis	1,000.00
First State Community Action Agency	1,000.00
Georgetown Historical Society	500.00
Girl Scouts of Area 30	500.00
Good Samaritan Aid Organization	1,000.00
Gumboro Community Association	1,500.00
Hickory Tree Childrens Center	500.00
Historic Georgetown Association	500.00
Home of the Brave	1,000.00
Interfaith Mission of Sussex County	500.00
Junior Achievement of Delaware	1,000.00
Kent-Sussex Industries, Inc.	1,000.00
Kiwanis Foundation of Rehoboth Beach, DE, Inc.	1,000.00
Laurel Lions Club	1,000.00
Laurel Youth Sports	750.00
Mammography of Delaware	1,000.00
Martin Luther King, Jr. Celebration Committee	1,500.00
Meals on Wheels of Lewes & Rehoboth, Inc.	6,000.00
National Multiple Sclerosis Society	1,000.00
Ocean View Leisure & Resource Center	500.00
People's Place II, Inc.	2,500.00
Pioneer Club of Sussex County/Visually Impaired	250.00

M 482 98 (con't)	Possum Point Players	500.00
	Primeros Pasos/Telamon Early Childhood Education Center	500.00
	Prison Arts Program	1,000.00
	Pyle Child Development Center	500.00
	Read-Aloud Delaware	1,000.00
	Rehoboth Art League, Inc.	500.00
	Rehoboth Day-Care Center, Inc.	1,000.00
	Seaford Historical Society, Inc.	1,000.00
	Second Street Players	500.00
	Sussex County Senior Centers	
	Bridgeville	3,000.00
	Cape Henlopen	3,000.00
	Indian River	3,000.00
	Laurel	3,000.00
	Lewes	3,000.00
	Milford	3,000.00
	Nanticoke	3,000.00
	Sussex Community Crisis Housing Services, Inc.	1,500.00
	Sussex Community Swim Team AKA Sussex County Swim Team	500.00
	Sussex County Arts Council	1,000.00
	Sussex Pregnancy Care Center	1,000.00
	United Cerebral Palsy	1,000.00
	West Side Beginnings, Inc.	1,000.00
	Wildlife Habitat, Inc.	500.00
	Women in Transition Program	500.00
	Sussex Family YMCA - Campaign for Kids	<u>500.00</u>
	TOTAL	\$96,000.00

Motion Adopted: 5 Yea.

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

Adminis-  
trator's  
Report

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

1. Economic Development Revenue Bond

I have received notification from Wilmington Trust that the Economic Development Revenue Bond for Alan L. and Robyn L. Holloway in the amount of \$255,000 has been satisfied. This bond was issued December 30, 1986, for the purpose of financing the purchase of 30± acres and two 41' x 501' broiler houses.

2. Sussex County Government Closings

County government offices will be closed Tuesday, November 3, 1998, because of the general election. Offices will reopen at 8:30 a.m. on Wednesday, November 4. Offices will close Thursday, November 5, in observance of Return Day. Offices will reopen Friday, November 6, at 8:30 a.m.

There will not be a Council meeting on November 3, 1998. The next regularly scheduled Council meeting will be at 10:00 a.m. in the Council Chambers on November 10.

3. Ordinance Public Hearing Schedule

The following Ordinances will be heard by the Planning and Zoning Commission on Thursday, January 14, 1999, at 7:30 p.m.:

- (a) AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO AQUACULTURE;
- (b) AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING FOR MULTI-FAMILY RESIDENTIAL DWELLINGS AND TOWNHOUSES; and
- (c) 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 RELATING TO LARGE SCALE COMMERCIAL USES, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING AND OFF-STREET LOADING, TO AMEND SETBACK PROVISIONS, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS

The County Council will hold public hearings on these Ordinances on Tuesday, February 2, 1999.

Adminis-  
trator's  
Report  
(con't)

4. Senior Citizens County Government Day

The Sussex County Council will host representatives from the Sussex County senior centers on Wednesday, October 28, 1998. Activities for the day include an overview of County government, a mock County Council session, and a tour of the County Administrative Office Building. The public, as well as the media, is welcome to attend.

5. Sussex County Volunteer Firemen's Association

The Millville Fire Company will host the monthly meeting of the Sussex County Volunteer Firemen's Association at the Millville Fire Hall, Millville, Delaware, on Tuesday, October 27, 1998. During the meeting the County Council will distribute checks totaling \$257,700.10.

6. Delaware State University Hall of Fame

William Lecates, Director of Sussex County Community Development and Housing, will be inducted into the Delaware State University Hall of Fame at a banquet and ceremony to be held on Friday, November 13, 1998. Mr. Lecates will be inducted with five other graduates from Delaware State University. Bill is currently a member of the Delaware Hall and was a member of the Delaware State baseball team in the early 70's. He was an All-Central Intercollegiate Athletic Association and NAIA all-star at third base in 1971. During that season, Bill was the team's RBI leader and MVP, leading the Hornets to a 17-8 record and the school's third straight CIAA title.

I would like to publicly congratulate Bill on such a prestigious recognition.

Deferred  
Compen-  
sation  
Bids

David Baker, Finance Director, reported on the results of the bid opening for the County's Deferred Compensation Program, an employee voluntary retirement savings program. Although the County currently offers this program through a NACo sponsored provider, it was decided by the Pension Committee to provide additional options for employees to invest with other providers. Two bids were received; one from the Wilmington Trust Company and one from the New England Financial Plan - Rockwell Associates. The bids will be reviewed by the Pension Committee for a recommendation to Council.

Proposed  
Lease/  
TECHGAS

Mr. Calio, Director, Economic Development and Industrial Airpark, discussed a Proposed Lease with TECHGAS to build a new facility on a parcel of land known as Lot 22 at the Industrial Park consisting of 4.8± acres. TECHGAS plans to construct buildings in three stages: Stage One is the construction of

Proposed  
Lease/  
TECHGAS  
(con't)

the cylinder filling plant; Stage Two is the construction of a building to house speciality gases; and Stage Three is the construction of a telemarketing and sales center. The term of the lease will be for thirty years; rent will be \$400.00 per acre for the first five years with the rent amount escalating every five years.

M 483 98  
Authorize  
Lease  
Agree-  
ment  
with  
TECHGAS

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council authorizes a Lease Agreement with TECHGAS for a parcel of land known as Lot 22 at the Industrial Park consisting of 4.8± acres for a term of thirty years, contingent on the Finance Director's approval of insurance coverage.

Motion Adopted: 4 Yea, 1 Abstention.

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

South  
Coastal  
Planning  
Area/  
Contract  
Amend-  
ment/  
Whitman,  
Requardt  
& Assoc.

Mr. Izzo, County Engineer, and Mr. Hassan of Whitman, Requardt & Associates, LLP, presented a Proposed Contract Amendment with Whitman, Requardt and Associates amending the original contract dated January 27, 1998. Whitman, Requardt and Associates was selected to perform engineering services associated with three pending sewer projects; the Cedar Neck sewer project, the Ocean View sewer project, and the Holt's Landing sewer project. The existing contract provided that the engineering services would only bring it to the 30 percent design phase for all three projects. The County is now at the 30 percent design phase for the Ocean View project and the Holt's Landing project and therefore it has become necessary to execute a Contract Amendment authorizing final sewer design services for these two projects. Mr. Izzo outlined the scope of services for Contract Amendment No. 1, as follows:

1. Final sewer design for Holts Landing, Ocean View, SR 26 regional improvements and Regional Pump Station. (\$1,004,291.00)
2. Final design for the Supervisory Control and Data Acquisition (SCADA) Wireless Communications System. (\$54,210.00)
3. Professional services for Bay Colony/Fairway Villas Collection System evaluation. (\$33,598.00)

M 484 98  
Execute  
Contract  
Amend-  
ment

A Motion was made by Mr. Collins, seconded by Mr. Cole, based on the recommendation of the County Engineering Department, and contingent upon the receipt of approval from the Delaware Department of Natural Resources and Environmental Control, that the Sussex County Council authorizes its President to

M 484 98  
(con't)

execute an Amendment No. 1 to its contract with Whitman, Requardt and Associates, LLP, which includes: 1) final design services for the Holts Landing Sewer District, Ocean View Expansion of the Bethany Beach Sewer District, regional improvements to the SR 26 corridor and a regional pumping station; 2) final design services for a SCADA wireless communications system; and 3) professional engineering services to perform an evaluation study of the existing collection system of the Fairways Village/Bay Colony Collection System. This amendment totals \$1,092,099.00 and increases the current contract from \$416,521.00 to \$1,508,620.00.

Motion Adopted: 5 Yea.

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

Delta  
Airport  
Con-  
sultants/  
Contract  
Amend-  
ment/  
Engineer-  
ing Study

Mr. Izzo, County Engineer, presented a Proposed Contract Amendment (No. 3) with Delta Airport Consultants, Inc. to perform an engineering study to evaluate feasibility, benefits, and cost effectiveness of reopening abandoned Runway 10-28. Three development alternatives will be provided which consider airspace requirements, existing obstructions, aircraft forecasts and cost estimates. A recommended alternative will be selected and an on-site land use plan will be developed. This amendment totals \$72,367.00; of this amount 90% will be FAA grant, 5% State grant, and 5% County match.

M 485 98  
Execute  
Contract  
Amend-  
ment/  
Delta  
Airport  
Con-  
sultants

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based on the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 3 to its contract with Delta Airport Consultants, Inc. in the amount of \$72,367.00 to complete an Engineering Study to evaluate the feasibility, benefits and cost effectiveness of reopening Runway 10-28 at the Sussex County Airport.

Motion Adopted: 5 Yea.

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

Atlanta  
Estates  
Proposed  
Street-  
lighting  
District

Mr. Izzo, County Engineer, reported on the circulation of petitions to the property owners of Atlanta Estates regarding Atlanta Estates Proposed Streetlighting District. Forty executed petitions were returned from Atlanta Estates requesting that the County obtain an estimate of costs and charges for streetlight installation in the community. Mr. Izzo presented for Council's consideration the proposed costs and charges and, pending approval of the proposed costs, a Proposed Resolution establishing the date, time and place of a referendum.

M 486 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves an estimated annual billing rate of \$29.78 per residential or commercial improvement within the Atlanta Estates Proposed Streetlighting District, with a one-time estimated charge of \$12.35 being added to the first year billing rate to accommodate excess trenching. The annual billing rate of \$29.78 shall be adjusted each year thereafter, based upon the number of assessable units and fuel costs.

Motion Adopted: 5 Yea.

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

M 487 98 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 022 98 entitled "A RESOLUTION ESTABLISHING THE DATE, TIME, AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED ATLANTA ESTATES STREETLIGHTING DISTRICT".

Motion Adopted: 5 Yea.

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

Medium Mr. Sapp, Project Engineer, advised that a final inspection Intensity for Sussex County Project No. 97-04, Medium Intensity Taxiway Lighting Project, at Sussex County Airport was conducted. Mr. Sapp reviewed a balancing change order and advised that the project is acceptable as substantially complete.

M 488 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the balancing change order for Sussex County Project No. 97-04, Medium Intensity Taxiway Lighting Project, changing the current contract price of \$316,311.00 to the final invoice amount of \$319,498.97 for an additional \$3,187.97, leaving the project under budget by \$1,971.00, contingent upon DelDOT and FAA approval.

Motion Adopted: 5 Yea.

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

M 489 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grants Substantial Completion to John W. Tieder, Inc., for Sussex County Project

M 489 98 No. 97-04, Medium Intensity Taxiway Lighting Project, effective October 27, 1998; and all held retainage shall be released, pending punch-list item performance approval from the Sussex County Engineering Department, contingent upon DelDOT and FAA approval.

Grant Substantial Completion/ Medium Intensity Taxiway Lighting Project  
Motion Adopted: 5 Yea.

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

EOC Parking Lot Overlay  
Mr. Sapp, Project Engineer, advised that a final inspection for Sussex County Project No. 97-09, Emergency Operations Center Parking Lot Overlay was conducted. Mr. Sapp reviewed a balancing change order and advised that the project is acceptable as substantially complete.

M 490 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of Sussex County Engineering Department, that Sussex County Council approves the balancing change order for Sussex County Project No. 97-09, Emergency Operations Center Parking Lot Overlay, changing the current contract price of \$28,683.04 to the final invoice amount of \$28,995.03 for an additional \$311.99 and leaving the project under budget by \$1,004.97.

Motion Adopted: 5 Yea.

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

M 491 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of Sussex County Engineering Department, that Sussex County Council grants substantial completion to Jerry's Paving, Inc. for Sussex County Project No. 97-09, Emergency Operations Center Parking Lot Overlay, effective October 27, 1998; and all held retainage shall be released; pending punch-list item performance approval from Sussex County Engineering Department.

Grant Substantial Completion/ EOC Parking Lot Overlay  
Motion Adopted: 5 Yea.

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

Camera System  
Mr. Hawkes, Director of Maintenance, Engineering Department, reported on the results of the Bid Opening for Sussex County Project No. 98-01, Main Line Camera System, as follows:

Main Line Camera System (con't)	Atlantic Machinery, Inc. Silver Spring, MD	\$36,108.00
	Mid-Atlantic Waste Systems Easton, MD	\$38,593.00
	Maryland Industrial Trucks, Inc. Linthicum, MD	\$38,674.00

It was the recommendation of the Engineering Department that the bid be awarded to the low bidder, Atlantic Machinery, Inc.

M 492 98 Award Bid for Main Line Camera System A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 98-01, Main Line Camera System, be awarded to Atlantic Machinery, Inc. at a cost of \$36,108.00.  
Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.28 ACRES, MORE OR LESS (Change of Zone No. 1361) filed on behalf of Gulfstream Development. The Proposed Ordinance will be advertised for Public Hearing.

M 493 98 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth Art League, Inc. for the historic garden behind the Homestead.

Motion Adopted: 5 Yea.

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

M 494 98 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Town of Selbyville for safety equipment for the handling of caustic chemicals at the water plant.

Motion Adopted: 5 Yea.

M 494 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
(con't) Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 495 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to  
Council- give \$500.00 from Mr. Rogers' Councilmanic Account to the  
manic Town of Milton for the Milton Tourism Development Committee.  
Grant

Motion Adopted: 5 Yea.

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

M 496 98 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Council- give \$400.00 from Mr. Collins' Councilmanic Account to the  
manic Frankford Town Council for Christmas decorations.  
Grant

Motion Adopted: 5 Yea.

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

M 497 98 At 12:12 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 A Public Hearing was held on the Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
(C/U No. AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL FACILITIES AND  
1260) APPURTENANCES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING  
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-  
TAINING 1.14 ACRES, MORE OR LESS" (Conditional Use No. 1260)  
filed on behalf of Dr. Bruce M. and Brenda C. Topol. There  
were no public comments and the Public Hearing was closed.

M 498 98 A Motion was made by Mr. Jones, seconded by Mr. Cole, to  
Adopt Adopt Ordinance No. 1268 entitled "AN ORDINANCE TO GRANT A  
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
No. 1268 DISTRICT FOR MEDICAL FACILITIES AND APPURTENANCES TO BE  
(C/U No. LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES  
1260) AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES,  
MORE OR LESS" (Conditional Use No. 1260) filed on behalf of  
Dr. Bruce M. and Brenda c. Topol, with the following condi-  
tions:

1. Business hours shall be from 8:00 a.m. to 5:00 p.m. weekdays and 8:00 a.m. to 1:00 p.m. on Saturdays, except for an emergency.

M 498 98  
(con't)

2. The primary business access shall be from the rear of the building.
3. Parking shall be located to the rear of the building.
4. One sign, lit in a manner approved by the Planning and Zoning Commission, not exceeding 32 square feet per side or facing, may be permitted.
5. 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. Cole, Yea; Mr. Rogers, Abstained;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Findings  
of Fact

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

1. The applicant established by substantial evidence that the proposed use will enable the applicant to better serve his growing number of patients, without adverse impact of any sort upon the character of the neighborhood, property values therein, traffic or the environment.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U No.  
1261)

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 BOAT STORAGE AND BOAT MOTOR REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS" (Conditional Use No. 1261) filed on behalf of Frank E. Appel and Dick Appel. Public comments were heard and the Public Hearing was closed.

M 499 98  
Defer  
Action  
(C/U No.  
1261)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE AND BOAT MOTOR REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS" (Conditional Use No. 1261) filed on behalf of Frank E. Appel and Dick Appel; the record was left open until the Board of Adjustment renders a decision.

M 499 98 Motion Adopted: 5 Yea.  
(con't)

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

Public  
Hearing  
(C/Z No.  
1350)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR/RPC GENERAL RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A GR/RPC GENERAL RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY BY AMENDING ORDINANCE NO. 1123, CHANGE OF ZONE NO. 1291, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 45.54 ACRES, MORE OR LESS" (Change of Zone No. 1350) filed on behalf of Dyer McCrea Ventures, L.L.C. There were no public comments and the Public Hearing was closed.

M 500 98  
Adopt  
Ordinance  
No. 1269  
(C/Z No.  
1350)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1269 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR/RPC GENERAL RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A GR/RPC GENERAL RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY BY AMENDING ORDINANCE NO. 1123, CHANGE OF ZONE NO. 1291, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 45.54 ACRES, MORE OR LESS" (Change of Zone No. 1350) filed on behalf of Dyer McCrea Ventures, L.L.C.

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings  
of Fact

The findings of fact and recommendations of the Planning and Zoning Commission are incorporated into the record. The Council found that the RPC application is appropriate legislation and that it adequately provides for the health, safety and welfare of the present and future inhabitants of Sussex County. The Council bases these findings on testimony and evidence presented by the applicant, agency comments, and the recommendations of the Planning and Zoning Commission. Specifically, the Council found that the change of zone is appropriate, based upon the following reasons:

1. The change of zone from an 80 single family lot RPC to the proposed 80 condominium unit RPC is consistent with the purpose of the RPC Residential Planned Community District purposes as specified in Section 115-118 of the Sussex County Code. The development creates superior living environments and provides for the application of design ingenuity for 80 luxury condominium units which disturbs approximately 4.39 acres of land. The former

Findings  
of Fact  
(con't)

RPC layout encompassing 80 single family lots disturbed approximately 19.15 acres. Existing and future developments are protected by (i) the design of the RPC which increases the amount of undisturbed area by over 14.5 acres and (ii) the conditions originally stipulated in Change of Zone No. 1291 between Beachfield Homeowners Association and the Applicant.

2. Section 115-125 of the Sussex County Code requires the proposed development to follow recognized principles of civic design, land use planning and landscape architecture. Civic design is reflected in the density of this proposal being the same as the previous RPC approval. No increase in the two units per acre density is being requested even though the 1997 Comprehensive Land Use Plan would permit up to 12 dwelling units per acre for multi-family housing. The developers have followed land use planning considerations in locating the condominium unit buildings a minimum of 183 feet from the adjoining Beachfield Subdivision. The increase of over 14 acres of undisturbed area, preservation of tree cover and scenery provided by this proposal demonstrates the developers desire to conform to approved landscape architectural standards.
3. The recommendations of the 1997 Sussex County Comprehensive Plan to accommodate housing needs of elderly residents and influx of retirees are being met by the application (Pages 1 and 30). The 80 condominium units will contain approximately the same living area as the 80 single family houses on 80 lots and each condominium unit will have a detached garage. The plan considers the socio-economic factors of the aging population of Sussex County and economically and adequately provides desirable housing for that community.
4. The site is immediately adjacent to General Commercial Zoning as originally designated along State Route 1. The site is served by the West Rehoboth expansion of the Dewey Beach Sanitary Sewer District. The site is within the Development District as shown on Figure 3 of the 1997 Sussex County Comprehensive Plan.
5. The proposed plan does not modify or affect the existing entrance approval from Delaware Department of Transportation. Location of internal roads have been designed to maintain a maximum distance from the Beachfield Subdivision.
6. The developers shall be required to follow the recommendations of the Sussex Conservation District and the Department of Natural Resources and Environmental Control regarding erosion and sedimentation control practices and conservation methods to avoid any adverse impact on Beaver Dam Branch, tidal waters or Inland Bays.

Public Hearing (C/Z No. 1351) A Public Hearing was held 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.88 ACRES, MORE OR LESS OF A 13.20 ACRE PARCEL" (Change of Zone No. 1351) filed on behalf of Hopkins Construction. Public comments were heard and the Public Hearing was closed.

M 501 98 Adopt Ordinance No. 1270 (C/Z No. 1351) A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Ordinance No. 1270 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.88 ACRES, MORE OR LESS OF A 13.20 ACRE PARCEL" (Change of Zone No. 1351) filed on behalf of Hopkins Construction.

Motion Adopted: 4 Yea, 1 Nay.

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

- A. The C-1 zoning district is to provide for a variety of commercial operations and the proposed use is listed as an allowed use in Chapter 115, Section 77, Paragraph 15 and is appropriate for an area served by major roads.

The C-1 zoning is appropriate for this parcel because it is an area of existing C-1 zoning and thus meets the Comprehensive Land Use Plan's objective of directing development to an area where it already exists. Therefore, the land of the applicant is appropriate for C-1 designation.

- B. The proposed plan meets the requirements of the Comprehensive Land Use Plan in the following manner:
1. The rezoning supports the major role in the future development of Western Sussex that the municipalities presently play.
  2. The municipalities and their adjacent areas offer the greatest opportunities for immediate development with the least impact on the environment and healthful living standards and the least disturbance to Western Sussex's Agricultural Industry and Transportation Network.

Findings  
of Fact  
(con't)

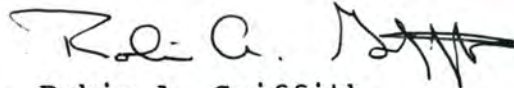
3. It provides for a stable economy and employment opportunities.
  4. It directs development to an area where this type of development already exists and will encourage re-development of an abandoned commercial stable and training facility.
  5. It provides for all environmental considerations and is environmentally sensitive. All environmental permits required by the County, State, or Federal agencies will be obtained.
  6. It promotes and protects the agricultural economy of Sussex County by locating development near the towns therefore eliminating the pressure to develop more productive and fragile lands.
- C. The request promotes the health, safety, moral, convenience, order, prosperity and general welfare of Sussex County based on the evidence and testimony presented by the applicant including the following:
1. Based on the Traffic Impact Statement and comments of the Delaware Department of Transportation, the development will not adversely impact traffic or the level of service of nearby intersections.
  2. Adequate fire and police protection is available.
  3. The project is located in an area that is appropriate for C-1 zoning. There is existing C-1 land located in proximity to this project.
  4. The Comprehensive Land Use Plan recognizes C-1 zoning as an appropriate use of this parcel and encourages redevelopment of established large buildings.
  5. There will be no adverse impact on nearby properties.
  6. That the applicant will be required to address storm-water management, drainage, and setback requirements.
  7. That adequate utility services and medical facilities are available and there will be a positive benefit to the Woodbridge School District and the Sussex County Technical School District due to tax benefits with no additional enrollment.
  8. That the proposal will provide a substantial direct economic impact to the County in terms of jobs, pay-rolls, building fees, property taxes, and school taxes and will provide a substantial secondary economic impact to area businesses.

Findings  
of Fact  
(con't)

9. That the proposal will support, in a positive way, the Agriculture Industry of Sussex County.
  10. That the character of the existing area is mixed use including adjacent C-1 districts, that the site is suitable and appropriate for the proposed use, and does not appear to have any adverse impact on property values or natural resources, and the proposed use is in accordance with the County's Comprehensive Land Use Plan.
- D. The findings and conclusions stated herein are based on substantial evidence comprised of the record before the Planning and Zoning Commission, the reasons stated above and the testimony and evidence presented by the applicant to Council.

M 502 98    A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adjourn    adjourn at 4:00 p.m.    Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council