

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 18, 1997

Executive Session An Executive Session of the Sussex County Council was held Tuesday, November 18, 1997, at 9:15 a.m., in the Caucus Room, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing personnel. The Executive Session concluded at 10:10 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 18, 1997, at 10:15 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

M 567 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 568 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting, dated November 4, 1997.

Motion Adopted: 5 Yea.

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

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

DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.  
RE: Notice of public workshop meeting for the Statewide Bicycle and Pedestrian Transit Access Study.

DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.  
RE: Notice of public workshop meeting for State Route 1 Grid Concept.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.  
RE: Notice of public workshop meeting on a new regulation (Regulation 37, "Nox Budget Program") and notice of public hearing on the 1993 Periodic Emissions Inventory.

Corre-  
spondence  
(con't)

DELAWARE ASSOCIATION FOR HOME & COMMUNITY CARE, MONTCHANIN,  
DELAWARE.

RE: Letter in appreciation of Council's Proclamation recog-  
nizing November as Home Care and Hospice Month in Sussex  
County.

CATHY GORMAN, EXECUTIVE DIRECTOR, MISS GEORGETOWN SCHOLARSHIP  
PAGEANT, GEORGETOWN, DELAWARE.

RE: Request for a contribution to the Miss Georgetown  
Scholarship Pageant.

CARRIE BENNETT, FRANKFORD ELEMENTARY SCHOOL P.T.O., FRANKFORD,  
DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

THE MILFORD COMMUNITY CHOIR, MILFORD, DELAWARE.

RE: Letter regarding their Christmas tradition of raising  
money for the benefit of surrounding communities.

GRANVILLE D. TRIMPER, COMMISSIONER PRESIDENT, WORCESTER  
COUNTY, SNOW HILL, MARYLAND.

RE: Letter regarding Six-County Summit on Pfiesteria held  
on October 29, 1997.

SUSSEX COUNTY ARTS COUNCIL, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the County's purchase of  
artwork from the 17th Annual Sussex County Fine Arts Exhibit.

GREGORY FERRESE, CITY MANAGER, CITY OF REHOBOTH BEACH, REHOBOTH  
BEACH, DELAWARE.

RE: Letter regarding the Federal Communications Commission's  
issuance of a proposed rule that would preempt local zoning  
of radio and TV towers.

M 569 97  
Human  
Service  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
give \$500.00 from Human Service Grants to the Sussex County  
Science Fair for student awards.

Motion Adopted: 5 Yea.

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

Human  
Service  
Grants  
to  
Churches

Mr. Stickels, County Administrator, discussed the \$95,700  
in Human Service Grants authorized by Council at the November  
4, 1997, meeting. Mr. Stickels noted that two churches were  
included as recipients of Human Service Grants; however, he  
emphasized that the funds will be used for non-religious  
activities, for community activities sponsored or housed by  
the church. This clarification was made due to a recent news-  
paper article regarding Council's donation to a church in  
Laurel. Mr. Stickels further clarified that the churches  
receiving grants were not located in Laurel.

Surplus County Property/ Dagsboro Remote Tower Mr. Thomas, Director of Emergency Operations, and Mr. Duncan of the Selbyville Volunteer Fire Company, Inc. were in attendance to discuss the County's former MED Channel 6 Remote Tower which is located at the DelDOT yard in Dagsboro. Mr. Thomas advised that with the approach of the statewide 800 MHZ Radio System, the County does not need to maintain possession of this tower. Mr. Thomas further advised that the Selbyville Volunteer Fire Company has contacted the County expressing interest in acquiring this tower. The Selbyville Volunteer Fire Company will pay for any tower relocation expenses.

M 570 97 Declare Surplus County Property/ Dagsboro Remote Tower A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council declares the MED Channel 6 Remote Tower in Dagsboro as surplus property and donates the tower to the Selbyville Volunteer Fire Company, Inc.

Motion Adopted: 5 Yea.

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

Adminis- trator's Report Mr. Stickels, County Administrator, discussed the following information in his County Administrator's Report:

1. Carolling on The Circle

The 14th Annual Carolling on The Circle will take place on Monday, December 8, 1997. This year's program will be entitled "Youth Christmas Presents". Eleven students who attend schools in Sussex County will be performing. The County will be collecting food during the evening to help those who are less fortunate than us. Any organization wishing to receive food for the community pantries should contact Dale McDowell at 855-7777. Anyone wishing to donate food prior to the Carolling on The Circle may bring non-perishable food items to the County Administrative Office Building on The Circle in Georgetown, Room 34.

2. Holiday Schedule

County offices will close at 4:30 p.m. on Wednesday, November 26, 1997, for the Thanksgiving holiday. County offices will reopen on Monday, December 1, 1997, at 8:30 a.m. There will not be a Council meeting on Tuesday, November 25, 1997. The next regularly scheduled Council meeting will be at 10:00 a.m. in the Council Chambers on Tuesday, December 2, 1997.

3. National Pollutant Discharge Elimination System Annual Compliance Inspection Report - South Coastal Regional Wastewater Facility

Adminis-  
trator's  
Report  
(con't)

I am pleased to inform the Council that I have received notice from the Department of Natural Resources and Environmental Control (DNREC) that the South Coastal Regional Wastewater Facility has been evaluated by DNREC for annual compliance and has been found to be satisfactory in all areas. The 24-hour composite effluent sample test results indicated total suspended solids of the effluent were 2.0 parts per million. The biochemical oxygen demand of the effluent was 7.2 parts per million. The permit allows for a maximum of 23 parts per million and an average of 15 parts per million. The fecal coliform bacteria count was less than 10 colonies per 100 milliliters of effluent. The permit allows for an average of 200 colonies in 100 milliliters of effluent.

The users of the South Coastal Regional Wastewater Facility should be proud of the facility and the operations and maintenance staff. Without a conscientious, hardworking staff, the South Coastal Facility would not have such a consistently high quality of effluent and receive excellent evaluations from the State and the United States Environmental Protection Agency. The operators of the plant are Rex Powell, Gary Hickman, Charlie Parsons, Jerry Gray, Dana Lathbury, and Kenny Stevenson. Credit should also be given to Heather L. Sheridan, Director of Operations.

4. Extended Hours

The following hours of activity took place on Wednesday, October 29, 1997, and Wednesday, November 5, 1997:

- (a) Clerk of the Peace - Six marriage licenses issued and four weddings performed between 4:30 and 7:30 p.m. on October 29; three marriage licenses issued and two weddings performed between 4:30 and 7:30 p.m. on November 5.
- (b) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., three public information inquiries, four telephone inquiries, and 11 recordings between 4:30 and 7:30 p.m. on October 29; the Recorder of Deeds had no activity during extended hours on November 5.
- (c) Utility Division - No activity during extended hours on October 29 or November 5.
- (d) Treasury Division - One telephone inquiry from 7:30 to 8:30 a.m., no activity from 4:30 to 7:30 p.m. on October 29; no activity reported on November 5.
- (e) Engineering/Planning and Permits - No activity during extended hours on October 29 or November 5.

Adminis-  
trator's  
Report  
(con't)

(f) Assessment Division - No activity from 7:30 to 8:30 a.m., two plan reviews from 4:30 to 7:30 p.m. on October 29; no activity from 7:30 to 8:30 a.m., two building permits issued, one manufactured home permit issued, and one telephone inquiry from 4:30 to 7:30 p.m. on November 5.

5. Route 26 Working Group

The Route 26 Working Group will meet on Wednesday, November 19, 1997, at St. Ann's Catholic Church, Route 26, Bethany Beach, Delaware. The meeting will start at 6:30 p.m. in Classroom No. 3. The Working Group is implementing plans for the road improvements for Route 26, from Route 1 west to the Assawoman Canal. Although the County Council is supportive of the road improvements, it is the County Council's position that road improvements should be extended west to Route 113.

6. Mildred King Luncheon

Sussex County offices will be closed at 11:30 a.m. until 1:00 p.m. on Tuesday, December 2, 1997. The closing will allow the employees to attend the annual Mildred King Memorial Luncheon. The cost of the luncheon is provided for by the Sussex County Employees' Benefit Committee. All County employees are encouraged to bring nonperishable food items to the luncheon.

7. In Memory of Priscilla Cole

On Sunday, November 2, 1997, a birthday celebration was held for Priscilla Cole at the South Coastal Library for friends and members of the Cole family. It was a time to gather together in celebration of Priscilla and to see the array of materials purchased from the Priscilla Fund, which amounted to almost \$10,000. Many beautiful books were also donated. Each item will bear a bookplate that reads "For the Love of Priscilla". The collection will be named the Priscilla Cole Curriculum Enrichment Collection. It will be housed in the Children's Room of the South Coastal Library and will consist of an assortment of curriculums, reference materials, and reading books.

On behalf of the Cole family, they wish to thank the many people for their loving and generous contributions.

Proposed  
Ordinance  
West  
Rehoboth

Mr. Baker, Finance Director, discussed a Proposed Ordinance authorizing the issuance of general obligation debt, in the maximum aggregate principal amount not to exceed \$12 Million, to expand the wastewater collection system to provide sewer services for the areas in Phase III of the West Rehoboth

Proposed Ordinance (con't) Extension of the Dewey Beach Sanitary Sewer District. Some portion or all of the Bonds may be sold to the State of Delaware Water Pollution Control Revolving Loan Fund.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION DEBT OF SUSSEX COUNTY TO EXPAND THE WASTEWATER COLLECTION SYSTEM TO PROVIDE SEWER SERVICES FOR THE AREAS IN PHASE III OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT, AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

South Coastal Planning Area/ Consultant Selection Mr. Izzo, County Engineer, discussed the South Coastal Planning Area Consultant Selection. The scope of work consists of consulting services including, but not limited to planning, design, and inspection for the extension of sanitary sewer service to the South Coastal Planning Area. The first three (3) projects are the Ocean View, Cedar Neck and Holts Landing sewer projects. Following a formal interview process, the firms were ranked by a County Selection Committee, with the results as follows:

- 1- Whitman Requardt and Associates, LLP
- 2- George, Miles and Buhr
- 3- Tatman and Lee Associates
- 4- CABE Associates
- 5- McCrone, Inc.

M 571 97 Approve Selection of Consultant for South Coastal Planning Area A Motion was made by Mr. Jones, seconded by Mr. Cole, based on the recommendation of the County Selection Committee, that the County Council approves the selection of Whitman, Requardt and Associates, LLP, of Baltimore, Maryland, to provide consulting services associated with the extension of sanitary sewer to the South Coastal Planning Area, including but not limited to the Ocean View, Cedar Neck and Holts Landing sewer projects, for the period extending through December 31, 2002.

Motion Adopted: 5 Yea.

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

Proposed Holts Landing Sanitary Sewer District Mr. Archut, Assistant County Engineer, reported on petitions received regarding the Proposed Holts Landing Sanitary Sewer District. Eighty-two petitions were received, 77 of which were determined to be valid. Mr. Archut proposed that a Public Hearing be held on Saturday, December 13, 1997, at the Millville Fire Hall to discuss the boundaries of the area.

M 572 97 Establish Public Hearing Date A Motion was made by Mr. Jones, seconded by Mr. Cole, based on the receipt of petitions submitted pursuant to 9 Del.C. §6503, the Sussex County Council hereby sets a date and time of December 13, 1997, at 9:30 a.m. for a Public Hearing on the question of organizing the Holts Landing Sanitary Sewer District.

M 572 97 Motion Adopted: 5 Yea.  
(con't)

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

Adminis- Mr. Archut, Assistant County Engineer, and Mr. Clendaniel  
trative of R. Calvin Clendaniel Associates discussed Change Order No.  
Office 28 to the County Administrative Office Building Contract.  
Building Change Order No. 28 includes four proposals: (1) installation  
Change of quartz light for building sign, (2) installation of grab bars  
Order in restrooms, (3) additional bond fee, and (4) credit for in-  
creased electric costs. The four proposals result in a total  
increase of \$292.52., bringing the final contract total to  
\$5,295,137.20

M 573 97 A Motion was made by Mr. Collins, seconded by Mr. Cole, based  
Approve on the recommendation of the Architect, R. Calvin Clendaniel  
Change Associates, and the County Engineering Department, that the  
Order Sussex County Council approves Change Order No. 28, in an  
No. 28/ amount not to exceed \$292.52, to the County Administrative  
Adminis- Office Building Contract, and with the approval being subject  
trative to Rural Development.  
Office

Building Motion Adopted: 5 Yea.

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

Bid Mr. Hawkes, Director of Maintenance, South Coastal Regional  
Results/ Wastewater Facility, reported on bids received for Sussex County  
Sand Project No. 97-07, Sand Retention Gate Valves. Mr. Hawkes  
Retention advised that only one bid was received; the bid exceeded the  
Gate engineer's estimate; for this reason, Mr. Hawkes requested  
Valves authorization to reject the bid.

M 574 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, based  
Reject upon the recommendation of the Sussex County Engineering De-  
Bid/ partment, that the bid submitted for Sussex County Project No.  
Sand 97-07 be rejected.  
Retention

Gate Motion Adopted: 5 Yea.  
Valves

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

Proposed Mr. Rogers introduced the Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR BOAT STORAGE  
FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND

Proposed Ordinance (con't) BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.99 ACRES, MORE OR LESS" (Conditional Use No. 1219) filed on behalf of W. Donald Clifton for Clifton Canning Co., Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.8699 ACRES, MORE OR LESS" (Conditional Use No. 1220) filed on behalf of Country Trails Land Co. The Proposed Ordinance will be advertised for Public Hearing.

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.1258 ACRES, MORE OR LESS" (Change of Zone No. 1328) filed on behalf of Salvatore J. Gallo and Betty Gallo. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.71 ACRES, MORE OR LESS, EXCEPTING THEREFROM A PORTION ALREADY ZONED C-1 GENERAL COMMERCIAL" (Change of Zone No. 1329) filed on behalf of Edward J. Timmons, Sr. The Proposed Ordinance will be advertised for Public Hearing.

Agricultural Preservation District Mr. Collins advised that the Delaware Agricultural Lands Preservation Foundation has approved the County's application to have the Williamsville District included in an Agricultural Preservation District. The application will now be forwarded to the Sussex County Planning & Zoning Commission for approval.

M 575 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$300.00, \$200.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Sussex County Foster Parent Association for the Christmas Party/ Dinner.

Motion Adopted: 5 Yea.

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

M 576 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to  
Council- give \$500.00, \$100.00 from each Councilmanic Account, to the  
manic Delaware Vipers for uniforms, insurance, and team supplies.  
Grant

Motion Adopted: 5 Yea.

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

M 577 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to  
Council- give \$500.00, \$100.00 from each Councilmanic Account, to the  
manic Delaware Technical & Community College Roadrunners for their  
Grant annual spring training trip.

Motion Adopted: 5 Yea.

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

M 578 97 At 11:25 a.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 reconvened the meeting at the request of a citizen  
who wished to address Council.

Citizen's Mr. Wolfgang von Baumgart addressed Council on the matters of  
Concerns bio-cell installation, sewage contamination and pfiesteria.

Recess Mr. Dukes recessed the meeting until 1:30 p.m.

Reconvene Mr. Dukes called Council back into session at 1:33 p.m.

Public A Public Hearing was held on the Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1  
(C/U NEIGHBORHOOD BUSINESS DISTRICT AND A MR MEDIUM DENSITY RESI-  
No. 1206) DENTIAL DISTRICT FOR EXPANSION TO AN EXISTING POTABLE WATER  
STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING  
39,700 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1206)  
filed on behalf of Broadkill Beach Water Co. There were no  
public comments and the Public Hearing was closed.

M 579 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to  
Adopt Ordinance No. 1191 entitled "AN ORDINANCE TO GRANT A  
Ordinance CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DIS-  
No. 1191 TRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR  
(C/U EXPANSION TO AN EXISTING POTABLE WATER STORAGE FACILITY TO  
No. 1206) BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN  
BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 39,700 SQUARE  
FEET, MORE OR LESS" (Conditional Use No. 1206) filed on behalf  
of Broadkill Beach Water Co., with the following stipulations:

- M 579 97 (con't) 1. The applicant shall locate and install a fire connection facility on site within one year of this approval.

Motion Adopted: 5 Yea.

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

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

1. The applicant established by substantial evidence that the proposed use will enable the applicant to expand its water storage capacity to better serve its customers and thereby to assure a better, more consistent potable water supply.
2. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan by improving the capacity of utility infrastructure to better serve the residents of the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U No. 1207) 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 ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.69 ACRES, MORE OR LESS" (Conditional Use No. 1207) filed on behalf of Delaware Electrical Cooperative. There were no public comments and the Public Hearing was closed.

M 580 97 Adopt Ordinance No. 1192 (C/U No. 1207) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1192 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.69 ACRES, MORE OR LESS" (Conditional Use No. 1207) filed on behalf of Delaware Electrical Cooperative, with the following stipulations:

1. The entrance will be equipped with a lockable gate or cable.
2. Chain-link fencing, not less than eight (8) feet in height will be provided to secure the switching station.
3. No construction shall be within 50 feet of the right of way of Route 9.

M 580 97  
(con't)

4. A natural wooded buffer, at least 25 feet in width, shall be maintained along the side and rear of the site.
5. Any lighting shall be directed toward the switching station and away from neighboring properties and Route 9.
6. Landscaping shall be provided as indicated on the site plan submitted with the application.
7. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals and/or permits.

Motion Adopted: 5 Yea.

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

Findings  
of Fact

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

1. The applicant established by substantial evidence that the proposed use will enable the applicant to better serve its existing customers and to meet growing residential demand.
2. The proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

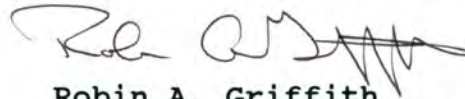
Public  
Hearing  
(C/U  
No. 1208)

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 AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 43,318 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1208) filed on behalf of Gene Wildonger. Public comments were heard in opposition to this application. The Public Hearing was closed and action was deferred. The record will remain open for written comments/information until 4:30 p.m. on Friday, November 21, 1997. Comments in opposition to the application referred to deed restrictions in the Indian Village Sub-division; residents were encouraged to supply Council with information regarding these deed restrictions.

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M 581 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adjourn adjourn at 2:37 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council