

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 28, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 28, 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 583 00 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve
Approve the Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

M 584 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve
Approve the minutes of the October 31, 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

M 585 00 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve
Approve the minutes of the November 14, 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

Correspondence

Mr. Bayard read the following correspondence:

LAUREL POP WARNER BULLDOGS, LAUREL, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

Jack Lewis/
Artist

Mr. Stickels presented the book entitled A Brush With Fate, a book published by Kevin N. Moore and John R. Schroeder about the artist, Jack Lewis, a nationally know artist who has sketched and painted throughout the world. The book captures the artist's entire life, his career as an artist, and his work. Mr. Stickels reported that each library in Sussex County, including the Bookmobile, will receive a book for their collection. Mary Catherine Hopkins Hudson was in attendance to accept the books on behalf of the libraries.

Falum
Dafa
Week

Ms. Shyh Mey Lin presented information on Falun Dafa (also known as Falun Gong), a system of exercises and teachings that originated in ancient Chinese culture. Falun Dafa, which first came to Delaware in 1996, has reportedly helped over 100 million people worldwide to improve their health, elevate their mind, uplift their spirit, and deepen their understanding of life, humanity, and the universe.

M 586 00
Adopt
Proclamation

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF DECEMBER 4 – 10, 2000, AS 'FALUM DAFA WEEK'".

Motion Adopted: 5 Yea.

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

Town of
Georgetown/
Payment
in Lieu
of Taxes

Mr. Stickels advised that each year the County's budget includes a payment in lieu of taxes to the Town of Georgetown to offset lost revenues for properties the County owns. A check in the amount of \$5,305.00 was presented to Mayor Bob Ricker and Town Manager David Baird representing this year's payment. This amount reflects a five percent increase over last year's payment.

Town of
Georgetown/
Project
Update

Mayor Ricker provided an update on projects taking place in the Town of Georgetown, as follows:

- Train Station Restoration Project
- Renovations to The Circle
- Public Library Expansion Project
- Chancery Court Expansion Project
- Acquisition of Land for Additional Parking
- Comprehensive Street Evaluation/Repair Program

Project
Update
(continued)

- New Private High School – Delmarva Christian High School
- Newly opened Charter School – Sussex Academy of Arts & Sciences
- Expansion in commercial and residential development
- Development of Comprehensive Plan

Laurel
Post office/
Surplus
Government
Property

Mr. Stickels advised that he has been notified by Cynthia Goodwin of the Asset Management Division of the United States Postal Service that the property identified as the Main Post Office, 400 Central Avenue, Laurel, Delaware, has been determined to be surplus Government property and is available for disposal. The property consists of approximately 3,169 square feet and sits on a site containing 10,183 square feet. Using the appraisal as a basis, an asking price of \$90,000 has been established. It has been determined that the Laurel Post Office is a contributing property in the Laurel Historic District which is listed in the National Register of Historic Places. Disposal procedures require that the property first be offered to any interested federal agencies and then to the city, county, and state. It was the consensus of Council that this building/property would be of no use to the County.

Regional
Planning
Initiative
Report

Mr. Stickels reported on the Sussex County Regional Planning Meetings and what was discussed at the meetings, as follows:

- Towns are pleased with the current regional groupings.
- Council may wish to expand current participants to include citizens' coalitions, business organizations, and special interest groups, such as the farming community.
- Support Five-Year Mobility Plan – study north-south road.
- Support highway corridor overlay zone – Routes 13 and 113.
- Amend ordinance to require that 100-foot wide protective buffer zone be maintained between any bay, river, stream, creek, or wetland.
- Amend ordinance to suspend the inclusion of federal wetlands, golf courses, commercial office and shopping areas in density calculations for proposed residential planned communities.
- Region No. 3 requested the County Council allow areas known as environmentally sensitive to be developed as zoned – no increase in density or re-zonings.

Mr. Stickels advised that the mayors have asked if they could address the Council on some of these issues. Time will be allocated during the December 19, 2000, Council meeting for this purpose.

Regional
Planning
Initiative
Report
(continued)

Mr. Phillips spoke in respect to Point No. 2 heretofore regarding the expansion of participants. Mr. Phillips asked if there was any objection from the Council if the Farm Bureau was formally invited to the meetings. He further noted that he would like to see one of their representatives at the table. Mr. Phillips explained that if regional meetings are held concerning the business climate in Sussex County, the Chamber of Commerce should also be at the table; if regional meetings are being held about land use, the Farm Bureau should be at the table.

Mr. Cole expressed his opinion that the number of participants at the table is sufficient and that if a group gets too big, nothing gets done. Mr. Cole also suggested that the Secretary of Agriculture be asked to send a representative who will speak for the farm community as a whole. Mr. Phillips expressed that he was not in favor of bureaucrats in Dover representing farmers in Sussex County.

It was the consensus of Council that all concerned parties will be advised when a meeting is scheduled; however, at this time, they will only be invited to attend, not to participate at the table.

M 587 00
Executive
Session

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to authorize an Executive Session to be held on this date, at 11:40 a.m., in the Caucus Room of the Sussex County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing pending litigation.

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. South Coastal Regional Wastewater Facility

I am pleased to inform the Council that on Thursday, October 5, 2000, the Department of Natural Resources and Environmental Control conducted the National Pollutant Discharge Elimination System Annual Compliance Inspection. The facility was evaluated as satisfactory in all areas. The total suspended solids of effluent were 2.0 parts per million. The biochemical oxygen demand of the effluent was 2.9 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 30 colonies per 100 milliliters of effluent. The permit allows for an average of 200 colonies in 100 milliliters of effluent.

Adminis-
trator's
Report
(continued)

I would like to compliment the entire staff and assure them that the County Council and I are very 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 effluent and receive excellent evaluations from the State and the United States Environmental Protection Agency.

2. Troop 4 Status Report

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of October 2000:

Total Hours On Duty	4,100.50
Hours Assisted Other Agencies	40
Total Traffic Arrests	1,041
Total DUI Arrests	22
Accident Reports:	
Property Damage	81
Personal Injury	<u>22</u>
Total Accident Reports	103
Criminal Arrests:	
Felony	14
Misdemeanor	<u>63</u>
Total Criminal Arrests	77
Total 10-29 P's (wanted persons)	34
Total Number of Complaints	605

In addition to the normal patrol hours, officers from Troop 4 also participated in the Student Police Academy at Cape Henlopen High School, the Citizens Police Academy at Delaware Technical & Community College, and the Strong Communities Initiative monthly meeting.

3. Delaware Department of Transportation (DelDOT) Five-year Capital Improvement Plan

DelDOT will be conducting a public meeting on Thursday, January 11, 2001, regarding the Five-year Capital Improvement Plan. The workshop will take place from 6:00 to 7:00 p.m., with public comments being provided at 7:00 p.m. The meeting will take place in the Carter Partnership Building, Room 529, Delaware Technical & Community College, Jack F. Owens Campus, Georgetown, Delaware.

Adminis-
trator's
Report
(continued)

I would encourage all residents of Sussex County who have traffic concerns to attend this important meeting.

4. Proposed Oak Orchard Sanitary Sewer District

The Sussex County Engineering Department will hold a public information meeting at 9:00 a.m. on Saturday, December 9, 2000, at the Oak Orchard Community Church on Delaware 5. The purpose of the meeting is to address the Delaware Department of Natural Resources and Environmental Control loan requirements for the upcoming sewer project slated for the Oak Orchard/Riverdale areas. Comments concerning terms that might affect historic properties and cultural resources of significance are encouraged.

All interested persons, residents, taxpayers, property owners, or corporations are welcome to attend the public meeting.

For more information, call the Engineering Department at 855-7719 or visit the County's website at www.sussexcounty.net.

5. 18th Annual Carolling on The Circle

The Sussex County Council will be hosting the 18th Annual Carolling on The Circle on Monday, December 4, 2000, starting at 6:30 p.m. The Spanish youth group "Villancicos" will provide the entertainment from 6:30 to 7:00 p.m. Matt Barnes, a local entertainer, will provide the program from 7:00 to 8:00 p.m. This year's Master of Ceremonies will be Rachel Pfanner from Channel 47, Salisbury, Maryland.

The public is encouraged to attend and asked to bring nonperishable food items to the carolling. The main focus of the carolling program is the County's annual food drive to benefit food pantries throughout the County.

6. Mildred King Luncheon

County offices will be closed on Tuesday, December 5, 2000, from 11:30 a.m. to 1:30 p.m. to allow employees to attend the annual Mildred King Luncheon.

Ellendale
Housing
Needs
Assessment
Survey

Mr. Lecates, Director of Community Development reported on the Ellendale Housing Needs Assessment Survey. The Town of Ellendale and surrounding community have been targeted by county and state officials as one of the most economically distressed areas in the State of Delaware. It was determined that a complete needs assessment of the area was necessary to accurately detail various deficiencies affecting this community. An extensive door-to-door assessment survey was

Ellendale
Housing
Needs
Assessment
Survey
(continued)

performed to determine housing conditions and approximate income levels of the residents and the number of substandard homes in the area. The information obtained through this survey will be used as a valuable resource to possibly obtain future funding for Ellendale and the surrounding community. This survey was performed by County employees and representatives from First State Community Action as well as local civic groups. The survey was funded through Discover Bank and CRA funds.

The Needs Assessment Survey determines that there are three major components adversely affecting the quality of life in this targeted area:

Substandard Housing Conditions – Approximately 40% of the 475 homes in the community are determined to be substandard, according to the Department of Housing & Urban Development's guidelines. This equates to 185 substandard homes in the area. Additionally, over one-half of these affected homes are classified as severely substandard.

Substandard Water and Wastewater Disposal Systems – According to the Needs Assessment Study, 232 households are adversely affected by inadequate drinking water and/or wastewater disposal systems. This has a daily impact on over 600 Ellendale residents.

Household Income Levels – The methodology study shows that 86% or 409 of the 475 households fall below HUD's low-income guidelines.

Mr. Lecates reported that the Sussex County Community Development and Housing Division estimates that a \$4.2 million expenditure would be needed in order to rehabilitate and supply sewer system hook-up funding to the affected homes. Funding is available on a limited basis from several county, state and federal agencies; however, it is Sussex County's belief that additional funding from private sources would greatly increase this community's ability to ameliorate the problems it faces.

The needs assessment report will be used by housing groups as well as for Community Development Block Grant funding.

Concern was expressed that residents need to be made aware that sanitary sewer service is planned for the area so that they do not spend any money on upgrading their sewer systems. Mr. Stickels asked Mr. Lecates to contact Rodney Wyatt of DNREC to make his department aware of this situation.

Public
Hearing/
Subdivision
Ordinance

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99, SECTION 13, OF THE SUBDIVISION CODE OF SUSSEX COUNTY, RELATING TO NOTICE REQUIREMENTS TO BE GIVEN TO OWNERS WITHIN SUBDIVISIONS PRIOR TO ALTERATION, RESUBDIVISION OR

Public
Hearing
(continued)

ADDITION". This Proposed Ordinance anticipates the enactment of revisions to the other Proposed Subdivision Ordinance, which would require the approval of individual lot owners for the alteration or re-subdivision of an existing approved subdivision. This Proposed Ordinance will exempt from the approval requirements, alterations or re-subdivisions which alter lot lines or lot configurations, but do not increase overall density. All lot owners and other interested property owners would still receive notice of the application, and would be given the opportunity to be heard at a hearing before the Planning & Zoning Commission. This Proposed Ordinance also provides for the payment of a \$300.00 fee for subdivision applications, plus the cost of mailing.

The Planning & Zoning Commission held a Public Hearing on this Proposed Ordinance on November 2, 2000, at which time they deferred action.

Public comments were heard. Mr. Witsil, Attorney representing Richard Osborne and family, stated that this Proposed Ordinance would give the Director of Planning & Zoning the authority to allow a re-subdivision or alteration which will not increase the density of the subdivision and, in fact, would give him the authority to allow amending one subdivision and creating a new one (for example: 5 acre lots altered to 5 – 1 acre lots). Mr. Witsil was advised that this would be a substantial change and would fall under the restrictions of the other Proposed Subdivision Ordinance; and in fact, the example given would be a change in density. It was emphasized that under this Proposed Ordinance, a public hearing would still be held to hear comments from concerned citizens.

Mr. Witsil expressed concern about amenities which are pledged but do not have an effect on density. He expressed concern as to what the property owner can rely on when he purchases a lot from a developer. The developer could eliminate the amenity without approval from the property owners in the subdivision. Mr. Witsil expressed his belief that a developer should be bound by a final site plan unless they have the 75% consent of the property owners

Mr. Schrader expressed his opinion that it is possible to reconfigure materially a subdivision without changing the density. Mr. Schrader further expressed his opinion that this Proposed Ordinance needs to be rejected on the basis that he disagrees with the content of the Proposed Ordinance that "owners of property within 200 feet of the boundaries of the subdivision shall be entitled to receive notice ..."

Mr. Fannin was present in support of this Ordinance. Mr. Fannin also spoke in regards to the other Proposed Subdivision Ordinance and stated that requiring a certain amount of property owners to approve a subdivision alteration can cause problems, i.e. it can disrupt a neighborhood causing bad feelings among the property owners;

Public
Hearing
(continued)

impacting a developer from getting the appropriate percentage of approvals from landowners; and, in some cases, out of state landowners cannot be found or do not respond to notices or letters.

It was the consensus of Council to take the comments received under consideration, to close the Public Hearing, and to defer action.

M 588 00
NACo
Appointment

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to appoint Councilman Cole to the National Association of Counties Board of Directors.

Motion Adopted: 5 Yea.

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

Recess

At 11:50 a.m., Mr. Rogers declared a recess until 1:30 p.m.

Reconvene

At 1:37 p.m., Mr. Rogers called Council back into session.

Cancellation

The Executive Session scheduled for this date was cancelled.

Long-
Term
Disability
Insurance

Mr. Baker discussed the proposed ranking for proposals received for the County's Long-Term Disability Insurance:

1. United States Life
2. CIGNA
3. Standard
4. Jefferson Pilot Financial
5. Shenandoah Life
6. Sun Life of Canada
7. Union Central Life

The coverage amount will be 60 percent of monthly earnings up to \$5,000 per month. There will be a 90 day waiting period before the benefits begin. Benefits are reduced by amounts received for: social security disability benefits, worker compensation coverage, accrued sick leave, pension plan disability benefits, and third party liability payment, such as auto liability insurance. The estimated annual cost is \$38,808 (100% employer paid). The proposed effective date is January 1, 2001.

M 589 00
Approve
Ranking/
Disability
Insurance

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council approves the proposed ranking for Long-Term Disability Insurance providers and authorizes an Agreement with United States Life subject to the approval of the County Attorney, County Personnel Director, and Country Finance Director.

M 589 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

Corre-
spondence

Mr. Dukes read the following correspondence:

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

RE: Letter in appreciation of Councilmanic Grant.

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 DWELLING STRUCTURES (76 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.9 ACRES, MORE OR LESS" (Conditional Use No. 1379) filed on behalf of Robino Seachase LLC. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Rogers 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.38 ACRES, MORE OR LESS" (Conditional Use No. 1380) filed on behalf of Michael G. Reynolds. 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 TO AMEND CONDITIONAL USE NO. 783 (USED CAR SALES) BY ADDING CAMPER AND MOBILE HOME SALES, AND DISMANTLING OF MOBILE HOMES AND CAMPERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.28 ACRES, MORE OR LESS" (Conditional Use No. 1381) filed on behalf of Delmarva Consignment Sales. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

Proposed Ordinance (continued) CONTAINING 1.80 ACRES, MORE OR LESS” (Conditional Use No. 1382) filed on behalf of James J. and Martha G. Turner. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OFFICES, WAREHOUSE, AND STORAGE FOR A HEATING/AIR CONDITIONING/PLUMBING/ELECTRICAL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.1033 ACRES, MORE OR LESS” (Conditional Use No. 1383) filed on behalf of Gregory R. Allen and Christopher P. Allen. 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 CEMETARY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 62.10 ACRES, MORE OR LESS” (Conditional Use No.1384) filed on behalf of Catholic Cemeteries, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance “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 CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 52.7027 ACRES, MORE OR LESS” (Change of Zone No. 1420) filed on behalf of Rehoboth Golf Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Public Hearing C/U No. 1366) A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 118.90 ACRES, MORE OR LESS” (Conditional Use No. 1366) filed on behalf of Melvin L. Joseph Construction Co.

Mr. Rogers did not participate in this Public Hearing. Mr. Rogers excused himself from the meeting.

Mr. Dukes presided over the meeting.

Public
Hearing
(continued)

The Planning and Zoning Commission held a Public Hearing on this application on November 2, 2000, at which time they deferred action and recommended that the applicant withdraw the application and resubmit it with appropriate plot information, a reclamation plan, and that the applicant should contact the County Engineering Department and the State DNREC for information on the County Landfill Ground Water Management Zone. The record of the Planning & Zoning Commission Public Hearing was incorporated into this Public Hearing.

Mr. Carter, Surveyor, and Joanne Adams, Vice President of Melvin L. Joseph Construction, were present on behalf of the application. Mr. Carter emphasized that the site is completely screened from neighbors and U.S. Route 113; that the hours of operation will be 7:00 a.m. to 4:00 p.m.; that it will take approximately 20 years to complete the project; and that there would not be any filling on site of construction debris or stumps, etc.

Mr. Stickels questioned whether the applicant would agree to a restriction that there would not be 24-hour de-watering and that all activities will take place during the 7:00 a.m. to 4:00 p.m. time period. Mr. Carter responded that the applicant would agree to the de-watering restriction.

Mr. Stickels expressed concern regarding a potential negative effect this borrow pit could have on the County's adjacent landfill. He noted that the County may want Roy F. Weston to review the information in regards to potential migration and resulting effects.

Mr. Stickels provided Mr. Carter with a copy of the restrictions the County has placed on the "Horsey" borrow pit.

Ms. Adams spoke that de-watering is part of a sand operation and not a borrow pit and de-watering is not a part of this application; that this application is for the excavation of materials.

There were no public comments and the Public Hearing was closed.

M 590 00
Defer
Action
(C/U
No. 1366)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to leave the record open on Conditional Use No. 1366 filed on behalf of Melvin L. Joseph Construction Co., for the purpose of obtaining additional information, i.e. hydraulic report, reclamation plan, an environmental assessment study on the impact of the borrow pit on the adjacent land fill, and any additional information the applicant may want to submit upon review of the restrictions placed on the "Horsey" borrow pit application; following the receipt of the information submitted, the record will remain open for 7 days to allow the public to respond to the information received.

Motion Adopted: 4 Yea, 1 Abstention.

M 590 00
(continued)

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

Mr. Rogers rejoined the meeting.

Public
Hearing
(C/U
No. 1368)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (4-UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13,582 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1368) filed on behalf of Steve Brophy.

The Planning & Zoning Commission held a Public Hearing on this application on November 2, 2000, at which time they recommended that the application be approved. The record of the Planning & Zoning Commission's Public Hearing was incorporated into this Public Hearing.

Mr. Brophy, Applicant, and Mr. Parsons, Attorney, were present and spoke on behalf of the application. They stated that they propose 2-units on each lot and that the character of the neighborhood is multi-family.

There were no public comments and the Public Hearing was closed.

M 591 00
Adopt
Ordinance
No. 1415
(C/U
No. 1368)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1415 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (4-UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13,582 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1368) filed on behalf of Steve Brophy, with the following conditions:

1. The density of the project, if necessary, shall be subject to the County Board of Adjustment.
2. Once a decision is made by the County Board of Adjustment, the site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.
3. No site preparation, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules or regulations have been issued and the approved final site plan is recorded.

M 591 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

Findings
of Fact

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

1. The applicant has established by substantial evidence that the proposed use is consistent with the character of the neighborhood as developed and consistent with the purposes and goals of the Comprehensive Land Use Plan. There will be no adverse impact of any sort.
2. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1369)

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 AUTO RESTORATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.78 ACRES, MORE OR LESS" (Conditional Use No. 1369) filed on behalf of James H. Cronic, Jr.

The Planning & Zoning Commission held a Public Hearing on this application on November 2, 2000, at which time they recommended that the application be approved. The record of the Planning & Zoning Commission's Public Hearing was incorporated into this Public Hearing.

Mr. Cronic was present and spoke on behalf of his application. Mr. Cronic stated that he proposes an auto restoration business for the restoration of classic cars.

There were no public comments and the Public Hearing was closed.

M 592 00
Adopt
Ordinance
No. 1416

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Ordinance No. 1416 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO RESTORATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.78 ACRES, MORE OR LESS" (Conditional Use No. 1369) filed on behalf of James H. Cronic, Jr., with the following stipulations:

M 592 00
(continued)

1. One unlighted ground sign, not exceeding 32 square feet per side or facing, may be permitted.
2. All work performed will be inside the garage.
3. There shall be no outside storage of parts or materials.
4. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

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 conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use enables him to continue to restore vintage automobiles, entirely indoors, without adverse impact of any sort, and with the endorsement of all of his neighbors.
2. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1367)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SIGN SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16,918 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1367) filed on behalf of Jeffrey M. Irving.

The Planning & Zoning Commission held a Public Hearing on this application on November 2, 2000, at which time they recommended that the application be approved. The record of the Planning & Zoning Commission's Public Hearing was incorporated into this Public Hearing.

Mr. Irving was present and spoke on behalf of his application. Mr. Irving stated that he proposes to operate a sign shop from the site.

There were no public comments and the Public Hearing was closed.

M 593 00
Adopt
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1417 "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

M 593 00
Adopt
Ordinance
No. 1417
(continued)

RESIDENTIAL DISTRICT FOR A SIGN SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16,918 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1367) filed on behalf of Jeffrey M. Irving, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning & Zoning Commission.
2. One unlighted ground sign, not exceeding 32 square feet per side or facing, may be permitted.
3. There shall be no Sunday hours.
4. There shall be no outside storage.

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 conditional use was appropriate legislative action based on the following conditions:

1. The applicant established by substantial evidence that the proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan, and that the proposed use will have no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

Corre-
spondence

Mr. Cole read the following correspondence:

INTERFAITH MISSION OF SUSSEX COUNTY, INC.
RE: Letter in appreciation of Councilmanic Grant.

M 594 00
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$250.00 from Mr. Dukes' Councilmanic Account to the Town of Blades for a Christmas Party for the children of the town.

Motion Adopted: 5 Yea.

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

Clearbrook/
Moratorium

Mr. Dukes questioned whether the Fire Marshal has placed a moratorium on the Clearbrook Subdivision in Seaford. Mr. Stickels responded that the Fire Marshal does not do any inspections of single family homes and therefore, would not be placing a moratorium on the subdivision. Mr. Dukes has been informed of a restriction that exists which states that upon completion of the construction of 50 homes, fire hydrants in the subdivision must be activated before any additional construction can occur. Mr. Stickels responded that there is no State law requiring this; however, it is possible that this is a restriction on the subdivision, as approved. Mr. Dukes was advised to check with Mr. Abbott, Assistant Director of Planning & Zoning.

Ordinance/
Smoke
Detectors

Mr. Stickels reported that he plans to bring a draft ordinance for introduction at the next Council meeting that will require a smoke detector in every bedroom (new construction).

M 595 00
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$400.00 from Mr. Rogers' Councilmanic Account to the Milton Fire Department, Inc. for the Milton Community Christmas Parade.

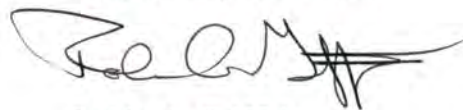
Motion Adopted: 5 Yea.

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

M 596 00
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 3:02 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council