

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 2, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 2, 1997, at 10:00 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 582 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 583 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated November 18, 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 RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Amendments to Administrative Manual - Rules of Practice and Procedure.

MILTON MIDDLE SCHOOL, MILTON, DELAWARE.
RE: Letter regarding invitation to participate in the Carolling on the Circle Food Drive.

BRIDGEVILLE APPLE-SCRAPPLE FESTIVAL, BRIDGEVILLE, DELAWARE.
RE: Letter in appreciation of Council's support of this year's festival.

RAY AND SUSAN WEBB, GREENWOOD, DELAWARE.
RE: Thank you card.

MRS. J. MARINER, LAUREL, DELAWARE.
RE: Thank you card.

COMMUNITY LEGAL AID SOCIETY, INC., WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

Corre-
spondence
(con't)

DELAWARE CRIME STOPPERS, DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

LAUREL HISTORICAL SOCIETY, LAUREL, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

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

RE: Letter in appreciation of Human Service Grant.

DR. MARTIN LUTHER KING, JR., REHOBOTH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MT. PLEASANT UNITED METHODIST CHURCH, REHOBOTH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

DELMARVA RURAL MINISTRIES, INC., DOVER, DELAWARE.

RE: Invitation to attend the 25th Anniversary of Delmarva
Rural Ministries, Inc. on Monday, December 15, 1997.

Book-
mobile
Change
Order

Mr. Stickels, County Administrator, discussed a change order
in the amount of \$2,153 to the Bookmobile contract, as follows:

One 10 KW Quiet Diesel Onan Generator	\$ 1,219
Two Dead Bolt Locks on Doors	204
One 220 v. Shoreline Electrical Connection in Lieu of 110 v. Shoreline	180
Two 12 v. Thin Lite Porch Lights in Lieu of 110 v. Lights	0
Remove Window in Wheelchair Door Lift	<u>550</u>
TOTAL	\$ 2,153

The project budget is \$105,000.

M 584 97
Approve
Book-
mobile
Change
Order

A Motion was made by Mr. Collins, seconded by Mr. Jones, to
approve a change order in the amount of \$2,153 to the Book-
mobile contract, bringing the total vehicle price to \$92,872.

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:

Adminis-
trator's
Report
(con't)

1. Troop 4 Status Report - Month of October 1997

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

Total Hours on Duty	4,166.0
Hours Assisted Other Agencies	47.0
Total Traffic Arrests	675
Total DUI Arrests	26
Accident Reports:	
Property Damage	61
Personal Injury	<u>15</u>
Total Accident Reports	76
Criminal Arrests:	
Felony	23
Misdemeanor	<u>166</u>
Total Criminal Arrests	189
Total 10-29 P's (wanted persons)	76
Total Number of Complaints	829

2. Conditional Closeout Agreements - Community Development Block Grant - 1995

I have received notification from Susan A. Frank, Delaware State Housing Authority Director, that the Authority has completed a review of the Conditional Closeout Agreement for the Community Development Block Grant Program. Ms. Frank stated that they are pleased that the review has been approved and they have found no deficiencies in the program. William Lecates, Director of Sussex County Community Development and Housing, and his staff should be complimented for their continued conscientious work in providing Sussex Countians with suitable housing.

3. Public Workshop - State Route 1

The Delaware Department of Transportation will be conducting a Public Workshop for the State Route 1(SR1) Grid Concept on Thursday, December 4, 1997, from 4:00 to 8:00 p.m. at the Cape Henlopen High School Lobby, 1250 Kings Highway, Lewes, Delaware. The SR1 Grid Concept is a planning process to identify alternative transportation linkages and connections to improve the mobility of SR1 between Five Points and Rehoboth began in June, 1997. The study actively seeks participation of all residents in the development of concepts for a local transportation system addressing all methods of travel in the corridor, including auto, bike, pedestrian, and bus.

Adminis-
trator's
Report
(con't)

4. Extended Hours

The following activities took place on Wednesday, November 12, and Wednesday, November 19, 1997, during the extended hours:

- (a) Planning and Zoning/Assessment - Two building permits issued from 7:30 to 8:30 a.m. and one building plan submitted from 4:30 to 7:30 p.m. on November 12; no activity from 7:30 to 8:30 a.m. and one building plan submitted from 4:30 to 7:30 p.m. on November 19.
- (b) Clerk of the Peace - Three wedding licenses issued and one marriage ceremony performed from 4:30 to 7:30 p.m. on November 12; no wedding licenses issued and two marriage ceremonies performed from 4:30 to 7:30 p.m. on November 19.
- (c) Utility Division - No activity November 12; no activity November 19.
- (d) Treasury Division - No activity November 12; no activity November 19.
- (e) Engineering/Planning and Permits Division - No activity November 12; no activity November 19.
- (f) Recorder of Deeds - Two public information requests, one phone call, and three recordings from 7:30 to 8:30 a.m., one public information request, two phone calls, and one recording from 4:30 to 7:30 p.m. on November 12; two public information requests, two phone calls, and three recordings from 7:30 to 8:30 a.m., no activity from 4:30 to 7:30 p.m. on November 19.

5. Milton Library Hours

The Milton Library will close at 6:00 p.m. instead of 8:00 p.m. on Wednesday, December 3, 1997, because of the Milton Christmas Parade. On Sunday, December 7, 1997, the library will be open from 12:00 noon to 4:00 p.m. for the Friends of the Library to sell various items and have a performance by Taylor Music Studio. The Milton Chamber of Commerce will host an Open House during these hours.

Pension
Fund

Mr. Baker, Finance Director, presented information regarding the County's Pension Fund. As of October 31, 1997, the Pension Fund was valued at \$10.6 Million; the Pension Fund is now 76% funded. During the period January 1, 1997 through October 31, 1997, there has been a net increase in Pension Fund value in the amount of \$1,367,064; a percentage increase of approximately 14.29%.

Pension
Fund
(con't)

Wilmington Trust investments had a return of 13.81% with \$7.8 Million in assets; Fidelity Investments had a return of 14.59% with \$1.5 Million in assets; and the State of Delaware Local Government Retirement Investment Pool had a return of 14.00% with \$1.3 Million in assets.

Mr. Baker, Finance Director, advised that at the November 24, 1997, Pension Fund Committee Meeting, the Committee agreed to recommend to the County Council to invest the Fiscal 1998 pension contribution of \$896,000 with the State of Delaware Pension Investment Pool. This decision was based on the following reasons:

- The State's investment philosophy and objectives are similar to the County's; to realize a real return of 3% per year and to control portfolio risk.
- The State employs the following policies: allocating a minimum of 20% to 25% of investments in fixed income investments, maintaining a widely diversified portfolio; and closely monitoring the performance of their investment managers.
- Over a five year time frame, the State fund has averaged 15% returns; risk is relatively low.
- The State fund is ranked in the top 25% of public pension funds throughout the Country.
- The State fund has taken a defensive position anticipating a slower market that many experts are predicting.

Mr. Stickels, County Administrator, highlighted the improvement in the County's Pension Fund; in 1988 the pension was funded at 26.19%; the proposed Fiscal 1998 Pension Fund contribution of \$896,000 will increase the percentage of funding to 76%.

M 585 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, that Authorize the Sussex County Council authorizes the investment of the Fiscal 1998 Pension Fund contribution amount, as budgeted, to the State of Delaware Local Government Retirement Investment Pool, as recommended by the County Pension Committee.

Motion Adopted: 5 Yea.

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

Pension
Plan/
Actuary
Report

Mr. Baker, Finance Director, reviewed a report by the County's actuary. The actuary has reviewed the County's Pension Plan and outlined alternatives for the County to help reduce the cost of retirement benefits. Recommendations included (1) the current plan with 2% pensioner COLA cap; (2) current plan with 30 year cap on service for pension calculation; (3) Dual Defined Benefit/Defined Contribution Plan; (4) Defined Contribution for all new employees and Defined Contribution as option for current employees - 5% level; (5) Defined Contribution for all new employees and Defined Benefit only for current employees - 5%; (6) Defined Contribution for all new employees and Defined Contribution as option for current employees - 7% level; and (7) Defined Contribution for all new employees and Defined Benefit only for current employees - 7% level. In addition, the actuary recommended that the County encourage employees to share in the responsibility of saving for retirement. Mr. Baker advised that the Committee recommended that the 30 year cap be implemented for new employees only and further, the Committee agreed that employees should be surveyed to see if they are interested in other investment options, i.e. a deferred compensation plan. It was the consensus of Council to continue with the current plan along with the implementation of a 30 year cap for new employees. A Proposed Ordinance will be drafted regarding the 30 year cap on service for pension calculation.

Agree-
ments

Mr. Green, Director of Utility Construction, discussed a Construction Administration and Construction Inspection Agreement between Sussex County Council and Nanticoke Crossing Limited Partnership.

M 586 97
Execute
Agree-
ments/
Nanticoke
Crossing
Limited
Partner-
ship

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Nanticoke Crossing Limited Partnership for wastewater facilities to be constructed at Nanticoke Crossing, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Proposed
Ordinance

Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRODUCE MARKET (SEASONAL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.74 ACRES, MORE OR LESS" (Conditional Use No. 1221) filed on behalf of Joseph H. Smith. 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 AND A MACHINE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.76 ACRES, MORE OR LESS, OF A 42.127 ACRE TRACT" (Conditional Use No. 1222) filed on behalf of Harlan L. Jones. 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 A GR GENERAL RESIDENTIAL DISTRICT FOR A PRIVATE CLUB/COMMUNITY ACTIVITY CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 17,500 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1223) filed on behalf of West Side New Beginnings, Inc. 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.67 ACRES, MORE OR LESS" (Change of Zone No. 1330) filed on behalf of Mumford Real Estate Partnership. The Proposed Ordinance will be advertised for Public Hearing.

M 587 97 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$100.00 from Mr. Cole's Councilmanic Account to Rehoboth Beach Main Street for the Fourth Annual Community Unity 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 588 97 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$250.00 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. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 589 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$200.00, \$100.00 from Mr. Jones' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Sussex Central Wrestling Boosters for operating expenses.

M 589 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

M 590 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Council- give \$200.00 from Mr. Jones' Councilmanic Account to the
manic Woodbridge Band Boosters for equipment and uniforms.
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 591 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$400.00 from Mr. Collins' Councilmanic Account to the
manic VFW Post #10638 for renovations.
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 592 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$300.00 from Mr. Collins' Councilmanic Account to the
manic Oak Orchard Youth Center for a youth dance.
Grant

Motion Adopted: 5 Yea.

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

Public Hearing/ A Public Hearing was held to consider extending the Dagsboro-
DFSSD Frankford Sanitary Sewer District (DFSSD) to include a certain
Extension piece, parcel, or tract of land owned by Holly A. Grazier,
lying contiguous to the DFSSD, situate, lying, and being in
Dagsboro Hundred, Sussex County, Delaware. There were no
public comments and the Public Hearing was closed.

M 593 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt Adopt Resolution No. R 038 97 entitled "A RESOLUTION TO
Resolu- EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER
tion DISTRICT (DFSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR
No. TRACT OF LAND OWNED BY HOLLY A. GRAZIER, LYING CONTIGUOUS TO
R 038 97 THE DFSSD, SITUATE, LYING, AND BEING IN DAGSBORO HUNDRED,
SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

M 593 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 594 97 At 11:05 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Rogers, 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 Hearing (C/U No. 1209) 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 CONTRACTOR'S OFFICE, STORAGE OF MATERIALS AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Conditional Use No. 1209) filed on behalf of Jeffrey A. and Suzanne M. Balthaser. Public comments were heard in opposition to this application. The Public Hearing was closed.

M 595 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Adopt Ordinance No. 1193 entitled "AN ORDINANCE TO GRANT A
Ordinance No. 1193 (C/U No. 1209) CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT FOR A CONTRACTOR'S OFFICE, STORAGE OF MATERIALS AND
PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0
ACRES, MORE OR LESS" (Conditional Use No. 1209) filed on be-
half of Jeffrey A. and Suzanne M. Balthaser, with the fol-
lowing conditions:

1. There will be no signs on site or at the entrance on Route 306-A.
2. No outside storage of material or outside parking of construction equipment.
3. Any dumpster or portable toilet on site will be enclosed with a stockade type fence.
4. Only existing dusk to dawn security light to be on site.
5. Solid screen fence on north, south and east side of site as separates site from neighbors.
6. No prefabrication or construction on site except for home to be erected, which shall be completed within one year.
7. No Sunday activity, with daily hours of business from 7:00 a.m. to 5:00 p.m.

M 595 97
(con't)

8. No employees to report or trucks leaving site before 7:00 a.m. or trucks returning after 5:00 p.m. except in emergency situations.
9. No retail sales from the site.
10. Final site plan approval subject to review by the Planning and Zoning Commission upon receipt of all required agency permits or approvals.
11. Portable toilet shall be removed upon completion of the home on site.
12. The house on site shall be occupied by the applicant and/or members of their immediate families.

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, with the twelve conditions imposed by Council, will bring the site into zoning conformity and will satisfactorily address the concerns articulated by neighbors.
2. With the twelve conditions in place, no adverse impact of any sort shall occur.
3. The findings of fact of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1210)

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 USED CAR SALES LOT AND REPAIR GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES, MORE OR LESS" (Conditional Use No. 1210) filed on behalf of Virgil F. and Marguerite Davis. The applicant advised that the application was not for a repair garage. There were no public comments and the Public Hearing was closed.

M 596 97
Approve
Proposed
Ordinance

A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve 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 LOT TO BE LOCATED

M 596 97
(con't)

ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES, MORE OR LESS" (Conditional Use No. 1210) filed on behalf of Virgil F. and Marguerite Davis, with the following conditions:

1. The use shall be limited to a used car sales lot. No repair garage shall be permitted.
2. The sales lot shall not exceed ten vehicles at all times.
3. Signage shall be limited to one un-lit ground sign not exceeding 32 square feet per side or facing.
4. Security lighting shall be limited to the existing light.
5. Hours of business will be from 8:00 a.m. to 4:00 p.m., Monday through Saturday. No Sunday hours shall be permitted.
6. The final site plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all required agency approvals and/or permits.

Motion Denied: 3 Nay, 2 Yea.

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

Public
Hearing
(C/U
No. 1211)

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 EXPANSION TO CONDITIONAL USE NO. 1014 FOR PLAY AND RECREATION AREA AND FUTURE BUILDING EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.589 ACRES, MORE OR LESS" (Conditional Use No. 1211) filed on behalf of Milford School District. There were no public comments and the Public Hearing was closed. Action was deferred.

Public
Hearing
(C/Z
No. 1319)

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18,750 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1319) filed on behalf of Quaker Medical Assoc., L.L.C. There were no public comments and the Public Hearing was closed.

M 597 97
Adopt
Ordinance
No. 1194

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1194 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-

M 597 97 (con't) CULTURAL 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 18,750 SQUARE FEET, MORE OR LESS" (Change of Zone 1319) filed on behalf of Quaker Medical Assoc., L.L.C.

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 change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone is wholly conforming with the Comprehensive Land Use Plan and Map and with the character of the neighborhood as developed. There will be no adverse impact of any sort as a result of the change of zone.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1318) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.75 ACRES, MORE OR LESS" (Change of Zone No. 1318) filed on behalf of Sirman D. and Anna M. McAllister, Trustee. There were no public comments. The record of the Planning & Zoning Commission was incorporated into the record. It was noted that the applicants were not present; Mr. Fuqua, Attorney, spoke on behalf of the applicants.

Recess Mr. Dukes declared a recess at 3:20 p.m.

Reconvene Mr. Dukes called Council back into session at 3:25 p.m.

Continue Public Hearing Mr. Stickels, County Administrator, advised that he spoke with the applicants and they expressed concern regarding their application. Mr. Fuqua recommended that the Public Hearing be recessed for a period of two weeks.

M 598 97 Public Hearing (C/Z No. 1318) A Motion was made by Mr. Collins, seconded by Mr. Jones, to recess for a period of two weeks the Public Hearing on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.75 ACRES, MORE OR LESS (Change of Zone No. 1318) filed on behalf of Sirman D. and Anna M. McAllister, Trustee.

M 598 97 Motion Adopted: 5 Yea.
(con't)

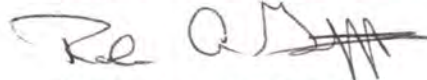
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Land Use Mr. Cole recommended that persons applying for conditional
Plan uses and change of zones be advised at the time of application
Com- whether or not their application is in compliance with the
pliance Land Use Plan and map.

Location Council advised that in reviewing conditional use and change
of of zone applications, it is difficult for them to locate pro-
Pro- perties with site plan information. Council requested that
perties additional information be provided to assist in locating
properties.

M 599 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 3:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council