

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 19, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 19, 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.

Children from Small Wonder Ones Day Care entertained Council with Christmas carols.

M 614 00 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend
Approve the Agenda by striking "Recognition – Meehris McGlauglin" and to
Agenda approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 615 00 A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve
Approve the minutes of the December 12, 2000, meeting, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard read the following correspondence:
spondence

DAVID HARE, LAUREL LITTLE LEAGUE, LAUREL, DELAWARE.
RE: Letter in appreciation of Grant.

Human
Service
Grant
Requests

Mr. Stickels presented several requests for Human Service Grant funding. Mr. Stickels noted that the FY 2001 budget included \$116,593 in Human Service Grant funding. In October, Council awarded \$112,481, leaving a balance of \$4,512. Since the awards were made in October, a check was returned in the amount of \$1,000 from the Nanticoke Indian Elderly Center who are no longer providing services, increasing the balance to \$5,512.

Requests for funding were submitted by the Delaware State Police for Council's participation in two safety programs – a Retired Senior Volunteer Program in the Long Neck area and a Block Watch Program in the Delmar area. Captain Hughes was in attendance to discuss the programs.

M 616
Award
Human
Service
Grant/
Delaware
State
Police

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to award \$1,500 from Human Service Grants to the Delaware State Police for the Retired Senior Volunteer Program and \$500 from Human Service Grants for the Block Watch Program.

Motion Adopted: 5 Yea.

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

Human
Service
Grant
Request

A request for funding was also received from Casa San Francisco to subsidize DART fares for Casa San Francisco clients who need access to reliable transportation to find and maintain a job. Ms. Mable Granke, Chairperson, Casa San Francisco Board of Directors, was in attendance to discuss the program.

M 617 00
Award
Human
Service
Grant/
Casa
San
Francisco

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to award \$750.00 from Human Service Grants to Casa San Francisco to help subsidize DART fares.

Motion Adopted: 5 Yea.

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

David L.
Wilson

Council presented to David L. Wilson, Sr. a plaque in recognition of his dedication and service as Register in Chancery from 1993 to 2001.

2000
Bond
Volume
Cap

Mr. Stickels reported that a letter has been received from Mr. William Remington, Acting Secretary of Finance, State of Delaware, requesting that any portion of the 2000 Bond Volume Cap assigned to Sussex County (\$15 million) which will not be allocated either to a qualified

2000
Bond
Volume
Cap
(continued)

project prior to year-end or identified as eligible for carry-forward be reassigned to the State for reallocation between the Delaware State Housing Authority and/or the Delaware Economic Authority. This request is made annually to allow the State to maximize its usage of its Private Activity Bond Volume Cap. Mr. Stickels has advised Mr. Remington that there is a question this year whether the \$10,300,000 approved by the County for Perdue, Inc. for their pelletizing fertilizer plant counts against the \$15 million. Mr. Stickels recommended that Council authorize the reassignment of the entire \$15,000,000 if the \$10,300,000 does not count against the cap; should the Perdue Industrial Revenue Bond count against the cap, then Council can only assign the remaining unused portion.

M 618 00
Assign
2000
Bond
Volume
Cap

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council hereby assigns to the State of Delaware its unallocated Private Activity Bond Volume Cap for 2000.

Motion Adopted: 5 Yea.

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

Report
on Night
Meetings

Mr. Stickels reviewed a report on the possibility of the County Council having night meetings. The report included a list of options for night meetings:

- Change all meetings to night starting at 6:00 p.m., 7:00 p.m., etc.
- When Council has zoning hearings, start business meeting at 3:00 p.m., 4:00 p.m., etc., and start zoning hearings at 6:00 p.m., 7:00 p.m., etc., after business meeting.
- Have business meetings at 10:00 a.m. when there are no zoning hearings scheduled.
- Schedule night meetings periodically, such as once a month, twice a month, or quarterly. If meetings are held quarterly, public hearings on County ordinances could be scheduled for that meeting. Other items, such as budget hearings, special proclamations, and workshops with State agencies, could be scheduled to ensure that there are items of public interest on the agenda.

Council debated the options. Mr. Phillips spoke in support of the concept of night meetings stating that the public would be better served. Mr. Phillips suggested that, at the very least, public hearings should be moved to the evening hours. Mr. Jones spoke in favor of the concept of holding night meetings on a monthly or quarterly basis, for a trial period. Mr.

Report
on Night
Meetings
(continued)

Cole supported the concept of starting the business meeting at 3:00 or 4:00 in the afternoon and starting public hearings at 6:00 or 7:00 in the evening, on a regular basis. Mr. Dukes and Mr. Rogers spoke in opposition to night meetings based on the following reasons: the danger of senior citizens driving at night; hardships on people who work at night who wouldn't be able to attend Planning and Zoning meetings or County Council meetings; media deadlines; the cost of overtime or comp-time which would be incurred by County employees who have to stay past regular working hours; the unavailability of County employees during night meetings; and the fact that there are enough night meetings for Council members to attend. Mr. Rogers noted that he does not believe that the public is unable to participate in the public hearing process; that he routinely receives calls and letters regarding issues before Council and all comments are taken into as much consideration as comments made by someone standing in front of him at a council meeting.

Mr. Phillips discussed a Proposed Motion that the Sussex County Council's business meetings begin each Tuesday at 4:00 p.m. and further, on the Tuesdays when public hearings are scheduled, that the meetings begin at 7:00 p.m.

The discussion continued.

Mr. Phillips discussed an amendment to his Proposed Motion to include the words "for a 6 month trial period beginning the first regularly scheduled meeting in March".

M 619 00
Authorize
Night
Meetings

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Council's business meetings begin each Tuesday at 4:00 p.m. and further, on the Tuesdays when public hearings are scheduled, that the meetings begin at 7:00 p.m., for a 6 month trial period beginning the first regularly scheduled meeting in March".

Motion Denied: 3 Nay, 2 Yea.

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

Adminis-
trator's
Report

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

1. Mary Hill

It is with regret that I inform the Council of the passing of Mary Hill of Laurel on Wednesday, December 13, 2000. Mrs. Hill was the wife of former County Councilman Oliver Hill. Mary had served as Secretary to the Sussex County Levy Court from 1955 to

Adminis-
trator's
Report
(continued)

1960. From 1960 to 1981, Mary was Chief Deputy for the Court of Chancery, retiring in 1981.

2. Sussex County Airport – Runway Sweeper

A runway sweeper has been purchased for the Sussex County Airport through a grant from the U.S. Department of Transportation, Federal Aviation Administration (FAA). The County applied for a grant from FAA for nearly \$60,000, which included a five percent match from the State of Delaware, for the sweeper.

The TYMCO sweeper will be used to maintain and prevent debris on the airport runways. The sweeper pick-up head provides powerful suction across the entire width of the pick-up head far superior to vacuum sweepers, pulling 75 percent of their suction within only 24 inches from the suction nozzle. The model purchased by the County provides superior pick-up of heavy debris such as rocks and sand, as well as fast, efficient removal of light debris including paper, bottles, broken glass, and cans.

The purchase was necessary with the addition of the Boeing 737 BJ's coming into the airport with engines located below the wings and powerful suction to absorb debris on the runways, thereby posing the potential for severe damage to the engines.

3. Holiday Schedule

Sussex County offices will be closed Monday, December 25, and Tuesday, December 26, 2000, to allow employees to celebrate the Christmas holiday. Offices will reopen at 8:30 a.m. on Wednesday, December 27, 2000. There will not be a Council meeting on Tuesday, December 26, 2000.

Offices will also be closed January 1, 2001, in observance of New Years. Offices will reopen at 8:30 a.m. on Tuesday, January 2, 2001. There will be a regularly scheduled Council meeting at 10:00 a.m.

Prior to the Council meeting, newly elected Councilmen – Mr. Dukes, Mr. Jones, and Mr. Rogers – will be sworn in in the Council Chambers at 9:00 a.m. Newly elected Register in Chancery John Brady will also be sworn in at that time. The public is invited to attend this ceremony.

Public
Hearing

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'ZONING', TO AMEND

Public
Hearing/
Placement
of
Multi-
sectional
Manu-
factured
Homes

PROVISIONS RELATING TO THE PLACEMENT OF MULTISECTIONAL MANUFACTURED HOMES”. This Ordinance provides that a multi-sectional manufactured home may be placed on an existing lot not less than 1/2 nor more than 3/4 acre in an AR-1 Agricultural Residential District as long as it conforms to all other sections of the Code and subject to receiving a special use exception from the Sussex County Board of Adjustment.

The Planning and Zoning Commission held a Public Hearing on this application on November 30, 2000, at which time they recommended that the ordinance be denied, as presented. Mr. Schrader, Assistant County Attorney, advised the Commission that there seemed to be a section missing in the Ordinance relating to the Board of Adjustment. The Commission felt that the ordinance should be amended and readvertised to allow for the missing section to be added to the Ordinance.

Mrs. McKinley, Executive Director of the First State Manufactured Housing Association, spoke in favor of the Ordinance and stated that the change is fair and provides for options for an individual to apply for permission for the placement of a multi-sectional home; that the ordinance provides for a public hearing process that will permit an applicant and neighbors to speak in support of or in opposition to an application and allows the Board of Adjustment to make a decision; and that the Ordinance provides a method to use existing lots of record without the need for creation of additional lots.

Mr. Stickels reported that he along with Mr. Lank, Director of Planning and Zoning, has reviewed the proposed ordinance with legal staff, and determined that the reference to “three-fourths acre” can be eliminated. The clarification of the paragraph referred to by Mr. Schrader does not change the intent of the ordinance; does not make it more restrictive; and does not change the title; and for this reason, an additional public hearing does not need to be held.

Mr. Cole expressed concern that the Board of Adjustment would not have the ability to say no to anybody asking for this special exception.

Mr. Stickels suggested that, if the Council adopts this Ordinance, a policy could be adopted on what the application to the Board of Adjustment should look like, including a list of conditions which must be met prior to an application being submitted, thereby giving the Board of Adjustment a basis for denial.

There were no public comments in opposition to the Proposed Ordinance. The Public Hearing record was closed.

M 620 00
Adopt
Ordinance
No. 1418

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1418 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'ZONING', TO AMEND PROVISIONS RELATING TO THE PLACEMENT OF MULTISECTIONAL MANUFACTURED HOMES", as amended.

Motion Adopted: 5 Yea.

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

Old
Business/
C/U
No. 1336

Council discussed Conditional Use No. 1336 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN ELEVATED WATER STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.79 ACRES, MORE OR LESS" filed on behalf of Tidewater Utilities, Inc. The Planning and Zoning Commission recommended approval of this application with two stipulations. Mr. Stickels presented seven stipulations for Council's consideration.

M 621 00
Adopt
Proposed
Ordinance/
C/U
No. 1336

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN ELEVATED WATER STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.79 ACRES, MORE OR LESS" (Conditional Use No. 1336) filed on behalf of Tidewater Utilities, Inc.

Motion Denied: 5 Nay

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

Findings
of Fact

The Council found that the conditional use was not appropriate legislative action based on the following findings of fact: that the location should be closer to areas planned for development and not adjoining existing developed lands; that the use could depreciate property values; that a more appropriate location may be available closer to proposed development areas; that the location may impact existing single family on-site wells; and that the tower is out of character with the adjoining existing single family residential homes in the area.

Old
Business/
C/U
No. 1365

Council discussed Conditional Use No. 1365 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BULK PROPANE STORAGE AND DISTRIBUTION FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.74 ACRES, MORE OR LESS, PLUS AN ACCESS ROAD" filed on behalf of Chesapeake Utilities Corporation. The Planning and Zoning Commission recommended approval of this application with no stipulations. Mr. Stickels presented eleven stipulations for Council's consideration.

M 622 00
Adopt
Proposed
Ordinance/
C/U
No. 1365

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BULK PROPANE STORAGE AND DISTRIBUTION FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.74 ACRES, MORE OR LESS, PLUS AN ACCESS ROAD" (Conditional Use No. 1365) filed on behalf of Chesapeake Utilities Corporation.

Motion Denied: 4 Nay, 1 Yea.

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

Findings
of Fact

The Council found that the conditional use was not appropriate legislative action based on the following findings of fact: that the road leading into the project is not suitable; that DelDOT stated that the level of service of Route 84 may decrease due to this application; that the project may decrease property values; that the utility company does not plan to have staff on the site on a regular basis; that the use could be potentially hazardous due to the possibility of industrial type accidents on the site; that the use is inappropriate in this area since it is out of character with the primarily residential character of the area; that Bear Trap has ample land to support this project; and that the propane tanks will be visible and not completely underground.

Old
Business/
C/Z
No. 1406

Council discussed Change of Zone No. 1406 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,976 SQUARE FEET, MORE OR LESS" filed on behalf of Daniel E. Fink, Sr. The Planning and Zoning Commission recommended approval of this application.

M 623 00
Adopt
Ordinance
No. 1419
(C/Z
No. 1406)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1419 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINIG 14.976 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1406) filed on behalf of Daniel E. Fink, Sr.

Motion Adopted: 5 Yea.

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

Findings
of Fact

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

1. The applicant established by substantial evidence that the change of zone is consistent with the character of the neighborhood as developed and with DelDOT's entrance requirements, will have no adverse impact on traffic, the environment, or property values in the area. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Old
Business:
(C/Z
No. 1417)

Council discussed Change of Zone No. 1417 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS" filed on behalf of Harbour Towne Associates, L.P. The Planning and Zoning Commission recommended approval of this application.

Mr. Rogers did not participate in the Public Hearing on this application nor did he participate in the discussion on this date.

Mr. Dukes presided over the meeting.

M 624 00
Adopt
Ordinance
No. 1420

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1420 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN

M 624 00
Adopt
Ordinance
No. 1420
(C/Z
No. 1417)
(continued)

PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS" (Change of Zone No. 1417) filed on behalf of Harbour Towne Associates, L.P.

Motion Adopted: 4 Yea, 1 Not Participating.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Not Participating

Findings
of Fact

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

1. The subject property lies within a development district, therefore: the change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan, which on page 30 specifies that it will be necessary to plan for areas of multi-family dwelling units to accommodate the needs of elderly residents, where public infrastructure, (such as exists on this property) are available. This rezoning fills the need pointed out on page 30 of the Comprehensive Land Use Plan in that an opportunity for housing and services is provided for the elderly to continue aging in place.
2. The current zoning for the subject property supports 72 multi-family units and the increase in land zoned to HR-1 could support an additional 13 units. The applicant voluntarily imposed Deed Restrictions on the subject property that limits the number of multi-family units to a total of 80 units in addition to the Cheer Senior Citizen Center. This density is consistent with and less than the twelve units per acre guidelines for housing types for property in a Development District specified in the Comprehensive Land Use Plan.
3. The Department of Transportation issued an entrance approval for the site on December 8, 1999 and determined in a letter dated November 14, 2000 that the original entrance approval was sufficient to support the proposed use of 80 age "elderly" apartment units and a Cheer Senior Citizen Center.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
5. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Change in Agenda It was the consensus of Council that due to the lack of time remaining for the morning session, agenda items remaining to be discussed were moved to the agenda for the afternoon session.

M 625 00 Recess At 12:20 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Rogers called Council back into session at 1:40 p.m.

Draft Ordinance Amending the Annual Operating Budget Mr. Baker presented a draft ordinance entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2001 TO FURTHER DESCRIBE REALTY TRANSFER TAX – SEWER AND WATER DISTRICT CONTRIBUTION EXPENDITURES". This draft ordinance more accurately describes expenditures from Realty Transfer Tax Sewer and Water contributions for Fiscal 2001. Mr. Baker reviewed the draft ordinance stating that it is a housekeeping procedure, which will adjust the language regarding debt reduction for sewer districts. The Proposed Ordinance, if adopted, will give the County more flexibility with the use of the funds in individual sewer districts and will avoid a problem with investment earnings.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2001 TO FURTHER DESCRIBE REALTY TRANSFER TAX – SEWER AND WATER DISTRICT CONTRIBUTION EXPENDITURES". The Proposed Ordinance will be advertised for Public Hearing.

Wastewater Facilities Mr. Green, Director of Utility Construction, discussed the construction of wastewater facilities in Rehoboth Beach Yacht & Country Club.

M 626 00 Grant Beneficial Acceptance/ Rehoboth Beach Yacht & Country Club A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Rehoboth Beach Yacht & Country Club – Phase 6A, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Bid Results Mr. Shade, Purchasing Agent, reported on the bid results for a heavy crane truck needed by the Engineering Department at the treatment facilities. Six bids were received, as follows:

Bid	Bayshore Ford Truck Sales	\$112,445.00
Results/	Barr International	\$115,957.41
Heavy	M & L Volvo	\$116,589.00
Crane	Keystone Truck	\$117,306.00
Truck	Barr International	\$126,043.00
(continued)	Keystone Truck	\$132,303.00

Barr International and Keystone Truck submitted two bids. Mr. Shade recommended that the bid be awarded to Bayshore Ford Truck Sales.

M 627 00 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the
Award Bid for Crane/ Boom Truck
Sussex County Council accepts the bid of Bayshore Ford Truck Sales, Inc., in the amount of \$112,445.00, for one Crane/Boom Truck.

Motion Adopted: 5 Yea.

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

Bid Results/ Pick-up Trucks
Mr. Shade, Purchasing Agent, reported on the bid results for three half-ton pickup trucks needed by the Engineering Department at the treatment facilities. Five bids were received, as follows:

Hertrich Fleet Services	\$25,254.00
I. G. Burton	\$25,377.00
Townsend Brothers Chevrolet	\$25,633.00
M & L Volvo	Disqualified
First State Chevrolet	\$25,069.83

Mr. Shade recommended that the bid be awarded to Hertrich Fleet Services.

M 628 00 A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the
Award Bid for Pick-up Trucks
Sussex County Council accepts the bid of Hertrich Fleet Services in the amount of \$25,254.00 per unit for three (3) half-ton extended cab pickup trucks.

Motion Adopted: 5 Yea.

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

Bid Results/ Boom Truck
Mr. Shade, Purchasing Agent, reported on the bid results for a heavy duty boom truck needed by the Engineering Department at the treatment facilities. Five bids were received, as follows:

Bid Results (continued)	First State Chevrolet	\$33,068.41
	I.G. Burton	\$36,740.00
	Hertrich Fleet Services	\$37,051.00
	Townsend Brothers Chevrolet	\$37,427.00
	M & L Volvo	Disqualified

Mr. Shade recommended that the bid be awarded to First State Chevrolet.

M 629 00 A Motion was made by Mr. Cole, seconded by Mr. Jones, that the
Award Sussex County Council accepts the bid of First State Chevrolet in the
Bid/ amount of \$33,068.41 for one heavy duty extended cab boom truck.
Boom
Truck

Motion Adopted: 5 Yea.

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

Bid Mr. Shade reported on the bid results for three one-ton extended cab
Results/
Truck & trucks and two K2500 (3/4-ton) Suburban-type vehicles for the
Suburban- Paramedics. Bid results were as follows:
type
Vehicles

1 Ton Extended Cab (x3)

I.G. Burton	\$33,833.00
Townsend Bros.	\$34,197.00
First State Chevrolet Olds	\$35,435.86
Hertrich Fleet Services	\$34,562.00

K2500 (3/4 ton) Suburban (x2)

First State Chevrolet Olds	\$36,842.73
I. G. Burton	\$36,924.00
Townsend Bros.	\$37,292.00
Hertrich Fleet Services	\$38,307.00

M 630 00 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the
Award Sussex County Council accepts the bid from I. G. Burton in the amount
Bid/ of \$33,833.00 for the extended cab trucks and the bid from First State
Truck & Chevrolet in the amount of \$36,842.73 for the Suburban-type vehicles.
Suburban-
type
Vehicles

Motion Adopted: 5 Yea.

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

Scholarship
Contest
Winners

Mr. Sparpaglione announced the winners of the Sussex County Student Scholarship Online Election Contest., as follows:

First Place

Jason S. Russell, Indian River High School

Second Place

David G. Werner, Seaford High School

Third Place

Jordan M. Frey, Southern Sussex Learning Academy

Fourth Place

Danielle A. Ryman, Indian River High School

Fifth Place

Glen M. Saunders, Sussex Central

Public
Hearing
(C/U
No. 1371)

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 MULTI-FAMILY DWELLING STRUCTURE (14 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 19.82 ACRES, MORE OR LESS" (Conditional Use No. 1371) filed on behalf of Philadelphia Pentecostal Holiness Church, Inc. The Planning and Zoning Commission held a Public Hearing on this application on November 30, 2000, at which time they recommended approval with stipulations.

Bishop Major Foster spoke on behalf of the application and stated that the church built a shelter home across Road 213 from the church a few years ago and that they propose to provide housing for the homeless and low income families.

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

M 631 00
Adopt
Ordinance
No. 1421
(C/U
No. 1371)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1421 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (14 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 19.82 ACRES, MORE OR LESS" (Conditional Use No. 1371) filed on behalf of Philadelphia Pentecostal Holiness Church, Inc., with the following conditions:

M 631 00
(continued)

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.
2. No occupancy of the units shall be permitted until central water and central sewer is provided to the units.

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 will serve the ongoing need in the Ellendale community, without adverse impact of any sort, while consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1370)

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 RETAIL SALES OF SHEDS, PLAYGROUND EQUIPMENT AND YARD FURNITURE; SEASONAL SALES OF CHRISTMAS TREES, PUMPKINS, AND VEGETABLES; OPEN PIT COOKING; AND A CORN MAZE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81 ACRES, MORE OR LESS" (Conditional Use No. 1370) filed on behalf of Jay Beach. The Planning and Zoning Commission held a Public Hearing on this application on November 30, 2000, at which time they recommended approval with the following stipulations:

1. A landscaped buffer, with a minimum width of 20 feet, shall be provided along lots 44, 45, and 46 of Briarwood and along Briarwood Drive. The buffer shall be planted with at least two staggered rows of Leyland Cypress. The plants shall be spaced 10-feet apart and shall be at least 3 feet high when planted.
2. The existing wetlands shall not be disturbed.
3. Portable toilet facilities shall be provided and the view of the toilets shall be screened from Route 24.

Public
Hearing
(continued)

4. The maximum number of sets of playground equipment displayed at any one time shall be six (6).
5. The maximum number of sheds displayed at any one time shall be ten (10).
6. The open pit cooking shall be limited to the months of June through October with hours from noon to 6:00 p.m.
7. The corn maze activity shall be limited to the months of August to November with hours from 10:00 a.m. to 6:00 p.m. with the flashlight activity on weekends closing at 9:00 p.m.
8. Security lighting shall be directed into the site so as not to impact adjoining properties or traveling motorists.
9. One on-premise ground sign, not exceeding 32 square feet per side or facing, may be permitted to list all of the uses related to this conditional use.
10. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
11. No parking signs shall be placed along Route 24 if approved by DelDOT.
12. Produce market sales shall be limited to the sale of Christmas trees and wreaths, pumpkins, fruits, and vegetables.
13. The area of retail set aside for the display of sheds, yard furniture, and playground equipment shall not exceed 300 feet by 250 feet.
14. The corn maze and related parking shall be to the rear of the retail display area.

Mr. Beach was present and spoke on behalf of his application. Public comments were heard in support of and in opposition to the application. A letter was read into the record from Citizens Coalition, Inc. regarding its opposition to the application and recommended conditions to be placed on the application, if approved. Comments in opposition to the application referenced the need to control the activities on the site; the number of signs proposed; the size of the trees to be planted; the driveway location; bathroom facilities; lighting; alcoholic beverage sales; traffic; the wetlands that exist on the farm; the closeness of the proposed entrance to the entrance of Briarwood Drive; and the Agricultural Residential District which should be preserved.

Public Hearing
(continued)

Mr. Cole suggested that the title of the Proposed Ordinance be amended to “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL SALES OF CHRISTMAS TREES, PUMPKINS, AND VEGETABLES AND A CORN MAZE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.81 ACRES, MORE OR LESS” thereby eliminating retail sales of sheds, playground equipment and yard furniture, and open pit cooking. Mr. Cole noted that this would keep the uses farm-related to conform with the AR-1 Agricultural Residential District zoning.

Mr. Bayard suggested that rather than amend the title of the ordinance, the easiest thing to do would be to eliminate specific uses by stipulation.

Mr. Cole asked Mr. Lank and Mr. Bayard to review the proposed conditions and define the locations of some of the activities more specifically.

The Public Hearing was closed and action was deferred.

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 AND A GR GENERAL 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 96.12 ACRES, MORE OR LESS” (Change of Zone No. 1421) filed on behalf of Abraham P. Korotki. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 12.0816 ACRES, MORE OR LESS” (Change of Zone No. 1422) filed on behalf of Kevin W. Sagers and Laurie, David J. Ennis and Patricia, Wayne E. Vaeth, and Glenda J. Jackson. 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 A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A HR-

Proposed Ordinance (continued)

RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 76.69 ACRES, MORE OR LESS” (Change of Zone No. 1423) filed on behalf of Preston L. Dyer. 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 A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 45,625 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1424) filed on behalf of Twin Cedar Apts., L.L.C. 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 2.1 ACRES, MORE OR LESS” (Change of Zone No. 1425) filed on behalf of David and Karen Greenhaugh. 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 AN EXPANSION TO AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 14.16 ACRES, MORE OR LESS (Conditional Use No. 1386) filed on behalf of Homestead Camping, Inc., c/o William Prettyman. 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 C-1 GENERAL COMMERCIAL DISTRICT FOR MINIATURE GOLF AND FAMILY ENTERTAINMENT CENTER (AMUSEMENT) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.70 ACRES, MORE OR LESS OF A 4.28 ACRE TRACT” (Conditional Use No. 1387) filed on behalf of Preston L. Dyer. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE RETAIL AND WHOLESALE RACING PARTS AND ASSEMBLE RACE CARS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 26,150 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1388) filed on behalf of Advanced Motorsports, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 632 00
Youth
Activity
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$250.00 from Mr. Phillips' Youth Activity Grant Account to the Laurel Little League for improvements to the fields.

Motion Adopted: 5 Yea.

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

M 633 00
Youth
Activity
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00, \$250.00 each from Mr. Cole's and Mr. Rogers' Youth Activity Grant Accounts to the Cape Henlopen Little League for equipment and uniforms.

Motion Adopted: 5 Yea.

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

M 634 00
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$500.00, \$100.00 from each Councilmanic Account to the Sussex County Fire Chiefs Association to assist with the cost of sending their President to the Fire Department Instructors Conference.

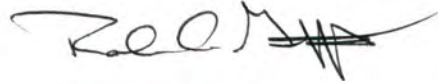
Motion Adopted: 5 Yea.

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

M 635 00
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 3:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robin A. Griffith". The signature is stylized with a large initial "R" and a long horizontal stroke.

Robin A. Griffith
Clerk of the Council