



*Sussex County Council
Agendas & Minutes*

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 26, 2005

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 26, 2005 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 267 05 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to amend the
Approve Agenda by deleting "Approval of Minutes" and to approve the Agenda, as
Agenda amended.

Motion Adopted: 5 Yea.

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

Corre- Mr. Griffin read the following correspondence:
spondence

**L. GLASCO, COMMANDER, OAK ORCHARD – RIVERDALE POST #28 OF THE AMERICAN LEGION, MILLSBORO, DELAWARE.
RE: Letter of invitation to the Armed Forces Day Celebration on May 21, 2005 at 11:00 a.m.**

**RONALD LOVELAND, MILLSBORO, DELAWARE.
RE: Letter of thanks for the repairs made to his home which were made possible by Sussex County Community Development and Housing.**

PASTOR JOHN BETTS, ABUNDANT LIFE CHURCH, GEORGETOWN,

DELAWARE.

RE: Letter expressing appreciation for the Council's bold stand and proclamation in the Terri Schiavo case. Invitation to the National Day of Prayer service on The Circle on May 5, 2005. at 12:00 noon.

LYDIA BESHEARS, GEORGETOWN, DELAWARE.

RE: Letter expressing her disagreement and regret at the County's statement in the Terri Schiavo case.

**M 268 05
Adopt
Procla-
mation**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING APRIL 24 THROUGH MAY 1, 2005 AS SOIL AND WATER STEWARDSHIP WEEK".

Motion Adopted: 5 Yea.

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

**Soil and
Water
Stewarship
Week/
Sussex
Conser-
vation
District**

Mr. Vanderende, Sussex Conservation District Chairman, reported that the theme of this year's Soil and Water Stewardship Week is "Celebrate Conservation". Mr. Vanderwende reported that the theme represents the basic theme of hope and responsibility to encourage people to maintain today's resources so that tomorrow's citizens might enjoy a fruitful life. Mr. Vanderwende shared some of the reasons why we should celebrate: our lives in the United States are richer and fuller than at any other time in history; people live longer and enjoy better health; we can eat an incredible variety of fresh foods any time of the year; overall air and water quality continues to improve; and forest resources grow abundant. He noted that many of these improvements come directly from good conservation practices and that good conservation helps make sure we have the essentials of good food and clean water. Mr. Vanderwende thanked the Council for its continued support.

**M 269 05
Adopt
Procla-
mation**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAMATION NAMING TROOP 5 THE ADAMS – EWING PUBLIC SAFETY COMPLEX".

Motion Adopted: 5 Yea.

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

**Public
Safety
Complex**

Mr. Stickels noted that Senator Thurman Adams, Jr. and Representative J. Benjamin Ewing have been instrumental in supporting the conversion of the Bridgeville Visitors Center to a Public Safety Complex for Delaware State Police Troop 5 and Paramedic Unit No. 107.

Distribute Certified Copies **A certified copy of the Proclamation will be presented to the Speaker of the House Terry R. Spence and Senate President Pro Tempore Thurman G. Adams, Jr.**

Committee Vacancy **Mr. Stickels reported that a vacancy exists on the Advisory Committee for the Aging and Adults with Physical Disabilities.**

M 270 05 Committee Appointment **A Motion was made by Mr. Cole, seconded by Mr. Dukes, to appoint Robert Draine to the Advisory Committee for the Aging and Adults with Physical Disabilities for a term of two years.**

Motion Adopted: 5 Yea.

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

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

- Council Meeting Schedule**

A reminder that the next County Council meeting will be held on Tuesday, May 10, 2005, at 6:30 p.m. David Small, Deputy Secretary of the Department of Natural Resources and Environmental Control, will update Council on the potential transfer responsibilities of dog control.

- FY 2006 Budget**

The FY 2006 Budget will be presented to Council on Tuesday, May 17, 2005, at 10:00 a.m. A special press presentation will take place at 7:30 a.m. A Public Hearing on the budget will be held at 6:45 p.m. on Tuesday, June 14, 2005.

- Sussex County Council Prayer Breakfast**

A reminder that the 28th Annual Sussex County Council Prayer Breakfast will be held on Monday, May 16, 2005, at 7:00 a.m. at the CHEER Community Center on Sand Hill Road in Georgetown. This year's guests will be Paul and Susie Luchsinger of Psalms Ministries. Susie Luchsinger is the sister of Reba McEntire. Tickets are \$12.00 per person and are available in the County Council Office.

- Student Government Day**

The Sussex County Council will host County Government Day on Thursday, May 5, 2005, starting at 9:30 a.m. in the Council

Chambers. Students who are in their junior year of high school will participate in a County Council meeting. The general public as well as the media is welcome to attend.

It should be noted that Mr. Vance Phillips is the only student that ever participated in the program to be elected to the County Council.

Requests Mr. Stickels presented several requests for funding.

M 271 05 Community Improvement Grant A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Rogers' Community Improvement Grants to the Historic Lewes Cat Society (The Kitty Clinic) for the purchase of a used RV to be used as a spay/neuter mobile unit.

Motion Adopted: 5 Yea.

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

M 272 05 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500.00 (\$300.00 from Mr. Jones' Councilmanic Account and \$50.00 each from Mr. Cole's, Mr. Dukes', Mr. Phillips' and Mr. Rogers' Councilmanic Accounts) to the Friends of the Georgetown Public Library for the 5K Run/Walk Fundraiser.

Motion Adopted: 5 Yea.

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

M 273 05 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$750.00 from Mr. Cole's Councilmanic Account to the Bethany Beach 4th of July Parade Committee for the Independence Day Celebration.

Motion Adopted: 5 Yea.

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

M 274 05 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$600.00 (\$300.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Accounts) to the Laurel Chamber of Commerce for the Independence Day Celebration.

Motion Adopted: 5 Yea.

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

M 275 05 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$675.00 (\$135.00 from each Councilmanic Account) to Mothers Against Drunk Driving (MADD) for equipment purchases.

Motion Adopted: 5 Yea.

M 275 05 (continued) **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

Public Comments Dan Kramer addressed the Council regarding the conservation of open space without the purchase development rights, at no cost to the taxpayers.

M 276 05 Recess At 10:30 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Jones called the Council back into session at 1:30 p.m.

Public Hearing (C/U No. 1602) 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 MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.76 ACRES, MORE OR LESS” (Conditional Use No. 1602) filed on behalf of Rt. 24 Self Storage, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on April 7, 2005 at which time they recommended that the application be approved with ten stipulations.

(See the minutes of the Planning and Zoning Commission dated April 7, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation. The summary was admitted as part of the County Council’s record.

The Council found that Bruce O’Heir was present on behalf of the application and stated in his presentation that he currently owns a self storage facility in Georgetown and Ocean City; that he proposes to build the new facility similar to the one in Georgetown; that he has been in business for eighteen years; that he tries to maintain nice facilities; that he would like to open the new business in approximately one year; that he does not propose any outside storage; that some of the units will be climate-controlled; that the project will be phased; that he will build five units first

along with a home for the manager of the business; that the other building would be built based on demand; and that the property will be fenced.

Mr. Cole expressed concern that the proposed project is located in the Environmentally Sensitive Developing District and that the application should be more environmentally sensitive. Mr. Cole proposed that less units be placed on the site; that some of the trees should remain undisturbed; and that the stormwater management pond should be moved.

Public
Hearing
(continued)

Mr. Lank noted that the applicant still needs to obtain entrance permits.

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

M 277 05
Adopt
Ordinance
No. 1774
(C/U
No. 1602)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1774 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.76 ACRES, MORE OR LESS” (Conditional Use No. 1602) filed on behalf of Rt. 24 Self Storage, LLC., with the following conditions:

1. There shall not be any building contractor’s or subcontractor’s offices or workshops within the project.
2. There shall not be any storage of building materials or other construction materials within the project.
3. Any security lighting shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.
4. No outside storage, except for boats and RVs, shall be allowed on the premises.
5. A landscape buffer of Leyland Cypress or similar vegetation shall be retained or installed and planted along the border to the Nature Conservancy property.
6. The site plan shall be subject to approval of the Planning and Zoning Commission.
7. Access to the gates by tenants of the self storage facility shall only be between 7:00 a.m. and 7:00 p.m.
8. The driveway and parking areas outside of the storage area be stoned or paved.
9. Stormwater management shall be maintained on site.
10. One lighted ground sign, not exceeding 32 square feet per side or facing, may be permitted.

Motion Adopted: 4 Yea, 1 Nay.

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

**Public
Hearing
(C/U
No. 1603)**

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 USED CAR AND TRUCK SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 30,000 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1603) filed on behalf of John Gavrilenkowsky.

**Public
Hearing
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on April 7, 2005 at which time they recommended that the application be denied due to: (1) concerns about traffic, especially during the summer and turning movement hazards by patrons in and out of the lot, (2) since an automotive sales dealership should be near a town center, (3) since the site is not appropriate for the use, (4) since the use is not in character with the area or neighborhood; and (5) since the use is not serving a need for the public good.

(See the minutes of the Planning and Zoning Commission dated April 7, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation. The summary was admitted as part of the County Council’s record.

Mr. Lank distributed copies of the site map, aerial map, copies of the petition filed by the applicant, and photographs of the site.

The Council found that the applicant was present with Kevin Burdette, a consultant with McCrone, Inc. They stated in their presentation that the application is for the operation of a used car lot; that the proposed hours of operation are Monday through Friday, 9:00 a.m. to 9:00 p.m., and on Saturdays, 9:00 a.m. to 1:00 p.m.; that there has been a business activity on the site since 1979; that they are asking for signage on the property with appropriate lighting; that 21 people have signed a petition in support of the application (8 – 10 of which live in the community); that the Applicant proposes to display 10 - 15 vehicles for sale on the stone parking area; that they have operated a business in Greensboro, Maryland for 30 years; and that 50 percent of their business to date is in Delaware.

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

It was noted that since the Planning and Zoning Commission recommended that the application be denied, there were no proposed stipulations for Council’s consideration.

**M 278 05
Defer**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to defer action on Conditional Use No. 1603, filed on behalf of John Gavrilenkowsky, and

**Action on
C/U
No. 1603**

to direct Mr. Lank, Director of Planning and Zoning, to develop proposed conditions for the Council’s consideration.

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/U
No. 1604)**

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 (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES, MORE OR LESS” (Conditional Use No. 1604) filed on behalf of Regina A. O’Rourke.

The Planning and Zoning Commission held a Public Hearing on this application on April 7, 2005 at which time they recommended that the application be approved with three stipulations.

(See the minutes of the Planning and Zoning Commission dated April 7, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation. The summary was admitted as part of the County Council’s record.

The Council found that Regina O’Rourke was present. She stated that she proposes to convert a recent addition to her dwelling into an apartment for a daughter and grand-daughter that need assistance due to hardship and that she does not propose any additional construction.

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

**M 279 05
Adopt
Ordinance
No. 1775
(C/U
No. 1604)**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1775 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES, MORE OR LESS” (Conditional Use No. 1604) filed on behalf of Regina A. O’Rourke, with the following conditions:

- 1. The improvements shall not be converted into a condominium.**
- 2. No additions shall be added to the existing footprint.**
- 3. The improvements shall be connected to County sewer when available.**

Motion Adopted: 5 Yea.

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

**Public
Hearing
Public
Hearing
(C/U
No. 1605)**

Mr. Phillips did not participate in the Public Hearing on Conditional Use No. 1605.

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 CONSTRUCTION OF A FAMILY CENTER (PRIVATE CLUB) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS” (Conditional Use No. 1605) filed on behalf of Loyal Order of Moose, Inc., East Sussex Lodge #2542.

The Planning and Zoning Commission held a Public Hearing on this application on April 7, 2005 at which time they recommended that the application be approved with seven stipulations.

(See the minutes of the Planning and Zoning Commission dated April 7, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation. The summary was admitted as part of the County Council’s record.

The Council found that Ken Feister, Attorney, was present with Robert Dennis on behalf of the Lodge. Jeff Clark of Land Tech was also present. They stated that they propose a family center and a private club (Moose Lodge) on County Road 265; that the center would be restricted to members of the Moose, their families and friends; that the center would not be open to the general public; that the Moose is a charitable, non-discriminatory, non-profit organization primarily funded by its own members; that they have approximately 500 members and 200 auxiliary members; that on a typical day/evening at the lodge, there are only 20 people present; that the Moose is committed to families; that the Lodge performs community services, fundraisers for charities, and provides social and youth activities; that they estimate that approximately 100 people attend their fundraisers; and that the activities of the Lodge would not adversely affect the surrounding property.

Mr. Feister advised that the applicant asked for an amendment to two of the conditions proposed by the Planning and Zoning Commission:

Recommended Condition No. 4 - The property line along the Ziff

property shall be fenced with a 6-foot high solid vinyl fence...

Mr. Feister stated that the applicant would not have a problem with such a fence along the portion of the property right behind the building that abuts the Ziff property. The applicant would agree to a six-foot high solid vinyl fence placed behind the building and that a less expensive type of fence be installed along the remainder of the property line. The reason for this request is due to the cost of fencing.

**Public
Hearing
(C/U**

**No. 1605)
(continued)**

Recommended Condition No. 1 - All fundraising activities conducted by the Lodge on this site shall be held indoors.

Mr. Feister stated that the Lodge occasionally has fundraising activities that include picnics and a bull roast which are held outside due to necessity. The applicant asks that they be permitted to have some fundraising events outdoors during daylight hours only (at least four per year).

Mr. Feister stated that the Lodge understands that they would be moving next to a chicken farm and with this understanding, they agree that they would not complain about the activities of the farm and they wish to do whatever they can to be good neighbors to the farm; lights would not be directed at the chicken houses and the Lodge members would not trespass on the Ziff property and would not adversely affect their business.

Ruth McFall spoke in support of the Moose Lodge and their application. She stated that they provide community services and that they will be good neighbors.

Alyssa Ziff spoke in opposition to the application. She stated that she is the owner of the adjoining chicken farm (three houses); that the location is inappropriate for a Moose Lodge; that the land is wet; that the area is agricultural and rural and the application is out of character with the surrounding area; that traffic will increase; that fundraising activities are open to the public; that property values will be negatively affected; that it has not been determined if wetlands exist on the site; that there are areas that look like wetlands; that the Lodge members have already driven on and trespassed on her property; that they have been cutting trees down in the “wetlands”; that they will be 75 feet from the chicken houses, across from tunnel ventilation fans, and close to a manure shed; that there is no line or shoulder on Road 265; that a club that sells alcohol should not be permitted in the area; that if they have an event with multiple bands, it will impact her chickens and the neighbors; that there is a bio-security issue; that parking and septic are inadequate; that there is no criteria for membership to the Moose Lodge; that there are always leadership changes and it will be difficult to know who to go to with a problem and questionable if a new leadership will uphold any promises made; that they have failed to demonstrate the benefit to the immediate neighborhood; and that if the application is approved, a 6 foot fence around the entire property should be mandatory.

Ms. Ziff submitted a petition containing 50 signatures (signed by persons living within 1,000 feet of the site and within the general area) in opposition to the application.

Ms. Ziff submitted photographs of the site showing the “wetlands” on the site; trees that have been cut down; the rural character of the area, etc.

Public
Hearing
(C/U
No. 1605)
(continued)

Ms. Ziff read a letter into the record from Sheree Stephens, a property owner residing on the other side of the woods of the proposed lodge, who opposes the application. She stated in her letter that the applicant has not been a good neighbor; that they camp on the property and they play music, drink, are loud and leave bonfires unattended; they ride four wheelers in her backyard; they have been rude to her; and they have cut trees down in federally regulated wetlands.

Bill Satterfield, Executive Director of Delmarva Poultry, spoke in opposition to the application. He stated that his opposition is not an indictment against the Moose because they do good things for the community. He stated that the proposed location is entirely inappropriate; that it will cause water problems at the Ziff property; that Road 265 will not support the traffic generated by this application; that there is a concern that people will park on the Ziff property and the chicken trucks will not be able to travel to the houses; and that he proposes two additional conditions to be attached to the Conditional Use if the Council should approve the application, as follows:

- (1) Vegetative buffering shall be provided on the Moose Lodge side of property, in addition to a 6-foot fence.
- (2) The Moose Lodge and visitors to the property shall be prohibited from making any complaints to any County, State or Federal government or court of law about emissions from the chicken houses.

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

M 280 05
Defer
Action on
C/U
No. 1605

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to defer action on Conditional Use No. 1605, an application of Loyal Order of Moose, Inc., East Sussex Lodge #2542, for a period of two weeks.

Motion Adopted: 4 Yea, 1 Absent.

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

M 281 05

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adjourn at

Adjourn 3:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**