

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 7, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 7, 2003, 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

M 001 03 Amend and Approve Agenda A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the Agenda by deleting "12:00 - Judy Cherry, Secretary of Economic Development, Jimmy's Bistro, Sussex County Airport" and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 002 03 Appoint Lynn Rogers as President A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to nominate and appoint Lynn J. Rogers as President of the Sussex County Council for the Year 2003.

Motion Adopted: 5 Yea.

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

M 003 03 Appointment A Motion was made by Mr. Phillips to nominate and appoint George B. Cole as Vice President of the Sussex County Council for the Year 2003. The Motion died for the lack of a second.

M 004 03 Appoint Vance Phillips as Vice President A Motion was made by Mr. Cole, seconded by Mr. Phillips, to nominate and appoint Vance Phillips as Vice President of the Sussex County Council for the Year 2003.

Motion Denied: 3 Nay, 2 Yea.

**M 004 03
(continued)
(Denied)**

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

**M 005 03
Appoint
Dale
Dukes
as Vice
President**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to nominate and appoint Dale R. Dukes as Vice President of the Sussex County Council for the Year 2003.

Motion Adopted: 5 Yea.

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

**Pass the
Gavel**

President Jones passed the gavel to the newly elected President, Lynn J. Rogers.

**M 006 03
Appoint
Attorneys**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to appoint James Griffin as County Attorney and Attorney for the Sussex County Council; to appoint Vince Robertson as Assistant County Attorney and Attorney for the Planning and Zoning Commission; and to appoint Richard E. Berl, Jr. as Assistant County Attorney and Attorney for the Board of Adjustment, for the Year 2003.

Motion Adopted: 5 Yea.

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

**M 007 03
Amend
Rules of
Procedure/
Night
Meetings
(Denied)**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Rules of Procedure of the Sussex County Council to state that regular meetings will be held in the evening.

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

**M 008 03
Readopt
Rules of
Procedure**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to readopt the Rules of Procedure of the Sussex County Council of Sussex County, Delaware, as written, and to adopt Mason's Manual of Legislative Procedure.

Motion Adopted: 5 Yea.

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

**M 009 03
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve the minutes of December 17, 2002, as distributed.

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

RICHARD H. BELL, LEWES, DELAWARE.

RE: Letter thanking Council for their cooperation during his four years as Recorder of Deeds.

**JUDY TIMMONS, DIRECTOR, JOSEPHS' STOREHOUSE
EMERGENCY FOOD PANTRY, DAGSBORO CHURCH OF GOD,
DAGSBORO, DELAWARE.**

RE: Letter in appreciation of grant.

**SUSAN LLOYD, EXECUTIVE DIRECTOR, DELAWARE HOSPICE,
GEORGETOWN, DELAWARE.**

RE: Letter in appreciation of grant.

**RUTH ANN MINNER, GOVERNOR, STATE OF DELAWARE, DOVER,
DELAWARE.**

**RE: Letter announcing the certification of the Comprehensive Plan for
Sussex County.**

**JOHN F. BRADY, ESQUIRE, OFFICE OF THE REGISTER IN
CHANCERY, COURT OF CHANCERY OF THE STATE OF
DELAWARE, GEORGETOWN, DELAWARE.**

**RE: Letter announcing his resignation as the Register in Chancery effective
January 7, 2003 due to being elected as the Recorder of Deeds.**

**Adminis-
trator's
Report**

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

1. Public Workshop – Delaware Department of Transportation

The Delaware Department of Transportation is holding a Public Workshop to present facts and solicit public comments regarding proposed changes to a specific intersection in the Town of Dagsboro. The meeting will be held on Monday, January 27, 2003, at the Dagsboro Fire Hall, 200 Waples Street, Dagsboro, Delaware. The public is invited to attend any time between 4:00 and 7:00 p.m.

Workshop attendees will have an opportunity to review the proposed improvement plan for the intersection of Vines Creek Road and Main Street in Dagsboro. The proposed improvements would

**Adminis-
trator's
Report
(continued)**

include realigning the intersection to allow for continuous flow from Vines Creek Road to Main Street and future signalization of the intersection when warranted. These improvements have been recommended by the Route 26 Planning Study in cooperation with the Department and its working group.

**Reauthorize
Bank
Accounts**

Mr. Baker reviewed seven Proposed Resolutions listing the bank accounts of the Sussex County Council. The adoption of the Proposed Resolutions would reauthorize the accounts for the Year 2003.

**M 010 03
Adopt
Resolution
No.
R 001 03**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 001 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

**M 011 03
Adopt
Resolution
No.
R 002 03**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 002 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR".

Motion Adopted: 5 Yea.

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

**M 012 03
Adopt
Resolution
No.
R 003 03**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Resolution No. R 003 03 entitled "CASH MANAGEMENT ACCOUNT RESOLUTION".

Motion Adopted: 5 Yea.

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

M 013 03
Adopt
Resolution
No.
R 004 03

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Resolution No. R 004 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE CITIZENS BANK BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; AND D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 014 03
Adopt
Resolution
No.
R 005 03

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 005 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 4 Yea, 1 Abstention.

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

M 015 03
Adopt
Resolution
No.
R 006 03

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 006 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR".

Motion Adopted: 4 Yea, 1 Abstention.

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

M 016 03
Adopt
Resolution
No.
R 007 03

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Resolution No. R 007 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; AND D. B. BAKER, FINANCE

M 016 03 **DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED**
(continued) **ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

Motion Adopted: **5 Yea.**

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

**Oak
Orchard
Sanitary
Sewer
District/
Proposed
Additional
Financing**

Mr. Baker discussed the financing for the Oak Orchard Sanitary Sewer District and requested approval to apply for additional State grants and low interest loans for this project. Mr. Baker stated that since the February, 2000 successful referendum, the design of the project has almost been completed and one part of the construction has been bid. Since 2000, estimated costs have risen, especially due to the active and high demand construction climate. Also, archaeological costs may be double or triple the original estimate. Mr. Baker advised that based on this information, the County has had discussions with DNREC’s staff to obtain additional favorable financing for the project and they have agreed to receive a request from the County for \$670,000 in additional grants and \$1,203,000 in low-interest loan funding (20 years @ 1.5%). Mr. Baker noted that the County believes that with this funding, along with the previously approved funding, they will be able to meet or better the referendum-approved rate.

Mr. Baker reviewed the Financing Summary for the Oak Orchard Sanitary Sewer District and noted that, if this funding request is approved, the project will be 56% funded. The Wastewater Council is planning to meet on January 9th to consider this request after which they will make a recommendation to the Secretary of Finance and DNREC’s Secretary for final approval.

M 017 03
Authorize
Additional
**Financing/
Oak
Orchard
Sanitary
Sewer
District**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council authorizes a request of \$670,000 in additional grant funding and \$1,203,000 in additional loan funding from the State of Delaware for the Oak Orchard 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

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed the construction of wastewater facilities.

M 018 03
Execute
Agreements

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 286, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Eagle Point,

M 018 03 **L.L.C. for wastewater facilities to be constructed in Eagle Point, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Execute
Agreements/
Eagle
Point
(continued)**

Motion Adopted: 5 Yea.

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

M 019 03 **A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 277, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Cape Contractors, L.L.C. for wastewater facilities to be constructed in Lingo Creek Apartments located in the Long Neck Sanitary Sewer District.**

**Execute
Agreements/
Lingo
Creek
Apartments**

Motion Adopted: 5 Yea.

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

M 020 03 **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00, \$250.00 each from Mr. Cole's and Mr. Phillips' Youth Activity Grant Accounts, to Brownie Troop 1126 of Ocean View for a trip to Washington, D.C.**

**Youth
Activity
Grant**

Motion Adopted: 5 Yea.

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

M 021 03 **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$800.00, \$160.00 from each Councilmanic Account, to the Sussex County Fire Chiefs' Association, for the President's trip to the annual conference in Indianapolis.**

**Council-
manic
Grant**

Motion Adopted: 5 Yea.

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

**Proposed
Ordinance** **Mr. Phillips 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 BALTIMORE**

Proposed Ordinance (continued) **HUNDRED, SUSSEX COUNTY, CONTAINING 0.70 ACRES, MORE OR LESS” (Change of Zone No. 1501) filed on behalf of Bethany Beach Development, L.L.C. 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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 72.18 ACRES, MORE OR LESS” (Change of Zone No. 1502) filed on behalf of DOC Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

Proposed Ordinance **Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (52 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 13.0 ACRES, MORE OR LESS” (Conditional Use No. 1489) filed on behalf of Rehoboth Home Builders, Inc. 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 ELEVATED WATER STORAGE TANK FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS (Conditional Use No. 1490) filed on behalf of Tidewater Utilities, Inc. 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 MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS” (Conditional Use No. 1491) filed on behalf of Quakertown Medical Group, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.**

Proposed Ordinance **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.13 ACRES, MORE OR LESS” (Conditional**

(continued) Use No. 1492) filed on behalf of Rt. 54 Hook & Slice Golf Driving Range, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND WAREHOUSE FOR A HEATING AND AIR CONDITIONING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 34,740 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1493) filed on behalf of Ron and Doneita Witke. 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 AN AR-1 AGRICULTURAL 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 354.17 ACRES, MORE OR LESS” (Change of Zone No. 1496) filed on behalf of Palisades Land, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4,410 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1497) filed on behalf of Villages of Five Points Ventures, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.93 ACRE, MORE OR LESS” (Change of Zone No. 1498) filed on behalf of Gerald Richardson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 70.03 ACRES, MORE OR LESS” (Change of

(continued) Zone No. 1499) filed on behalf of Caldera-Indian River II, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.5544 ACRES, MORE OR LESS” (Change of Zone No. 1500) filed on behalf of Herbert Schaefer. The Proposed Ordinance will be advertised for Public Hearing.

Recess At 10:55 a.m., Mr. Rogers declared a recess.

Reconvene Mr. Rogers called Council back into session at 11:05 a.m.

**Public Hearing/
CDBG** A Public Hearing was held to give all citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program for a grant under the provisions of the Community Development Act of 1977. The primary objective of the Community Development Program is the development of viable urban communities including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. It is also a primary objective to alleviate physical and economic distress through the stimulation of private investment and community revitalization in areas of population out-migration or a stagnating or declining tax base.

The Community Development Block Grant is a federal grant from the Department of H.U.D. to the Delaware State Housing Authority. Kent and Sussex Counties compete for the funding by making application to the Delaware State Housing Authority. Historically, 70 percent of the funding is for housing rehab, demolition or code enforcement and 30 percent is for infrastructure projects (streets, walks, water projects and sewer projects). There is a matching funds requirement for infrastructure projects.

Mr. Lecates reviewed the income guidelines, which have been established, and other criteria which applicants must meet to be eligible to receive funding under the CDBG Program.

Mr. Lecates advised that \$2 Million is available for Kent and Sussex Counties. Sussex County’s application will consist of projects in the County and in the municipalities.

A Proposed Resolution entitled “ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS” was presented to Council for consideration. The

**Public
Hearing/
CDBG
(continued)**

Proposed Resolution lists the following projects to be submitted to the Delaware State Housing Authority for funding:

Application No. 1:

Sussex County		
Scatter Site	185,000	Housing Rehab
Coverdale Crossroads	120,000	Housing Rehab
Rural Bridgeville	30,000	Infrastructure
Ellendale Sewer District	525,000	Housing Rehab
Ellendale Sewer District	100,000	Hook-ups
Administration	<u>140,000</u>	
Total	1,100,000	

Application No. 2:

Bridgeville	225,000	Housing Rehab
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Application No. 3:

Ellendale	25,000	Housing Rehab
	75,000	Hook-ups

Application No. 4:

Georgetown	400,000	Housing Rehab
	90,000	Demos

Application No. 5:

Laurel	10,000	Infrastructure
	18,200	Infrastructure
	18,500	Infrastructure
	225,000	Rehab

Application No. 6:

Milford	225,000	Housing Rehab
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Application No. 7:

Milton	506,720	Infrastructure
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Application No. 8:

Seaford	225,000	Housing Rehab
	10,000	Demo

**Public
Hearing/
CDBG
(continued)**

Application No. 9:

Selbyville	225,000	Housing Rehab
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Application No. 10:

West Rehoboth Rehoboth Beach	30,000	Infrastructure
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Public comments were heard.

Trudy Schuyler with Southeast Rural Community Assistance Project stated that she has been trying to get funding for the area in Bridgeville known as Morning Side Village. There are 46 homes in the project and the drain bed fields are failing in one of the systems. The community is a low to moderate income community and they need funding assistance to make the necessary repairs. The estimated cost of the repairs is in excess of \$43,000. (Mr. Stickels stated for the record that the grant request is in the amount of \$30,000 and the match of \$20,000 will be paid by the homeowners.)

The Public Hearing was closed.

**M 022 03
Adopt
Citizens
Participation
Certification
of Assurance**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Citizen Participation Certification of Assurance.

Motion Adopted: 5 Yea.

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

**M 023 03
Adopt
Resolution
No.
R 008 03**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Resolution No. R 008 03 entitled "FAIR HOUSING FOR THE CITIZENS OF SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

**M 024 03
Adopt
Resolution
No.
R 009 03**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 009 03 entitled "ENDORING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, SUSSEX COUNTY ADMINISTRATOR, TO SUBMIT APPLICATION" (Morning Side Village).

**M 024 03
(continued)**

Motion Adopted: 5 Yea.

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

**M 025 03
Adopt
Resolution
No.
R 010 03**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 010 03 entitled “ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS”.

Motion Adopted: 5 Yea.

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

**Public
Hearing**

A Public Hearing was held to consider extending the Ocean View Expansion of the Bethany Beach Sanitary Sewer District to include the lands of the Avon Park addition to the Wedgefield subdivision, situate, lying south of the Town of Ocean View, and west of County Road 84 and being in Baltimore Hundred, Sussex County, Delaware.

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

**M 026 03
Adopt
Resolution
No.
R 011 03**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 011 03 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (OVX) TO ENCOMPASS THE LANDS OF THE AVON PARK ADDITION TO WEDGEFIELD SUBDIVISION, CONTIGUOUS TO THE OVX, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND WEST OF COUNTY ROAD 84, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yea.

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

**Public
Hearing**

A Public Hearing was held to consider extending the Fenwick Island Sanitary Sewer District (FISSD) to include the lands of The Refuge at Dirickson Creek and Swann Cove, adjacent to and north of State of Delaware Route 54, situate, lying west of the Town of Fenwick Island, and being in Baltimore Hundred, Sussex County, Delaware.

**Public
Hearing
(continued)**

Mr. Archut noted that two projects are being combined into this one annexation request; both projects have received approval from the County Council for the proposed use. Also to be included in the extension are 17 adjacent parcels.

Public comments were heard from an adjacent property owner who is interested in hooking up to County sewer. It was noted that the property is not located within the proposed boundary extension; however, the property owner was advised to contact Mr. Archut, Assistant County Engineer, to discuss connecting to County sewer in the future.

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

**M 027 03
Adopt
Resolution
No.
R 012 03**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 012 03 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT TO ENCOMPASS THE REFUGE AT DIRICKSON CREEK AND SWANN COVE, LYING CONTIGUOUS TO THE FENWICK ISLAND SANITARY SEWER DISTRICT, SITUATE NORTH OF STATE OF DELAWARE ROUTE 54 AND WEST OF THE TOWN OF FENWICK ISLAND, IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

**Cancel
Meeting/
Reschedule
Public
Hearings**

Mr. Dukes announced that he and Mr. Jones would not be in attendance at the February 11th Council meeting and that Public Hearings are scheduled for the afternoon. Mr. Jones asked that Council consider canceling the February 11th meeting and that the Public Hearings be rescheduled for February 18th.

**M 028 03
Cancel
Meeting/
Reschedule
Public
Hearings**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to cancel the February 11th Council meeting and that the Public Hearings scheduled for February 11th be rescheduled for February 18th.

Motion Adopted: 5 Yea.

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

**Prayer
Breakfast**

Mr. Dukes announced that the Sussex County Prayer Breakfast will be held on June 9, 2003.

**Prayer
Breakfast
Sponsors**

Mr. Phillips commented that several local businesses sponsored the Prayer Breakfast in 2002. Mr. Phillips asked Council if they would be interested in offering this opportunity to local businesses once again. It was the consensus of Council to allow local businesses to sponsor the 2003 Sussex County Prayer Breakfast.

**M 029 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to adjourn at 11:40 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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