

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 11, 2003**

**Call to  
Order**

The regular meeting of the Sussex County Council was held Tuesday, March 11, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 110 03  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to delete the following items from the Agenda:

- Introduction of a Proposed Ordinance Relating to Non-Conforming Setback Requirements.
- Cedar Neck Sanitary Sewer District, Contract C, Bid Award.

; 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. Jones, Yea;  
Mr. Rogers, Yea

**M 111 03  
Approve  
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve the minutes of February 25, 2003, 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:

**ANDY ANDREWS, AMERICAN FARMLAND TRUST, QUEENSTOWN,  
MARYLAND.**



**Corre-  
spondence  
(continued)**

**RE: Letter informing Council of the completion of an Agricultural Industry Profile recently conducted by American Farmland Trust in Sussex County as part of the "Delmarva Farmland Strategy".**

**GERALD HITCHENS AND DAN TABLER, GEORGETOWN CIRCUIT UNITED METHODIST MEN, GEORGETOWN, DELAWARE.**

**RE: Letter expressing appreciation to Councilmembers and staff for their support and assistance in improving the living conditions of Mrs. Betty Tucker.**

**WALTON JOHNSON, MILLSBORO, DELAWARE.**

**RE: Letter acknowledging the "kindness and professionalism" of one of the County's employees, Vanessa Pettyjohn.**

**Mobile  
Home  
Demolition  
Program**

**Phyllis McKinley and Andy Strine of the First State Manufactured Housing Association (FSMHA) were present to discuss the Mobile Home Demolition Program which was implemented to recycle abandoned and derelict mobile homes. Bob Betts and Ira Hitchens of the Sussex County Constable's Office were also present. In March, 2001 the County entered into a cooperative agreement with FSMHA to establish this program. At that time, FSMHA expressed their commitment to the program and advised that the Association would contribute \$8,000 to the program annually.**

**Ms. McKinley and Mr. Strine discussed the program that was launched by the Delaware Solid Waste Authority to recycle derelict mobile homes. Upon delivery to the Delaware Solid Waste Authority's waste management center, the mobile home units are demolished and materials recycled. The manufactured home units are turned into an alternate daily cover material or inert fill for roads in landfills after recovering metals and wood.**

**Mr. Strine presented a check in the amount of \$8,000 to the County Council. These funds will be matched by the County and will be used for the Mobile Home Demolition Program.**

**M 112 03  
Adopt  
Proclama-  
tion**

**A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING MARCH 23 THROUGH MARCH 30, 2003, AS "WOMEN OF THE MOOSE BOWLING WEEK" IN 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**

**Draft  
Ordinance/  
Clerk of  
the Peace  
Fees**

**Mr. Stickels presented a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO AMEND CERTAIN FEES CHARGED BY THE CLERK OF THE PEACE". This Draft Ordinance permits an increase in the fee charged by the Clerk of the Peace for certifying copies of marriage licenses from \$6.00**



**Draft Ordinance (continued)** to \$10.00. The Clerks of the Peace for both New Castle and Kent Counties charge the higher fee, as does the Division of Vital Statistics, for the same service.

**Introduction of Proposed Ordinance** Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO AMEND CERTAIN FEES CHARGED BY THE CLERK OF THE PEACE”. The Proposed Ordinance will be advertised for Public Hearing.

**Grant Request From Delaware Reinvestment Action Council** Mr. Stickels advised Council of a grant request from the Delaware Community Reinvestment Action Council, Inc. (DCRAC), a non-profit fair lending/fair housing advocacy group in Delaware. The DCRAC offers financial consulting programs in English and Spanish. Mr. Stickels reported that their budget did not allow for any outreach in Sussex County and they are asking for a grant in the amount of \$2,500.

Mr. Stickels noted that under the Human Service Grant Program, the Council awarded \$2,500 to the Delaware Housing Coalition. The Coalition was unable to raise sufficient funding to sign a lease and they have withdrawn their funding request. This makes \$2,500 available that can be provided to DCRAC.

**M 113 03 Award Human Service Grant** A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to award a \$2,500 Human Service Grant to the Delaware Community Reinvestment Action Council, Inc. to establish a financial consulting service in 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

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

1. Beneficial Acceptance

On February 24, 2003, the Sussex County Engineering Department granted Beneficial Acceptance to Sussex County Project No. 81-04, West Rehoboth Sanitary Sewer District, The Villages of Five Points, RPC, Phase IV, Agreement No. 229. Included with this report is a summary of the activities for this project.

2. Groundbreaking Ceremony

The Friends of the Milton Library and the Sussex County Council will hold a groundbreaking celebration on March 21, 2003, for the new building expansion. The project is a \$1.4 million expansion to the existing Milton Library. Festivities will start at 9:00 a.m. on



**Report  
(continued)**

**Friday, March 21.** Elected officials as well as the general public are invited to attend.

**Request  
to Open  
Two New  
Checking  
Accounts**

Mr. Baker requested permission to open two new checking accounts entitled “Sussex County Council – South Ocean View Sewer Construction Account” and “Sussex County Council – Risk Management Fund”. After reviewing proposals from four banks, Mr. Baker and Mr. Townsend, Internal Auditor, are recommending that the accounts be opened at Citizens Bank as Municipal Business Checking with Interest Accounts, with no minimum required and a variable rate of interest paying 1.70 percent incurring no fees or service charges.

Mr. Baker noted that the Risk Management Fund Account is being recommended because the County has been unable to obtain insurance for the Ocean Outfall. Mr. Baker noted that \$53,000 was allocated in the budget for this insurance. The Risk Management Fund Account will provide a means to set aside funds to self-insure the Ocean Outfall. Funds would be added to this account annually as funds are budgeted for a reasonable reserve for any losses to the Ocean Outfall.

**M 114 03  
Adopt  
Resolution  
No.  
R 016 03**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 016 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; OR 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

**Bid  
Results/  
Chassis  
for  
Paramedic  
Response  
Vehicles**

Mr. Shade, Purchasing Director, reported that bids were opened on Monday, March 3rd, to purchase new chassis for two paramedic response vehicles. The following bids were received:

I. G. Burton	\$26,749.000 per unit
Bob Fisher Chevrolet	\$26,875.00 per unit.

Mr. Shade recommended that the bid be awarded to I. G. Burton.

**M 115 03  
Award  
Bid**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council accepts the bid of I.G. Burton Company, Inc. in the amount of \$26,749.00 per unit for the purchase of two (2) Chevrolet Chassis for Paramedic Response Units.

**Motion Adopted:** 5 Yea.



**M 115 03  
(continued)**

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

**Bid  
Results/  
Suburban  
for  
Paramedic  
Department**

Mr. Shade reported that bids were opened on Monday, March 3rd, to purchase one new Suburban for use by the Paramedic Department. The following bids were received:

I. G. Burton	\$32,089.00
Bob Fisher Chevrolet	\$32,934.00

Mr. Shade recommended that the bid be awarded to I. G. Burton.

**M 116 03  
Award  
Bid/  
Suburban  
for  
Paramedic  
Department**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council accepts the bid of I. G. Burton Company, Inc. in the amount of \$32,089.00 per unit for the purchase of one (1) Chevrolet Suburban for use by the Paramedic Department.

**Motion Adopted:** 5 Yea.

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

**FEMA  
Flood  
Mitigation  
Grant  
Program**

Mr. Mike Brady, Private Roads Coordinator, reviewed Change Orders, Time of Performance Extensions and the granting of Substantial Completion for the FEMA Flood Mitigation Grant Program. This Federal Program is a one-time deal based on damages from the 1998 storm. The Program involves elevating twelve homes that are in special flood hazard areas to an elevation above the one-hundred year storm. FEMA provides 75 percent of the funding and the homeowners provide 25%. The County does not provide funding for this program.

Mr. Cole expressed concern that property owners should bear more of the burden for the costs. Mr. Cole noted that many of the properties involved are affluent second homes. Mr. Cole also commented on one of the older homes that is being elevated noting that the home is probably too old and not worth elevating. He further noted that the money could be better spent if it was determined which properties are worth raising.

**M 117 03  
Approve  
Change  
Order/  
Flood  
Hazard  
Mitigation  
Program**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 be approved for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Grant Program, Contract No. 2, to perform extra work at a cost of \$5,600.00, thereby increasing the contract amount from \$196,971.86 to \$202,571.86, and that the contract time of performance be extended one hundred and fifty two (152) calendar days to December 11, 2002.



**M 117 03  
(continued)**

**Motion Adopted: 4 Yea, 1 Abstention.**

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

**M 118 03  
Grant  
Substantial  
Completion/  
Flood  
Hazard  
Mitigation  
Grant  
Program**

**A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion be granted to Venture Crane, Inc., for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Grant Program, Contract No. 2, effective December 11, 2002 and any held retainage be released.**

**Motion Adopted: 4 Yea, 1 Abstention.**

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

**M 119 03  
Approve  
Change  
Order/  
Flood  
Hazard  
Mitigation  
Grant  
Program**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 be approved to provide an extension to Sun Marine Maintenance, Inc., for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Grant Program, Contract No. 3, extending the contract time of performance by one hundred and seventy (170) calendar days to February 6, 2003.**

**Motion Adopted: 4 Yea, 1 Abstention.**

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

**M 120 03  
Grant  
Substantial  
Completion/  
Flood  
Hazard  
Mitigation  
Grant  
Program**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion be granted to Sun Marine Maintenance, Inc., for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Grant Program, Contract No. 3, effective February 6, 2003 and any held retainage be released.**

**Motion Adopted: 4 Yea, 1 Abstention.**

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



**M 121 03  
Approve  
Change  
Order/  
Flood  
Hazard  
Mitigation  
Grant  
Program**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 be approved for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Grant Program, Contract No. 4, to perform extra work at a cost of \$18,873.40, thereby increasing the contract amount from \$197,000.00 to \$215,873.40 and by extending the Contract Time of Performance by one hundred and forty one (141) calendar days to February 6, 2003.

**Motion Adopted: 4 Yea, 1 Abstention.**

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

**M 122 03  
Grant  
Substantial  
Completion/  
Flood  
Hazard  
Mitigation  
Grant  
Program**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion be granted to Sun Marine Maintenance, Inc. for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Program, Contract No. 4, effective February 6, 2003 and any held retainage be released.

**Motion Adopted: 4 Yea, 1 Abstention.**

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

**M 123 03  
Approve  
Change  
Order/  
Flood  
Hazard  
Mitigation  
Grant  
Program**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 be approved for Sussex County Project No. 01-08, Sussex County Flood Hazard Mitigation Grant Program, Contract No. 5, to perform extra work at a cost of \$11,800.00, thereby increasing the Contract amount from \$93,000.00 to \$104,800.00 and by extending the contract time of performance by three hundred and forty five (345) calendar days to June 30, 2003.

**Motion Adopted: 4 Yea, 1 Abstention.**

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

**Public  
Hearing/  
HPG  
Program**

A Public Hearing was held on submitting a pre-application to the United States Department of Agriculture, Rural Housing Services, for a Housing Preservation Grant to assist ten (10) very low and two (2) low income homeowner occupants in the preservation of their homes. The Public Hearing is held so that all citizens can have an opportunity to participate in the development of the pre-application. The primary objective of the HPG Program is the development of viable communities, including decent



**Public  
Hearing  
(continued)**

housing and a comfortable living environment, principally for persons of low and very low income.

Mr. Lecates, Director of Community Development, recommended that the following projects be included in the pre-application to the Rural Housing Services for (HPG) funds:

	<u>Target Areas</u>	
	<u>Sussex</u>	<u>Kent</u>
Housing Rehabilitation Grants	\$20,000	\$20,000
Administration	\$ 5,000	\$ 5,000

Mr. Lecates reviewed the HPG Program eligibility criteria. Mr. Lecates reported that March 17th will be the end of the comment period.

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

**M 124 03  
Adopt  
Resolution  
No.  
R 015 03**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 015 03 entitled "ENDORISING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING SERVICES, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION".

Motion Adopted: 5 Yea.

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

**Grant  
Requests**

Mr. Stickels submitted grant requests for Council's consideration.

**M 125 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$300.00 (\$200.00 from Mr. Dukes' and \$100.00 from Mr. Phillips' Councilmanic Accounts) to the Women of the Moose, Seaford Chapter 1384, for tournament expenses.

Motion Adopted: 5 Yea.

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

**M 126 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$600.00 (\$400.00 from Mr. Dukes' and \$200.00 from Mr. Phillips' Councilmanic Accounts) to the Laurel Chamber of Commerce for the July 4th celebration.



**M 126 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 127 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$300.00 (\$200.00 from Mr. Dukes' and \$100.00 from Mr. Phillips' Councilmanic Accounts) to Laurel Fireworks Celebration for the purchase of fireworks.**

**Motion Adopted: 5 Yea.**

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

**M 128 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$864.00 from Mr. Cole's Councilmanic Account to V.F.W. Post #10638 to pay the invoice from Hanna, Kremer & Tilghman Insurance, Inc. for General Liability and Property Insurance.**

**Motion Adopted: 5 Yea.**

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

**M 129 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$600.00 from Mr. Rogers' Councilmanic Account to the City of Lewes for conference expenses.**

**Motion Adopted: 5 Yea.**

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

**M 130 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00 (\$250.00 from Mr. Jones' and \$250.00 from Mr. Rogers' Councilmanic Accounts) to the Milford Memorial Hospital Auxiliary for the 46th Annual Milford Memorial Hospital Fair (proceeds of which are designated to purchase a Mammography Unit).**

**Motion Adopted: 5 Yea.**

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



**M 131 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$100.00 from Mr. Jones' Councilmanic Account to the Delaware Quarter Horse Association for sponsorship of futurities.

**Motion Adopted: 5 Yea.**

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

**M 132 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$250.00, (\$100.00 from Mr. Jones', \$100.00 from Mr. Phillips', and \$50.00 from Mr. Cole's Councilmanic Accounts) to the Sussex Central Baseball Boosters for the purchase of new equipment.

**Motion Adopted: 5 Yea.**

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

**M 133 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$600.00 (\$120.00 from each Councilmanic Account) to the Delaware State Police for costs associated with the Citizens Police Academy.

**Motion Adopted: 5 Yea.**

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

**M 134 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00 (\$200.00 from Mr. Jones' and \$300.00 from Mr. Dukes' Councilmanic Accounts) to the Seaford Fire Museum for the construction of a building to house their antique fire truck.

**Motion Adopted: 5 Yea.**

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

**M 135 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00, (\$50.00 from each Councilmanic Account) to Delaware Envirothon for training and support of students.

**Motion Adopted: 5 Yea.**



**M 135 03  
(continued)**

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

**M 136 03  
Youth  
Activity  
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Youth Activity Grant Account) to the Delaware Devils for tournament expenses.

**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. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT/POND RECLAMATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 19.189 ACRES, MORE OR LESS, OF 107.973 ACRES" (Conditional Use No. 1495) filed on behalf of J. Everett Moore, Jr., and Deborah J. Moore. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed  
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ANTIQUE SHOP/ART GALLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 39,281 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1496) filed on behalf of Julie Schroeck. 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.77 ACRES, MORE OR LESS" (Change of Zone No. 1510) filed on behalf of Kevin and Teresa McDaniel. 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 HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.159 ACRES, MORE OR LESS" (Change of Zone No. 1511) filed on behalf of Gulfstream Development. The



(continued) 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.223 ACRES, MORE OR LESS" (Change of Zone No. 1512) filed on behalf of Percy, Inc. The Proposed Ordinance will be advertised for Public Hearing.

**Councilman's Absence** Mr. Dukes left the meeting and stated that he would not be attending the afternoon session due to the fact that he had a meeting to attend in Pennsylvania.

**Greater Seaford Orderly Growth Committee/ Route 13 Corridor** Council recognized Jack Miller, Co-Chair, The Greater Seaford Orderly Growth Committee. Mr. Miller stated that the Committee was formed to oppose DelDOT's Plan for the Highway 13 Corridor through Seaford. Mr. Miller referred to the Highway 13/Route 46/Camp Road intersection, stating that the intersection has accounted for five traffic fatalities in the past five years and is identified as the most dangerous intersection in the Highway 13 Corridor through the Greater Seaford area. Mr. Miller submitted to Council a report entitled "A Low-Cost Highway Plan for the HWY 13 Corridor".

**M 137 03 Recess** At 11:26 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

**Reconvene** Mr. Rogers called Council back into session at 1:30 p.m.

**Public Hearing/ C/U No. 1478** 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 AN ELECTRICAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.08 ACRES, MORE OR LESS" (Conditional Use No. 1478) filed on behalf of Eric and Laura James.

The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2003 at which time action was deferred. The record of the Planning and Zoning Commission was made a part of the record of this Public Hearing.

The Council found that Eric and Laura James were present in support of their application. Mr. Eric James stated in his presentation that he proposes to construct a steel building; that he will have a small office in the building; that he plans to operate a small electrical operation; that no customers will come to the site; that he needs a place for employees to pick up company trucks; that he plans to store his service vehicles in the building; that his normal business hours are 7:30 a.m. to 5:00 p.m.



**Public  
Hearing  
(continued)**

weekdays; and that he does not do any heat and air conditioning work.

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

**M 138 03  
Defer  
Action/  
C/U  
No. 1478**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to defer action on Conditional Use No. 1478, filed on behalf of Eric and Laura James, to await a recommendation from the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

**Public  
Hearing  
(C/Z  
No. 1488)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 38.63 ACRES, MORE OR LESS" (Change of Zone No. 1488) filed on behalf of Penny Lane Development, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2003 at which time they recommended that the application be approved, with conditions. The record of the Planning and Zoning Commission was made a part of the record of this Public Hearing.

The Council found that Clinton Bunting and Michael Jahnigan, the developers; Frank Lathbury, the present owner; and Zac Crouch, Project Engineer from Davis, Bowen & Friedel, Inc. were present and stated in their presentation that the application is for an 85 lot residential subdivision (Lord Baltimore Landing); that of the 38.63 total area, 24.97 acres will be used for residential lots; 8.29 acres will be used for common open space, including stormwater; and 5.37 acres will be used for right-of-way, including roads and sidewalks; that the density of the project will be 2.2 units per acre; that they will provide a 5' (five foot) protected environmental buffer along the neighboring property line of Mr. and Mrs. Walter Lathbury; that proposed amenities include a club house and pool, sidewalks on both sides of the road, trees, lighting, landscaping, and State specified roads and rolled curbs; that central water will be provided by Tidewater Utilities; that central sewer will be provided by Sussex County; that the project is a suitable and good land use; that the project is circled by neighboring properties with similar and/or higher zoning densities; that the project will be eliminating the sounds and smells associated with an active poultry farm; and that neighboring property values will increase.

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



**M 139 03  
Adopt  
Ordinance  
No. 1586  
(C/Z  
No. 1488)**

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1586 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 38.63 ACRES, MORE OR LESS" (Change of Zone No. 1488) filed on behalf of Penny Lane Development, LLC., with the following conditions:**

- 1. The maximum number of dwelling units shall not exceed 85.**
- 2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination. Also, the improvements along Route 84 shall be coordinated with the Villages of Bear Trap Dunes and shall be constructed as DelDOT may require under one contract.**
- 3. Recreational facilities and amenities shall be constructed as the project's infrastructure is being built. These amenities shall include a clubhouse and swimming pool, sidewalks, trees between all streets and sidewalks, street lighting, landscaping and rolled curbs.**
- 4. The development shall be served as part of the Sussex County South Bethany Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- 5. The MR/RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- 6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.**
- 7. Site plan review for each phase of development shall be subject to approval of the Planning and Zoning Commission.**
- 8. The interior street design shall be in accordance with or exceed State of Delaware street design requirements and/or specifications. All internal roadways will be dedicated to DelDOT for long term maintenance.**
- 9. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- 10. No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except site work for which a**



**M 139 03  
Adopt  
Ordinance  
No. 1586  
(continued)**

permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submittal of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.

11. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur during the hours of 7:00 am to 6:00 p.m.
12. The developer shall consult with the Sussex Conservation District and/or Tax Ditch Commissioners concerning easements, access and maintenance requirements for the tax ditch that is on the site.
13. There shall be a 5-foot protected environmental buffer along the neighboring property line of Walter Lathbury and that maintenance of the buffer will be addressed in recorded restrictive covenants for perpetual maintenance by the Homeowners' Association.
14. There shall be interior access to all open space so that maintenance vehicles, lawnmowers and similar equipment will not have to travel upon Route 84.
15. State and Federal wetlands shall be maintained as non-disturbance areas, except for disturbance authorized by a valid Federal or State permit. There shall be no construction in any wetlands without valid permits.

**Motion Adopted: 4 Yea, 1 Absent.**

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

**Finding  
of Fact**

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

1. The proposed development's location is appropriate for MR-RPC zoning.
2. The proposed development is in accordance with the Comprehensive Plan.



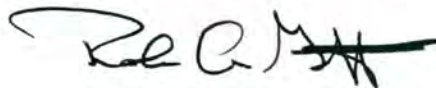
**Findings  
of Fact  
(continued)**

3. MR-RPC zoning will provide for residential densities appropriate for an area that will be served by public sewer and water systems and is well located with respect to major thoroughfares, shopping and employment centers.
4. The housing density of this project is 2.2 per acre.
5. The proposed development represents in-fill, in that the surrounding properties have been developed into residential developments with similar densities.
6. The developed units will sell in the \$350,000 - \$400,000 price range and the development and sale will provide a positive economic impact on the County.
7. No persons appeared in opposition to the application at the Council hearing, although one person opposed it at the Commission hearing and presented a petition with various signatures.
8. The recommendation and conditions proposed by the Planning and Zoning Commission were accepted by the applicant and are hereby incorporated in Council's approval.
9. Granting the application will promote the prosperity and welfare of the present and future inhabitants of the County.

**M 140 03  
Adjourn**

A Motion was made by Cole, seconded by Mr. Jones, to adjourn at 2:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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