

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 8, 2003**

**Call to  
Order**

The regular meeting of the Sussex County Council was held Tuesday, April 8, 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 204 03  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the Agenda by deleting "Agreement with Delaware Technical & Community College – EMT – Paramedic Technology Program", and to approve the Agenda, as amended.

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

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

**M 205 03  
Approve  
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of March 25, 2003.

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

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

**Corre-  
spondence**

Mr. Griffin read the following correspondence:

**SUSSEX CENTRAL HIGH SCHOOL GERMAN EXCHANGE  
PROGRAM, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of grant.**

**ROGER JONES, JR., VICE PRESIDENT AND STATE DIRECTOR, THE  
NATURE CONSERVANCY, WILMINGTON, DELAWARE.**

**RE: Letter thanking Council for unanimously approving the purchase of  
critical conservation acres in the Great Marsh.**

**Rogers**

(Mr. Rogers joined the meeting.)

**M 206 03  
Adopt  
Procla-  
mation**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 6 THROUGH 12, 2003 AS NATIONAL LIBRARY WEEK".

**Motion Adopted: 5 Yea.**

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

**Adminis-  
trator's  
Report**

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

**1. Emergency Snow Declaration**

The Delaware Emergency Management Agency (DEMA) in conjunction with the Federal Emergency Management Agency (FEMA), will perform an applicant's briefing for the Emergency Snow Declaration (FEMA-3183-EM) at the Sussex County Emergency Operations Center on Wednesday, April 9, 2003, at 7:00 p.m.

Assistance under the Emergency Snow Declaration covers emergency protective measures, which include all snow removal activities, sheltering, evacuations, or any other functions necessary to protect the health and safety of the public. Assistance allows for 48 hours of reimbursement of all overtime labor costs, all hours of actual equipment usage, and any costs for individuals involved in the emergency protective measures.

This briefing is required and will assist emergency response agencies in submitting applications for possible reimbursements of expenses related to the Presidents' Day snowstorm. Eligibility requirements will be discussed and necessary forms provided.

**Group  
Hospital  
Program  
Recommen-  
dation**

Mr. Baker, Finance Director; Mr. Cordrey, Personnel Director; and Mr. David Smith, President of Integra Administrative Group (the County's group hospital administrators), discussed recommended health insurance plan changes to the County's Group Hospital Program. Mr. Baker advised that information was sent to six carriers for quotes and that quotes were received from three carriers.

Mr. Baker presented the following information and recommendations for the Group Hospital Plan for the year beginning May 1, 2003 through April 30, 2004:

Current Reinsurance Carrier  
United Healthcare

Recommended Reinsurance Carrier  
United Healthcare

Current Specific Deductible  
\$75,000

Recommended Specific Deductible  
\$75,000



**Group  
Hospital  
Program  
Recommendation  
(continued)**

Current Fixed Costs  
\$435,808

Fixed Costs w/recommendation  
\$606,016

Current Maximum Annual Cost  
\$4,806,110

Maximum w/recommendation  
\$5,654,968

Current Plan Administrator  
Integra Plan Administrator

Recommended Plan Administrator  
Integra Plan Administrator

Mr. Baker noted that the County does self insure its Group Hospital Plan with reinsurance for claims over \$75,000 per individual coverage. Money is set aside each payroll period to pay claims under \$75,000; to pay for the reinsurance for the claims over \$75,000; and to pay administrative costs to Integra.

Mr. Baker stated that costs are up this year and he noted that this is a trend nationwide.

Mr. Baker reported that the monthly County expense rate for individual coverage was \$583.00 in Fiscal 2002 (\$50,000 deductible) and \$650.00 in Fiscal 2003 (\$75,000 deductible).

Mr. Baker presented the Group Hospital Rate Proposal for Fiscal 2004. The proposal is to maintain the deductible at \$75,000. Percentage increases per individual coverage is proposed as follows: Life Insurance (5.00% estimated); Reinsurance – Group Hospital (42.80%); Alliance PPO Premium (3.08%); Integra Administrative Group (7.65%); and Self Fund (14.22%). The total percentage increase would be 15.38%. This proposal would result in the monthly County expense rate for individual coverage to be \$750.00 for Fiscal 2004.

Mr. Baker noted that there are no recommended changes to the Plan of Benefits at this time.

Mr. Baker and Mr. Smith commented on rising health care costs, stating that increases in health care costs are averaging 15.4 percent for 2003 renewals, which is more than triple the rate of inflation.

**M 207 03  
Authorize  
Employee  
Health  
Plan**

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the following for the Employee Health Plan for the Plan Year May 1, 2003 to April 30, 2004:

1. The continuance of Integra Administrative Group as the County's Group Hospital Administrator;
2. The approval of United Healthcare Insurance Company as the provider of the Group Hospital Reinsurance;
3. Maintenance of the Group Hospital reinsurance deductible at \$75,000;
4. Maintenance of the County Group Hospital Program at current benefit levels.

**Motion Adopted: 5 Yea.**

**M 207 03  
(continued)**

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

**Vehicle  
Bid  
Results**

**Mr. Shade, Purchasing Agent, reviewed bid results for two (2) heavy duty trucks needed by the Engineering Department at the Treatment Facilities, as follows:**

Willis Chevrolet	\$27,621.00
I.G. Burton	\$27,697.00
Faulkner Pontiac Buick GMC	\$28,440.09
Hertrich Fleet Services	\$28,693.00

**Mr. Shade recommended awarding the bid to the low bidder.**

**M 208 03  
Accept  
Vehicle  
Bid**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, that Sussex County Council accepts the bid of Willis Chevrolet in the amount of \$27,621 for two (2) heavy duty extended cab trucks per the requested specifications.**

**Motion Adopted: 5 Yea.**

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

**Vehicle  
Bid  
Results**

**Mr. Shade, Purchasing Agent, reviewed bids for one (1) one-ton pickup truck needed by the Engineering Department at the Treatment Facilities, as follows:**

Hertrich Fleet Services	\$31,238.00
I. G. Burton Chevrolet	\$32,192.00
Faulkner Pontiac Buick GMC	\$33,178.51
Willis Chevrolet	\$33,784.00

**Mr. Shade recommended awarding the bid to the low bidder.**

**M 209 03  
Accept  
Vehicle  
Bid**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, that Sussex County Council accepts the bid of Hertrich Fleet Services in the amount of \$31,238.00 for one (1) one-ton extended cab pickup truck per the requested specifications.**

**Motion Adopted: 5 Yea.**

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

**Vehicle  
Bid  
Results**

**Mr. Shade, Purchasing Agent, reviewed bid results for one (1) half-ton pickup truck needed by the Engineering Department at the treatment facilities, as follows:**



<b>Vehicle</b>	<b>Willis Chevrolet</b>	<b>\$19,346.00</b>
<b>Bid</b>	<b>Hertrich Fleet Services</b>	<b>\$19,597.00</b>
<b>Results</b>	<b>I. G. Burton Chevrolet</b>	<b>\$19,730.00</b>
<b>(continued)</b>	<b>Faulkner Pontiac Buick GMC</b>	<b>\$20,731.13</b>

Mr. Shade recommended awarding the bid to the low bidder.

**M 210 03**      **A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council accepts the bid of Willis Chevrolet in the amount of \$19,346.00 for one (1) half-ton extended cab 4x4 pickup truck per the requested specifications.**

**Accept Vehicle Bid**

**Motion Adopted:      5 Yea.**

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

**Flood Mitigation Grant Program**

**Mr. Brady, Private Roads Coordinator, reviewed a contract change order under the FEMA Flood Mitigation Grant Program. The change order, in the amount of \$325.00, is due to extra work caused by differing site conditions in the homes.**

**M 211 03**  
**Approve Change Order/ Flood 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 Change Order No. 3 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 \$325.00, thereby increasing the contract amount from \$202,571.86 to \$202,896.86.**

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

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

**Milton Public Library/ Contract Amendment**

**Mr. Izzo, County Engineer, reviewed Contract Amendment No. 3 to the Milton Library Expansion Contract. Mr. Izzo noted that the architect for the project is Weymouth & Associates and that the construction bid was awarded to Kent Construction.**

**Mr. Izzo reported that the Engineering Department proposes to have one contract for construction administration and construction inspection services and the County would like to continue to use Weymouth & Associates. Mr. Izzo stated that the Proposed Contract Amendment is for \$40,600 and it is estimated that an additional \$25,000 will be needed for construction inspection services, for a total of \$65,600. It was noted that \$85,000 has been set aside in the contract budget. It was also noted that the State will be paying one-half of these costs.**

**Contract Amendment (continued)**      **Mr. Izzo stated that he hopes to get the contractor to start construction by May 15, 2003, which would allow the project to be completed by May 15, 2004.**

**M 212 03**      **A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the**  
**Execute**      **recommendation of the County Engineering Department that the Sussex**  
**Contract**      **County Council authorizes its President to execute Amendment No. 3 to its**  
**Amend-**      **contract with Weymouth Architects and Planners to provide construction**  
**ment/**      **administration for the Milton Public Library Expansion.**  
**Milton**  
**Public**  
**Library**

**Motion Adopted:      5 Yea.**

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

**Cedar**      **Mr. Izzo, County Engineer, reviewed Amendment No. 19 to the Contract**  
**Neck**      **with Whitman, Requardt and Associates for the Cedar Neck Expansion of**  
**Exp. of the**      **the Bethany Beach Sanitary Sewer District Project. This Amendment, in**  
**BBSSD/**      **the amount of \$892,000, will provide construction administration and**  
**Amendment**      **construction inspection services for four contracts over an eighteen month**  
**No. 19**      **period. Mr. Izzo noted that this is a time and material contract.**

**M 213 03**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the**  
**Execute**      **recommendation of the County Engineering Department, that the Sussex**  
**Amendment**      **County Council authorizes its President to execute Amendment No. 19 to its**  
**No. 19/**      **Contract with Whitman, Requardt and Associates, LLP to oversee**  
**Cedar**      **construction for the Cedar Neck Expansion of the Bethany Beach Sanitary**  
**Neck**      **Sewer District.**  
**Expansion**  
**of the**  
**BBSSD**

**Motion Adopted:      5 Yea.**

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

**Emergency**      **Mr. Izzo, County Engineer, discussed an emergency declaration for sewer**  
**Repair in**      **line repair in Bay View Park. Mr. Izzo advised that one of the concrete**  
**Bay View**      **pipes deteriorated and the County needs to hire a contractor to make the**  
**Park**      **repairs. The cost of the repairs is estimated to be \$33,000 - \$35,000 which**  
                 **includes restoring pavement. The Engineering Department recommends**  
                 **that Teal Construction be authorized to make the repairs to the sewer line.**

**M 214 03**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex**  
**Declare**      **County Council declares that the replacement of approximately 230 feet of**  
**Emergency/**      **sewer line in Bay View Park requires an emergency response and directs**  
**Bay View**      **the Engineering Department to proceed under Paragraph 6907 of the**  
**Park**      **Delaware Code to contract the sewer line installation with Teal**  
                 **Construction, and the pavement restoration with a second contractor.**



**M 214 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**

**Requests**

**Mr. Stickels presented funding requests for Council's consideration.**

**M 215 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Police Chiefs' Council, Inc. for the Annual Staff Development Seminar.**

**Motion Adopted: 5 Yea.**

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

**M 216 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth Summer Children's Theatre for program and project costs.**

**Motion Adopted: 5 Yea.**

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

**M 217 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$150.00 from Mr. Phillips' Councilmanic Account to the Delmar Middle and Senior High School for Donna Weber to attend the National Youth Leader's Conference in Washington, D.C.**

**Motion Adopted: 5 Yea.**

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

**M 218 03  
Council-  
manic  
Grant**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Account) to The Jefferson School for their Annual Giving Campaign.**

**Motion Adopted: 5 Yea.**

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

**M 219 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200.00 (\$100.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Accounts, to the Laurel Intermediate School for the Science Fair.

**Motion Adopted: 5 Yea.**

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

**M 220 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$100.00 (\$50.00 each from Mr. Jones' and Mr. Phillips' Councilmanic Accounts) to the Sussex Central Football Boosters to sponsor the Second Annual Golf Tournament.

**Motion Adopted: 5 Yea.**

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

**M 221 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 from Mr. Phillips' Councilmanic Account to the Town of Frankford for the Spring Clean-up Day.

**Motion Adopted: 5 Yea.**

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

**M 222 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00 (\$250.00 each from Mr. Rogers' and Mr. Cole's Councilmanic Accounts) to the Cape Henlopen School District for students to attend the Odyssey of the Mind State Finals.

**Motion Adopted: 5 Yea.**

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

**M 223 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$400.00 (\$200.00 each from Mr. Rogers' and Mr. Jones' Councilmanic Accounts) to Milford Community Parades, Inc. for annual parade expenses.

**Motion Adopted: 5 Yea.**



**M 223 03  
(continued)**

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

**Introduction of 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 A COMMUNITY RECREATIONAL CENTER AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.66 ACRES, MORE OR LESS” (Conditional Use No. 1501) filed on behalf of Rehoboth Bay Conservancy, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

**Introduction of Proposed Ordinance**    **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 34.09 ACRES, MORE OR LESS” (Conditional Use No. 1502) filed on behalf of Windmill Ventures, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

**Introduction of 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 A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 40,293 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1503) filed on behalf of Elton and Donna Murray. The Proposed Ordinance will be advertised for Public Hearing.**

**Introduction of 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 AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 1290 (ORDINANCE NO. 1323) FOR ADDITIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 1504) filed on behalf of Nardo, Inc. The Proposed Ordinance will be advertised for Public Hearing.**

**Introduction of 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 34.09 ACRES, MORE OR LESS” (Change of Zone No. 1513) filed on behalf of**



(continued) **Windmill Ventures, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

**Introduction of Proposed Ordinance** Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.43 ACRES, MORE OR LESS” (Change of Zone No. 1514) filed on behalf of Don Conaway. The Proposed Ordinance will be advertised for Public Hearing.

**Introduction of Proposed Ordinance** Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.61 ACRES, MORE OR LESS” (Change of Zone No. 1515) filed on behalf of Don Conaway. The Proposed Ordinance will be advertised for Public Hearing.

**M 224 03 Recess** At 10:50 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.

**Luncheon** Councilmembers attended a luncheon at DelDOT’s South District Continuous Annual Training Program at Gravel Hill.

**Reconvene** At 1:30 p.m., Mr. Dukes called Council back into session.

**Rogers** Mr. Rogers joined the meeting.

**Jones** Mr. Rogers announced that Mr. Jones would not be in attendance due to his attendance at another meeting relating to County business.

**Public Hearing (C/U No. 1485)** 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 TO SELL ANTIQU4ES, PRODUCE, GLASSWARE, FLOWERS, USED TOOLS, AND FARM SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1485) filed on behalf of Jay R. Donovan.

The Planning and Zoning Commission held a Public Hearing on this application on March 20, 2003 at which time action was deferred.

The record of the Planning and Zoning Commission was incorporated into the record of this Public Hearing.



**Public  
Hearing  
(C/U  
No. 1485)  
(continued)**

Mr. Donovan was present on behalf of his application and stated that he is requesting converting the barn on the premises into a store; that he wants to sell antiques; that all merchandise/displays would be indoors, except for plants and produce; that there will be no public auction; that a homeless man lives in a camper on the site and that he has been violated for this, but the man does not have any money to go anywhere else.

One person spoke in support of the application. There were no further public comments and the Public Hearing was closed.

**M 225 03  
Defer  
Action  
on C/U  
No. 1485**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to defer action on Conditional Use No. 1485, filed on behalf of Jay R. Donovan.

**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  
C/U  
No. 1486**

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 LIGHT FABRICATION OF PARTS AND FRAMES FOR RACE CARS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS" (Conditional Use No. 1486) filed on behalf of Alton D. White.

The Planning and Zoning Commission held a Public Hearing on this application on March 20, 2003 at which time they deferred action.

The record of the Planning and Zoning Commission was incorporated into the record of this Public Hearing.

Mr. Lank, Director of Planning and Zoning, reported that this application was generated by a violation.

The Council found that Alton White was present on behalf of his application and stated that he builds race cars as a hobby; that his neighbors do not object to the application; that he does not have a showroom; that he does not drive the cars on the site, except on the driveway; and that his hours are unpredictable due to the number of hours he works at his full-time job.

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

**M 226 03  
Defer  
Action  
C/U 1486**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to defer action on Conditional Use No. 1486, filed on behalf of Alton D. White.

**Motion Adopted: 5 Yea.**

**M 226 03  
(continued)**

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

**Public  
Hearing  
(C/U  
No. 1487  
and  
C/Z  
No. 1495)**

**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 WITH SPACE FOR BOAT AND RV STORAGE, WORKSHOPS, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.55 ACRES, MORE OR LESS” (Conditional Use No. 1487) and the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.77 ACRES, MORE OR LESS” (Change of Zone No. 1495) filed on behalf of Ronald E. Gray.**

**The Planning and Zoning Commission held Public Hearings on these applications on March 20, 2003 at which time action was deferred.**

**The record of the Planning and Zoning Commission was incorporated into the record of these Public Hearings.**

**It was decided that the applications would be presented together.**

**Mr. Lank, Director of Planning and Zoning, stated that since the Public Hearing before the Planning and Zoning Commission, two letters in opposition to both applications have been received. Mr. Lank noted that Councilmembers have copies of both letters.**

**The Council found that Ron Gray, applicant; John Sergovic, Attorney; and Mike Wigley and Dawn Riggi of Davis, Bowen & Friedel, Inc. were present on behalf of the application and commented that Mr. Gray’s family has owned the property since the late 1930’s; that they began to develop the property in the early 1970’s when a mobile home park was established; that they own and operate a car wash on the property; that 6.54 acres of C-1 zoning exists around the car wash and that this application will provide for an additional 4.77 acres of C-1; that the existing commercial includes the car wash and the warehouse building; that they recently partnered with Coleman Bunting to begin the construction of a home development on a portion of the farm combined with two adjacent properties; that the proposed uses would serve a need for storage facilities and provide rental space for businesses to serve current and future residents of the area; that they are proposing to build nine workshop/warehouse units for contractors; that the construction of the proposed buildings will be market driven; that they will pursue prospective tenants prior to construction of the buildings; that the rezoning shows two pad sites along Route 54 which will remain unchanged as long as his mother is living (she lives on the site); that a**



**Public  
Hearing  
(C/U  
No. 1487  
and  
C/Z  
No. 1495)  
(continued)**

village center will provide commercial services for existing residential communities; that there is a need for village shopping in the area; and that an inter-connection is proposed to connect Shady Park Mobile Home Park to the project.

Mr. Cole commented that even though DelDOT's letter states that a traffic impact study is not required, it also states that the area has been identified as operating at unacceptable levels of services.

Dawn Riggi of Davis, Bowen & Friedel responded that DelDOT is trying to coordinate improvements to Route 54 with developments.

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

**M 227 03  
Defer  
Action  
on C/U  
No. 1487  
and C/Z  
No. 1495**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to defer action on Conditional Use No. 1487 and Change of Zone No. 1495 filed on behalf of Ronald E. Gray.

**Motion Adopted:     5 Yea.**

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

**M 228 03  
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 3:21 p.m. Motion Adopted by Voice Vote.

**Respectfully submitted,**



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