

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE, APRIL 10, 2001

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, April 10, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 192 01      A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the  
Amend      Agenda by inserting "11:20 Executive Session – Personnel", and to approve the  
and      Agenda, as amended.

Approve      Motion Adopted: 5 Yea.  
Agenda

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

Mr. Stickels advised that at the time the Agenda was posted on April 3rd, the subject matter was not known. The amendment to the Agenda was posted on Monday, April 9th.

M 193 01      A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the  
Approve      minutes of the April 3, 2001 meeting, as distributed.  
Minutes

Motion Adopted: 5 Yea.

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

Corre-      Mr. Bayard read the following correspondence:  
spondence

AIR QUALITY MANAGEMENT, DELAWARE DEPARTMENT OF  
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER,  
DELAWARE.

Corre-  
spondence  
(continued)

RE: Legal Notice relating to construction permit amendments filed by Motiva Enterprises, LLC for the Repowering Project.

DEPARTMENT OF THE ARMY, U.S. ARMY CORPS OF ENGINEERS,  
PHILADELPHIA, PENNSYLVANIA

RE: Public Notice to solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit to Bay Café for Holly Pond, Fenwick Island.

MARK MARVEL, BAND DIRECTOR, INDIAN RIVER HIGH SCHOOL  
BAND, FRANKFORD, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

ANN GORRIN, SUSSEX COUNTY COORDINATOR, READ-ALoud  
DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Council's donation in support of the Sussex Central Library Club members attendance at the Governor's Youth Volunteer Awards dinner.

AIDA FRIEDENREICH, LIBRARIAN, SUSSEX CENTRAL HIGH SCHOOL,  
GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Council's donation in support of the Sussex Central Library Club members attendance at the Governor's Youth Volunteer Awards dinner.

BRUCE RICHARDS, EXECUTIVE DIRECTOR, CENTER FOR THE  
INLAND BAYS, LEWES, DELAWARE.

RE: Letter to Mr. Stickels in appreciation of his presentation to the Center's Board of Directors concerning the progress that Sussex County has made towards implementing the Inland Bays Comprehensive Conservation and Management Plan.

NATHAN HAYWARD III, SECRETARY, DELAWARE DEPARTMENT OF  
TRANSPORTATION, DOVER, DELAWARE.

RE: Letter to Mr. Dukes expressing his appreciation for the success of the April 2nd Public Workshop.

Amendment  
to Lease &  
Operating  
Agreement/  
Patrick  
Family  
Foundation

Mr. Stickels and Mr. Calio, Director of Economic Development, discussed a "Second Amendment to Lease and Operating Agreement" between Sussex County and the Harvey & Vera Patrick Family Foundation, Inc. This Amendment is to the Lease and Operating Agreement to establish and operate a general aviation support service facility for Sussex County Airport. Mr. Stickels advised that this is simply a housekeeping procedure that confirms the demised premises and incorporates a better legal description of the premises.

M 194 01  
Execute  
Amendment

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to execute the "Second Amendment to Lease and Operating Agreement" between Sussex County and the Harvey & Vera Patrick Family Foundation, Inc.

M 194 01  
(continued)

Motion Adopted: 5 Yea.

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

DelDOT  
MOA/  
State  
Route One  
Grid Study

Council discussed the proposed Memorandum of Agreement (MOA) between the Sussex County Council and the Delaware Department of Transportation (DelDOT) for the development of the State Route One – Land Use/Transportation Study / State Route One Grid Program. Trish Faust, Senior Transportation Planner, and Joe Cantalupo, Assistant Director of Planning, were in attendance to participate in the discussion.

M 195 01  
Strike  
No. 13  
in the  
MOA

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to strike No. 13 in the document, which states that “The County will amend the land development ordinance and relevant laws to respect property rights related to the reservation of land for the capacity road network.”

Motion Adopted: 5 Yea.

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

M 196 01  
Adopt  
MOA

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adopt the Memorandum of Agreement between the Sussex County Council and the Delaware Department of Transportation with the deletion of No. 13.

The Motion was laid on the table.

M 197 01  
Amend  
M 196 01

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend the Motion made by Mr. Cole to reflect the deletion of No. 15 in the document which states that “This MOA may be amended by the written consent of both parties.”

Motion Adopted: 3 Yea, 2 Nay.

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

M 198 01  
Authorize  
Amending  
MOA

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to insert a new No. 15 in the document stating “This MOA may be amended by the Sussex County Council following consultation with the Delaware Department of Transportation.”

Motion Adopted: 3 Nay, 2 Yea.

M 198 01  
(continued)

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

M 196 01  
(continued)

Mr. Dukes called for a vote on Mr. Cole's Motion (which was amended successfully by Mr. Phillips' Motion to delete No. 15 in the document).

Motion Adopted: 3 Yea, 2 Nay.

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

DelDOT  
MOA

For clarification purposes, the December 15, 2000 draft of the Memorandum of Agreement was adopted with the deletion of Nos. 13 and 15.

Mr. Phillips expressed his opinion that the MOA transfers local authority from the Sussex County Council to the Delaware Department of Transportation.

Mr. Stickels asked Ms. Faust and Mr. Cantalupo to present the MOA, as amended, to Secretary Hayward and the Department for consideration.

MOA  
Public  
Advisory  
Committee

Mr. Stickels noted that the MOA establishes a Public Advisory Committee (PAC) which includes the selection of five citizens to serve as members. The citizens are to be selected jointly by the Department and the County. Mr. Stickels asked Council to consider whom they would like to have appointed to the Committee.

Adminis-  
trator's  
Report

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

1. Holiday Schedule

County offices will be closed Friday, April 13, 2001, to allow employees to observe the Good Friday holiday. Offices will reopen at 8:30 a.m. on April 16, 2001.

There will not be a Council meeting on Tuesday, April 17, 2001. The next regularly scheduled Council meeting will be Tuesday, April 24, at 10:00 a.m. in the Council Chambers, County Administrative Building on The Circle in Georgetown.

2. Interim Rezoning Public Hearing

The Sussex County Council will hold a public hearing on the request of the Atlantic Coastal Town (ACT) mayors for an interim rezoning policy on lands located in the area designated by the State Cabinet Committee on Planning Issues. The public hearing will take place at 7:00 p.m., June 12, 2001, at the CHEER Center located on Sand Hill Road, Georgetown, Delaware. Anyone

Adminis-  
trator's  
Report  
(continued)

who is not able to attend the public hearing may submit written comments to the Planning and Zoning Office prior to the commencement of the public hearing.

3. Long-Range Transportation Meetings

The Sussex County Public Advisory Committee will be meeting April 18 and May 1, 2001, to discuss Sussex County's Long-Range Transportation Plan. The meetings will take place from 6:00 to 8:00 p.m. at the County Administrative West Complex located on North DuPont Highway, Georgetown, Delaware.

A Public Meeting has been scheduled for Monday, May 14, 2001, in the County Council Chambers located in the County Administrative Building, 2 The Circle, Georgetown, Delaware, from 4:00 to 7:30 p.m. The general public will be given an opportunity to review the work that has been completed to date and provide input. This is a very important meeting and it affects, in one way or another, everyone in Sussex County.

4. Public Hearing – Sea Country Estates Sanitary Sewer District

The Sussex County Engineering Department will be conducting a public hearing at the Sound United Methodist Church Community Building on Route 54, near Fenwick Island, on Saturday, April 14, 2001. The hearing will begin at 9:30 a.m. The purpose of the hearing is to discuss the question of organizing the Sea Country Estates Sanitary Sewer District and the proposed boundaries. Questions concerning the hearing may be directed to the Planning and Permits Division at 855-7719.

Change  
Meeting  
Time

Mr. Dukes proposed that the Sussex County Council meeting scheduled for June 12, 2001, begin at 4:00 p.m. or 5:00 p.m., prior to the Public Hearing on the Interim Rezoning Policy.

IRB  
Committee  
Report

Mr. Baker reported that the Industrial Revenue Bond Committee met on this date, April 10, 2001, beginning at 9:00 a.m., to discuss authorizing up to \$4,500,000 of Industrial Revenue Bonds for the PATS, Inc. Project. The funds would be used to expand a hangar at the Sussex County Industrial Airpark by approximately 50,000 square feet, allowing PATS, Inc. to expand and diversify their services and products. PATS, Inc. currently employ over 120 people and expect to add an additional 50 employees within two years as a result of this expansion. Mr. Baker advised that the Industrial Revenue Bond Committee recommended approval of the application

M 199 01  
Approve  
Resolution  
of IRB  
for PATS

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council approves a Resolution authorizing up to \$4,500,000 of Industrial Revenue Bonds for the PATS, Inc. Project as recommended by the Sussex County Industrial Revenue Bond Committee based on the finding that the project is eligible for this financing, the project will maintain and provide gainful

M 199 01  
Approve  
Resolution  
(continued)

employment opportunities within the County, assist and encourage economic development of the County, and maintain and expand employment within the County, and that the bonds will be limited obligations of the County payable solely from revenues from the project and PATS, Inc.

Motion Adopted: 5 Yea.

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

M 200 01  
Adopt  
R 014 01  
PATS, Inc.  
IRB

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Resolution No. R 014 01 entitled "A PROJECT RESOLUTION AUTHORIZING UP TO \$4,500,000 INDUSTRIAL REVENUE BONDS (PATS, INC. PROJECT) SERIES 2001".

Motion Adopted: 5 Yea.

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

Draft  
Ordinance  
Relating  
to Oak  
Orchard  
SSD  
Bond  
Financing

Mr. Baker reviewed a draft ordinance that would provide for the issuance of up to \$3,943,000 of Sussex County General Obligation Bonds in order to finance the design, construction, and equipping of the wastewater collection and transmission facilities for the Oak Orchard Sanitary Sewer District. Currently, the County has been approved for a State of Delaware SRF low interest loan in the amount of \$3,943,000; additionally, funding has been approved by the State of Delaware Grant – 21st Century Fund (\$3,800,000) and the Federal HUD DRI Fund (\$963,000).

Proposed  
Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE OAK ORCHARD SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for a Public Hearing on May 1, 2001, at 11:00 a.m.

West  
Rehoboth  
Sewer  
Project/  
Refinancing  
Proposal

Mr. Baker discussed a refinancing proposal for the West Rehoboth Sewer SRF loans. The County has asked the SRF Loan Administrator at the Department of Natural Resources and Environmental Control (DNREC) to consider a proposal to combine the EPA grant for the West Rehoboth Sewer Project and a SRF loan interest rate change. The County has proposed applying the \$1.2 million EPA grant to reduce the current West Rehoboth Sewer SRF loan indebtedness. The County is also requesting a reduction in the interest rates charged for the SRF West Rehoboth loans to 1.50 percent. The projected balance of these outstanding loans as of June 16, 2001, is \$26,076,659; at interest rates of 3.78 percent, 3.21 percent, and 2 percent. The current debt service on these loans is \$1.9 million; at

West  
Rehoboth  
Sewer  
Project/  
Refinancing  
Proposal  
(continued)

1.50 percent, the debt service would be \$1.7 million, resulting in annual savings of \$195,000 for West Rehoboth sewer users. Mr. Baker advised that the DNREC Wastewater Council will consider this request on April 11, 2001. If the request is approved, the County can incorporate the savings into the sewer rates for the upcoming fiscal year. Mr. Baker advised that he does not anticipate obtaining final approval from the EPA regarding the proposed use of the EPA grant funds prior to June 30, 2001.

M 201 01  
Approve  
Refinancing  
Proposal/  
West  
Rehoboth  
Sewer  
Project

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council approves a request to the State of Delaware Department of Natural Resources and Environmental Control to reduce the interest rate on loans for the West Rehoboth Sewer Project from 3.78 percent, 3.21 percent, and 2 percent to 1.5 percent.

Motion Adopted: 5 Yea.

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

Old  
Business/  
Change  
of Zone  
No. 1421

Council discussed Change of Zone No. 1421 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 96.12 ACRES, MORE OR LESS", filed on behalf of Abraham P. Korotki.

The Planning and Zoning Commission held a Public Hearing on this application on February 8, 2001; on March 1, 2001 the Commission recommended that the application be approved with the stipulation that the number of units be reduced to not exceed 261 units.

The Sussex County Council held a Public Hearing on this application on February 27, 2001. At that time it was the consensus of Council to close the Public Hearing and leave the record open until March 13th for written comments from the Town of Ocean View, after which time the record would remain open until March 20th for written comments in response to the information received from the Town. In addition, Council members requested that Mr. Sergovic, attorney for the applicant, provide a phasing plan for the project, in writing, by the March 20th deadline.

Mr. Lank reported that on April 9, 2001 he received a document from the applicant outlining suggested stipulations. Mr. Bayard stated that this submission could not be accepted due to the fact that the Public Hearing record closed on March 13, 2001. In addition, Mr. Bayard stated that three items of correspondence were received following the Public Hearing, none of which

Old  
Business  
(continued)

arrived before the record was closed. The correspondence received was from the Town of Ocean View (received on March 15th), the Town of South Bethany (received on March 20th), and from Elizabeth Wetzstein (received on March 20th).

Mr. Stickels reminded Council of the possible (17) stipulations and possible reasons for denial prepared by staff, which were distributed previously.

M 202 01  
Adopt  
Ordinance

A Motion was made by Mr. Phillips to Adopt the Proposed Ordinance contingent on the one stipulation (not to exceed 261 units), as recommended by the Planning and Zoning Commission. The Motion died for the lack of a second.

M 203 01  
Adopt  
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 96.12 ACRES, MORE OR LESS" (Change of Zone No. 1421) filed on behalf of Abraham P. Korotki.

The Motion was laid on the table.

M 204 01  
Amend  
M 203 01

A Motion was made by Mr. Phillips to amend Mr. Cole's Motion, adding the 17 proposed stipulations with the maximum number of units not to exceed 225 units. The Motion died for the lack of a second.

M 205 01  
Amend  
M 203 01

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to amend Mr. Cole's Motion, adding the proposed 17 stipulations with the maximum number of units not to exceed 179 units (the same number the applicant would receive under an AR-RPC zoning designation).

Motion Adopted: 5 Yea.

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

Call for  
Vote on  
M 203 01  
(as  
amended)

Mr. Dukes called for a vote on the Motion made by Mr. Cole, amended by Mr. Phillips' Motion, to Adopt Ordinance No. 1444 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 96.12 ACRES, MORE OR LESS"(Change of Zone No. 1421) filed on behalf of Abraham P. Korotki, as

M 203 01  
(continued)

amended, with the following 17 stipulations, with the maximum number of units not to exceed 179 units:

1. The maximum number of units shall not exceed 179 homes.
2. Residential Building Permits shall be limited to 100 permits cumulative per year.
3. The RPC shall be served as a part of a Sussex County Sewer System.
4. The RPC shall be served by a water company providing water for consumption and fire protection per applicable regulations and approvals by DNREC, the Office of the State Fire Marshal, the Division of Public Health, and the Public Service Commission.
5. All entrance, intersection, and roadway improvements required by DeIDOT and/or the Town of Ocean View shall be completed by the applicant in accordance with any further modifications required by DeIDOT and/or the Town of Ocean View.
6. The project shall be phased. The phasing plan shall be subject to review and approval by the Planning and Zoning Commission.
7. The applicant shall provide all recreational amenities upon completion of 50 percent of the construction of the multi-family units and the sale of 50 percent of the single family lots. The project will include a private clubhouse, and recreational facilities with game rooms, fitness center, spa/sauna, indoor/outdoor pools, and tennis courts.
8. All streets and driveways shall be constructed to Sussex County specifications for private subdivision streets.
9. Streetlighting shall be provided.
10. No commercial activities shall be permitted except for the maintenance facilities established to maintain the entire project.
11. Stormwater management facilities shall comply with all State and County regulations.
12. Bike paths and sidewalks will be provided throughout the project. The sidewalks will be constructed along at least one side of each street.
13. No boats, boat trailers, travel trailers, or personal storage facilities will be permitted on the site.

M 203 01  
(continued)

14. Wetlands will not be disturbed, except where permitted by the U.S. Army Corps of Engineers. The Federal wetland boundary shall become, at a minimum, the building restriction line. The applicant shall establish “best management practices” in regard to maintenance and protection of non-tidal wetlands. The applicant shall file a nutrient management program with appropriate agencies.
15. The applicant shall be required to submit a landscaping plan, prepared by a registered landscape architect. The plan shall be subject to review and approval by the State Forester with final approval by the Planning and Zoning Commission.
16. No site preparation, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules and regulations shall have been issued and the final site plan is approved.
17. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 5 Yea.

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

Findings

(Findings of Fact will be inserted in the minutes upon receipt from legal counsel.)

SCRWF/  
Headworks  
Project

Mr. Archut, Assistant County Engineer, reviewed Change Order Nos. 2 and 3 to the ongoing Headworks Project at the South Coastal Wastewater Facilities. The original contract amount was \$679,440; Change Order No. 1 in the amount of \$12,157.83 was approved on September 26, 2000. Mr. Archut reported that Change Order No. 2, in the amount of \$4,473.29, is a result of grating changes on top of the headworks to eliminate trip hazards. Change Order No. 3, in a credit amount of \$16,152.00, is a result of adjusting quantities for actual use including contingency items such as stone, excavation, concrete, etc. Mr. Archut pointed out that with the change orders, the net contract change over the original amount is only \$479.12.

M 204 01  
Approve  
Change  
Orders/  
SCRWF/  
Headworks  
Project

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Engineer, George, Miles and Buhr, and the Sussex County Engineering Department, that the Sussex County Council approves Change Order Nos. 2 and 3 to decrease the South Coastal Regional Wastewater Facilities Headworks Contract by \$11,678.71, to \$679,919.12, subject to the approval of the State of Delaware Department of Natural Resources and Environmental Control.

M 204 01  
(continued)

Motion Adopted: 5 Yea.

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

Wastewater  
Facilities

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in Rehoboth Beach Yacht & Country Club, Phase 6A.

M 205 01  
Grant  
Conditional  
Acceptance/  
RBY&CC  
Wastewater  
Facilities

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 163, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Rehoboth Beach Yacht & Country Club, Phase 6A, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Proposed  
Ordinance

Mr. Cole 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 (180 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20.3 ACRES, MORE OR LESS" (Conditional Use No. 1407) filed on behalf of Marsh Harbor, 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 A PUBLIC SCHOOL (SUSSEX CENTRAL HIGH SCHOOL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 159.57 ACRES, MORE OR LESS" (Conditional Use No. 1408) filed on behalf of Indian River School District. 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 AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PUBLIC SCHOOL (INDIAN RIVER HIGH SCHOOL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 156.80 ACRES, MORE OR LESS" (Conditional Use No. 1409) filed on behalf of Indian River School District. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO SELL FURNITURE, ANTIQUES, PRODUCE, AND MISCELLANEOUS UNIQUE ITEMS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (Conditional Use No. 1410) filed on behalf of Jay R. Donovan. 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 TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.6 ACRES, MORE OR LESS” (Change of Zone No. 1436) filed on behalf of Marsh Harbor, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

M 206 01  
Youth  
Activity  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$1,000 from Mr. Phillips’ Youth Activity Grant Account to the Town of Millsboro for the youth basketball program.

Motion Adopted: 5 Yea.

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

M 207 01  
Council-  
manic  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$150.00 from Mr. Rogers’ Councilmanic Account to the Christian Storehouse Building Fund for the purchase of the building currently occupied by the Christian Storehouse.

Motion Adopted: 5 Yea.

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

Public  
Workshop/  
HB 39

Mr. Dukes discussed the Public Workshop that is to be held in Legislative Hall on HB 39 and asked Council to give Mr. Stickels direction as to the position he should take on behalf of Council. It was noted that the Sussex County Association of Towns has taken the position to oppose the Bill in its present form.

M 208 01  
Oppose  
House  
Bill 39

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council opposes House Bill 39 in its present form.

Motion Adopted: 5 Yea.

M 208 01  
(continued)

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

Agenda  
Item

Mr. Cole requested that the three pending applications relating to vendors be placed on the May 1<sup>st</sup> agenda for discussion.

Citizen's  
Concern

Mr. George Truitt, a Georgetown resident, addressed Council regarding decreasing property values and the need for additional law enforcement in the Town of Georgetown.

M 209 01  
Recess

At 11:50 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to recess and go into Executive Session. Motion Adopted by Voice Vote.

Executive  
Session

An Executive Session of the Sussex County Council was held beginning at 11:55 a.m., in the Caucus Room of the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes.	President
Finley B. Jones Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney
Denny Cordrey	Personnel Director
Robert Reed	Sheriff
Jeff Christopher	Sheriff's Office

The Executive Session was held for the purpose of discussing personnel issues relating to the Sheriff's Office.

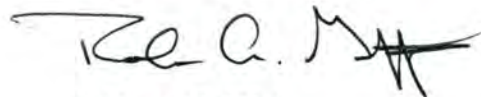
Reconvene

At 12:30 p.m., the Executive Session concluded and the regular meeting was reconvened.

M 210 01  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 12:31 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council