

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE, APRIL 24, 2001

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, April 24, 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
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.

Mr. Stickels announced that Mr. Cole was absent and that he has requested that action be deferred on any zoning applications that are located within his Councilmanic District.

M 211 01  
Approve  
Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

M 212 01  
Approve  
Minutes

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve the minutes of the April 10, 2001 meeting, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

Corre-  
spondence

Mr. Bayard read the following correspondence:

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

Corre-  
spondence  
(continued)

RE: Public Notice to solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit to: (1) Dolores A. Gareis for a project on the Lewes and Rehoboth Canal and (2) John E. Lingo for a project on the Lewes and Rehoboth Canal.

CHRIS TINSMAN, GEORGETOWN, DELAWARE.

RE: Letter to Mr. Jones in appreciation of Councilmanic Grant.

AMBER ALEXANDER, WALKAMERICA DIRECTOR, MARCH OF DIMES, NEWPORT, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

YVONNE O'BRIEN, ADMINISTRATIVE DIRECTOR, OUTPATIENT SERVICES, NANTICOKE MEMORIAL HOSPITAL, SEAFORD, DELAWARE.

RE: Letter in support of an additional paramedic unit for the western part of Sussex County.

M 213 01  
Adopt  
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING APRIL 29 THROUGH MAY 6, 2001, AS 'SOIL AND WATER STEWARDSHIP WEEK'".

Motion Adopted: 4 Yea, 1 Absent.

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

M 214 01  
Adopt  
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING APRIL 22 THROUGH APRIL 28, 2001, AS 'NATIONAL VOLUNTEER WEEK' AND PROCLAIMING APRIL 24, 2001, AS 'SENIOR COMPANION DAY' IN SUSSEX COUNTY".

Motion Adopted: 4 Yea, 1 Absent.

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

Funds for  
Rodent  
Control  
Activities

Mr. Stickels advised Council that the State, in their Fiscal Year 2002 Budget, has made \$10,000 in funding available to Sussex County to use for rodent control and trash collection activities. Delaware Health and Social Services, Division of Public Health, is charged with the administration and oversight of the funds and related activities.

M 215 01  
Rodent  
Control  
Application

A Motion was made by Mr. Phillips, seconded by Mr. Jones, authorizing the Sussex County Administrator to make application to Delaware Health and Social Services, Division of Public Health, in the amount of \$10,000, for rodent control activities.

Motion Adopted: 4 Yea, 1 Absent.

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

Adminis-  
trator's  
Report

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

1. DelDOT Public Workshop

The Department of Transportation is holding a public workshop to present facts and solicit public comments regarding improvements on Route 26. The meeting will be held Wednesday, April 25, 2001, at the Lord Baltimore Elementary School, Route 26, Ocean View, Delaware. The public is invited to attend any time between 4:00 and 8:00 p.m.

2. Delaware Supreme Court

I am pleased to inform the Council that Dennis L. Schrader, Assistant County Attorney, has been recognized by the Delaware Supreme Court. Mr. Schrader was awarded the Andrew D. Christie Pro Bono Publico award last week. The Delaware Supreme Court presents the honor to a member of the Bar for outstanding legal services provided free to Supreme Court. Mr. Schrader was honored at a dinner on Wednesday, April 18, in New Castle. Mr. Schrader's work with the Supreme Court includes memberships on the Delaware Courts Planning Committee, the Board of Professional Responsibility, the Courts 2000 Commission, and the chief justice's study of Common Pleas Court.

3. Oak Orchard Sanitary Sewer District

In keeping with the Earth Day tradition of helping the environment, the United States Department of Agriculture (USDA) Rural Development will be observing Earth Day by presenting a check to County officials on Friday, April 27, 2001, at 11:00 a.m. at Clark's Marina in Oak Orchard. The check, in the amount of \$2,943,000, will be used toward the construction of the sanitary sewer collection and transmission system to serve the residents of Oak Orchard. Marlene Elliott, USDA Rural Development State Director, stated, "It is very fitting that this Federal funding should be announced this week in recognition of Earth Day. This investment of public funds will help protect the health of all

Adminis-  
trator's  
Report  
(continued)

residents in the area in addition to protecting the Indian River and Indian River Bay watershed." The \$500,000 grant and \$2,443,000, 40-year loan at 4.5 percent interest will help provide sewer service to the Oak Orchard and Riverdale communities and protect lands along the bay.

In addition to the USDA funds, the Department of Natural Resources and Environmental Control is providing \$3.8 million for the project through the 21<sup>st</sup> Century Fund and a \$1 million, 20-year loan at two percent interest. A Housing and Urban Development Disaster Relief Initiative Grant was provided to the district in the amount of \$963,000.

The total cost of the project is expected to be \$8.7 million, with construction slated to start in 2002. As a result of the significant amount of funds provided by the Federal and State governments, the annual cost per household should not exceed \$550.00.

4. Housing Jamboree

Discover Bank will be hosting Housing Jamboree 2001 on Saturday, April 28, 2001, from 9:00 a.m. to 3:00 p.m. at Delaware Technical & Community College, Georgetown, Delaware. Mr. William C. Lecates, Sussex County Community Development and Housing Division Director, and Mr. Dale McDowell, Housing Specialist, will be attending this conference. Sussex County residents who are interested in purchasing a home, refinancing a home, or expanding or upgrading their current home may be interested in attending. Anyone wishing to obtain more information should call 302-349-5253 or 1-800-501-2062.

West  
Rehoboth  
Sewer  
Refinancing

Mr. Baker reported on the County's request for refinancing the West Rehoboth Sewer SRF loans through the State of Delaware. On April 11th, the State of Delaware Wastewater Advisory Council approved the County's request to reduce the interest rates charged on the three SRF 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 1.50 percent, the debt service would be \$1.7 million, resulting in an annual saving of \$195,500 for West Rehoboth sewer users. The savings, when projected out over the term of the loans, will total approximately \$3,575,000. The State has also authorized the County to repay the loans on an annual basis versus a semi-annual basis, which will result in additional savings. The effective date of the interest rate reduction will be retroactive to December 16, 2000. The interest rate savings will be incorporated into the County's Fiscal 2002 Budget and will be reflected in the service charges and assessment rates for West Rehoboth sewer users. The County is anticipating a 3 percent reduction in assessment rates as a result of the interest rate reduction.

Refinancing (continued) Mr. Baker noted that the County has agreed to apply the \$1.2 million EPA grant to reduce the current West Rehoboth Sewer SRF loan indebtedness, contingent on final approval from the EPA.

EMS Affiliation Agreement Mr. Luedtke, EMS Director, Mr. Monihan representing Beebe Hospital, and Mr. Murray, Field Training Coordinator for Sussex County EMS, were in attendance to request Council's approval of agreements between Beebe Hospital, Nanticoke Hospital, the Delaware Office of Emergency Medical Services, and Sussex County. The agreements would provide clinical training opportunities for paramedics at the hospitals, which would ensure that the skills of the County's paramedics remain high. As an approved educational program under Section 9813 of the Delaware Paramedic Law, the program will provide for the introduction of new and innovative treatment modalities while controlling costs by providing the necessary clinical training locally. Mr. Luedtke advised that these agreements will provide a unique opportunity for the physicians and nurses at Beebe and Nanticoke hospitals to work closely with the County's paramedics in an effort to continue to improve the quality of emergency medical care rendered to the citizens of and visitors to Sussex County.

M 216 01 Execute EMS Affiliation Agreements A Motion was made by Mr. Phillips, seconded by Mr. Jones, to authorize the President of the Sussex County Council to execute Affiliation Agreements between Beebe Medical Center, Nanticoke Hospital, the Delaware Office of Emergency Medical Services, and Sussex County.

Motion Adopted: 4 Yea, 1 Absent.

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

Dagsboro – Frankford SSD/ Church of God Request Mr. Archut, Assistant County Engineer, discussed a request from the Dagsboro Church of God to be annexed into the Dagsboro/Frankford Sanitary Sewer District. The church is planning to expand its facilities and for this reason, is asking that approximately 30 acres be annexed into the District; 2.4 acres of the 30 acres is located with the town limits of Dagsboro and is currently not included in the Dagsboro/Frankford Sanitary Sewer District boundaries.

M 217 01 Post Notices/ Extension of the Dagsboro – Frankford SSD A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Engineering Department be authorized to post notices for the extension of the Dagsboro/Frankford Sanitary Sewer District boundary to include lands owned by the Dagsboro Church of God on the west side of State of Delaware Route 113.

Motion Adopted: 4 Yea, 1 Absent.

M 217 01  
(continued)

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

Proposed  
Sea  
Country  
Estates  
SSD/  
Public  
Hearing  
Report

Mr. Archut advised that the Sussex County Engineering Department conducted a Public Hearing for the Proposed Sea Country Estates Sanitary Sewer District at the Sound Methodist Church Community Building on Saturday, April 14, 2001, at 9:30 a.m. The purpose of the hearing was to discuss the question of organizing a sanitary sewer district for the Sea Country Estates area and receive public comments on the proposed boundaries. The proposed boundaries that were presented include only the subdivision known as Sea Country Estates I and an adjacent property which includes a single-family home. Mr. Archut advised that, based on the comments received, the Sussex County Engineering Department will prepare a Resolution to adopt the boundaries as proposed and to establish a date and time for a referendum.

Little  
Meadows

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in Little Meadows, located in the Blades Sanitary Sewer District.

M 218 01  
Grant  
Conditional  
Acceptance/  
Little  
Meadows

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 132, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Little Meadows, located in the Blades Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed  
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1437) filed on behalf of Edward S. and Nancy C. Machulski. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.51 ACRES, MORE OR LESS" (Change of Zone No. 1438) filed on behalf of Walter Wilson.

(continued) The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.49 ACRES, MORE OR LESS” (Change of Zone No. 1439) filed on behalf of Walter Wilson. 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 FOR AN AUTO RECYCLE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 20.61 ACRES, MORE OR LESS” (Conditional Use No. 1411) filed on behalf of Auto Parts of Greenwood. The Proposed Ordinance will be advertised for Public Hearing.

M 219 01 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$200.00 from Mr. Jones’ Councilmanic Account to the Miss Delaware Scholarship Organization (in support of Ashley Rose, Miss Sussex County).

Motion Adopted: 4 Yea, 1 Absent.

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

M 220 01 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$100.00 from Mr. Jones’ Councilmanic Account to The Greenwood Youth/Family Night for their community project.

Motion Adopted: 4 Yea, 1 Absent.

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

M 221 01 Authorize Executive Session A Motion was made by Mr. Jones, seconded by Mr. Rogers, authorizing an Executive Session of the Sussex County Council to be held on May 1, 2001, at 9:00 a.m., in the Caucus Room of the Sussex County Council Chambers for the purpose of discussing pending litigation.

Motion Adopted: 4 Yea, 1 Absent.

M 221 01  
(continued)

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

Prayer  
Breakfast

Mr. Dukes announced that the Annual Sussex County Prayer Breakfast will be held on Monday, June 18, 2001, at 7:30 a.m., at Delaware Technical & Community College in the Student Center.

Public  
Hearing/  
Towers  
and  
Antennas

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR SUSSEX COUNTY, DELAWARE, AS IT RELATES TO COMMERCIAL COMMUNICATIONS TOWERS AND ANTENNAS". This Ordinance limits commercial towers or antennas or monopoles in residential districts or within 500 feet of residential districts to special use exceptions to be granted by the Board of Adjustment. As a condition of application, the applicant must demonstrate that there is no other site available for co-location within 2 miles of the proposed site and there is a need for the proposed tower. If granted, a tower or antenna or monopole is subject to specific lot area, setback and site requirements.

The Planning and Zoning Commission recommended approval of the Proposed Ordinance with an amendment to the proposed Section 194.2 H to include "All towers, antennas, or monopoles shall have warning lights. Such lights shall be placed every fifty feet (50') of elevation."

Public comments were heard. Jeff Chorman, of Chorman Aviation, aerial applicators, was present in support of the Proposed Ordinance and stated that aerial applicators/crop dusters have real safety concerns over the number of towers being erected; that requiring lights on the towers would be a tremendous help; and that all aerial applicators should be notified whenever another tower is approved.

Mr. Lank, Director of Planning and Zoning, advised that the County will notify the agricultural crop dusting industry of any tower applications.

Mr. Lank advised that he received a letter from the Office of State Planning Coordination in support of the Proposed Ordinance and that no further comments were received from any other State agencies.

The Public Hearing was closed.

M 222 01  
Adopt  
Ordinance  
No. 1445

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1445 entitled "AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR SUSSEX COUNTY, DELAWARE, AS IT RELATES TO COMMERCIAL COMMUNICATIONS TOWERS AND ANTENNAS", as amended.

Motion Adopted: 4 Yea, 1 Absent.

M 222 01  
(continued)

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

M 223 01  
Recess

At 11:20 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:35 p.m.

Public  
Hearing  
(C/U  
No. 1392)

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 PAVING BUSINESS (CONTRACTOR'S YARD AND EQUIPMENT STORAGE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Conditional Use No. 1392) filed on behalf of Clarence James Reed II and Mary Catherine Reed.

The Planning and Zoning Commission held a Public Hearing on this application on April 5, 2001, at which time they recommended approval with stipulations.

The Council found that Clarence James Reed and Mary Catherine Reed were present with Larry Fifer, Attorney, and stated that they operate a paving business and are aware that they are located in an AR-1 Agricultural Residential District.

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

M 224 01  
Adopt  
Ordinance  
No. 1446  
(C/U  
No. 1392)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1446 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAVING BUSINESS (CONTRACTOR'S YARD AND EQUIPMENT STORAGE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Conditional Use No. 1392) filed on behalf of Clarence James Reed II and Mary Catherine Reed, with the following conditions:

1. The applicant shall submit a copy of a recorded document showing that he has an approved lease or easement to use the driveway on his father's property.
2. The material bins on the property shall be designated on the site plan.
3. Business hours shall be from 7:00 a.m. to 6:00 p.m. There shall be no Sunday hours.

M 224 01  
(continued)

4. One (1) unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings  
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact.

1. The conditional use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U  
No. 1393)

A Public Hearing was held on 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 (16 UNITS) AS AMENDMENT TO CONDITIONAL USE NO. 1307 CONDITIONS OF APPROVAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS" (Conditional Use No. 1393) filed on behalf of Gull Point Trust.

The Planning and Zoning Commission held a Public Hearing on this application on April 24, 2001, at which time they recommended approval since the use had already been approved and since this application will reduce the number of units, and with stipulations which amend the original stipulations to Conditional Use No. 1307.

The Council found that James Fuqua, Attorney, was present on behalf of the applicants and stated that in 1999 the County approved 24 units on the site; that the original plans proposed a pool and pool house; that the applicants now propose to build 16 units and do not believe that the 16 units justify the pool and the pool house; and requested that if the amendment is approved, that the pool and pool house be deleted from the stipulations.

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

M 225 01  
Adopt  
Ordinance  
No. 1447  
(C/U  
No. 1393)

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1447 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) AS AMENDMENT TO CONDITIONAL USE NO. 1307 CONDITIONS OF APPROVAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS" (Conditional Use No. 1393) filed on behalf of Gull Point Trust, with the following stipulations:

1. Central sewer service shall be provided in accordance with applicable regulations of the State Department of Natural Resources and Environmental Control and the County Engineering Department.
2. Central water service shall be provided in compliance with applicable regulations of the State Department of Natural Resources and Environmental Control, the Office of the State Fire Marshal, the Division of Public Health, and the County Engineering Department.
3. Stormwater management and erosion and sedimentation control plans shall be subject to all State and County regulations.
4. The maximum number of units shall not exceed 16 units.
5. The open space depicted on the site plan shall be subject to no future development.
6. The site plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings  
of Fact

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

1. The applicant established by substantial evidence that the application will reduce the number of units previously approved, thereby reducing the density of the project.
2. The conditional use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Findings  
(continued)

3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
No. 1428)

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19,410 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1428) filed on behalf of Patricia McDaniel.

The Planning and Zoning Commission held a Public Hearing on this application on April 5, 2001, at which time they recommended approval based on the following reasons: that the site is being improved over the past activities; that the City of Rehoboth Beach maintenance building and yard exists across from the site; that city trucks travel to and from the maintenance yard on a regular basis; and that the proposed use is less of a negative impact than the maintenance yard.

The Council found that Patricia McDaniel was present and stated that the lot is across from the City of Rehoboth maintenance building, storage yard, and water tower; that this site was originally a storage and salvage yard; that she has hauled approximately 25 loads of trash and junk from the site; that she proposes to build an office for her construction business; that she does not intend to store materials outside; that she does not own a backhoe or any large trucks; and that there will not be any building or construction activity on the site relating to the business.

Public comments in opposition to the application were heard from Richard Miller, Charles Lebegern, Jr., George Panarello, Peter Thompson and Robert Witsil, Attorney. Concern was expressed that the rezoning would impact the residential character of the area; that the area is zoned GR General Residential and should remain as zoned; that this is a residential area with no commercial activities; that the neighborhood is concerned about storage of construction equipment and material, noise, dust, diesel fumes and the general disturbance of the residential neighborhood.

The Public Hearing was closed.

M 226 01  
Defer  
Action  
on  
C/Z  
No. 1428

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to defer action on Change of Zone No. 1428 filed on behalf of Patricia McDaniel.

Motion Adopted: 4 Yea, 1 Absent.

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

Public  
Hearing  
(C/Z  
No. 1429)

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 LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.48 ACRE, MORE OR LESS" (Change of Zone No. 1429) filed on behalf of Parker Block Co., Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 5, 2001, at which time they recommended approval since the proposal calls for a small addition to an existing industrial use and an extension to an existing LI-2 Light Industrial District.

The Council found that John Thoroughgood, President of Parker Block Co., Inc. was present and stated that they propose to build an addition to a shop to the easterly side of the building; that the shop will be used to rebuild machinery for the block building machine; that the addition will include a lunch room; that a 30 foot by 40 foot addition is proposed; that the remainder of the land will continue to be farmed; that a residential home exists within 150 feet of the plant; and that they do not want to impact that residence.

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

M 227 01  
Adopt  
Ordinance  
No. 1448  
(C/Z  
No. 1429)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1448 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.48 ACRE, MORE OR LESS" (Change of Zone No. 1429) filed on behalf of Parker Block Co., Inc.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings  
of Fact

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

1. The change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
No. 1430)

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24.45 ACRES, MORE OR LESS" (Change of Zone No. 1430) filed on behalf of Rehoboth Home Builders.

The Planning and Zoning Commission held a Public Hearing on this application on April 5, 2001; on April 19, 2001, the Commission recommended approval of the application by a vote of 3 For and 2 Against, with the following stipulations:

1. There shall be no more than 50 lots.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

The Council found that Rick Woodin, Frank Fossi, and James Fuqua, Attorney, were present and stated that they propose to develop 64 lots; that the density will be 2.6 units per acre; that they propose to buffer the adjoining properties and subdivisions; that stormwater management will be located in the buffer area to the rear of the site; that they have provided an 80 foot wide road to a future Grid Road at the request of DelDOT; and that they propose an age-restricted development for residents 55 years or older.

Mr. Fuqua submitted some proposed conditions that the applicants would accept and 22 letters in support of the project.

Public Comments were heard. Comments in opposition to the application focused on traffic congestion and safety; the inability of emergency vehicles to get to the project when gridlock occurs; that the development of the property will cause the loss of scenic views, open space, and wildlife habitat; and that there are flooding problems in the area.

The Public Hearing was closed.

M 228 01  
Defer  
Action on  
C/Z  
No. 1430

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to defer action on Change of Zone No. 1430 filed on behalf of Rehoboth Home Builders, Inc.

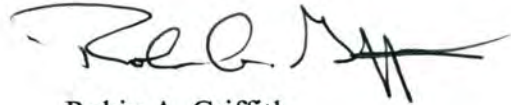
Motion Adopted: 4 Yea, 1 Absent.

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

M 229 01  
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to adjourn at 4:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. A. Griffith", with a stylized flourish at the end.

Robin A. Griffith  
Clerk of the Council