

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 29, 2003**

**Call to  
Order**

The regular meeting of the Sussex County Council was held Tuesday, April 29, 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 252 03  
Approve  
Agenda**

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

**Motion Adopted: 5 Yea.**

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

**M 253 03  
Approve  
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of April 15, 2003, as distributed.

**Motion Adopted: 5 Yea.**

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

**Corre-  
spondence**

Mr. Griffin read the following correspondence:

**WOMEN OF THE MOOSE, SEAFORD CHAPTER 1384, SEAFORD, DELAWARE.**

**RE: Letter in appreciation of Proclamation and Grant.**

**DELAWARE COMMUNITY REINVESTMENT ACTION COUNCIL, INC., WILMINGTON, DELAWARE.**

**RE: Letter in appreciation of Council's support of their efforts in Sussex County this year.**

**M 254 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 27, 2003 THROUGH MAY 3, 2003 AS FAIR HOUSING WEEK IN SUSSEX COUNTY”.**

**Motion Adopted: 5 Yea.**

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

**M 255 03  
Adopt  
Procla-  
mation**

**A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS COMMUNITY ACTION MONTH”.**

**Motion Adopted: 5 Yea.**

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

**M 256 03  
Adopt  
Procla-  
mation**

**A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Proclamation entitled “PROCLAIMING APRIL 27 THROUGH MAY 3, 2003, AS NATIONAL VOLUNTEER WEEK AND PROCLAIMING APRIL 29, 2003 AS RSVP DAY IN SUSSEX COUNTY”.**

**Motion Adopted: 5 Yea.**

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

**Ordinance  
No. 1573  
(C/Z  
No. 1475)  
Correction  
of  
Condition  
No. 2**

**Mr. Stickels discussed Ordinance No. 1573 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 787.787 ACRES, MORE OR LESS” (Change of Zone No. 1475) filed on behalf of Ribera-Odyssey Ventures, LLC. Mr. Stickels reported that there was a discrepancy in what was stated during Council’s discussion and what was written and adopted in the minutes of November 19, 2002 and Ordinance No. 1573. Mr. Stickels noted that Condition No. 2 stated that “Residential building permits shall not exceed 300 per year.” He further noted that, based on Council’s discussion, Condition No. 2 should read “Residential Certificates of Occupancy shall not exceed 300 per year.”**



**M 257 03  
Amend  
11/19/02  
Minutes  
and  
Ordinance  
No. 1573**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to amend the minutes of November 19, 2002 (Page 13, Line No. 27) and Ordinance No. 1573 (Change of Zone No. 1475) (Page 2) to reflect that Condition No. 2 is as follows: "Residential Certificates of Occupancy shall not exceed 300 per year".

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

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

**Adminis-  
trator's  
Report**

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

**1. Delaware Department of Transportation Public Information Meeting**

The Delaware Department of Transportation is holding a Public Information Meeting to present details regarding the upcoming construction phase of the proposed sidewalk improvements along State Route 1 (SR-1) from Dewey Beach to the Lewes and Rehoboth Canal. The meeting will be held on Monday, May 12, 2003, at the Rehoboth Elementary School cafeteria, 500 Stockley Street, Rehoboth Beach, Delaware. The public is invited to attend between 4:00 and 7:00 p.m.

The meeting will focus primarily on issues that were identified during the two public workshops, which were held on July 13, 2000, and January 17, 2001. The project would consist of the addition of sidewalks on both sides of SR-1, median modifications, pavement and drainage improvements, and intersection improvements including the installation of a new traffic signal and pedestrian signal at the intersection of SR-1 and Bayard Avenue. The project limits are Saulsbury Street to the Lewes and Rehoboth Canal.

I would encourage residents of the area to attend this meeting.

**2. Beneficial Acceptance**

On April 15, 2003, the Sussex County Engineering Department granted Beneficial Acceptance to Sussex County Project No. 81-04, Fenwick Island Sanitary Sewer District, Bayville Shore – Phase IV, Agreement No. 275. Included with this report is a summary of the activities for this project.

**Paramedic  
Vehicle/Bid  
Results**

Mr. Shade, Purchasing Agent, reported that bids were opened on Monday, April 28th for the custom refurbishing of one (1) Suburban for use as a Paramedic Vehicle. The following bids were received:

Paramedic	J&J Emergency Vehicles	\$21,895.00
Vehicle/	Odyssey	\$22,230.00
Bid	FESCO	\$24,999.00
Results	Keystone Emergency Vehicle	\$25,080.00
(continued)	TransRight	\$35,305.00

Mr. Shade recommended that the bid be awarded to J&J Emergency Vehicles.

**M 258 03**  
**Award**  
**Bid/**  
**Paramedic**  
**Vehicle**

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council accepts the bid of J&J Emergency Vehicles in the amount of \$21,895.00 per unit for one (1) Suburban Paramedic Unit.

**Motion Adopted: 5 Yea.**

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

**Paramedic**  
**Vehicles/**  
**Bid**  
**Results**

Mr. Shade, Purchasing Agent, reported that bids were opened on Monday, April 28th for the purchase of two (2) complete Paramedic Response Vehicles. The following bids were received:

FESCO	\$55,850.00 per unit
J&J Emergency Vehicles	\$64,250.00 per unit
Odyssey	\$64,765.00 per unit
Keystone Emergency Vehicles	\$73,691.00 per unit
National Vehicles	\$75,178.85 per unit
Swab Wagon Works	\$79,490.00 per unit

Mr. Shade recommended that the bid be awarded to FESCO.

**M 259 03**  
**Award**  
**Bid/**  
**Paramedic**  
**Vehicles**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council accepts the bid of FESCO in the amount of \$55,850.00 per unit for the purchase of two (2) new Paramedic Response Vehicles.

**Motion Adopted: 5 Yea.**

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

**Proposed**  
**Affiliation**  
**Agreement**  
**with DTCC/**  
**Paramedic**  
**Technology**  
**Program**

Mr. Luedtke, Director of EMS, presented for Council's consideration an Affiliation Agreement between Delaware Technical & Community College, Terry Campus, and Sussex County Emergency Medical Services for the EMT-Paramedic Technology Program. The Program will provide for clinical and field learning and practice for Delaware Technical & Community College (Terry Campus) students enrolled in the EMT – Paramedic Technology Program. The Agreement will allow the County to



**Proposed Agreement (continued)** assist in the clinical internship training of Delaware's future paramedics, some of whom will ultimately become paramedics serving the citizens of Sussex County. The Agreement will be effective for twelve calendar months, beginning on May 15, 2003 and ending May 14, 2004.

**M 260 03** A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council approves the Agreement between Delaware Technical & Community College, Terry Campus, and Sussex County Emergency Medical Services.

**Approve Affiliation Agreement with DTCC** Motion Adopted: 5 Yea.

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

**Renewal of Hospital Clinical Agreements** Mr. Luedtke, Director of EMS, discussed the renewal of two existing Affiliation Agreements, one with Nanticoke Memorial Hospital and one with Beebe Medical Center, which provides the opportunity for paramedics to receive clinical education in the hospital environment. The Agreements will be effective for sixty calendar months commencing April 1, 2003 and ending March 31, 2008.

**M 261 03** A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council approves the Affiliation Agreements with Nanticoke Memorial Hospital and Beebe Medical Center

**Approve Agreements with Beebe Medical Center and Nanticoke Memorial Hospital** Motion Adopted: 5 Yea.

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

**Old Business/ C/Z** Council discussed Change of Zone No. 1493 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS" and Change of Zone No. 1494 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17,609 SQUARE FEET, MORE OR LESS" filed on behalf of Keith Properties, Inc.

**No. 1493 and C/Z**

**No. 1494/ Keith Properties**

**Old  
Business  
(continued)**

The Planning and Zoning Commission held a Public Hearing on these applications on March 13, 2003 at which time they deferred action. On April 10, 2003, the Commission recommended that Change of Zone No. 1493 be denied and that Change of Zone No. 1494 be approved.

Mr. Lank, Director of Planning and Zoning, noted that when the Commission held their Public Hearing, there were numerous letters from individuals (including a petition) in opposition to Change of Zone No. 1493. Also, there were fifteen parties present in opposition. Mr. Lank further noted that at the County Council's Public Hearing, there was no opposition since an agreement had been reached between the property owners of Keenwick and the Developer. A letter was submitted into the record from Dennis Johnson, on behalf of Keenwick Association Board of Governors, which stated that if certain conditions were met, that all of their objections would be withdrawn on Change of Zone No. 1493, Change of Zone No. 1494, and a pending subdivision application.

**M 262 03  
Adopt  
Ordinance  
No. 1600  
(C/Z  
No. 1493)**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1600 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS" (Change of Zone No. 1493) filed on behalf of Keith Properties, Inc.

**Motion Adopted: 5 Yea.**

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

**M 263 03  
Adopt  
Ordinance  
No. 1601  
(C/Z  
No. 1494)**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1601 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17,609 SQUARE FEET MORE OR LESS" (Change of Zone No. 1494) filed on behalf of Keith Properties, Inc.

**Motion Adopted: 5 Yea.**

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



**South  
Coastal  
Area  
Planning  
Study  
Update**

Mr. Izzo, County Engineer, discussed the South Coastal Area Planning Study which was adopted in 1990 and the need to update the Study. Mr. Izzo stated that there has been strong growth in the area and numerous new sewer districts have been formed. Mr. Izzo stated that the Study was prepared based on the County's Coastal Sussex Land Use Plan and that since that time the County has had a new Comprehensive Land Use Plan in 1997 and the 2002 Land Use Plan Update. Mr. Izzo noted that one of the important components of the 2002 Land Use Plan Update is the Environmentally Sensitive Development District. He further noted that, based on the land use that is being proposed in the 2002 Plan and the development that has occurred, the 1990 Planning Study is out-of-date. Mr. Izzo advised that in 1990 there were four service areas in the South Coastal Area and now there are eleven service areas.

Mr. Archut reviewed the scope of work of the project. The update of the study will provide up-to-date information on the number of equivalent dwelling units (EDUs) in the area, the status of existing collection and transmission facilities, flow data, recent zoning changes and land use decisions, development trends, proposed road improvements, agricultural preservation activity, and a general review of the entire service area.

Mr. Archut noted that the study will also address requests from proposed development projects located outside of the SCAPS area but in the Environmentally Sensitive Developing Area, as shown in the Land Use Plan Update. The cost to developers is proposed to be \$20,000 for developments of 50 – 250 EDUs and \$30,000 for developments of 251 – 500 EDUs. Mr. Cole questioned the fee and stated that it should be more equitable. He suggested that the fees should be assessed on a per EDU basis. Mr. Izzo and Mr. Stickels stated that this issue will be reviewed further. It was noted that these projects are not included in the contract price of \$388,959.

Mr. Izzo advised that, with Council's approval, Whitman, Requardt & Associates will be overseeing the study. The work would be done through an amendment to the current contract with Whitman, Requardt and Associates and the cost of the study would not exceed \$388,959. The study is to be completed in one year.

Mr. Archut advised that the County Engineering Department will be applying for a Regional Planning Grant to the Wastewater Facilities Advisory Council for up to \$100,000 in matching funds to finance an update of the South Coastal Area Planning Study.

**M 264 03  
Approve  
Contract  
Amendment  
with  
WR&A**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 20, dated March 31, 2003, to its contract with Whitman, Requardt and Associates, LLP, to perform an update to the South Coastal Area Planning Study, at a cost of \$388,959.00, with the cost of priority projects to be approved by the County Administrator.

**M 264 03  
(continued)**

**Motion Adopted: 5 Yea.**

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

**M 265 03  
Adopt  
Resolution  
No.  
R 018 03**

**A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Resolution No. R 018 03 entitled "TO SUBMIT A REGIONAL PLANNING GRANT TO THE WASTEWATER FACILITIES ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE THE UPDATE OF THE SOUTH COASTAL AREA PLANNING STUDY".**

**Motion Adopted: 5 Yea.**

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

**Wastewater  
Facilities**

**Mr. Green, Director of Utility Construction, discussed wastewater facilities constructed in the South Bethany Sanitary Sewer District and the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**M 266 03  
Execute  
Agreements/  
The Village  
at Bear  
Trap Dunes**

**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. 291, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Freeman Communities for wastewater facilities to be constructed in The Village at Bear Trap Dunes, Phase 4, located in the South Bethany Sanitary Sewer District.**

**Motion Adopted: 5 Yea.**

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

**M 267 03  
Execute  
Agreements/  
Paynter's  
Mill**

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 237, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Ocean Atlantic Associates V, LLC for wastewater facilities to be constructed in Paynter's Mill, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Motion Adopted: 5 Yea.**



**M 267 03  
(continued)**

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

**Requests**

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

**M 268 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Cole's Councilmanic Account to the Bethany Beach 4th of July Parade Committee for expenses for the 2003 parade (4th of July).

**Motion Adopted:** 5 Yea.

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

**M 269 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$250.00 from Mr. Rogers' Councilmanic Account to Eagle's Nest Christian School to sponsor Shane Smith and Jason Stoeckel at the World Martial Arts Games in Mexico.

**Motion Adopted:** 5 Yea.

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

**M 270 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$650.00 (\$200.00 from Mr. Jones' and \$225.00 each from Mr. Phillips' and Mr. Cole's Councilmanic Accounts) to Sussex Central High School for the Minority Leadership Alliance's annual alumni basketball game to raise money for minority scholarships in the Indian River School District.

**Motion Adopted:** 5 Yea.

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

**M 271 03  
Youth  
Activity  
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 from Mr. Rogers' Youth Activity Grant Account to the Milton Little League for operating expenses.

**Motion Adopted:** 5 Yea.

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

**M 272 03  
Council-  
manic  
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Councilmanic Account, to the Sussex Academy of Arts & Sciences for trip expenses (Odyssey of the Mind World Finals).

**Motion Adopted:** 3 Yea, 2 Not Voting.

**Vote by Roll Call:** Mr. Phillips, Yea; Mr. Cole, Not Voting;  
Mr. Dukes, Yea; Mr. Jones, Not Voting;  
Mr. Rogers, Yea

**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 BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.83 ACRES, MORE OR LESS" (Conditional Use No. 1505) filed on behalf of David Ritter. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed  
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SELF-STORAGE AND WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.4 ACRES, MORE OR LESS" (Conditional Use No. 1506) filed on behalf of Ocean Highway, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed  
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 21.007 ACRES, MORE OR LESS" (Change of Zone No. 1516) filed on behalf of East Bay Homes, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed  
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 16,227 SQUARE FEET, MORE OR LESS (Change of Zone No. 1517) filed on behalf of Michael and Mary Morton. The Proposed Ordinance will be advertised for Public Hearing.



**Funding  
Request**

Mr. Jones advised Council of a letter from the Sussex Conservation District requesting \$10,000 in funding for drainage work throughout the County. It was decided that this matter will be placed on the May 6th Agenda for consideration.

**Citizen's  
Comments**

Mr. Dan Kramer asked questions regarding the following:

- (1) What is the procedure when road names are changed and who makes sure 911 is advised?

Mr. Rogers responded that Verizon provides the information to 911.

- (2) The State is using the reverse auction method for some of its purchases instead of the standard bid process; if it can be done in the County, it will possibly save money.

Mr. Rogers responded that he is not sure and that it is a matter that can be looked into by the County's Purchasing Agent.

**M 273 03  
Recess**

At 11:40 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

**Reconvene**

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

**Public  
Hearing  
(C/U  
No. 1489)**

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 MULTI-FAMILY DWELLING STRUCTURES (52 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 13.0 ACRES, MORE OR LESS" (Conditional Use No. 1489) filed on behalf of Rehoboth Home Builders, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 10, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. Mr. Lank's summary was admitted as part of the record of this Public Hearing.

The Council found that Mr. Fuqua, Attorney, and Mr. Crouch and Mr. Houser of Davis, Bowen & Friedel, Inc. were present on behalf of the application and stated that they are proposing a conditional use for 52 multi-family units behind the Home Depot facility; that the application is for an extension to the Eagle Point Project, Section 1; that this project will be Section 2; that DelDOT has approved the entrance for Sections 1 and 2; and that the density requested is 4 units per acre.

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

**M 274 03**  
**Defer**  
**Action**  
**on C/U**  
**No. 1489**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to defer action on Conditional Use No. 1489, filed on behalf of Rehoboth Home Builders, Inc.

**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. 1490)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEVATED WATER STORAGE TANK FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS" (Conditional Use No. 1490) filed on behalf of Tidewater Utilities, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 10, 2003 at which time they recommended approval with eight (8) conditions. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. Mr. Lank's summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

The Council found that Mr. Esposito and Mr. Patrick of Tidewater Utilities, Inc.; Mr. Fuqua, Attorney; and Mr. Houser and Mr. Crouch of Davis, Bowen & Friedel, Inc. were present on behalf of the application. Mr. Fuqua stated that the application is for an elevated water tower to be located south of Route One, behind the existing Home Depot store, and that the tank will provide storage and water for fire flows for a regional water system extending from Bay Vista to Paynters Mill developments.

Mr. Griffin, County Attorney, suggested that the following condition be added to the eight (8) conditions recommended by the Commission:

(9) Access to the property shall be through the proposed expansion to Eagle Point Development.

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

**M 275 03**  
**Adopt**  
**Ordinance**  
**No. 1602**  
**(C/U**  
**No. 1490)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1602 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEVATED WATER STORAGE TANK FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR



**M 275 03**  
**(continued)**

**LESS” (Conditional Use No. 1490) filed on behalf of Tidewater Utilities, Inc., with the following conditions:**

- 1. The maximum capacity of the tower shall be 750,000 gallons.**
- 2. The maximum height of the tower shall be 150 feet.**
- 3. Lighting at the tower shall be limited to normal security lights and safety lights required by the FAA on the tower.**
- 4. The tower shall be painted a sky neutral color and lettering shall be limited to identification of the water company “Tidewater Utilities, Inc.”.**
- 5. The tower shall be surrounded by a security fence at least six (6) feet in height.**
- 6. The structural design of the water tower shall comply at a minimum with AWWA Standard D100-96.**
- 7. Placement of antenna on the tower by the State, County, and area fire companies shall be allowed at no charge.**
- 8. The site plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.**
- 9. Access to the property shall be through the proposed expansion to Eagle Point Development.**

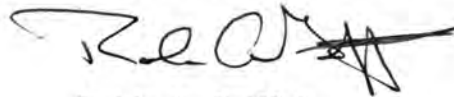
**Motion Adopted: 5 Yea.**

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

**M 276 03**  
**Adjourn**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 2:09 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**



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