

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 6, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 6, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 277 03 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the
Approve Agenda with changes to the order of business under Robert L. Stickels,
Agenda County Administrator, as follows:

1. Senate Bill 66
2. Soil Conservation District
3. Notice of Appeal and Scheduling of Public Hearing –
Subdivision No. 2002-31
4. Administrator's Report

Motion Adopted: 5 Yea.

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

M 278 03 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the
Approve minutes of April 29, 2003, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Griffin read the following correspondence:
spondence

**BETTYLOU EVANS, SUSSEX COUNTY VETERANS COUNCIL,
LAUREL, DELAWARE.
RE: Letter in appreciation of grant.**

Corre-
spondence
(continued)

BILL ROYAL, SUSSEX COUNTY ANIMAL ASSOCIATION, SEAFORD, DELAWARE.

RE: Letter in appreciation of grant.

JOANNE WILKINS, SUSSEX CENTRAL BASEBALL BOOSTERS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

LIDA WELLS, MILFORD MEMORIAL HOSPITAL AUXILIARY, MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

JOYCE COFIELD, DELMARVA WATER TRANSPORT COMMITTEE, INC., SALISBURY, MARYLAND.

RE: Letter commending the County's Economic Development Director, Steve Masten, for working so diligently on issues that affect waterborne commerce on the Nanticoke River.

Senate
Bill
No. 66

Mr. Stickels presented Senate Bill No. 66 entitled "AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT". (The author of Senate Bill No. 66 is Senator Venables.)

The Bill enables Counties and Municipalities to take advantage of the opportunity to have redevelopment, infrastructure and development impact costs financed through the use of tax increment financing (TIF) and the establishment of special development districts (SDD). TIF and SDD funding is obtained through the issuance of bonds which are not required to be backed by the full faith and credit of the State, the County, or the Municipality. The payment for the bonds comes from an increase in real estate tax imposed only in the project area. Thus, those directly benefiting from the growth and development bear the burden of paying for it, and other real estate taxpayers are unaffected. TIFs and SDDs are implemented through agreements between developers and the Counties and Municipalities desiring to utilize the funding mechanism. The nature of the redevelopment and infrastructure associated with the project is subject to the approval of the County or Municipality. Impact associated with development which would not be covered by typical land use approval can be incorporated in TIF and SDD financings. For example, in addition to enhanced on-site amenities, off-site impacts such as roadway improvements, fire protection and school needs can be addressed. TIFs and SDDs are utilized in forty-eight states to reduce the financial burden of States, Counties and Municipalities in dealing with redevelopment and new development financial impacts. TIFs and SDDs can be effectively used in steering growth to desired areas designated in approved Comprehensive Plans.

**Senate
Bill
No. 66
(continued)**

Mr. Stickels stated that Delaware is one of only two states that do not currently have enabling legislation for special district bond financing.

It was noted that the County Council will still have to approve each district before it can be established, and determine the terms and conditions to such approval.

Mr. Baker stated that he is consulting with officials from Maryland about similar legislation in their State. He noted that if a default in payment occurred, there could be an adverse reaction to the County's bond rating.

Mr. Stickels stated that he sees no reason for the County to oppose the Bill since it is enabling legislation and not mandatory, and since it provides an additional funding mechanism for infrastructure projects in the future.

It was the consensus of Council to support Senate Bill No. 66.

**Sussex
Conser-
vation
District
Funding
Request**

Mr. Vanderwende, Ms. Absher, Mr. Jones, and Mr. Johnson were present from the Sussex Conservation District to request assistance in funding drainage work throughout the County. Mr. Vanderwende reported that the District has utilized all of the State and County matching funds for the year and does not have enough funds to complete work needed during the next couple of months. He noted that there have been 106 drainage complaints in Sussex County since February. He further noted that the number of complaints is higher than normal due to the wet conditions of the winter weather experienced in the County. Mr. Vanderwende advised that the funding requirements needed to complete these drainage projects is \$32,945.00; that the State has offered \$10,000.00 in funding but has requested a like match from the County; and therefore, the District is requesting \$10,000.00 from the County to help fund these projects. Mr. Vanderwende noted that the District has explored other sources of funding such as the State, DelDOT and DNREC.

It was noted that, in Sussex County, there are 186 tax ditches spanning 1,200 miles. These 1,200 miles drain nearly 600 sq. miles, or approximately 340,000 acres of Sussex County's 605,000 total acres. Fifty-six (56) percent of the County is drained by tax ditches. Sussex County has 186 tax ditches of the 293 tax ditches statewide. This is 63% of all of the tax ditches in Delaware. Kent County has 28% and New Castle has 9% of the tax ditches. Sussex County has nearly 2/3 of the ditches in the State, but only receives 1/3 of the State's funding.

Council discussed the funding request:

- A suggestion was made to advance money from the Fiscal 2004 Proposed Budget Allocation for the Sussex Conservation District.
- Concern was expressed about granting the funds, since the District has at least \$700,000 in reserve funds, and the Council has to answer to the taxpayers.

**Sussex
Conser-
vation
District
Funding
Request
(continued)**

- Concern was expressed that there are other agencies in the County that may need additional funding.
- A suggestion was made to wait a week to allow other agencies the opportunity to submit their budget requests.
- A suggestion was made to provide the \$10,000 in funding and to keep the allocation for the District at the same amount for the Fiscal 2004 Budget.

**M 279 03
Authorize
Transfer
of Funds
for Sussex
Conser-
vation
District
Funding**

A Motion was made by Mr. Cole, seconded by Mr. Jones, authorizing the transfer of \$10,000 from the Sussex County Council General Fund Contingency Account to the Grant-In-Aid Account, and Be It Further Moved that the Sussex County Council approves a \$10,000 grant to the Sussex Conservation District for drainage program funding.

Motion Adopted: 5 Yea.

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

**Notice of
Appeal/
Sussex
Ventures**

Mr. Stickels presented for Council's consideration an appeal to the Sussex County Planning & Zoning Commission's decision to deny an application of Sussex Ventures for the subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 76.44 acres into 64 lots, located south of Road 297, 2,930 feet west of Route 30. (Subdivision application No. 2002-31, Country Meadows Subdivision).

**M 280 03
Schedule
Public
Hearing/
Subdivision
No.
2002-31**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to schedule a Public Hearing for 11:00 a.m. on June 3, 2003 on an appeal of Sussex Ventures, Inc., regarding the Sussex County Planning & Zoning Commission's decision to deny Subdivision Application No. 2002-31 (Country Meadows Subdivision).

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. Beneficial Acceptance

On April 30, 2003, the Sussex County Engineering Department granted Beneficial Acceptance to the following projects:

- (a) Sussex County Project No. 81-04, South Bethany Sanitary Sewer District, Bethany Breeze (a.k.a. Bethany Meadows, Phase 6), Agreement No. 263;

**Administrator's
Report
(continued)**

- (b) **Sussex County Project No. 81-04, Long Neck Sanitary Sewer District, Long Neck Apartments, Agreement No. 265; and**
- (c) **Sussex County Project No. 81-04, Long Neck Sanitary Sewer District, Bayshore Subdivision, Phase 3, Pumping Station, Agreement No. 284.**

Included with this report are summaries of the activities for these projects.

2. Environmental Lifetime Achievement Award

I am pleased to inform the Council that Heather L. Sheridan, Director of Operations, Sussex County Engineering Department, will be recognized at a ceremony on Thursday, May 8, 2003, at 11:30 a.m. in the Environmental Training Center at Delaware Technical & Community College, Owens Campus, Georgetown, Delaware. Ms. Sheridan will receive the Environmental Lifetime Achievement Award. This prestigious award reflects great credit upon Heather for her unselfish dedication in protecting the environment in Sussex County.

3. Student Government Day

On Thursday, May 8, 2003, starting at 9:30 a.m., I will be hosting Student Government Day. Young men and women who are juniors in the public schools of Sussex County have been invited to participate in a program that will include a mock County Council session. The students will be presented agenda items that the County Council has dealt with in the last year.

It should be noted that Mr. Vance Phillips is the first elected County Councilman who participated in this worthwhile program.

**C/U
No. 1486**

The County Council discussed Conditional Use No. 1486 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" 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; on April 24, 2003 they discussed the application and the Motion to approve the application was defeated since there were not three (3) affirmative votes.

The Sussex County Council held a Public Hearing on this application on April 8, 2003 at which time action was deferred.

M 281 03
Adopt
Ordinance
No. 1603
(C/U
No. 1486)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips to Adopt Ordinance No. 1603 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" (C/U No. 1486) filed on behalf of Alton D. White, with the following conditions:

1. There will not be any outside storage of any type, including but not limited to racecars, equipment, tires, or other materials used in the fabrication of racecars. The applicant shall be allowed to store his personal hauler on the site.
2. No vehicles for sale will be displayed outside on the premises.
3. No repair work will be performed outside.
4. No racecars shall be operated outside.
5. The only fabrication allowed in the shop will be for dwarf race cars or cars of similar characteristics. No other fabrication of any kind will be permitted without modification of the Conditional Use.
6. The shop will only be operated between the hours of 9:00 a.m. until 8:00 p.m. Monday through Saturday.
7. There will be no more than two employees in addition to the Applicant working on the premises at any one time.
8. There will not be any signs on the property advertising the business except for the markings currently on the outside of the Applicant's personal hauler that may be parked on the site.
9. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
10. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

C/U
No. 1487

The County Council discussed Conditional Use No. 1487 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) filed on behalf of Ronald E. Gray.

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

**C/U
No. 1487
(continued)**

10, 2003 they discussed the application and recommended approval with six conditions.

The Sussex County Council held a Public Hearing on this application on April 8, 2003 at which time action was deferred.

**M 282 03
Adopt
Ordinance
No. 1604
(C/U
No. 1487)**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Ordinance No. 1604 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) filed on behalf of Ronald E. Gray, with the following conditions:

1. There shall not be any storage of building materials or other construction materials outside.
2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring residential properties.
3. No outside storage, except boats or RVs, shall be allowed on the premises.
4. A landscaped buffer of Leyland Cypress or similar vegetation shall be installed and planted along the border of the project adjacent to any residential properties so that the mini-storage facility is screened from view from any adjacent residential property.
5. The site plan shall be subject to approval of the Planning and Zoning Commission.

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

**C/Z
No. 1495**

The County Council discussed Change of Zone No. 1495 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" filed on behalf of Ronald E. Gray.

The Planning and Zoning Commission held a Public Hearing on this application on March 20, 2003 at which time they deferred action; on April 10, 2003 they discussed the application and recommended approval.

(continued) The Sussex County Council held a Public Hearing on this application on April 8, 2003 at which time action was deferred.

M 283 03
Adopt
Ordinance
No. 1605
(C/Z
No. 1495)

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Ordinance No. 1605 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.

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

C/Z
No. 1485

The County Council discussed Change of Zone No. 1485 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 8.387 ACRES, MORE OR LESS" filed on behalf of Pierce Hardy Limited Partnership.

Mr. Dukes stated that he did not participate in the Public Hearing on this application and therefore, would not be participating in the vote.

The Planning and Zoning Commission held a Public Hearing on this application on January 30, 2003 at which time they deferred action; on February 13, 2003 they discussed the application. It was noted that there are two separate parcels that the application seeks to change from AR-1 to C-1; that the first (Parcel A) is approximately 1.4 acres of land that is a part of the 3.88 acres of land currently owned by the applicant and that the second (Parcel B) is 6.947 acres. The Commission recommended approval of a change of zone for Parcel A and denial of a change of zone for Parcel B.

The Sussex County Council held a Public Hearing on this application on April 8, 2003 at which time action was deferred.

M 284 03
Adopt
Ordinance
No. 1606
(C/Z
No. 1485)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1606 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 8.387 ACRES, MORE OR LESS" (Change of Zone No. 1485) filed on behalf of Pierce Hardy Limited Partnership, with

**M 284 03
(continued)**

the approval being limited to the rezoning of Parcel A which includes 1.1 acres and the area with approximate dimensions of 60 feet by 247 feet immediately adjacent to the southern boundary of Parcel A.

Motion Adopted: 4 Yea, 1 Abstention.

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

**M 285 03
Adopt
Proposed
Ordinance
(C/Z
No. 1485)**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt 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 8.387 ACRES, MORE OR LESS" (Change of Zone No. 1485) filed on behalf of Pierce Hardy Limited Partnership with the approval being limited to the rezoning of Parcel B which includes 6.947 acres.

Motion Denied: 3 Nay, 1 Yea, 1 Abstention.

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

**Long
Neck
Sanitary
Sewer
District/
Bay
Farm
Road
Expansion
Request**

Mr. Archut, Assistant County Engineer, presented the Bay Farm Road Request for the Proposed Expansion of the Long Neck Sanitary Sewer District. The annexation request includes Bay Farm, The Peninsula and seven separate parcels located within the center of the two developments. Sewer connections will also be required for properties along both sides of Bay Farm Road and three additional properties. The developers of Bay Farm will be required to provide a generator for the new pumping station which was built by other developers and the developers of Bay Farm and The Peninsula will be required to contribute \$50,000 each towards the County's planning study that will look at the capacity of the Inland Bays Regional Wastewater Facilities.

Mr. Archut noted that, with Council's approval, the intervening property owners will be notified that they are included in this expansion request and that any comments/questions may be forwarded to the Engineering Department.

**M 286 03
Bay Farm
Road
Expansion**

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare and post notices for the extension of the Long Neck Sanitary Sewer District boundary to include the Bay Farm Road Expansion.

M 286 03
Prepare
and Post
Notices
(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 287 03
Execute
Agreement
with the
Bay Farm
and The
Peninsula
Developers

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council authorizes the County Engineer to execute an agreement with the developers of Bay Farm and The Peninsula to assist in financing professional services regarding the expansion and improvement of the Inland Bays Regional Wastewater Facilities.

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 submitted grant requests for Council's consideration.

M 288 03
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Rural Water Association for a Public Officials 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 289 03
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00, \$100.00 from each Councilmanic Account, to the Eastern Shore AFRAM for the African American Festival.

Motion Adopted: 5 Yea.

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

M 290 03
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$400.00, \$100.00 each from Mr. Dukes', Mr. Rogers', Mr. Jones', and Mr. Phillips' Councilmanic Accounts, to Sussex Technical School for Jacob Breasure's expenses incurred as a member of the National Officer Leadership Team.

Motion Adopted: 5 Yea.

**M 290 03
(continued)**

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

**M 291 03
Youth
Activity
Grant
Account**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Youth Activity Grant Account) to the Delaware Wavez Softball Team 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**

**Item
Tabled**

Mr. Stickels stated that the Coverdale Crossroads Clean-up Day project is eligible for funding under another program and no action was necessary.

**M 292 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$200.00 from Mr. Cole's Councilmanic Account to Girl Scout Troop 1030 for Jennifer Conroe to participate in the National Wider Opportunity, Fly Girls.

Motion Adopted: 5 Yea.

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

**M 293 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00, \$250.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Accounts, to the Beach & Bay Cottage Tour to benefit the South Coastal Library.

Motion Adopted: 5 Yea.

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

**M 294 03
Council-
manic
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$600.00 (\$200.00 each from Mr. Phillips', Mr. Jones', and Mr. Dukes' Councilmanic Accounts) to the Seaford Revival Center Mission 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**

League of Women Voters Carol Jones, President of the League of Women Voters, presented the booklet "They Represent You" which is published by the League and funded by the Sussex County Council.

Citizen's Comments Mr. Kramer commented on the Sussex Conservation District's funding request.

M 295 03 Recess At 12:04 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public Hearing C/U No. 1491 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 MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.24 ACRES, MORE OR LESS" (Conditional Use No. 1491) filed on behalf of Quakertown Medical Group, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on April 17, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing; the summary was admitted as part of the record of this Public Hearing.

Mr. Lank read a letter into the record from Terrie Portmann opposing the application and expressing concerns about the traffic situation and the road conditions on Savannah Road.

The Council found that Mr. Fuqua, Attorney, and Dr. Beebe, one of the applicants, were present on behalf of the application. Mr. Fuqua stated that the conditional use is for a one-story building to house medical offices; that there will be a residential appearance to the building; and that the property will be landscaped.

The Council found that Donald Mitchell of the Bethel Methodist Church was present on behalf of the owners of the property and spoke in support of the application.

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

M 296 03 Defer Action C/U No. 1491 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to defer action on Conditional Use No. 1491 filed on behalf of Quakertown Medical Group, L.L.C.

Motion Adopted: 5 Yea.

**M 296 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. 1492**

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 WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.13 ACRES, MORE OR LESS” (Conditional Use No. 1492) filed on behalf of Rt. 54 Hook & Slice Golf Driving Range, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 17, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing; the summary was admitted as part of the record of this Public Hearing.

The Council found that Rick Tucker, owner of the property, was present on behalf of the application. Mr. Tucker stated that he proposes to construct ten 6,000 sq. ft. warehouse units; that the commercial activity is compatible with the character of the area; and that 4 acres of the 14.13 acres will not be developed.

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

**M 297 03
Defer
Action
C/U
No. 1492**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to defer action on Conditional Use No. 1492 filed on behalf of Rt. 54 Hook & Slice Golf Driving Range, 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/Z
No. 1498**

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 HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.93 ACRE, MORE OR LESS” (Change of Zone No. 1498) filed on behalf of Gerald Richardson.

The Planning and Zoning Commission held a Public Hearing on this application on April 17, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s

**Public
Hearing
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No. 1498
(continued)**

Public Hearing; the summary was admitted as part of the record of this Public Hearing.

The Council found that Gerald and Cindy Richardson and Sally Ford of Land Design, Inc., were present on behalf of the application. Ms. Ford stated that the applicant proposes to rezone the site to HR High Density Residential due to the development trends in the area; that they are proposing to develop 4 multi-family units; that the building is proposed to be setback toward the rear of the site; and that the building is proposed to be two-story.

Mr. Cole suggested that the applicant record a deed restriction limiting the density of the project to four units.

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

**M 298 03
Defer
Action
C/Z
No. 1498**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on Change of Zone No. 1498 filed on behalf of Gerald Richardson and to leave the record open until 4:30 p.m. on May 16, 2003 for submission of information.

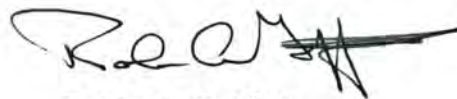
Motion Adopted: 5 Yea.

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

**M 299 03
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 2:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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