

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 11, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 11, 2002, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 368 02 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the
Approve
Agenda

Motion Adopted: 5 Yea.

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

M 369 02 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the
Approve
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard read the following correspondence:
spondence

**PHYLLIS MCKINLEY, EXECUTIVE DIRECTOR, FIRST STATE
MANUFACTURED HOUSING ASSOCIATION, DOVER, DELAWARE.**
**RE: Letter to Robert Stickels thanking him for speaking at their Sussex
County breakfast meeting.**

**SENATOR GEORGE H. BUNTING, LEGISLATIVE HALL, DOVER,
DELAWARE.**

**RE: Letter thanking the County Council, Robert Stickels, and County staff
for the "leadership and assistance displayed in the recent efforts to correct
the situation in the Town of Frankford with the elderly lady who has been
victimized by the problem property on Reed Street".**

**Correspondence
(continued)**

SENATOR GEORGE H. BUNTING, LEGISLATIVE HALL, DOVER, DELAWARE.

RE: Letter thanking Council for the work done on the 2003 County budget and the Council's sound fiscal management of the County.

**Proposed Ordinance/
Election Districts**

Mr. Stickels submitted for Council's consideration a Proposed Ordinance entitled "AN ORDINANCE TO REPEAL ORDINANCE NO. 1500 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC ELECTION DISTRICTS". Ordinance No. 1500 was adopted on October 30, 2001; since that time, the Department of Elections has requested that the County Council approve changes to be made to the Election District Map for Sussex County. Mr. Ken McDowell of the Sussex County Department of Elections and Mr. Dick Carter, (who assisted the County's legal department in drafting the redistricting boundaries) explained that nine pockets of voters did not fit into the formula used to determine district boundaries. The "pockets", which are too small to make a voting district, would be absorbed into another election district. Mr. Carter delineated each of the "pockets" on the map.

Mr. Stickels advised that the primary reason for the boundary changes is to save money. The savings will be \$360,000.00 over a 10 year period.

**Introduction of
Proposed Ordinance**

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO REPEAL ORDINANCE NO. 1500 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC ELECTION DISTRICTS". A Public Hearing on the Proposed Ordinance will be scheduled for July 9, 2002 beginning at 11:00 a.m.

**M 370 02
Adopt
Tribute**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to adopt the Tribute commending Brian J. King for achieving the rank of Eagle Scout.

Motion Adopted: 5 Yea.

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

**M 371 02
Adopt
Tribute**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adopt the Tribute commending Diane J. Callaway for being elected and installed as the 2002 – 2003 President of the National Association of Educational Office Professionals (NAEOP).

Motion Adopted: 5 Yea.

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

**Presenta-
tion by
Delaware
State
Police** Colonel Aaron Chaffinch presented plaques to the County Council members and Mr. Stickels, on behalf of the Delaware State Police and the Delaware State Troopers Association, "in recognition of your leadership for the residents of Sussex County and your commitment and partnership with the Delaware State Police".

**Library
Advisory
Board** Mr. Stickels advised that the terms of Jean Gandek and Lester Beachy on the Library Advisory Board expire on June 30, 2002. Mrs. Gandek is completing her second term and is not eligible for reappointment.

**M 372 02
Approve
Appoint-
ment to
Library
Advisory
Board** A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to appoint Janice Tranberg to the Library Advisory Board for a term of three years.

Motion Adopted: 5 Yea.

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

**M 373 02
Approve
Appoint-
ment to
Library
Advisory
Board** A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to reappoint Lester Beachy to the Library Advisory Board for a term of three years.

Motion Adopted: 5 Yea.

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

**GIS
Mapping
Agreement** Mr. Stickels reviewed an Agreement between the State of Delaware, Delaware Agricultural Lands Preservation Foundation and Thompson Mapping Systems, Inc. for the development of a Sussex County Geographical Information Systems (GIS) Base Map. On June 4th, the County Council approved the drafting of this Agreement and agreed that the funding for the project would be provided by three entities: Sussex County, Delaware's Office of State Planning Coordination (OSPC) and the Delaware Nature Conservancy. Each entity is to contribute \$50,000 towards the \$150,000 needed to complete the project.

**M 374 02
Approve
GIS
Mapping
Agreement** A Motion was made by Mr. Cole, seconded by Mr. Rogers, based on the recommendation of the County Administrator and the Mapping Department, that the Sussex County Council approves the Agreement between the State of Delaware, Delaware Agricultural Lands Preservation Foundation, and Thompson Mapping Systems, Inc.

Motion Adopted: 5 Yea.

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

**Administrator's
Report**

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

1. Sussex County Industrial Airpark Fly-In

Warbirds of America, Chapter 8, will be visiting the Sussex County Airport on Saturday, June 15, 2002. World War II vintage airplanes will be on display. The B-25 Mitchell Bomber, FM-2 Wildcat, and T-6 Texan are a few of the planes that will be displayed. Gates will open at 9:00 a.m. and helicopter and airplane rides will be available at 10:00 a.m. The day will include an antique car and street rod show, model aircraft demonstrations, and food concessions. The general public is encouraged to attend and there is no charge for admission.

2. FY 2003 Budget Public Hearing

A reminder that the County Council will be conducting a Public Hearing on the FY 2003 budget on June 18, 2002, at 10:30 a.m. in the Council Chambers of the County Administrative Office Building located on The Circle in Georgetown, Delaware. The FY '03 budget contains a recommended tax rate of 44.5¢ per \$100.00 of assessed value.

This year's budget totals \$83.9 million that includes the General Fund, Capital Improvement Fund, Community Development, Sewer and Water Districts, and Capital Projects Program. The proposed budget includes recommended funding assistance once again for those on central sewer and grants to assist those on septic systems. Funding is also being made available for increasing the State Police Program by adding four additional state policemen and the hiring of paramedics for the seventh paramedic unit. Additionally, funding has also been made available for the County to start an Open Space Program.

The general public is invited to give comments on June 18.

**Request
for
Insurance
Proposals**

Mr. Baker discussed the results of the County's request for Insurance Proposals. On May 29th, bids were opened; proposals were received from J & H Marsh & McLennan, Pratt Insurance, Inc., and L& W Insurance. Mr. Baker advised that the proposals are currently being evaluated with the County's Insurance Consultant and a recommendation will be made at a future Council meeting.

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed the construction of wastewater facilities.

M 375 02
Execute
Agreement/
Long
Neck
Apartment-
ments

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 265, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dyer, McCrea Ventures, LLC, for wastewater facilities to be constructed in Long Neck Apartments, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 376 02
Grant
Beneficial
Acceptance/
Creekwood

A Motion was made by Mr. Dukes, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 231, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Creekwood, Parcels A and B, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Millville/
North
Millville
Sewer
Service
Area/
Contract
Amendment

Mr. Archut, Assistant County Engineer, discussed a proposed Contract Amendment with Whitman, Requardt & Associates to prepare a preliminary engineering report for the Millville/North Millville sewer service area. Mr. Archut advised that in January, 2002 he reported to Council on the proposed boundary for the Millville/North Millville Planning Area. The proposed boundary included the Town of Millville and areas north of the Town of Millville. It was the consensus of Council, in January, to move forward with the planning study for this area. Since that time, the County has been approached by a developer (Bay Forest LLC) who wanted other areas to be included in the planning area. Mr. Archut advised that this would push development out into the Holts Landing area. The developer has sent a letter of commitment stating that they want to be a part of the planning study.

Mr. Archut advised that the total cost of the contract is \$104,942.00; the County's share would be \$54,995.00 and the Holt's Landing portion would be \$49,947.00. The developer would be responsible for all the costs associated with looking at the entire Holts Landing area. Mr. Archut stated that if the County Council agrees, the County will enter into a formal agreement with the developer.

**Millville/
North
Millville
Sewer
Service
Area**

Mr. Archut pointed out that the agreement will be a big benefit to the County and the homeowners in the area since: (1) it allows the County to do the planning for the entire area so that both places are inter-linked (Holts Landing and North Millville could share facilities), (2) it allows the County to establish a regional framework for the future, and (3) it saves the County the cost of doing the planning study for the Holts Landing area.

**M 377 02
Execute
Contract
Amend-
ment/
Millville/
North
Millville
Sewer
Service
Area**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 16, dated April 24, 2002, to its contract with Whitman, Requardt and Associates, LLP, to prepare a preliminary engineering report for the Millville/North Millville and Holts Landing Sanitary Sewer Service Areas and authorizes the County Engineer to execute an Agreement with Bay Forest, LLC to finance the Holts Landing portion of the work.

Motion Adopted: 5 Yea.

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

**M 378 02
Council-
manic
Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for the annual Staff Development Seminar from May 13 – 15, 2002.

Motion Adopted: 5 Yea.

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

Request

The funding request for the Nanticoke Riverfest was tabled.

**M 379 02
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Rural Water Association for an Emergency Preparedness Conference Luncheon.

Motion Adopted: 5 Yea.

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

**M 380 02
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$630.00 from Mr. Rogers' Councilmanic Account to the Town of Ellendale for public safety equipment.

M 380 02
(continued)

Motion Adopted: 5 Yea.

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

M 381 02
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$1,000.00, \$200.00 from each Councilmanic Account, to the Dagsboro Church of God for the 4th of July celebration (Celebration of Our Nation).

Motion Adopted: 5 Yea.

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

M 382 02
Youth
Activity
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$250.00, \$125.00 each from Mr. Phillips' and Mr. Dukes' Youth Activity Grant Accounts, to Sussex Storm Girls Softball Team for hosting the June 21-23 tournament.

Motion Adopted: 5 Yea.

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

M 383 02
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from Mr. Cole's Councilmanic Account, \$100.00 from Mr. Rogers' Councilmanic Account, \$100.00 from Mr. Phillips' Councilmanic Account, \$104.00 from Mr. Dukes' Councilmanic Account, and \$96.00 from Mr. Jones' Councilmanic Account) to the Sussex Pregnancy Care Center for sonogram equipment.

Motion Adopted: 4 Yea, 1 Absent.

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

Town of
Frankford

Mr. Stickels updated Council on the situation on Reed Street in the Town of Frankford.

Public
Hearing/
Henlopen
Landing
Annexation

A Public Hearing was held to consider extending the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRX) to include parcels southwest of the intersection of Sussex County Roads 285 and 275 at Five Points, being in Lewes – Rehoboth Hundred (Henlopen Landing Project). The area consists of 119 acres; 13 acres are zoned AR-1; the other 106 acres are zoned MR-RPC. The MR-RPC zoning was approved by the

**Public
Hearing
(continued)**

Sussex County Council in February, 2002. Mr. Archut reported that notices were posted in eighteen locations; advertised in the Cape Gazette, and posted on the County's website. No responses to the notices were received.

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

**M 384 02
Adopt
Resolution
No.
R 018 02**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 018 02 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (WRX) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS HENLOPEN LANDING EXPANSION AREA, LYING CONTIGUOUS TO THE WRX, SITUATE AT THE INTERSECTION OF COUNTY ROADS 275 AND 285 AND BEING IN LEWES-REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

**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 TO AMEND CONDITIONAL USE NO. 1240 (AUTOMOTIVE REPAIRS AND AUTOMOTIVE SALES) TO ALLOW EXPANSION OF THE NUMBER OF VEHICLES DISPLAYED FOR SALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.1758 ACRES, MORE OR LESS" (Conditional Use No. 1464) filed on behalf of Wilson and Alberta Cullum. 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 GO-KARTS, PARTS AND REPAIRS, AND BUILDING MATERIAL STORAGE FOR A CONTRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39,610 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1465) filed on behalf of Charles H. Hayes, Jr. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT

Proposed Ordinance (continued) **FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.87 ACRES, MORE OR LESS (Change of Zone No. 1478) filed on behalf of Leo M. Donohoe. 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 MR/RPC MEDIUM DENSITY RESIDENTIAL DISTRICT/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 148.13 ACRES, MORE OR LESS" (Change of Zone No. 1479) filed on behalf of Pepper Creek Joint Venture. The Proposed Ordinance will be advertised for Public Hearing.**

Proposed Ordinance **Mr. Dukes 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 24,366.12 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1480) filed on behalf of Randy W. and Kathleen Radish. The Proposed Ordinance will be advertised for Public Hearing.**

Recess **At 11:10 a.m., Mr. Jones declared a 5 minute recess.**

Reconvene **Mr. Jones called Council back into session at 11:15 a.m.**

**Public Hearing/
Bethany
Beach
SSD/
Muddy
Neck
Area** **A Public Hearing was held to consider extending the Bethany Beach Sanitary Sewer District (BBSSD) to include the Muddy Neck Area, lying contiguous to the BBSSD, situate south of the Town of Ocean View and being in Baltimore Hundred. A request for this expansion was made by the developers of The Preserve at Ocean View, a 65-lot subdivision that the County Council approved on February 12, 2002. Mr. Archut advised that properties adjacent to The Preserve were included in the expansion and letters were mailed out (on May 13th) advising the property owners that they were being included in the expansion of the Bethany Beach Sanitary Sewer District. Mr. Archut also advised that notices were posted in fifteen locations; advertised in The Wave; and posted on the County's website. No negative responses were received.**

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

**M 385 02
Adopt
Resolution
R 019 02** **A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Resolution No. R 019 02 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL**

M 385 02
(continued)

OR TRACT OF LAND KNOWN AS THE MUDDY NECK AREA, THAT IS CONTIGUOUS TO THE BBSSD, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yea.

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

**Citizen's
Comments/
Questions**

Mr. Dan Kramer, resident of Greenwood, questioned (1) the status of taxes owed on the problem property on Reed Street in Frankford and (2) whether the County has checked to see if everyone on the Woodbridge School District's election rolls is being billed for capitation taxes.

M 386 02
Recess

At 11:26 a.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. Jones called Council back into session at 1:30 p.m.

**Public
Hearing
(C/U
No. 1454)**

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 WITH SMALL WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.061 ACRES, MORE OR LESS” (Conditional Use No. 1454) filed on behalf of Richard M. Quill.

The Planning and Zoning Commission held a Public Hearing on this application on May 23, 2002. The Commission deferred action.

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

The Council found that Richard Quill was present with Heidi Balliet, Attorney, and Jessica Nichols of Meridian Consulting. They stated in their presentations and in response to questions raised by Council that two (2) two-story medical office buildings and a storage building are proposed and that adequate parking spaces will be provided to serve the commercial site; that the area is highly commercialized; that there is a continuing need in the Lewes area for medical offices; that a letter dated August 30, 2002 from Mr. Brockenbrough of DelDOT states that “any traffic from the proposed use would be negligible”; that a traffic impact study was not required; that in the plan presented to the Commission, parking stalls are in the ingress and egress easement and that now, all of the parking has been moved into the subject property; that the 40' x 40' maintenance building shown on the plan has been reduced to a 40' x 20' footprint and moved to the rear of the

**Public
Hearing
(C/U
No. 1454)
(continued)**

property; that since the Public Hearing before the Commission, Meridian has field-located the entrance to Carpenter's Crossing and it is as illustrated on the revised plan where it is actually located; that there is room to make the entrance plans necessary to make it a safe area; and that stormwater management will be taken care of off-site.

Ms. Balliet submitted a letter into the record from the owner of the property, H. Walton Jones, stating that he will be granting an easement to Mr. Quill for the non-exclusive use of the entrance and residual driveway.

Susie Hudson of ReMax Realty Group was present and described business uses in the area.

There were no public comments. The Public Hearing was closed and action was deferred.

**Public
Hearing
(C/Z
No. 1469)**

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 139.367 ACRES, MORE OR LESS" (Change of Zone No. 1469) filed on behalf of Caroline Development, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on May 23, 2002. The Commission deferred action.

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

The Council found that James Fuqua, Attorney, was presented on behalf of the Applicant, Caroline Development, Inc., and stated in his presentation and in response to questions raised by the Council that this application is for a MR-RPC to be known as Seagrass Plantation; that they plan to maintain the AR density; that two main issues came up at the Planning and Zoning Commission's Public Hearing – density and the proposed commercial use; that they will maintain a gross density of 1.7 units to the acre (under the RPC Ordinance, the density will be 2.1 units to the acre); that this is a low density project; that the application is for 2.11 acres with a maximum of 10,000 square feet of commercial use; that the commercial use will be a convenience-type store; that the commercial use will be located at the entrance on Irons Lane; that the entrance to the commercial use will be from the access road to the development; that the commercial use will be convenient to the development and reduce trips onto Route 26; that this project will be sold as a house-lot package; that the borrow pits located on the site will be reclaimed and converted into an amenity; that recreational amenities will be provided; that there will 124 single family lots and 84

**Public
Hearing
(C/Z
No. 1469)
(continued)**

townhouses; that Tidewater Utilities will provide water service; that the pesticide and herbicide issues at Bay Colony have been remedied by the installation of wells at deeper depths; that the project will be served by County sewer; that the site is within the Development District; that the Engineering Department has indicated that they want to do further study on the capacity in the area; that the developer will work with the County Engineering Department on whatever improvements need to be done; that there is a cemetery on the site which will be preserved; that a dump site does not exist on the site; that the Bennett Home has been referenced by Mr. Wayne Mellin as eligible for historic registry and a Cultural Resource Survey has been filed; and that it was the intention of the Developer to tear the home down.

Public comments were heard. Comments were made that the proposed development is an improvement to the existing site. Concern was expressed that when the development is turned over to a Property Owners Association, that the access they have now will be taken away.

Mr. Fuqua stated that no property owner will be land-locked as a result of this application and that, in fact, future easement agreements will be executed reconfirming that the property owners have access through the development to get to Irons Lane.

Comments were made that the proposed density of the development along with the proposed commercial use will create real traffic problems.

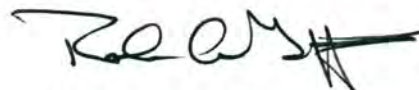
The Public Hearing was closed.

It was the consensus of Council to defer action and to leave the record open until June 30, 2002 for comments from the County Engineering Department and thereafter, that the record will remain open until the close of business on July 10, 2002 for comments relating to the information submitted by the County Engineering Department.

**M 387 02
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 3:04 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council