

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 29, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 29, 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 642 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the
Amend Agenda by deleting "Introduction of Proposed Zoning Ordinances" and to
and
Approve
Agenda approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 643 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve
Approve the minutes of October 22, 2002, as distributed.
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

BETHEL HISTORICAL SOCIETY, BETHEL, DELAWARE.
RE: Letter in appreciation of grant funding.

WOODLAND FERRY ASSOCIATION, WOODLAND, DELAWARE.
RE: Letter in appreciation of grant funding.

Surplus Mr. Stickels advised that the County currently has five surplus vehicles that
Vehicles are no longer of use to the County and need to be disposed of. The Facilities
 Management – Maintenance Division has a 1972 Ford F-700 truck (VIN
 F75FVN1442) that has a bad engine. The vehicle is 30 years old and is in

**Surplus
Vehicles
(continued)**

very poor condition. In addition, Heather Sheridan, Director of Operations, County Engineering Department, has turned over to the Facilities Management – Maintenance Division a 1990 Dodge pickup, (VIN 1B7JM26Z3LS722152), that is also in disrepair and not worth spending a lot of money on. This vehicle has over 160,000 miles on it. The other three vehicles are from the Paramedic Division: a 1992 Chevrolet Pickup Truck with 107,000 miles (VIN 2GBHC34J4N1190962), a 1992 Chevrolet Pickup Truck with 153,000 miles (VIN 1GCHC34F3NE173337), and a 1984 Dodge Van with over 100,000 miles (VIN 285WB31W7EK229122).

Mr. Stickels advised that the County would obtain at least three price quotes per vehicle for disposal of the trucks or the trucks would be taken to Wilson's Auction for sale.

**M 644 02
Permit
Removal
of Five
Vehicles
from
County
Record as
Surplus**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to permit the Accounting Department to remove the following five vehicles from the record as surplus items: 1990 Dodge Pickup, 1972 Ford F-700 Truck, 1992 Chevrolet Pickup Truck, 1992 Chevrolet Pickup Truck, and 1984 Dodge Van.

Motion Adopted: 5 Yea.

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

**Human
Service
Grants**

Mr. Stickels and Mrs. Susan Webb, Director of Accounting, discussed the listing of recommendations for the Fiscal 2003 Human Service Grants, as follows:

Alzheimer's Association	\$ 500.00
American Red Cross	\$1,000.00
ANKH, Inc.	\$ 500.00
The Beacon Mission	\$ 500.00
Bible Center Christian Academy	\$1,000.00
Big Brothers/Big Sisters of Delaware, Inc.	\$1,000.00
Boys & Girls Club of Oak Orchard/Riverdale	\$1,500.00
Bridgeville Community Action Agency	\$1,000.00
Cape Henlopen Food Basket	\$ 500.00
Casa San Francisco	\$2,000.00

**Human
Service
Grants
(continued)**

Center for Human Services	\$2,500.00
Center for the Inland Bays	\$1,500.00
CHEER Centers	
A. Georgetown	\$1,000.00
B. Greenwood	\$1,000.00
C. Huling Cove (Lewes)	\$1,000.00
E. Oak Orchard	\$1,000.00
F. Roxana	\$1,000.00
G. Slaughter Neck	\$1,000.00
Children & Families First	\$1,000.00
Christian Storehouse	\$1,000.00
Christiana Care	\$1,000.00
Community Legal Aid Society, Inc.	\$1,000.00
Contact Delaware	\$1,000.00
Dagsboro Church of God (Joseph's Storehouse Subsistence Ministry)	\$ 500.00
Dagsboro Church of God (Feeding of the Families Celebration on Thanksgiving)	\$1,000.00
Delaware Agricultural Museum and Village	\$1,000.00
Delaware Association for Children of Alcoholics	\$ 500.00
Delaware Crime Stoppers	\$ 500.00
Delaware Hospice	\$2,000.00
Delaware Housing Coalition	\$2,500.00
Delaware Music School	\$ 500.00
Delaware Nature Society	\$1,000.00
Delaware Police Chiefs' Council	\$2,500.00
Delaware Society for the Prevention of Cruelty to Animals	\$1,000.00
Delaware State Police Museum	\$ 500.00

Human Service Grants (continued)	Delmarva Clergy United in Social Action, Inc.	\$1,000.00
	Dickenson Chapel – African Methodist Episcopal Church	\$1,000.00
	Dry Dock, Inc.	\$ 500.00
	Easter Seal Rehabilitation Center	\$1,000.00
	El Centro Cultural, Inc.	\$1,000.00
	Families in Crisis	\$1,000.00
	Georgetown Boys & Girls Club	\$1,500.00
	Georgetown Day Care Center, Inc.	\$1,000.00
	Georgetown Parks & Recreation	\$1,000.00
	Girl Scouts of Area 30	\$ 500.00
	Good Samaritan Aid Organization	\$1,000.00
	Gumboro Community Center	\$2,000.00
	Harvest Ministries, Inc.	\$ 500.00
	The Home of the Brave Foundation	\$1,000.00
	Interfaith Mission of Sussex County	\$ 500.00
	Junior Achievement of Delaware	\$1,000.00
	Kent-Sussex Industries, Inc.	\$1,000.00
	Kin Folk	\$1,000.00
	Kiwanis Foundation of Rehoboth Beach, DE, Inc.	\$1,000.00
	La Esperanza	\$1,500.00
Laurel Community Foundation	\$1,000.00	
Laurel Lions Club	\$1,000.00	
Martin Luther King, Jr. Celebration Organization	\$1,500.00	
Marvel Carriage Museum	\$1,000.00	

**Human
Service
Grants
(continued)**

Mason Dixon Woodworkers	\$ 500.00
Meals on Wheels of Lewes & Rehoboth, Inc.	\$6,000.00
Mt. Zion Church	\$ 500.00
National Multiple Sclerosis Society	\$1,000.00
New Coverdale Outreach Mission	\$1,500.00
Ocean View Leisure & Resource Center	\$ 500.00
People's Place II, Inc.	\$2,000.00
Pioneer Club of Sussex County Visually Impaired	\$ 250.00
Possum Point Players	\$ 500.00
Primeros Pasos, Inc.	\$ 500.00
Read-Aloud Delaware	\$1,000.00
Rehoboth Art League, Inc.	\$ 500.00
Seaford Historical Society, Inc.	\$1,000.00
Second Street Players	\$ 500.00
Southern Delaware Therapeutic Horseback Riding	\$1,000.00
Star of Hope Mission	\$ 500.00
Sussex County Senior Centers	
A. Bridgeville	\$3,000.00
B. Cape Henlopen	\$3,000.00
C. Indian River	\$3,000.00
D. Laurel	\$3,000.00
E. Lewes	\$3,000.00
F. Milford	\$3,000.00
G. Nanticoke	\$3,000.00
Sussex Community Crisis Housing Services, Inc.	\$2,000.00
Sussex Community Swim Team	\$ 500.00
Sussex County AIDS Committee, Inc.	\$1,000.00
Sussex County Interfaith Volunteer Caregivers	\$ 750.00

Human Service Grants (continued)	Sussex Pregnancy Care Center	\$1,000.00
	Sussex County Retired Senior Volunteer Program Advisory Committee	\$ 750.00
	Sussex Smiles Dental Care, Inc.	\$1,000.00
	United Cerebral Palsy of Delmarva, Inc.	\$1,000.00
	United Way of Delaware	\$2,000.00
	The Way Home Program	\$1,000.00
	Western Sussex Boys & Girls Club	\$1,500.00
	Wildlife Habitat, Inc.	\$ 500.00
	YMCA of Delaware Sussex Branch	\$1,000.00

Mrs. Webb advised that a grant request in the amount of \$1,500.00 was received late from Rehoboth Day Care. Mrs. Webb stated that Rehoboth Day Care received \$1,000.00 last year and \$1,000.00 is being recommended for 2003; that this would bring the total amount of the recommended distribution to \$116,250.00; and that \$116,593.00 was budgeted for Fiscal 2003 for Human Service Grants, leaving \$343.00 remaining in grant funding that can be awarded during Fiscal Year 2003.

Mr. Stickels noted that, once again this year, requests exceeded the amount of money made available in the budget.

Mrs. Webb read a list of agencies which were not recommended for funding: Camp Hebron Foundation (\$58,000), Delmarva Clergy United and Social Action (\$75,000), Selbyville Public Library (\$2,000), and Youth Awarded with Confidence, Talent, and Atonement (\$19,500). Mr. Stickels stated that the reason Selbyville Public Library was not recommended for funding is because they have other sources of funding and that the request may be more suitable for councilmanic consideration. Mr. Stickels stated that the remaining agencies were not recommended for funding because the funding available would not be sufficient enough to impact their program.

M 645 02 **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the**
Authorize **Sussex County Council authorizes the distribution of \$116,250.00 in Human**
Distribution **Service Grants for Fiscal Year 2003.**
of Human
Service **Motion Adopted: 5 Yea.**
Grants

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

**Introduction
of Proposed
Ordinance/
Land Use
Plan**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE ADOPTING THE 2002 UPDATE OF THE COMPREHENSIVE LAND USE PLAN FOR SUSSEX COUNTY AND REPEALING THE 1997 COMPREHENSIVE PLAN”. The Proposed Ordinance will be advertised for Public Hearing.

The Planning and Zoning Commission will hold a Public Hearing on November 21st beginning at 6:00 p.m. The Sussex County Council will hold a Public Hearing on December 3rd beginning at 6:00 p.m. Both meetings will be held in the Council Chambers located in the County Administration Building.

**Adminis-
trator's
Report**

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

1. Delaware Department of Transportation Public Workshop

The Delaware Department of Transportation is holding a Public Workshop to present facts and solicit public comments regarding proposed median improvements in Delmar. The meeting will be held on Thursday, November 14, 2002, at Delmar Middle School/High School Cafeteria, 200 North Eighth Street, Delmar, Delaware. The public is invited to attend any time between 4:00 and 7:00 p.m.

The project area is along U.S. 13 in Delmar from the Delaware state line to approximately one mile north. The proposed project calls for improvements in the median area only to provide for safer turning movements. The removal of the secondary crossover in the area of Food Lion is being considered, as well as extending turn lanes and providing concrete channelization to separate turning movements.

2. Free Smoke Detectors

The County Council will be offering free smoke detectors on a first-come, first-served basis. Anyone who has not received a smoke detector from the County in the last year will be eligible to receive one. The smoke detectors will be limited to one per household per living floor space.

Smoke detectors can be obtained at the County Administrative Building, 2 The Circle, Georgetown, Delaware, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

3. Milton Library Closing

The Milton Library will be closing at 6:00 p.m. on Thursday, October 31, 2002, because of Halloween activities in the town. The library normally closes at 8:00 p.m.

**Adminis-
trator's
Report
(continued)**

4. County Government Closings

County offices will be closed Tuesday, November 5, for Election Day; Thursday, November 7, for Return Day; and Monday, November 11, for Veterans Day.

There will not be a Council meeting the week of November 4. The next regularly scheduled Council meeting will be at 10:00 a.m. on Tuesday, November 12, 2002.

**Grant
Funding/
Automated
External
Defibrillator**

Mr. Glenn Luedtke, Director of EMS, announced that, through the efforts of State and County personnel, Sussex County is the recipient of five Automated External Defibrillators. The Defibrillators were received through a Federal Grant Program that originated with the tobacco money. The defibrillators will be used for placement in the County Administrative Office Building and the County's West Complex Building as a part of the First State First Shock Public Access Defibrillation Program. The goal of the program is to place these devices in places where they will be accessible to people who have been trained. County personnel will be trained to use the defibrillators.

Mr. Luedtke recognized three individuals who played a key role in obtaining the defibrillators: Diane Hainsworth (State), Bob Stuart (County), and John Kinsley (County).

**Old
Business/
C/U
No. 1464**

Council discussed Conditional Use No. 1464 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" which was filed on behalf of Wilson and Alberta Cullum.

The Planning and Zoning Commission held a Public Hearing on this application on September 12, 2002. On October 10, 2002, the Planning and Zoning Commission recommended approval of the application, with the following five conditions:

1. No more than twelve (12) vehicles may be displayed for sale at any one time. Such display shall be of no more than two (2) rows of no more than six (6) vehicles per row. The twelve (12) vehicles will be displayed on the asphalt paving area.
2. All employee vehicles and all vehicles on site for service, repair, storage, or pick up and delivery shall be stored or parked within the fenced-in area on the site.

**Old
Business/
C/U
No. 1464
(continued)**

3. The solid wood fence or chain-link type fence with privacy strip shall be extended from its present location behind the garage and storage area in an easterly direction to the corner of the lands of Pasquale Remedio and then in a southerly direction to the point of intersection with the “proposed fence” shown on the applicant’s survey. This fence shall be setback a minimum of ten feet (10’) from the property lines. Trees shall be planted between the fence and the adjacent property lines. Fencing and tree planting shall be completed within ninety (90) days.
4. This Conditional Use is subject to site plan review by the Commission.
5. Except as modified herein, the conditions imposed by Conditional Use No. 1240 shall remain in full force and effect.

Mr. Rogers suggested that Condition No. 1 be amended, as follows: “No more than eighteen (18) vehicles may be displayed for sale at any one time. The eighteen (18) vehicles will be displayed on the asphalt paving area.

**M 646 02
Adopt
Ordinance
No. 1566
(C/U
No. 1464)**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1566 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, with the following conditions:

1. No more than eighteen (18) vehicles may be displayed for sale at any one time. The eighteen (18) vehicles will be displayed on the asphalt paving area.
2. All employee vehicles and all vehicles on site for service, repair, storage, or pick up and delivery shall be stored or parked within the fenced-9n area on the site.
3. The solid wood fence or chain-link type fence with privacy strip shall be extended from its present location behind the garage and storage area in an easterly direction to the corner of the lands of Pasquale Remedio and then in a southerly direction to the point of intersection with the “proposed fence” shown on the applicant’s survey. This fence shall be setback a minimum of ten feet (10’) from the property lines. Trees shall be planted between the fence and the adjacent property lines. Fencing and tree planting shall be completed within ninety (90) days.
4. This Conditional Use is subject to site plan review by the Commission.

**M 646 02
(continued)**

5. Except as modified herein, the conditions imposed by Conditional Use No. 1240 shall remain in full force and effect.

Motion Adopted: 5 Yea.

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

**Findings
of Fact**

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

1. The applicants established by substantial evidence that the proposed expansion of the existing conditional use reflects the success of their small business. With the conditions imposed, there will be no adverse impact of any sort.

2. The recommendation and findings of the Planning and Zoning Commission, with proposed conditions as amended by Council, are incorporated herein.

**Old
Business/
(C/Z
No. 1474)**

Council discussed Change of Zone No. 1474 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 303 ACRES, MORE OR LESS” which was filed on behalf of A.A.S.C.D. Ventures.

The Planning and Zoning Commission discussed this application on July 11, 2002 at which time action was deferred. On July 25, 2002, the Planning and Zoning Commission recommended approval of this application, with conditions.

The County Council held a Public Hearing on this application on July 30, 2002 at which time action was deferred and the record remained open for LUPA comments and responses to LUPA comments.

Mr. Lank, Director of Planning and Zoning, reported to Council that three pieces of correspondence were received since the July 30, 2002 Public Hearing: a letter from DNREC, a letter from the Office of State Planning Coordination, and a letter from Mr. Fuqua, Attorney. Copies of the correspondence were provided to Council. Mr. Dukes commented that he was not prepared to vote on this application due to the fact that it was his belief the application was placed on the agenda for discussion purposes only and that he would like additional time to review the correspondence received.

(continued) Mr. Stickels noted that the additional comments received should be considered during the preparation of any proposed conditions.

M 647 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to defer action
Defer on Change of Zone No. 1474, an application of A.A.S.C.D. Ventures.
Action
on C/Z

No. 1474

Motion Adopted: 5 Yea.

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

Old
Business
(C/Z
No. 1475)

Council discussed Change of Zone No. 1475 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" which was filed on behalf of Ribera-Odyssey Ventures, LLC.

It was decided that Council would defer action and read the report on this application, as prepared by Mr. Lank and dated October 29, 2002, in preparation of the matter being brought back to Council for action at a later date.

M 648 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to defer action
Defer on Change of Zone No. 1475 filed on behalf of Ribera-Odyssey Ventures, LLC.
Action on
C/Z

No. 1475

Motion Adopted: 5 Yea.

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

Mr. Cole stated that he is concerned about the cumulative effect of Change of Zone No. 1474 and Change of Zone No. 1475.

Public
Hearing
(C/Z
No. 1481)

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 64.28 ACRES, MORE OR LESS" (Change of Zone No. 1481) filed on behalf of Robert Harris.

**Public
Hearing
(C/Z
No. 1481)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on October 10, 2002 at which time action was deferred. On October 24, 2002 the Planning and Zoning Commission recommended approval with conditions. The record of the Planning and Zoning Commission was made a part of the record of this Public Hearing.

The Council found that Robert Harris was present on behalf of Gulfstream Development. Mr. Harris stated that he is requesting a revision to the Southampton RPC plan which was approved in 1999; that the 1999 plan included 64.5 acres with 202 residential units and 132 mini-warehouse units; that there has been a change in the area since then; that they have found that there are many more primary homes in the area with plenty of storage space; that mini-warehouses have become a less appropriate use for the area; that they are proposing that the mini-warehouse area be replaced with 21 townhouses with garages; and that there is a demand in the area for townhouses.

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

**M 649 02
Adopt
Ordinance
No. 1567
(C/Z
No. 1481)**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1567 "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 64.28 ACRES, MORE OR LESS" (Change of Zone No. 1481) filed on behalf of Robert Harris, with the following conditions:

1. Central sewer service shall be provided as part of the Sussex County South Coastal Regional Sewer System and design shall be as approved by the Sussex County Engineering Department.
2. A central water system shall be provided complying with the regulations of DNREC, the Office of the State Fire Marshall and the Division of Public Health.
3. Stormwater management and erosion control plans shall conform with all State and County regulations.
4. Road and entrance improvements shall be completed by the developer per requirements of Delaware Department of Transportation.
5. Prior to completion of the 100th unit, recreational facilities including tennis courts, swimming pool and Club House shall be constructed on site with appropriate fencing as determined by the Planning and Zoning Commission. Location of the recreational area as submitted to Sussex County Council, as revised.
6. A buffer shall be provided along the boundary of lands to the north and south which shall be landscaped as required by the Planning and Zoning Commission.
7. All lots shall contain a minimum of 7,500 square feet of lot area, exclusive of ponds.

**M 649 02
(continued)**

8. The maximum number of residential units shall not exceed 217.
9. The final site plan shall be reviewed by the Planning and Zoning Commission.
10. A landscape buffer shall be provided between Greenwich Lane and lands of Vernon P. Ciekot.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, 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 applicant established by substantial evidence that the change of zone is a minor modification of a residential planned community, removing 132 storage units and adding not more than 15 townhouse units, and will have no adverse impact of any sort.
2. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.

**South
Bethany
SSD**

Mr. Archut, Assistant County Engineer, discussed a proposed expansion of the South Bethany Sanitary Sewer District boundary to include the Forest Reach RPC project.

**M 650 02
Prepare
and Post
Notices for
South
Bethany
SSD
Boundary
Extension**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the South Bethany Sanitary Sewer District boundary to include the Forest Reach Subdivision area, as presented on October 29, 2002.

Motion Adopted: 5 Yea.

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

**SCRWF
Effluent
Filter
Expansion**

Mr. Archut discussed the 6 million gallon per day filter that was constructed at the South Coastal Regional Wastewater Facility. Mr. Archut recommended that Substantial Completion be granted for the project. He noted, however, that the Engineering Department agreed to Substantial Completion in June, 2002, in accordance with the specifications. Mr. Archut noted that Council awarded the contract for the 6 million gallon per day filter to Hopkins Construction in October, 2001 in the amount of \$1,341,100.00. The work was to be completed by May 25, 2002; however, it was not completed until June 20, 2002. In accordance with the agreement, the contractor operated the filter for a period of seven days without interruption. The County has been operating and maintaining the filter

(continued) since June 20, 2002.

M 651 02
Grant
Substantial
Completion/
SCRWF
Effluent
Filter
Expansion

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the recommendations of Sussex County's Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, and contingent upon approval of the USDA Rural Development Agency, that Sussex County Council grants Substantial Completion effective June 20, 2002 to Hopkins Construction, Inc., for Sussex County Project No. 01-04, Effluent Filter Expansion.

Motion Adopted: 5 Yea.

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

West
Rehoboth
Expansion

Mr. Archut discussed a proposed extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundary to include the Estates of Sea Chase, a Robino Sea Chase LLC project.

M 652 02
Prepare
and Post
Notices for
the
Extension
of the
West
Rehoboth
Expansion

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Engineering Department, is authorized to prepare and post notices for the extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundary to include the lands of Robino Sea Chase, LLC, as presented on October 29, 2002.

Motion Adopted: 5 Yea.

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

Wastewater
Facilities

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

M 653 02
Rehoboth
Beach
Yacht &
Country
Club/
Beneficial
Acceptance

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 238, that the Sussex County Council grants Beneficial Acceptance for the wastewater facilities constructed in Rehoboth Beach Yacht & Country Club – Phase 10, 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

M 654 02
Agreements
M 654 02
Winding
Waters
Subdivision/
Agreements
(continued)

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. 217, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Ida T. Powell Revocable Trust, for wastewater facilities to be constructed in Winding Waters Subdivision, located in the Ocean View Expansion of the Bethany 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

M 655 02
Bethany
Crossing
West/
Agreements

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 283, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Mark Dieste Design Build, LLC, for wastewater facilities to be constructed in Bethany Crossing West, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 656 02
Bayshore
Subdivision,
Phase 3,
Pump
Station/
Agreements

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 284, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bayshore Associates, Inc. for wastewater facilities to be constructed in Bayshore Subdivision – Phase 3 – Pump Station, 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 657 02
Summer-
field
Manor/
Agreements

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 269, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Penny Lane

M 657 02 **Development LLC for wastewater facilities to be constructed in**
(continued) **Summerfield Manor, located in the Bethany 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

M 658 02 **A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the**
Bayshore **recommendation of the Sussex County Engineering Department, for Sussex**
Subdivision, **County Project No. 81-04, Agreement No. 272, that the Sussex County**
Phase 2, **Council execute a Construction Administration and Construction**
Agreements **Inspection Agreement between Sussex County Council and Bayshore**
 Associates, Inc., for wastewater facilities to be constructed in Bayshore
 Subdivision – Phase 2, 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 659 02 **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the**
Henlopen **recommendation of the Sussex County Engineering Department, for Sussex**
Landing/ **County Project No. 81-04, Agreement No. 273, that the Sussex County**
Agreements **Council execute a Construction Administration and Construction**
 Inspection Agreement between Sussex County Council and Henlopen
 Landing Associates, Inc., for wastewater facilities to be constructed in
 Henlopen Landing – Phase I, 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

M 660 02 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give**
Council- **\$500.00 from Mr. Jones' Councilmanic Account to the Historic Georgetown**
manic **Association to help offset costs of the Open House to be held at the Train**
Grant **Station on Return Day.**

Motion Adopted: 5 Yea.

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

**M 661 02
Council-
manic
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$250.00 from Mr. Jones' Councilmanic Account to W.G.M. Outreach Ministries, Inc. for renovations to a community center located in Coverdale Crossroads.

Motion Adopted: 5 Yea.

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

**M 662 02
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 Rehoboth Beach Main Street, Inc. for the Annual Community Unity Dinner.

Motion Adopted: 5 Yea.

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

**M 663 02
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$300.00 from Mr. Cole's Councilmanic Account, to the Southern Delaware Choral Society for their Annual Christmas Program.

Motion Adopted: 5 Yea.

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

**M 664 02
Council-
manic
Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$200.00, \$100.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts, to the Milford Public Library for the Volunteer Christmas Luncheon.

Motion Adopted: 5 Yea.

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

**Grant
Request**

Mr. Stickels advised that the grant request from the University of Delaware for the Sea Grant College Program has already been taken care of.

**M 665 02
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$500.00 from Mr. Phillips' Councilmanic Account to the Selbyville Public Library to add to and update their present English/Spanish Book Collection.

**M 665 02
(continued)**

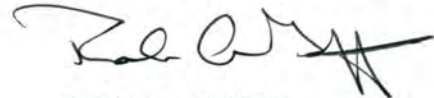
Motion Adopted: 5 Yea.

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

**M 666 02
Adjourn**

**A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at
11:55 a.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

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

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