

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 9, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 9, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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 666 03 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

Sussex Wendy Baker, President and Chief Executive Officer, Sussex County Land
County Trust, reported that the Sussex County Land Trust is asking for the County
Land Council's participation in the Department of Agriculture's Matching Funds
Trust/ Program for the purchase of development rights for agriculture
Farmland preservation. Ms. Baker asked Council to consider utilizing another
Preservation \$300,000 of the \$1,000,000 remaining in pledges. The funds would be
 matched by the Federal and State government for a total amount of
 \$900,000.

Mr. Stickels stated that there are two possible funding sources for the County Council to consider if they wish to participate: (1) retained earnings or (2) revenues from building inspection fees.

M 667 03 A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex
Agree to County Council agrees to participate in the Department of Agriculture's
Participate Matching Funds Program by providing \$300,000 for farmland preservation
in the for Fiscal Year 2004 and that the funding will be made available from
Matching revenues from building inspection fees for Budget Year 2004.
Funds

Program/
Farmland
Preservation

Motion Adopted: 5 Yea.

**M 667 03
(continued)**

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

**Fiscal
2004
Human
Service
Grants**

**Mr. Stickels presented the funding recommendations for the Fiscal 2004
Human Service Grants, as follows:**

Academic Pursuits, Inc.	\$ 500.00
Alzheimer's Association	\$ 500.00
American Red Cross	\$1,000.00
ANKH, Inc.	\$ 500.00
Anointed Breadbasket Ministries	\$ 500.00
The Beacon Mission	\$ 500.00
Big Brothers/Big Sisters of Delaware, Inc.	\$1,000.00
Boys & Girls Club of Georgetown	\$1,500.00
Boys & Girls Club of Oak Orchard/Riverdale	\$1,500.00
Bridgeville Community Action Agency	\$1,000.00
Cape Henlopen Food Basket	\$ 500.00
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. Harbour Lights (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

Fiscal	Contact Delaware	\$1,000.00
2004		
Human	Dagsboro Church of God	\$1,000.00
Service	(Feeding of the Families Celebration on Thanksgiving)	
Grants		
(continued)	Delaware Agricultural Museum and Village	\$1,000.00
	Delaware Association for Children of Alcoholics	\$ 500.00
	Delaware Community Reinvestment Action Council, Inc.	\$ 500.00
	Delaware Crime Stoppers	\$ 500.00
	Delaware Ecumenical Council on Children & Families	\$ 500.00
	Delaware Hospice	\$2,000.00
	Delaware Music School	\$ 500.00
	Delaware Nature Society	\$1,000.00
	Delaware Police Chiefs' Council	\$2,500.00
	Delaware Senior Olympics	\$ 500.00
	Delaware Society for the Prevention of Cruelty to Animals	\$1,000.00
	Delaware State Police Museum	\$ 500.00
	Delmarva Clergy United in Social Action, Inc.	\$1,000.00
	Dickenson Chapel – African Methodist Episcopal Church	\$1,000.00
	Easter Seal Rehabilitation Center	\$1,000.00
	El Centro Cultural, Inc.	\$1,000.00
	Families in Crisis	\$1,000.00
	Food Bank of Delaware	\$ 500.00
	Georgetown Day Care Center, Inc.	\$1,000.00
	Georgetown Parks & Recreation	\$1,000.00
	Girl Scouts of Area 30	\$ 500.00

**Fiscal
2004
Human
Service
Grants
(continued)**

Good Samaritan Aid Organization	\$1,000.00
Greater Milford Boys & Girls Club	\$1,500.00
Harvest Ministries, Inc.	\$ 500.00
The Home of the Brave Foundation, Inc.	\$1,000.00
Interfaith Mission of Sussex County, Inc.	\$ 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
La Red Health Center	\$ 500.00
Laurel Community Foundation	\$1,000.00
Laurel Lions Club	\$1,000.00
Martin Luther King, Jr. Celebration Organization	\$1,500.00
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

Fiscal 2004 Human Service Grants (continued)	Seaford Historical Society, Inc.	\$1,000.00
	Second Street Players	\$ 500.00
	Southern Delaware Therapeutic Horseback Riding	\$1,000.00
	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
	Star of Hope Mission, Inc.	\$ 500.00
	Sussex Community Crisis Housing Services, Inc.	\$2,000.00
	Sussex County AIDS Committee, Inc.	\$1,000.00
	Sussex County Habitat for Humanity	\$1,000.00
	Sussex County Retired Senior Volunteer Program Advisory Committee, Inc.	\$ 750.00
	Sussex Pregnancy Care Center	\$1,000.00
	Sussex Smiles Dental Care, Inc.	\$1,000.00
	Sussex Teen Court	\$ 500.00
	United Deliverance Bible Center Christian Academy	\$ 500.00
	United Cerebral Palsy of Delmarva, Inc.	\$1,000.00
	United Way of Delaware	\$2,000.00
	The Way Home Program	\$1,000.00
	West Side New Beginnings, Inc.	\$ 500.00
	Wildlife Habitat, Inc.	\$ 500.00
	YMCA of Delaware Sussex Branch	\$1,000.00

Mr. Stickels noted that once again this year, requests exceeded the amount of money made available in the budget, which was \$110,000.

**Fiscal
2004
Human
Service
Grants
(continued)**

Mr. Stickels reviewed a list of agencies which were not recommended for funding: Dagsboro Church of God (for the Joseph's Storehouse Subsistence Ministry), Delmarva Rural Ministries, Inc., Mid-Coast All Star Cheerleaders, Milton Development Corporation, Saint John 2nd Baptist Church, Sussex Community Swim Team, Sussex County Senior Services, United Cerebral Palsy of Delmarva, Inc., and West Side New Beginnings, Inc. He noted that these agencies were not funded for different reasons: some of them had more than one request; some receive other sources of funding; and the funding available would not be sufficient enough to impact some programs.

Mr. Cole requested that the funding to Ocean View Leisure and Resource Center be increased from \$500.00 to \$1,000.00.

**M 668 03
Authorize
Distribution
of
Fiscal
2004
Human
Service
Grants**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council authorizes the distribution of the recommended \$110,000.00 in Human Service Grants for Fiscal Year 2004, with an increase in the amount of \$500.00 to Ocean View Leisure and Resource Center (the increase is to be funded from General Fund Contingency), for a total of \$110,500.00 in funding for Human Service Grants. (Total amount of funding to Ocean View Leisure and Resource Center is to be \$1,000.00.)

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

The Engineering Department gave Beneficial Acceptance on November 24, 2003, for Sussex County Project No. 81-04, West Rehoboth Sanitary Sewer District, Kaplan Cove, Agreement No. 270. Included with this report is a copy of the fact sheet for this project.

2. Council Meeting Schedule

Please be advised that the next Sussex County Council meeting will be held at 6:30 p.m. on Tuesday, December 16, 2003, in the Council Chambers. Planning and Zoning public hearings are scheduled for 7:30 that evening.

**Pension
Fund
Committee
Report**

Mr. Baker reported that the Pension Committee met on December 2, 2003 and discussed the status of the County's Pension Fund, recommended contributions for Fiscal 2004 and recommended allocation of pension funds.

**Pension
Fund
Committee
Report
(continued)**

Mr. Baker reviewed spreadsheets regarding pension fund performance as of October 31, 2003. As of October 31, 2003, the total return for the fund was 15.48 percent, for a total value of \$20,805,055. This compares to comparable indices of 15.70 percent. The \$20.8 million reflects a \$2.8 million increase in value from investment earnings since December 31, 2002. The increase is a result of the good performance in the stock market. The composition of the fund is as follows: \$9,215,374 with the State of Delaware Local Government Retirement Investment Pool; \$7,725,188 with Wilmington Trust; and \$3,864,493 with Fidelity Investments.

Mr. Baker reported that the County's average return since 1994 is 7.75 percent; the actuarial goal is 8 percent. Return for the three managers as of October 31, 2003 are 17.00 percent for the State of Delaware; 14.30 percent for Wilmington Trust; and 13.56 percent for Fidelity Investments. He noted that the allocation guideline for the County's Pension Fund still remains with stocks (60 percent) and bonds (40 percent).

Mr. Baker stated that the Committee considered how to invest the County's Fiscal 2004 contribution. The Fiscal 2004 Budget includes \$1,852,197 to be invested in the pension fund. Of this amount, \$1,218,735 is from General Fund, \$244,772 is the State's share for paramedics, and \$388,690 is from sewer and water districts. The Committee is recommending that the County invest the \$1.8 million in the State of Delaware Local Government Retirement Investment Pool.

**M 669 03
Authorize
Investment
of Fiscal
2004
Pension
Contri-
bution**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Fiscal 2004 contribution totaling \$1,852,197 be invested with the State of Delaware Local Government Retirement Investment Pool.

Motion Adopted: 5 Yea.

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

**Pension
Fund
Committee
Report
(continued)**

Mr. Baker discussed the Pensioner Benefit Fund Investment recommendation. In the Fiscal 2003 Budget, the County invested \$500,000 in this fund. During September, 2003 an additional \$500,000 was contributed which brings the total amount contributed to \$1,000,000. (At the recommendation of the County's auditors, the September 2003 contribution will be recorded as a Fiscal 2004 transaction.) Mr. Baker reported that the Committee is recommending that an additional \$500,000 be contributed to the Pensioner Benefit Fund in Fiscal 2004. He noted that the actuaries have estimated an approximate \$19 million liability. He further noted that the fund is primarily for group hospital benefits for pensioners.

Report (continued)	Mr. Baker advised that the Committee is also recommending that additional funds be invested in Fiscal 2005 and therefore, should be considered in the budget process.
M 670 03 Invest \$500,000 in Pension Fund	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, that \$500,000 be invested in the Pension Benefit Fund in the State of Delaware Local Government Retirement Investment Pool.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea</p>
Inland Bays Treatment Expansion Funding Report	Mr. Baker reported that the County has submitted a loan/grant application to the State of Delaware to finance the purchase of additional land in order to expand the existing Inland Bays Regional Wastewater Treatment Facilities. This expansion will provide wastewater disposal service for the Oak Orchard, Angola, Long Neck and West Rehoboth Expansion of the Dewey Beach Sanitary Sewer Districts. Additionally, the County may provide disposal service to the Millsboro Sanitary Sewer District. On November 19, 2003 the State of Delaware Wastewater Advisory Council met and considered and approved this funding request which would partially fund the project. The loan would be a General Obligation Bond in the amount of \$10 million for a term of 20 years at rate of 1 1/2 percent. Loan payments would be for interest only until the Oak Orchard Sewer District begins full operation in 2007. The 21st Century Fund Grant would be in the amount of \$3 million. Mr. Baker noted that Secretary John Hughes has approved the funding; however, final approval is pending and awaiting the signature of Secretary David Singleton. Additional funding has been requested from the USDA and that request is still pending; however, they have noted that they will look favorably on the request. Other funding sources will be: connection fees, West Rehoboth contribution, County transfer tax, and County grant.
Draft Ordinances Relating to the Land Use Plan	<p>Mr. Lank, Director of Planning and Zoning, and Tom Shafer, Consultant, presented two draft ordinances for Council's consideration.</p> <p>The first draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE IV "AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS", TO ALLOW CLUSTER DEVELOPMENT OF RESIDENTIAL STRUCTURES AND TO DEFINE CLUSTER DEVELOPMENT" was discussed.</p> <p>Mr. Shafer explained that the draft ordinance reflects the recommendations in the Comprehensive Land Use Plan. The draft ordinance states that the minimum lot size for cluster development "may be reduced to one-half acre in the AR-1 District where soil conditions are suitable as approved by</p>

(continued) **DNREC.” The draft ordinance does not allow tidal wetlands to be counted as part of the density calculation.**

Introduction of Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE IV “AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS”, TO ALLOW CLUSTER DEVELOPMENT OF RESIDENTIAL STRUCTURES AND TO DEFINE CLUSTER DEVELOPMENT”. The Proposed Ordinance will be advertised for Public Hearing.

Draft Ordinances Relating to the Land Use Plan The second draft ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO REVISE AND REPLACE SECTION 194.1 WITH A NEW SECTION ENTITLED THE COMBINED HIGHWAY CORRIDOR OVERLAY ZONE” was discussed.

(continued) Mr. Shafer explained that the draft ordinance reflects the recommendations of the Comprehensive Land Use Plan. The draft ordinance delineates the Combined Highway Corridor Overlay Zone as the major north-south corridors (Routes 1, 13, and 113) and the east-west corridors (Routes 36, 16, 9, 404, 26, 24, 20, and 54). He noted that the existing ordinance only covers a portion of Route 1. Mr. Shafer explained that the draft ordinance provides for a buffer and setback along these roads; it provides for landscaping along the roads; and it gives DelDOT the ability to widen and expand traffic capacity on these roads. He noted that there are exemptions from the requirements of the Combined Highway Corridor Overlay Zone District incorporated in the draft ordinance, as follows:

- except for lots contiguous to the designated Corridor right-of-way, single family residential lots on record as of the adoption of this section..
- existing developments and unbuilt developments which have obtained site plan approval prior to the adoption of this section.
- land in agricultural use.

Mr. Cole recommended that if a property is redeveloped, it should have to come into compliance with the 60 feet setback in case DelDOT decides to expand the roads. Mr. Cole also recommended that the term “substantially altered” be defined.

Mr. Cole pointed out a typographical error on Page 5, under G (1). He noted that listed under (1) is (a) (b) (c) and (c) and that the last (c) should be changed to (d).

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO REVISE AND REPLACE SECTION 194.1 WITH A NEW SECTION ENTITLED THE COMBINED HIGHWAY CORRIDOR OVERLAY ZONE”, with the following changes:

**Introduction
of Proposed
Ordinance
(continued)**

- (1) **Section C. Permitted Uses. (3) (a) should read “Except for lots contiguous to the designated Corridor right of way, which are required to have a 60 foot setback and a 20 foot buffer, single-family residential lots on record as of the adoption of this section.**
- (2) **Section C. Permitted uses. (3) add (d) Buildings or structures that are replaced or substantially altered, after the date of the adoption of this Ordinance, must comply with the provisions of this Ordinance.**
- (3) **Correct typographical error on Page 5, under G (1) by changing the last (c) to (d).**

The Proposed Ordinance will be advertised for Public Hearing.

**Old
Business/
C/U
No. 1505**

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.83 ACRES, MORE OR LESS” (Conditional Use No. 1505) filed on behalf of David Ritter.

The Planning and Zoning Commission held a Public Hearing on this application on September 25, 2003 at which time they deferred action. On October 23, 2003 the Commission discussed the application under Old Business and recommended that the application be approved with nine stipulations.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and discussion of Old Business. The summary and the findings and recommendations of the Commission were admitted as part of the record of the County Council’s discussion.

The County Council held a Public Hearing on the application on October 14, 2003 at which time action was deferred.

The County Council discussed the application and the recommendation of the Planning and Zoning Commission.

Mr. Rogers recommended that an additional stipulation be attached to the application that there shall be no buildings or structures erected or placed on the site.

**M 671 03
Adopt
Ordinance
No. 1644
(C/U
No. 1505)**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1644 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.83 ACRES,

**M 671 03
(continued)**

MORE OR LESS” (Conditional Use No. 1505) filed on behalf of David Ritter, with the following conditions:

1. The site plan shall be subject to all appropriate agency approvals prior to review and approval by the Commission.
2. The boat storage facility will be open during daylight hours only.
3. The perimeter of the site shall be fenced with a 7-foot high chain linked type of fencing.
4. No maintenance of boats or vehicles shall be performed on the site.
5. All persons visiting the site shall be accompanied by representatives of the Applicant.
6. All boats and boat trailers moved to and from the storage yard on the site shall only be moved by representatives of the Applicant.
7. This approval is for boat storage only, not vehicles or RV trailers.
8. There shall be no signage on the site.
9. Security lighting shall be provided on the site and shall be directed away from neighboring properties.
10. There shall be no buildings or structures erected or placed on the site.

Motion Adopted: 5 Yea.

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

**Old
Business/
Proposed
Ordinance
Relating
to the
Environ-
mentally
Sensitive
Develop-
ment
District
Overlay
Zone**

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ADD A NEW SECTION CREATING AN ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE”.

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on August 14, 2003 at which time they recommended that the Ordinance be adopted with the condition that the list of considerations under Section B. 2. include “consideration of historic and cultural resources” and that Section E be deleted in its entirety.

The summary and the findings and recommendations of the Commission were admitted as part of the record of the County Council’s discussion.

The County Council held a Public Hearing on the application on August 26, 2003 at which time action was deferred.

The County Council discussed the application and the recommendation of the Planning and Zoning Commission.

Mr. Phillips questioned the wording of Section B. 2. g. which states that “Provisions for open space to provide buffers and preserve active agricultural or forested lands.”

M 672 03
Amend
Proposed
Ordinance

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to amend Section B. 2. g. to read "Provisions for open space."

Motion Adopted: 5 Yea.

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

M 673 03
Adopt
Ordinance
No. 1645

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1645 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ADD A NEW SECTION CREATING AN ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE", as amended by the Planning and Zoning Commission and with the amendment to Section B. 2. g.

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

Dagsboro-
Frankford
SSD
Expansion
Request

Mr. Archut, Assistant County Engineer, informed Council of a request to expand the Dagsboro-Frankford Sanitary Sewer District to include two parcels of land on Honolulu Road in Frankford. He noted that one of the parcels is owned by Delmar Homes, Inc. and has eight mobile homes on it. The other parcel, which is owned by Jim Lee, Inc., has one single-family dwelling and two mobile homes on it. Mr. Archut advised that there are septic problems on both parcels and DNREC supports the expansion request.

M 674 03
Authorize
Posting of
Notices/
Dagsboro-
Frankford
SSD
Expansion
Request

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District to include Parcels 44 and 45 on Honolulu Road.

Motion Adopted: 5 Yea.

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

Wastewater
Facilities

Mr. Green, Director of Utility Construction, discussed wastewater facilities constructed in Silverwoods, located in the Miller Creek Sanitary Sewer District.

M 675 03
Authorize
Agreements

A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 305, that the Sussex County

M 675 03 Council execute a Construction Administration and Construction
Authorize Inspection Agreement between Sussex County Council and Robert L.
Execution Thornton, for wastewater facilities to be constructed in Silverwoods, located
of Agree- in the Miller Creek Sanitary Sewer District.
ments for
Silverwoods

(continued)

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 presented grant requests for Council's consideration.

M 676 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 Dr. Martin Luther King,
Jr. Celebration Organization for the annual dinner.

Motion Adopted: 5 Yea.

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

M 677 03
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$250.00
from Mr. Dukes' Councilmanic Account to the Town of Blades for the
Blades Kids Christmas Craft Bazaar.

Motion Adopted: 5 Yea.

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

M 678 03
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give
\$500.00 from Mr. Phillips' Councilmanic Account to the Greater Millsboro
Chamber of Commerce for Millsboro's Christmas Visions '03 Parade.

Motion Adopted: 5 Yea.

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

M 679 03
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00
(\$250.00 each from Mr. Jones' and Mr. Dukes' Councilmanic Accounts) to
the Coverdale Community Council for Thanksgiving and Christmas
activities.

Motion Adopted: 5 Yea.

**M 679 03
(continued)**

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

**Table
Action**

Action on the funding request from Milford Mispillion Rotary Club was tabled.

**M 680 03
Council-
manic
Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$250.00 (\$125.00 each from Mr. Rogers' and Mr. Jones' Councilmanic Accounts) to Station 93, Sussex Post No. 8, Inc., The American Legion, to benefit the Georgetown Ambulance Service (for the purchase of equipment).

Motion Adopted: 5 Yea.

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

**M 681 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 from Mr. Cole's Councilmanic Account to the 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. Jones, Yea;
Mr. Rogers, Yea

**M 682 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$250.00 from Mr. Jones' Councilmanic Account to the Town of Bridgeville for the Town Municipal Building beautification project.

Motion Adopted: 5 Yea.

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

**Table
Request**

Action on the funding request from the Delaware Storm Baseball Team was tabled.

Comments

Mr. Dan Kramer addressed Council and commented on Agriculture Preservation and the County's participation in the Department of Agriculture's Matching Funds Program.

**M 683 03
Recess**

At 12:20 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Cole, to recess until 1:00 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Rogers called Council back into session at 1:13 p.m.

**Proposed
Ordinance**

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 8.1714 ACRES OF A 13.0414 ACRE TRACT" (Change of Zone No. 1548) filed on behalf of Gary L. Thomas and Shirley M. Thomas. 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 A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.78 ACRE, MORE OR LESS" (Change of Zone No. 1549) filed on behalf of DMR Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.4173 ACRES, MORE OR LESS" (Change of Zone No. 1550) filed on behalf of Norman C. Walls. 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 A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,998 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1549) filed on behalf of Ramon A. Rosa and Lourdes Aponte De Rosa. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 39,600 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1550) filed on behalf of Michael R. Emmett, Sr. The Proposed Ordinance will be advertised for Public Hearing.

**Public
Hearing
(C/Z
No. 1523)**

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 MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 115.3 ACRES, MORE OR LESS” (Change of Zone No. 1523) filed on behalf of CARD, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on November 13, 2003 at which time they deferred action.

Mr. Abbott, Assistant 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. Abbott noted that on November 17th, a memorandum was received from the Planning and Permits Division of the Sussex County Engineering Department indicating that the project is located in a County operated and maintained sanitary sewer and/or water district; it is located in the West Rehoboth Expansion Area; and wastewater capacity is available for the project.

Mr. Abbott noted that a letter was received by fax on this date from the Citizens Coalition in opposition to the project. The letter states that, due to the sensitive nature of the ramifications of this development and others already in the pipeline and while the Route One Committee is still analyzing key intersections, the Coalition requests that the public record remain open until a recommendation is made by the Planning and Zoning Commission.

The Council found that David Rutt, Attorney; Jeff Clark of Land Tech, LLC; Ross Harris of ECI Corporation; and Brooks Clayville were present on behalf of the application. Also present were several owners of the property.

Mr. Rutt stated that when the application was filed, it was a two-part filing; there was a change of zone application and a major subdivision plan.

Mr. Rutt stated that the change of zone application is for the rezoning of a approximately 115 acres on Old Landing Road; that this is a fill-in; that there are other uses that surround this property; that the rezoning will make this parcel compatible with the surrounding land use; and that a consulting team has been assembled and they are working to make this project as environmentally friendly as possible.

Mr. Clark noted that a booklet has been submitted as part of the record. He further noted that the plans contained in the booklet are preliminary plans and have been circulated to many agencies on the State and local level for comment. Mr. Clark pointed out that DelDOT and the Office of State

**Public
Hearing
(C/Z
No. 1523)**

Planning Coordination do not oppose the application. A letter from the Office of State Planning Coordination states that “other than being in the Environmentally Sensitive Developing Area, the State agencies had no comment on the rezoning of the parcel.

Mr. Cole questioned why the application was not for an RPC. He expressed concern that conditions cannot be attached to the Change of Zone application, which would provide assurances to the County that the parcel would be developed as proposed.

Mr. Rogers expressed concern about the lack of improvements to Old Landing Road and questioned the applicant as to whether they have had any discussions with DelDOT in this regard. Mr. Clark responded that DelDOT’s letter identifies what improvements need to be made and where, and they want the applicant to study a couple of the identified locations to see if some things they want to do will fit in the right-of-way. Another comment of DelDOT’s is that, in the event that the improvements move forward, they want the applicant to share in the cost of the improvements. (The cost of the improvements would be shared by several projects/developments on Old Landing Road.)

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

**M 684 03
Defer
Action on
C/Z
No. 1523**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to defer action on Change of Zone No. 1523 filed on behalf of CARD, LLC; to leave the record open for written comments until the close of business on December 24, 2003; and to leave the record open for one additional week for written comments in response to any correspondence submitted.

Motion Adopted: 5 Yea.

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

**M 685 03
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 2:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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