



Sussex County Council

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SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 1, 2005

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, March 1, 2005 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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
James D. Griffin	County Attorney

Vice President Rogers presided over the meeting due to the absence of the President.

**M 133 05
Approve
Agenda**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the Agenda by adding "Nemours" under "Funding Requests", and to approve the Agenda, as amended.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 134 05
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of February 15, 2005.

Motion Adopted: 4 Yea, 1 Absent.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

CHARLOTTE BERGEY, MILFORD, DELAWARE.

RE: Letter in appreciation of the repairs that were made to her home.

BERTHA THOMPSON, MILLSBORO, DELAWARE.

RE: Letter in appreciation of the repairs that were made to her home.

**EVELYN JESTER, PRESIDENT, COASTAL MAGIC BOOSTER CLUB,
MILFORD, DELAWARE.**

(continued) RE: Letter in appreciation of grant funding.

**SCAT
Public
Service
Award** **The County Council presented the 2004 Sussex County Association of
Towns (SCAT) Public Service Award to Joseph Conaway, President of the
Town Commission of Bridgeville, and Dolores Slatcher, City Manager of
the City of Seaford.**

**M 135 05
Adopt
Procla-
mation** **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the
Proclamation entitled “PROCLAIMING THE MONTH OF MARCH AS
WOMEN’S HISTORY MONTH AND MARCH 2, 2005 AS MARY ANN
SORDEN STUART DAY”.**

Motion Adopted: 4 Yea, 1 Absent.

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

**Committee
Vacancy** **Mr. Stickels announced that Gloria Workman has resigned her
appointment to the Board of Assessment Review.**

**M 136 05
Committee
Appoint-
ment/
Board of
Assessment
Review** **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to appoint
Gerald Webb to the Board of Assessment Review for a term of one year.**

Motion Adopted: 4 Yea, 1 Absent.

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

**Funding
Requests/
Fiscal
Year
2006
Budget** **The County Council heard the following funding requests, which will be
considered for inclusion in the Fiscal Year 2006 Budget:**

- **Delaware Community Foundation – The County Council granted
\$100,000 in the Fiscal 2005 Budget. The Foundation is looking for a
similar grant this year to be used to address community needs, build
permanent charitable endowment funds, and promote philanthropy
throughout Delaware. (The program last year was not to be a one-time
contribution; it was to be on-going.)**

**(Mr. Stickels noted that there is currently \$100,150.00 available; the
\$150.00 is interest earned last year. The Foundation was to match the
amount through private sector funding. Mr. Stickels further noted that**

if the Council wants to, the money could be distributed to the Foundation.)

Funding
Requests/
Fiscal
Year
2006
Budget
(continued)

- **Easter Seals** – The County Council granted \$250,000 in the Fiscal 2005 Budget. The organization is requesting funding in the amount of \$250,000 again this year to enable them to expand their services in Sussex County. The 22 percent rate of disability for Sussex County combined with the high growth rate in the population is a major factor in the growing demand for Easter Seals' services. The funding will be used for the construction of their new facility to be located in Georgetown.
- **Indian River Senior Center** – The County Council granted \$3,000 in the Fiscal 2005 Budget. This year, the Center is requesting funding for their new building to be located in Millsboro. (It was noted that the Indian River Senior Center is an independent center and does not fall under Sussex County Senior Services, Inc.)
- **La Red Health Center** – The County Council granted \$500.00 in the Fiscal 2005 Budget. This year, the Center is requesting funding in the amount of \$85,000 for their OB/GYN Services Program, which they assumed from Nanticoke Hospital in July 2003. La Red contracts with a local obstetrician for 200 births a year with accompanying prenatal visits at a cost of \$75,000 for clinical services and \$10,000 for malpractice premiums for two nurse midwives per year.
- **Primeros Pasos** – The County Council granted \$500.00 in the Fiscal 2005 Budget. Primeros Pasos is requesting funding to build and operate an early care and education center to be located on Savannah Road in Georgetown. The Center would serve 76 children from age's 6 weeks to 4 years old.
- **United Way** – The County Council granted \$2,000 in the Fiscal 2005 Budget. This year, United Way is requesting \$250,000 in funding to help prevent a significant gap in services to Sussex County residents due to a major change in their sources of contributions. (Each year, United Way invests almost \$1.5 million in programs and services for Sussex County residents.)
- **West Side New Beginnings** – The County Council granted \$500.00 in the Fiscal 2005 Budget. The organization's goal is to make West Rehoboth a safe place for the youth. West Side New Beginnings is requesting funding for their youth program for the children of West Rehoboth including school mentoring, summer educational and recreational sessions, field trips, community cleanup drives and other activities.
- **Sussex Family YMCA** – The YMCA did not receive grant funding in the Fiscal 2005 Budget. The YMCA is requesting funding in the amount of \$250,000 for their Capital Campaign for the construction of a new

sports field house in the central part of the County.

Funding
Requests
(continued)

- **Nemours Health & Prevention Services** – Nemours did not receive grant funding in the Fiscal 2005 Budget. Nemours is requesting funding in the amount of \$100,000 to launch its first community-based collaborative in the State in Sussex County. It is the intent of Nemours to promote a healthier Sussex County. The money allocated by the County would be at least doubly matched by Nemours, and would go to the following Sussex County groups that are participating in the creation of the collaborative: Sussex County community-based organizations that work to help children grow up healthy; Sussex County schools; and Sussex County child care centers.

Mr. Stickels reported that the Budget Committee (consisting of Robert Stickels, County Administrator; David Baker, Finance Director; and Susan Webb, Director of Accounting) has reviewed the requests. He noted that primarily, the Budget Committee is recommending projects that are capital projects and that are one-time contributions.

Mr. Stickels asked for input from the Councilmembers on what they would like to see included in the FY '06 Budget.

Mr. Stickels reviewed various other funding sources that the County makes available:

<u>Funding Sources</u>	<u>Appropriated FY 05 Budget</u>	<u>Proposed FY 06 Budget</u>
Recreational Assistance Program	\$ 30,000	\$ 30,000
Councilmanic Grants	\$ 50,000	\$ 50,000
Human Service Grants	\$110,000	\$110,000
Community Development Fund	\$200,000	\$200,000
Community Improvements	\$200,000	\$500,000

Adminis-
trator's
Report

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

1. **Council Schedule**

The Sussex County Council will not meet on Tuesday, March 8, 2005, to allow Council members and staff to attend the National Association of Counties Legislative Conference in Washington, D.C. Delaware U.S. Senator Joseph R. Biden, Jr., will be the speaker at the luncheon on Monday, March 7, 2005.

2. **Public Workshop**

The Delaware Department of Transportation is holding a Public Workshop to present facts and solicit public comments regarding the proposed replacement of Bridge 3-376 on Main Street over Sandy

Branch, Selbyville, Sussex County. The meeting will be held on Thursday, March 3, 2005, at the Selbyville Fire Hall, 31 North Main Street, Selbyville. The public is invited to attend any time between 4:00 and 7:00 p.m.

Agenda Items **It was the consensus of the Council that, due to the time, the agenda items “Grant Requests” and “Introduction of Proposed Ordinances” would be moved to the end of the Agenda.**

Proposed USDA Loan Resolutions **Mr. Baker, Finance Director, reviewed three loan resolutions regarding United States Department of Agriculture Rural Utilities Service funding for County sewer projects:**

- **South Coastal Regional Wastewater Facility Expansion Project – The funding for the project totals \$22.6 million. A State SRF loan has been approved in the amount of \$13 million. The proposed loan resolution is for the approval of a loan in the amount of \$7.5 million from the USDA Rural Development program. The USDA loan would be for a term of forty years at a maximum rate of 4.25 percent. The debt service would be paid from growth generated connection fees. This project will increase capacity from 6 MGD and 9 MGD at the plant and upgrade the solids handling system, as well as other improvements.**
- **Miller Creek Project – This project is currently estimated to cost \$10.7 million. The funding for the project includes a grant from the State of Delaware in the amount of \$2,450,000 and a SRF loan from the State of Delaware in the amount of \$3,300,000. The proposed loan resolution is for the approval of a \$3,450,000 loan and a \$1,500,000 corresponding grant from the USDA Rural Development program. The USDA loan would be for a term of forty years at a maximum rate of 4.50 percent. This project will eliminate approximately 500 septic tanks in the Inland Bays area.**
- **Inland Bays Regional Wastewater Facility Treatment Plant – The funding for the project includes a \$10 million SRF loan and a \$3 million State grant. This funding has been received. The proposed loan resolution is for the approval of a \$7 million loan and a \$2 million grant from the USDA Rural Development program. The USDA loan would be for a term of forty years at a maximum rate of 4.375 percent. This project is for the purchase of approximately 2,100 acres for \$29 million.**

M 137 05 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves a Resolution expressing its intent to borrow up to \$7,500,000 for the South Coastal Regional Wastewater Facility Expansion Project from the United States Department of Agriculture Rural Utilities Service for a maximum interest rate of 4.25 percent for a period of forty years.**
Approve Loan Resolution/ SCRWF Expansion Project

Motion Adopted: 4 Yea, 1 Absent.

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

M 138 05 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves a Resolution expressing its intent to borrow up to \$3,450,000 and accept a grant for \$1,500,000 for the Miller Creek Sewer Project from the United States Department of Agriculture Rural Utilities Service. The loan will be for a maximum interest rate of 4.50 percent for a period of 40 years.**

**Approve
Loan
Resolution/
Miller
Creek
Sewer
Project**

Motion Adopted: 4 Yea, 1 Absent.

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

M 139 05 **A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council approves a Resolution expressing its intent to borrow up to \$7,000,000 and accept a grant for \$2,000,000 for the Inland Bays Regional Wastewater Facility Expansion Sewer Project from the United States Department of Agriculture Rural Utilities Service. The loan will be for a maximum interest rate of 4.375 percent for a period of 40 years.**

**Approve
Loan
Resolution/
Inland Bays
Regional
Wastewater
Facility
Expansion
Project**

Motion Adopted: 4 Yea, 1 Absent.

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

Milton **Mr. Hawkes, Director of Utility Engineering, presented the final and balancing change order to the contract with Kent Construction Company, Inc. for the Milton Public Library Expansion Project. Mr. Hawkes reviewed the list of items covered by the change order, which total \$13,977.75. Mr. Hawkes reported that the project has been substantially completed and the building has been occupied.**

**Public
Library
Expansion
Project
C/O**

M 140 05 **A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Final Balancing Change Order Number 9 in the amount of \$13,977.75 and grants 165 days additional time to the contract with Kent Construction Company, Inc. for Sussex County Project No. 00-02 entitled “Milton Public Library Expansion”, thereby increasing the contract amount from \$1,367, 585.50 to \$1,381,563.25.**

**Approve
Final
Balancing
Change
Order/
Milton
Public
Library
Expansion**

Motion Adopted: 4 Yea, 1 Absent.

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

**Millville
Expansion
of the
BBSSD/
Escrow
Agreement** **Mr. Archut, Assistant County Engineer, discussed the Millville Expansion of the Bethany Beach Sanitary Sewer District. He noted that approximately two years ago, a planning study was completed for the North Millville Area, which provided a backbone transmission system for the future sewer expansion. The County Engineering Department's project schedule estimates that the County will build the facilities in 2008. Mr. Archut noted that there are developments that are taking place faster than the County's schedule permits, and therefore the County is entering into Escrow Agreements with the developers. In accordance with an Escrow Agreement, the developers pay for the design of regional facilities and they construct the facilities. In return, the developer receives oversizing credits.**

Mr. Archut advised that Bay Forest, L.L.C. wishes to complete a connection to the Millville Expansion to serve the proposed development known as Bay Forest Club. Bay Forest is willing to make deposits to fund the engineering design and related costs for the Millville Pump Station (MPS) #2 and certain collection and transmission lines, including gravity sewer bordering Whites Creek Landing, along County Roads 351 and 350, and gravity sewer within Whites Creek Manor subdivision. Toll Brothers, Inc. (Whites Creek Landing) will be a signatory to this agreement only to indicate its consent to those portions applicable to its interest.

**M 141 05
Authorize
Escrow
Agreement/
Bay Forest
L.L.C.** **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council President is hereby authorized to execute an Escrow Agreement with Bay Forest L.L.C. to make deposits to fund the Engineering Design and related costs for Millville Pump Station No. 2 and certain collection and transmission lines.**

Motion Adopted: 4 Yea, 1 Absent.

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

**Millville
Expansion
of the
BBSSD/
WR&A
Agreement** **Mr. Archut, Assistant County Engineer, presented an Agreement with Whitman, Requardt & Associates for the final design for the Millville Planning Area - Millville Pump Station #2 (MPS#2)/County Road 349 and 350 Gravity Sewer/Whites Creek Manor. The total cost of the contract is \$326,716.00. Mr. Archut noted that the developers have already provided the funding for the contract.**

**M 142 05
Execute** **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department, that the**

Contract Amendment WR&A Contract **Sussex County Council authorizes its President to execute Amendment No. 26, dated October 12, 2004, to its original contract with Whitman, Requardt and Associates, LLP, to provide the final design services for facilities associated with the Millville Expansion Area MPS No. 2 Escrow Agreement.**

M 142 05 (continued) **Motion Adopted: 4 Yea, 1 Absent.**
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Absent

Oce' TCS 400 AutoCAD Plotting System **Mr. Baker, Acting Director of Public Works, presented a bid recommendation for the purchase of an AutoCAD Plotting System. The new system is needed since the existing plotting system used by the Engineering Department is ten years old and the manufacturer no longer supports the system.**

M 143 05 Award Bid/ Oce' TCS 400 AutoCAD Plotting System **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the bid for Sussex County Project No. 04-10, "Oce' TCS 400 AutoCAD Plotting System", be awarded to Dicarlo Precision Instruments, Inc. at a bid amount of \$54,175.00, which represents the alternate bid schedule of a total lump sum purchase.**
Motion Adopted: 4 Yea, 1 Absent.
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Absent

Old Business/ C/Z No. 1552 (Nassau Grove, L.L.C.) **The County Council discussed 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 112.28 ACRES, MORE OR LESS" (Change of Zone No. 1552) filed on behalf of Nassau Grove, L.L.C.**

The Planning and Zoning Commission held a Public Hearing on this application on August 26, 2004 at which time they deferred action. On November 18, 2004, the Planning and Zoning Commission recommended that the application be approved with sixteen (16) conditions.

The County Council held a Public Hearing on this application on September 14, 2004, at which time the Council deferred action and left the record open for additional information (DelDOT's comments on the Traffic

Impact Study and current wastewater calculations). Mr. Lank, Director of Planning and Zoning, noted that the information received was distributed to the County Council by memo, dated September 21, 2004.

C/Z
No. 1552
(Nassau
Grove,
L.L.C.)
(continued)

Mr. Rogers expressed concern regarding the density of the project and the duplex and multi-family units proposed. He recommended that the maximum number of residential units should not exceed 244 single-family units instead of the 351 units (189 single-family, 92 duplex, and 70 multi-family). Mr. Rogers expressed concern regarding the hours that construction, site work, grading, etc., would be permitted. Mr. Rogers suggested that these activities only be permitted Monday through Friday and only between the hours of 7:00 a.m. and 6:00 p.m.

M 144 05
Close
Record/
C/Z
No. 1552

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to close the record on Change of Zone No. 1552, an application of Nassau Grove, L.L.C.

Motion Adopted: 4 Yea, 1 Absent.

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

M 145 05
Adopt
Ordinance
No. 1755
(C/Z
No. 1552)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1755 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 112.28 ACRES, MORE OR LESS" (Change of Zone No. 1552) filed on behalf of Nassau Grove, L.L.C., as follows:

1. The maximum number of residential units shall not exceed 244 single-family units.
2. Site plan review shall be required for each phase of development.
3. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT.
4. An underground gas storage facility for service limited to the project shall be allowed, subject to State Fire Marshal approval and any other required Agency approval. The location of the facility shall be required to be approved by the Planning and Zoning Commission as part of Site Plan review. The facility shall be located at least 100-feet from neighboring properties.
5. Recreational facilities and amenities shall be constructed and

**M 145 05
Adopt
Ordinance
No. 1755
(C/Z
No. 1552)
(continued)**

- open to use by the residents of the project within 2-years of the issuance of the first building permit. These recreational facilities shall include tennis courts, swimming pool, and community buildings.
6. The project shall be served as part of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
 7. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 8. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs).
 9. The interior street design shall comply with or exceed Sussex County street design requirements and/or specifications. Street design shall include sidewalks on both sides of the streets and street lighting.
 10. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
 11. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday and only between the hours of 7:00 a.m. and 6:00 p.m.
 12. The Applicant shall cause to be formed a homeowner's or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas. The Applicant shall be responsible for this maintenance until such as association is formed.
 13. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The existing wooded buffers surrounding the wetland areas shall remain undisturbed.
 14. As agreed to by the Applicants, a 400-foot wide corridor on the westerly portion of the site shall be reserved until the last phase of development to allow DelDOT to review it's Western Parkway concept.
 15. Addressing shall be subject to review and approval by the Sussex County Mapping and Addressing Division.

Motion Adopted: 4 Yea, 1 Absent.

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

Public Comments **Mr. Dan Kramer addressed Council and referred to the number of organizations requesting funding from the County, many of which are organizations whose officers receive large salaries. He commented that the County should concentrate on helping the poor people in the County.**

M 146 05 Recess **At 12:37 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

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

Public Hearing (C/U No. 1586 **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 A SMALL ENGINE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 15,011 SQUARE FEET, MORE OR LESS, OF A 2.88 ACRE PARCEL” (Conditional Use No. 1586) filed on behalf of Far East Capital, Inc.**

The Planning and Zoning Commission held a Public Hearing on this application on February 3, 2005 at which time they deferred action. On February 17, 2005, the Planning and Zoning Commission recommended that the application be approved with 11 conditions.

(See the minutes of the Planning and Zoning Commission dated February 3, 2005 and February 17, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation of approval. The summary was admitted as part of the County Council’s record.

Mr. Lank reported that, following a decision by the Planning and Zoning Commission, a letter of agreement was received by the County. The Letter of Agreement lists nine (9) conditions that were agreed upon by the applicant and the two opponents to the application (William Gremminger and Samuel De Boer).

The Council found that the applicant submitted an Exhibit Booklet for the record.

The Council found that Roy Thomas was present on behalf of the application. He stated that the application is for a small engine repair business; that he proposes to provide a service to local homeowners and professional landscape companies; that he plans to service and repair lawnmowers, trimmers, edges, blowers and all yard equipment with small motors and to service and repair commercial lawnmowers and other equipment used by professional landscapers; that he plans on selling small

**Public
Hearing
(C/U
No. 1586
(continued)**

yard equipment and Walker Commercial Mowers; that he is only applying to use approximately 10 percent of the 2.88 acre site for the business; that the building on the site is 147 feet from the property line to the east; that he plans to use the existing building on the site that measures 36 feet by 60 feet; and, that he wants to be a good neighbor and he has agreed to conditions with area property owners relating to buffers, hours of operation, etc.

Alan Quillen and Shawn McMann spoke in support of the application. They stated that the applicant runs a clean and quiet business and that a small engine repair business is needed in the area.

There were no public comments in opposition to the application and the Public Hearing was closed.

The County Council considered the conditions recommended by the Planning and Zoning Commission and those agreed upon by the applicant and Mr. Gremminger and Mr. De Boer.

**M 147 05
Adopt
Ordinance
No. 1756
(C/U
No. 1586)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1756 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 15,011 SQUARE FEET, MORE OR LESS, OF A 2.88 ACRE PARCEL” (Conditional Use No. 1586) filed on behalf of Far East Capital, Inc., with the following conditions:

1. Two rows of Leyland Cypress trees to be planted approximately 300 feet in length, on the south side of The Plantations, as soon as possible. The trees are to be approximately 4 – 6 feet high and spaced no more than 10 feet apart, in a staggered design.
2. No lawnmowers or similar equipment for sale will be displayed outside on the premises.
3. No repair work will be performed outside.
4. The only repair work allowed in the shop will be for small engines with a maximum 30 horsepower, lawn maintenance or equipment with similar characteristics, with the exception of the Division of Fish and Wildlife Go-Devil extended shaft boat motor. No other repairs of any kind will be permitted without a modification of the Conditional Use.
5. The shop will only be operated between the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 noon on Saturday. There will be no Sunday hours.
6. There will be no more than one non-relative employee of the Applicant working on the premises at any one time.
7. There will not be any signs on the property advertising the business except for the signs currently on the building.
8. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
9. One unlighted sign, not exceeding 2 feet by 4 feet may be erected at the

entrance to the site.

**M 147 05
(continued)**

10. A solid vinyl fencing, no more than 24 feet by 60 feet, with a height of 6 feet, will be erected on the southerly side of the building to serve as enclosed storage for mowers, engines and similar equipment, to serve as a screen from neighboring properties. Any dumpster shall be located in the enclosed fenced area. The location of the fencing will be shown on the final site plan.
11. The site plan shall be subject to review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

**Public
Hearing
(C/U
No. 1587)**

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 A PRIVATE WASTEWATER TREATMENT AND DISPOSAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.66 ACRES, MORE OR LESS” (Conditional Use No. 1587) filed on behalf of West Bay Park.

The Planning and Zoning Commission held a Public Hearing on this application on February 3, 2005 at which time they recommended that the application be approved with 3 conditions.

(See the minutes of the Planning and Zoning Commission dated February 3, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation of approval. The summary was admitted as part of the County Council’s record.

The Council found that Andy Strine was present on behalf of the application. He reported that they propose to construct an on-site wastewater treatment and disposal system to serve the West Bay Park Manufactured Home Community; that they will own and maintain the system; that the community contains 350 sites on septic systems; that the systems work but they are getting older; that there is a growing population of full-time residents; that they are trying to resolve septic problems before some agency attempts to close the community; that the area and the Inland Bays will benefit by the creation of the central sewer system; and that they have met with DNREC and the County for design requirements and are aware of the requirements for future conversion.

Mr. Cole commented on campaign donations made during an election year when an application is on file and more specifically, campaign donations made by the Strine family to several of the Councilmen. He stated that he believed it would be appropriate for those Councilmen to make a disclosure.

**Public
Hearing
(C/U
No. 1587)
(continued)**

Mr. Phillips asked Mr. Cole why he did not make a disclosure on a contribution made to him in 1998 by the Lingo's when five months later he acted on their application.

Mr. Dukes stated that disclosures are made in reports to the State of Delaware Department of Elections.

Mr. Griffin stated that there is no prohibition against a legislator receiving a contribution during a campaign.

There were no public comments and the public hearing was closed.

**M 148 05
Adopt
Ordinance
No. 1757
(C/U
No. 1587)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1757 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE WASTEWATER TREATMENT AND DISPOSAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.66 ACRES, MORE OR LESS" (Conditional Use No. 1587) filed on behalf of West Bay Park, with the following conditions:

- 1. The system shall only serve the West Bay Park Community.**
- 2. The treatment facility shall be enclosed as presented by the Applicants.**
- 3. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.**
- 4. The treatment facility shall be abandoned and connected to the County Sewer System within one year of County sewer service becoming available.**

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Dukes stated that, when the campaign contribution was made by the Strine's, there was no mention of this application or any future application. Mr. Rogers concurred with Mr. Dukes' comments and further stated that contributions made to his campaign go directly to his Treasurer and they are public knowledge.

Proposed

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE

- Ordinance** **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 4.64 ACRES, MORE OR LESS” (Conditional Use No. 1623) filed on behalf of Dawson & Bedsworth Electrical Contractors, Inc. The Proposed Ordinance will be advertised for Public Hearing.**
- (continued)**
- Proposed Ordinance** **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (64 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16.01 ACRES, MORE OR LESS” (Conditional Use No. 1624) filed on behalf of Design Consultants Group, L.L.C. 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 A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE STORAGE OF POWERWASHING EQUIPMENT, LANDSCAPING SUPPLIES, AND LAND CLEARING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.162 ACRES, MORE OR LESS” (Conditional Use No. 1625) filed on behalf of Samuel S. Connors. The Proposed Ordinance will be advertised for Public Hearing.**
- Proposed Ordinance** **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DOG GROOMING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8,276 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1626) filed on behalf of Julie Bernick and Deborah Safee. 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS” (Change of Zone No. 1579) filed on behalf of Sussex Lumber Land Company, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

Proposed Ordinance	Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 35,093 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1580) filed on behalf of Ronald Wm. Wright, Jr. The Proposed Ordinance will be advertised for Public Hearing.
(continued)	
Requests	Mr. Stickels presented grant requests for the Council’s consideration.
M 149 05 Community Reinvest- ment Fund Grant	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$3,000.00 from Mr. Phillips’ Community Reinvestment Fund to the Bethany – Fenwick Area Chamber of Commerce for their Capital Campaign to fund a building expansion and renovations. Motion Adopted: 4 Yea, 1 Absent. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Absent
M 150 05 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 Friends of the Millsboro Public Library for the Annual Gala to benefit the Building Fund. Motion Adopted: 4 Yea, 1 Absent. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Absent
M 151 05 Council- manic Grant	A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$300.00 (\$150.00 each from Mr. Dukes’ and Mr. Phillips’ Councilmanic Accounts) to the Laurel Fireworks Celebration for the July 4th fireworks display. Motion Adopted: 4 Yea, 1 Absent. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Absent
Deferred	The funding request from the Slam Softball Team was deferred.
M 152 05 Council- manic Grant	A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Dukes’ and Mr. Jones’ Councilmanic Accounts) to the Coverdale Crossroads Community Council, Inc. for a Black History Celebration.

Motion Adopted: 4 Yea, 1 Absent.

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

M 153 05 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Rogers' and Mr. Jones' Councilmanic Accounts) to Bayhealth Medical Center for the Annual Milford Hospital Fair Fundraiser.

Motion Adopted: 4 Yea, 1 Absent.

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

M 154 05 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Nanticoke Riverfest for the 2005 festival.

Motion Adopted: 4 Yea, 1 Absent.

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

M 155 05 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 from Mr. Cole's Councilmanic Account to the Oak Orchard-Riverdale Post #28 of the American Legion to help pay for the Post's trip to the American Legion National Convention in Hawaii.

Motion Adopted: 4 Yea, 1 Absent.

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

M 156 05 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$100.00 from Mr. Cole's Councilmanic Account to the Indian River Volunteer Fire Company for the Annual Golf Tournament Fundraiser.

Motion Adopted: 4 Yea, 1 Absent.

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

M 157 05 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to provide

Councilmanic Grant **funding in an amount not to exceed \$400.00 from Mr. Rogers' Councilmanic Account to the Broadkill Beach Preservation Association for porta-potties at Broadkill Beach during the summer season. (Funds are to be released to the Association upon receipt of an invoice.)**

M 157 05 (continued) **Motion Adopted: 4 Yea, 1 Absent.**
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Absent

M 158 05 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$885.00 from Mr. Cole's Councilmanic Account to V.F.W. Post #10638 for insurance costs.**

Motion Adopted: 4 Yea, 1 Absent.
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Absent

M 159 05 Adjourn **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 2:47 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith
Clerk of the Council