



## Sussex County Council

2 The Circle  
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Georgetown, DE 19947  
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### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 15, 2005

#### Call to Order

The regular meeting of the Sussex County Council was held Tuesday, March 15, 2005 at 6:30 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Finley B. Jones, Jr.</b>	<b>President</b>
<b>Lynn J. Rogers</b>	<b>Vice President</b>
<b>Dale R. Dukes</b>	<b>Member</b>
<b>Vance Phillips</b>	<b>Member</b>
<b>Robert L. Stickels</b>	<b>County Administrator</b>
<b>David Baker</b>	<b>Finance Director</b>
<b>James D. Griffin</b>	<b>County Attorney</b>

#### M 160 05 Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the Agenda of March 15, 2005.

**Motion Adopted: 4 Yea, 1 Absent.**

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

#### M 161 05 Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of March 1, 2005.

**Motion Adopted: 4 Yea, 1 Absent.**

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

#### Corre- spondence

Mr. Griffin read the following correspondence:

**PATRICIA MIDDLETON.**

**RE: Letter regarding the South Coastal Regional Wastewater Facility.**

**STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL, DIVISION OF FISH AND**

**WILDLIFE, DOVER, DELAWARE.**

**RE: Invitation to a workshop on the Habitat Conservation Plan for the Delmarva Fox Squirrel and Other Species. The workshop will be held on Monday, March 28th at 6:00 p.m. The workshop will be held in the Sussex County Council Chambers in the Sussex County Administrative Office Building.**

**League of Women Voters/ Presentation of Pamphlets**

Carol Jones, President of the League of Women Voters, presented copies of the informational booklet “They Represent You”. Ms. Jones thanked the County Council for funding the booklet.

Carol Jones invited the County Council to attend a meeting to be held on Tuesday, March 22nd, at 7:00 p.m., at the Lewes Library. The topic of the meeting will be the election of County Council members at-large. Ms. Jones noted that the League has no position on this issue.

**CDBG Funding**

Mr. Stickels reported that, at the National Association of Counties (NACo) Conference, which was held last week, one of the major issues was President Bush’s proposal to eliminate the Community Development Block Grant Program. NACo’s Community Development & Housing Sub-Committee unanimously passed a Resolution opposing the President’s Proposed Budget and has asked that each county contact their congressional representatives and express their opposition to the President’s proposal.

**M 162 05 Adopt Resolution**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adopt the Resolution entitled “RESOLUTION SUPPORTING THE COMMUNITY DEVELOPMENT PROGRAM AND URGING CONGRESS TO RESTORE ITS FUNDING”.

**Motion Adopted: 3 Yea, 1 Abstention, 1 Absent.**

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

**M 163 05 Adopt Proclamation**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Proclamation entitled “PROCLAIMING THE MONTH OF MARCH AS AMERICAN RED CROSS MONTH IN SUSSEX COUNTY”.

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 164 05 Youth Activity Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$2,500.00 (\$500.00 from each Youth Activity Grant Account) to Delaware Ducks Unlimited for the 2005 Safety and Conservation Day.

**Motion Adopted: 4 Yea, 1 Absent.**

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

**Western  
Sussex  
Public  
Safety  
Building  
Update**

Major Randy L. Hughes of the Delaware State Police updated the County Council on the progress of the Western Sussex County Public Safety Complex. Major Hughes stated that this facility would provide another unit for the Sussex County Paramedics, which will improve response time. He reported that the existing building is being expanded and an EMS and Maintenance Building and helicopter pad are being constructed. He further reported that the project is 50 percent complete and the target date for the grand opening is the week of June 1-8, 2005.

Mr. Stickels reported that the County entered into a partnership with the Delaware State Police for this facility. The County is providing approximately 1/3 of the renovation and expansion costs (\$1 million) to convert the former Visitors Center in Bridgeville into a Public Safety Complex in Western Sussex County.

**Wastewater  
Agreements**

Mr. Stickels reviewed agreements for the construction of wastewater facilities in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

**M 165 05  
Approve  
Agreement/  
Reserves at  
Lewes  
Landing**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 361, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and PEN, L.L.C. for wastewater facilities to be constructed in the Reserves at Lewes Landing, located in the Inland Bays Regional Wastewater Facility Sanitary Sewer District.

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 166 05  
Approve  
Agreement/  
Bay  
Crossing**

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. 445, that the Sussex County Council execute a Construction Agreement between Sussex County Council and Pulte Homes, for wastewater facilities to be constructed in Bay Crossing, Phases 2 and 3A, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

**Motion Adopted: 4 Yea, 1 Absent.**

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

**Adminis-  
trator's  
Report**

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

**1. Airport Meeting**

The next regularly scheduled Sussex County Airport Committee meeting will be held on Wednesday, April 6, 2005, at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware, at 10:00 a.m. The media as well as the public is welcome to attend.

**2. Engineer Beneficial Acceptance**

The Sussex County Engineering Department gave Beneficial Acceptance to the following projects:

- Cedar Neck South, Sussex County Project No. 81-04, Agreement No. 300, located on County Road 357, one-quarter mile north of County Road 357 and County Road 360 intersection, consisting of 109 multi-family units and CHEER Center in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, was granted on February 22, 2005.
- Skipjack Village Condominiums, Sussex County Project No. 81-04, Agreement No. 386, located on the north side of Salt Pond on County Road 360, consisting of 14 condominium units in the Bethany Beach Sanitary Sewer District, was granted on March 3, 2005.
- Henlopen Landing – Phase II, Sussex County Project No. 81-04, Agreement No. 273-1, located south of the intersection of County Road 275 and County Road 285 at Five Points, Lewes, consisting of 71 single-family lots in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, was granted on March 3, 2005.

Included with this report is a fact sheet on each of the projects.

**3. Public Workshop**

The Delaware Department of Transportation (DelDOT) is holding a Public Workshop regarding the Statewide Rail to Trail Master Plan. The workshop is scheduled from 4:00 to 7:00 p.m. on Monday,

**March 21, 2005, at the Georgetown Train Station, 140 Layton Avenue, Georgetown, Delaware.**

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

**DelDOT is currently examining all unused and abandoned rail corridors statewide for potential re-use as bicycle-pedestrian pathways, commonly known as Rail-Trails. The study will prioritize recommendations for further development based upon various factors, including connectivity with other on- and off-road routes and destinations, as well as engineering considerations and public support. The resulting report will help guide future DelDOT planning and investment in this type of facility.**

**4. Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities**

**The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will be meeting on Monday, March 21, 2005, at 10:00 a.m. at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware. Included with this report is a copy of the agenda.**

**Insurance  
Program  
Update**

**Mr. Baker updated the Council on the status of the bidding the County's insurance policies for insurance coverage during Fiscal Years 2006, 2007, and 2008. He noted that, every three years, the County rebids its insurance coverage. The County has contracted with Insurance Buyers Council (IBC), an independent insurance consultant, to prepare the Request for Proposals (RFP) for insurance. The RFP is advertised requesting proposals from insurance companies. Mr. Baker reported that IBC is proceeding with their preparation of an RFP and will be completing their work at a cost of approximately \$18,800.00, which matches their costs three years ago for the same process. During Fiscal Year 2004, the County's insurance expense was \$998,719.00, which included workers compensation, property insurance, liability, faithful performance bonds, emergency dispatchers liability, law enforcement liability, auto insurance, and public officials and airport liability insurance. Mr. Baker will report back to the Council on the outcome of the RFP process.**

**Proposed  
Ordinance/  
Issuance of  
Bonds/  
West  
Rehoboth  
Sewer  
Project**

**Mr. Baker reviewed a Proposed Ordinance for introduction that would give the County the authority to issue refunding bonds for the West Rehoboth Sewer Project. In 1994, the County issued \$19 million of Revenue Bonds to partially finance the West Rehoboth Sewer Project. In 1995, after interest rates decreased, the County issued new bonds to refinance the 1994 bonds. Due to federal tax laws, the County has not been able to refinance these bonds even though interest rates have been low. As of September 16, 2005, the County will be able to pay off the 1995 bonds and issue new bonds, if it is economically feasible to do so. Mr. Baker noted that there is another option that may be considered – a Forward Purchase Agreement. The County has had an offer from one bond underwriter promising that the County would receive a lower rate, which would provide a substantial**

savings.

<b>Introduction of Proposed Ordinance</b>	<b>Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE REFUNDING BONDS OR GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE PURPOSE OF REFUNDING THE COUNTY’S WASTEWATER REVENUE REFUNDING BONDS (WEST REHOBOTH EXPANSION SEWER PROJECT) SERIES 1995 AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”. The Proposed Ordinance will be advertised for Public Hearing.</b>
<b>Introduction (continued)</b>	
<b>Public Hearing/ Fenwick Island SSD Extension/ Old Mill Bridge Road</b>	<b>A Public Hearing was held to consider extending the Fenwick Island Sanitary Sewer District (FISSD) to include lots 1, 2, 3, 4, and 5 of Mill Creek Acres subdivision, which is adjacent to and west of County Road 381, west of the Town of Fenwick Island. Mr. Archut, Assistant County Engineer, reported that the proposed expansion of the FISSD boundaries is within the boundaries. Mr. Archut also reported that the laterals are in place and ready for use. He noted that the property owners of these five lots contacted the County expressing their interest in being included in the sewer district. They will be required to pay system connection fees and an impact fee. Their annual bill would be approximately \$332.00 a year, based on the current rates. There were no public comments and the Public Hearing was closed.</b>
<b>M 167 05 Adopt Resolution No. R 011 05</b>	<b>A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Resolution No. R 011 05 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT TO ENCOMPASS LOTS 1, 2, 3, 4, AND 5 OF THE MILL CREEK ACRES SUBDIVISION, CONTIGUOUS TO THE FENWICK ISLAND SANITARY SEWER DISTRICT AND WEST OF THE TOWN OF FENWICK ISLAND, LYING WEST OF COUNTY ROAD 381, IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.</b>
	<b>Motion Adopted: 4 Yea, 1 Absent.</b>
	<b>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</b>
<b>Contract Amend-ment/ Design Proposal/ Miller Creek &amp; South Ocean</b>	<b>Mr. Archut, Assistant County Engineer, reviewed an amendment to a contract with Whitman, Requardt and Associates, LLP for the design of wastewater facilities, which will serve the Miller Creek and South Ocean View Sanitary Sewer Districts. Mr. Archut reported that the design would take approximately one year, after which construction would begin, and the system should be operational in 2007. The cost of the contract is \$732,603.00, which will be shared between Miller Creek (57%) and South Ocean View (43%) Sanitary Sewer Districts.</b>

**View  
SSD**

**Mr. Baker, Finance Director, reported that, last week, the Wastewater Advisory Council approved a SRF loan in the amount of \$4,800,000 for 30 years at 1 1/2 percent and a grant from the 21st Century Fund of \$2,850,000 for the South Ocean View portion of the project. The County will be providing a contribution in the amount of \$350,000.**

**M 168 05  
Approve  
Contract  
Amend-  
ment/  
Design  
Proposal/  
Miller  
Creek &  
South  
Ocean  
View  
SSD**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 29 to its Contract with Whitman, Requardt and Associates, LLP for the final design of the collection and conveyance systems for the Miller Creek and South Ocean View Sanitary Sewer Districts, subject to the review and approval of the funding agencies.**

**Motion Adopted: 4 Yea, 1 Absent.**

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

**Old  
Business/  
C/Z  
No. 1556  
and  
C/U  
No. 1568**

**The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS” (Change of Zone No. 1556) and “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT REPAIR AND ACCESSORY INSTALLATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS” (Conditional Use No. 1568) filed on behalf of Douglas W. Brockway.**

**The Planning and Zoning Commission held a Public Hearing on these applications on October 21, 2004 at which time they deferred action. On November 18, 2004, the Commission recommended that the applications be approved.**

**(See the minutes of the Planning and Zoning Commission dated October 21 and November 18, 2004 for additional information on the applications, 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 previously admitted as part of the County Council’s record.**

**The County Council held Public Hearings on these applications on**

November 16, 2004 at which time they deferred action. The record was left open for an opinion from Vincent Robinson, Assistant County Attorney, regarding the use of Penny Lane. Upon receipt of the opinion from the County Attorney, the record remained open for thirty days for the applicant to respond to Mr. Vincent's opinion.

**M 169 05**  
**Adopt**  
**Ordinance**  
**No. 1758**  
**(C/Z**  
**No. 1556)**

A Motion was made by Mr. Dukes seconded by Mr. Phillips, to adopt Ordinance No. 1758 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS" (Change of Zone No. 1556).

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 170 05**  
**Adopt**  
**Ordinance**  
**No. 1759**  
**(C/U**  
**No. 1568)**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adopt Ordinance No. 1759 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT REPAIR AND ACCESSORY INSTALLATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS" (Conditional Use No. 1568) filed on behalf of Douglas W. Brockway, with the following conditions:

1. The site plan shall be subject to all appropriate agency approvals.
2. The facility will be open during daylight hours only.
3. There shall be no more than four (4) boats on the site at any given time.
4. Aside from boats owned by the Applicant, there shall not be any boats stored on the property other than those that are being worked on as part of the Applicant's business.
5. Security lighting on the site shall use lights that are directed away from any neighboring properties.
6. There shall be a landscape screening buffer of Leyland Cypress or similar vegetation planted along Penny Lane. The plants shall be of a height of at least 5-feet at planting.
7. There is currently litigation over the right to use Penny Lane by the Applicant. Until that litigation is resolved in favor of the Applicant, there shall not be any access to the business that is the subject of this application from Penny Lane. Instead, access for the Conditional Use shall be from County Road 288.



**Motion Adopted: 4 Yea, 1 Absent.**

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

**Grants**

**Mr. Stickels presented grant requests for the Council's consideration.**

**M 171 05  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$800.00 (\$160.00 from each Councilmanic Account) to Sussex Central High School for the Minority Leadership Alliance basketball game fundraiser.**

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 172 05  
Council-  
manic  
Grant**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$300.00 (\$60.00 from each Councilmanic Account) to the Georgetown Historical Society for the Marvel Carriage Museum Carriage Show.**

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 173 05  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from each Councilmanic Account) to First State Community Action Agency for the Screening for Life "Awareness Night".**

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 174 05  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$200.00 (\$100.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Accounts) to the Laurel Alumni Foundation for scholarship funding.**

**Motion Adopted: 4 Yea, 1 Absent.**

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

**M 175 05**

**A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give**

**Councilmanic Grant**                    **\$1,000.00 (\$500.00 from Mr. Cole's Councilmanic Account and \$125.00 each from Mr. Dukes', Mr. Jones', Mr. Phillips' and Mr. Rogers' Councilmanic Accounts) to the Dagsboro Church of God for the July 4th Family Day Celebration.**

**Motion Adopted:        3 Yea, 1 Abstention, 1 Absent.**

**M 175 05**                    **Vote by Roll Call:    Mr. Phillips, Yea; Mr. Cole, Absent;**  
**(continued)**                    **Mr. Dukes, Abstained; Mr. Rogers, Yea;**  
   **Mr. Jones, Yea**

**M 176 05**                    **A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$500.00**  
**Youth**                    **(\$250.00 each from Mr. Cole's and Mr. Rogers' Youth Activity Grant**  
**Activity**                    **Accounts) to the Henlopen Soccer Club for operating expenses.**  
**Grant**

**Motion Adopted:        4 Yea, 1 Absent.**

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

**M 177 05**                    **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$100.00**  
**Councilmanic**                    **from Mr. Jones' Councilmanic Account to the Slam Softball Team for team**  
**Grant**                    **sponsorship.**

**Motion Adopted:        4 Yea, 1 Absent.**

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

**Public**                    **Mr. Dan Kramer addressed Council regarding (1) the grant to the**  
**Comments**                    **Dagsboro Church of God and (2) the State's proposal to assign dog control**  
   **to the three counties.**

**Public**                    **A Public Hearing was held on the Proposed Ordinance entitled "AN**  
**Hearing**                    **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**(C/U**                    **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL**  
**No. 1588)**                    **ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN**  
   **PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,**  
   **SUSSEX COUNTY, CONTAINING 43,101 SQUARE FEET, MORE OR**  
   **LESS" (Conditional Use No. 1588) filed on behalf of Leroy and Jo Ann**  
   **Marvel.**

**The Planning and Zoning Commission held a Public Hearing on this application on February 10, 2005 at which time they recommended that the application be approved with conditions.**

**(See the minutes of the Planning and Zoning Commission dated February**

10, 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.

**Public  
Hearing  
(C/U  
No. 1588)  
(continued)**

The Council found that Leroy and Tom Marvel were present on behalf of their application and requested permission to repair lawn mowers and small engines. They stated that they do not plan any expansion of the business.

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

**M 178 05  
Adopt  
Ordinance  
No. 1760  
(C/U  
No. 1588)**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Ordinance No. 1760 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 43,101 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1588) filed on behalf of Leroy and Jo Ann Marvel, with the following conditions:

1. The outside storage shall be enlarged and screened from view.
2. There shall be no hired employees.
3. Business hours shall be from 9:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturdays. There shall be no Sunday business hours.
4. There shall be no retail sales.
5. Signage shall be limited to the existing sign on the premises.
6. 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, Absent;  
Mr. Dukes, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea**

**Public  
Hearing  
(C/U  
No. 1589)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22,285 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1589) filed on behalf of Delmar Homes, Inc.

The Planning and Zoning Commission held a Public Hearing on this

application on February 10, 2005 at which time they recommended that the application be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated February 10, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

**Public  
Hearing  
(C/U  
No. 1589)  
(continued)**

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 Harold Truxon, Vice President of Delmar Homes, was present on behalf of the application. He stated that Hopkins Construction has laid pipe to hook up the eight mobile homes on Parcel 44; that the dwelling on Parcel 45 will be hooked up some time this week; and that DNREC and the County have approved the hook-ups for the eight mobile homes.

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

**M 179 05  
Adopt  
Ordinance  
No. 1761  
(C/U  
No. 1589)**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1761 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22,285 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1589) filed on behalf of Delmar Homes, Inc., with the following conditions:

1. The common shared border between the two parcels shall be eliminated and the parcels combined since it is proposed that the two (2) units be an addition to the mobile home park on Parcel 44.
2. The site plan shall comply with Article XXIV, Section 115-172 G of Chapter 115 of the Zoning Ordinance.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

**Motion Adopted:** 4 Yea, 1 Absent.

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

**Public  
Hearing  
(C/U  
No. 1590)**

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 MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX

**COUNTY, CONTAINING 1.6716 ACRES, MORE OR LESS” (Conditional Use No. 1590) filed on behalf of Peninsula Oil Co., Inc.**

**The Planning and Zoning Commission held a Public Hearing on this application on February 10, 2005 at which time they recommended that the application be approved with conditions.**

**Public  
Hearing  
(C/U  
No. 1590)  
(continued)**

**(See the minutes of the Planning and Zoning Commission dated February 10, 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 John Willey, owner of Peninsula Oil Co., Inc. and Ken Christenbury of River Basin Engineering were present on behalf of the application. Mr. Christenbury stated that, upon approval, he would submit a revised draft of the preliminary site plan showing that the stormwater will be relocated to the rear and proper fencing added. He noted that the remaining two tanks would be enclosed by fencing and that the conditions proposed by the Commission are agreeable to the applicant.**

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

**M 180 05  
Adopt  
Ordinance  
No. 1762  
(C/U  
No. 1590)**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1762 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.6716 ACRES, MORE OR LESS” (Conditional Use No. 1590) filed on behalf of Peninsula Oil Co., Inc., with the following conditions:**

- 1. The entrance shall be designed to provide adequate access to the site with adequate turning radius for the delivery trucks and shall be subject to review and approval by DelDOT.**
- 2. There shall not be any building contractors or subcontractors offices or workshops within the project.**
- 3. There shall not be any storage of building materials or other construction materials within the project.**
- 4. Any security lights shall be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.**
- 5. There shall be no outside storage on the premises.**
- 6. Access to the gate by tenants of the self-storage facility shall only be between the hours of 7:00 a.m. to 9:00 p.m.**
- 7. The driveway and parking areas shall be stoned or paved.**
- 8. The stormwater management facilities shall be relocated away from the**

**front of the site.**

- 9. The perimeter of the site shall be fenced and shall be subject to location approval by the Planning and Zoning Commission.**
- 10. The site plan shall be subject to review and approval by the Planning and Zoning Commission.**

**Motion Adopted: 4 Yea, 1 Absent.**

**M 180 05  
(continued)**

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

**M 181 05  
Adjourn**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 8:15 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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