



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 14, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 14, 2012, at 1:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Susan M. Webb	Finance Director
Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 098 12
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Job Applicants' Qualifications" and "Pending/Potential Litigation" under "Executive Session"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of January 31, 2012 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELAWARE STORM SOFTBALL TEAM, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

FAMILIES IN CRISIS CONFERENCE, SEAFORD, DELAWARE.

RE: Letter in appreciation of grant.

Cancel Meeting

Mr. Lawson recommended the cancellation of the February 21, 2012 Council meeting due to a light schedule/agenda.

M 099 12

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to authorize the cancellation of the February 21, 2012 Council meeting.

M 099 12 Authorize Meeting

Motion Adopted: 5 Yeas.

Meeting Cancellation (continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Administrator's Report

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

1. Sussex County Emergency Operations Center Call Statistics

The Sussex County Emergency Operations Center Fire and Ambulance Callboard call statistics for January 2012 are attached. The call center handled 14,083 total calls, of which 8,049 were 9-1-1 calls.

2. Sussex County Emergency Medical Services Awards

On February 10, 2012, four Sussex County paramedics were honored by the Nanticoke Rotary Club of Seaford during their annual service awards held at Heritage Shores in Bridgeville. Paramedics Donna Rash, Bonnie O'Bier, Cliff Neidig, and Paul Stillman were honored. Each recipient was nominated by their respective supervisor and voted on by their shift. Congratulations to this year's recipients, and thank you to the Rotary Club for their continued support.

Demolition of Structures on 111 E. Pine Street

Hal Godwin, Deputy County Administrator, advised that on January 3, 2012, the Council directed the Administrator and staff to follow through with a demolition permit for County-owned property at 115 East Pine Street in Georgetown; the structure was removed from the property on January 26, 2012. Mr. Godwin stated that the County's plan has been to expand the existing parking lot on East Pine Street to the two properties purchased by the County (115 and 111 East Pine Street).

Mr. Godwin reported that on February 15th, the Georgetown Planning Commission will consider a request from the County to demolish the structures on 111 E. Pine Street.

M 100 12 Authorize Staff to

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council directs the County Administrator and staff to pursue permission from the Town of Georgetown to remove all buildings from

Pursue Demolition of Structures on 111 E. Pine Street

County-owned property at 111 E. Pine Street in Georgetown and to develop plans with cost estimates to expand County parking facilities on this property and the adjoining property (115 East Pine Street).

Motion Adopted: 5 Yeas.

M 100 12 (continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Grant Request

Mrs. Webb presented a grant request for the Council’s consideration.

M 101 12 Community Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 (\$200.00 from each Community Grant Account) to Changing Fates Equine Rescue of Delaware for the rehabilitation of horses.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Introduction of Proposed Ordinances

Mrs. Deaver 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 GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.90 ACRES, MORE OR LESS” (Change of Zone No. 1712) filed on behalf of Captain’s Way Development, LLC.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.954 ACRES, MORE OR LESS” (Change of Zone No. 1713) filed on behalf of Weller’s Utility Trailers.

Mr. Cole 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.61 ACRES, MORE OR LESS” (Change of Zone No. 1714) filed on behalf of William F. Godwin, Jr.

The Proposed Ordinances will be advertised for Public Hearing.

There was no additional business.

M 102 12 At 1:12 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to
Go Into recess the Regular Session and to go into Executive Session for the purpose of
E/S discussing issues relating to personnel and land acquisition.

M 102 12 Motion Adopted: 5 Yeas.

Go Into
Executive Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Session Mr. Phillips, Yea; Mr. Wilson, Yea;
(continued) Mr. Vincent, Yea

Executive At 1:15 p.m., an Executive Session of the Sussex County Council was held in
Session the County Council Caucus Room for the purpose of discussing issues
relating to personnel and land acquisition. The Executive Session
concluded at 1:40 p.m.

M 103 12 At 1:41 p.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver,
Reconvene to come out of Executive Session and to reconvene the Regular Session.

Regular Motion Adopted: 5 Yeas.
Session

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Executive Mr. Moore announced that no action was required on Executive Session
Session items.
Action

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 BY AMENDING
No. 1921 CONDITION NO. 2 AND NO. 3 OF ORDINANCE NO. 2055
(CONDITIONAL USE NO. 1765) TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED,
SUSSEX COUNTY, CONTAINING 38,054 SQUARE FEET, MORE OR
LESS” (Conditional Use No. 1921) filed on behalf of Judith Folmsbee.

Shane Abbott, Assistant Director of Planning and Zoning, reported that the
Planning and Zoning Commission held a Public Hearing on this application
on January 26, 2012 at which time the Commission deferred action. On
February 9, 2012, the Commission recommended that the application be
denied.

(See the minutes of the Planning and Zoning Commission dated January 26
and February 9, 2012.)

Mr. Abbot read a summary of the Commission’s Public Hearing.

**Public
Hearing/
C/U
No. 1921
(continued)**

The Council found that Judith Folmsbee was present and she stated that she has owned the property since 1981; that in 2009, there were three kitchens in the house and they obtained a Conditional Use approval for a multi-family dwelling structure (3 units) contingent on conditions (1 - Only three units shall be constructed upon the property, within the existing structure; 2 -The units shall only be occupied by the Applicants and their family members; 3 - In the event the real estate is sold or transferred, this Conditional Use shall terminate; 4 - The Applicant shall confirm that septic approval has been received from DNREC prior to Final Site Plan approval; and 5 -The site plan shall be subject to the approval of the Planning and Zoning Commission.); that, at that time, the house was set up as multi-generational; that, now, she and her daughter are the only ones living in the house; that she has now listed the property for sale; that she is requesting to amend or delete Conditions No. 2 and No. 3 (Ordinance No. 2055) so that she can market the property as a rental; that each unit has separate access and can be accessed either inside or outside; and that there are currently five bedrooms.

In response to a question raised by Mr. Cole, Mr. Abbott stated that the septic inspection report states that a 1,000 gallon tank exists; however, there was no reference to the number of units.

Public comments were heard.

Betty Lewis Kasperski, a Realtor, stated that she is the listing realtor on the property; that the house consists of 3 contiguous units; that the septic capacity is acceptable; that she questions how they can market the property and determine the value; that it is not an income-producing property; that the current use should pass on to a new property owner; and that the use does not have a negative impact on the surrounding area.

There were no additional public comments.

The Public Hearing was closed and the public record was closed.

Mr. Cole stated that, if the Council approves the application, a condition of approval should be that the house shall not have in excess of 5 bedrooms.

Mr. Phillips requested that legal staff develop proposed conditions of approval.

**M 104 12
Defer
Action on
C/U
No. 1921**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on Conditional Use No. 1921 filed on behalf of Judith Folmsbee so that staff can develop proposed conditions of approval referencing the number of bedrooms and striking concerns about family-related issues.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Public
Hearing/**

**Public
Hearing/
C/Z**

**No. 1711
(continued)**

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 AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1185 ACRES, MORE OR LESS” (Change of Zone No. 1711) filed on behalf of James Moses.

Shane Abbott, Assistant Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on January 26, 2012 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated January 26, 2012.)

Mr. Abbot read a summary of the Commission’s Public Hearing.

Mr. Moses distributed Exhibit Booklets to the Council members.

The Council found James Moses was present and he stated that he wants to use the full parcel for commercial purposes; that the split zoning creates a hardship; that to use the property for commercial purposes, there is a need for stormwater management, proper parking, proper safe entrance, etc. and the use of the entire parcel would permit this; that he has talked to DelDOT and needs to resolve an issue with DelDOT in regard to the corner of the lot; that he is willing to resolve the issue with DelDOT; and that he has talked with neighbors and letters of support are included in the Exhibit Booklet.

There were no public comments.

The Public Hearing was closed and the public record was closed.

**M 105 12
Adopt
Ordinance
No. 2241
(C/Z
No. 1711)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2241 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1185 ACRES, MORE OR LESS” (Change of Zone No. 1711) filed on behalf of James Moses.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 106 12
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at
2:18 p.m.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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