

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 3, 2012**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 3, 2012, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**Mr. Vincent welcomed back Councilman Phillips.**

**M 001 12  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda by deleting “Job Applicants’ Qualifications” and “Land Acquisition” 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**

**Election of  
Officers**

**Mr. Vincent opened the floor up for nominations for the office of President.**

**M 002 12  
Nominate  
and  
Appoint  
President**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to nominate Michael Vincent to serve as President of the Sussex County Council for the Year 2012; to close the nominations; and to appoint Michael Vincent as President of the Sussex County Council for the Year 2012.**

**Motion Adopted: 5 Yeas.**

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

**Elections  
(continued)**      **Mr. Vincent opened the floor up for nominations for the office of Vice President.**

**M 003 12**      **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to nominate**  
**Nominate**      **Samuel Wilson to serve as Vice President of the Sussex County Council for**  
**and**      **the Year 2012; to close the nominations; and to appoint Samuel Wilson as**  
**Appoint**      **Vice President of the Sussex County Council for the Year 2012.**  
**Vice**  
**President**

**Motion Adopted:      5 Yeas.**

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

**Appoint-**      **Mr. Lawson reviewed the Committee and Board appointments that were**  
**ments**      **made in 2011: Michael Vincent as the Council's representative on the**  
                 **Delaware League of Local Governments; George Cole as the Council's**  
                 **representative on the National Association of Counties Board of Directors;**  
                 **Joan Deaver as the Council's representative on the Pension Committee;**  
                 **Sam Wilson as the Council's representative on the Sussex Conservation**  
                 **District Board of Directors; Sam Wilson as the Council's representative on**  
                 **the Sussex County Airport Committee; and Joan Deaver and Michael**  
                 **Vincent as the Council's representatives on the Sussex County Land Trust.**

**Mr. Lawson noted that in accordance with a recently adopted ordinance,**  
**the Council will not have representation on the Pension Committee.**

**M 004 12**      **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to appoint**  
**Approve**      **Michael Vincent as the Council's representative on the Delaware League of**  
**2012**      **Local Governments; George Cole as the Council's representative on the**  
**Appoint-**      **National Association of Counties Board of Directors; Sam Wilson as the**  
**ments**      **Council's representative on the Sussex Conservation District Board of**  
                 **Directors; Sam Wilson as the Council's representative on the Sussex**  
                 **County Airport Committee; and Joan Deaver and Michael Vincent as the**  
                 **Council's representatives on the Sussex County Land Trust for the**  
                 **Calendar Year 2012.**

**Motion Adopted:      5 Yeas.**

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

**Appoint-**      **Mr. Lawson reviewed the proposed legal appointments for the Calendar**  
**ments**      **Year 2012.**

**M 005 12**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reappoint**  
**Appoint-**      **the firm of Moore and Rutt, P.A. as the County's lead legal counsel; the**  
**ments**      **firm of Griffin & Hackett, P.A. as counsel for Planning and Zoning; and the**

<b>M 005 12</b> <b>Approve</b> <b>Legal</b> <b>Approve-</b> <b>ments</b> <b>(continued)</b>	<b>firm of Moore &amp; Rutt, P.A. as counsel for the Board of Adjustment.</b>  <b>Motion Adopted: 5 Yeas.</b>  <b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;</b> <b>Mr. Phillips, Yea; Mr. Wilson, Yea;</b> <b>Mr. Vincent, Yea</b>
<b>Rules of</b> <b>Procedure</b>	<b>The Council discussed the Rules of Procedure, which need to be adopted each year.</b>
<b>Speakers</b> <b>Sign-In</b> <b>Sheet</b>	<b>Mrs. Deaver commented on the Additional Business portion of the Council meetings and the requirement that speakers sign up to speak and include the topic they wish to discuss.</b>
<b>M 006 12</b> <b>Amend</b> <b>Speakers</b> <b>Sign-In</b> <b>Sheet</b>	<b>A Motion was made by Mrs. Deaver that persons wishing to speak under Additional Business will not be required to write down their topic of discussion on the Sign-In Sheet; however, the Sign-In Sheet is to state that comments will be limited to Sussex County business.</b>  <b>Mr. Cole suggested that an announcement be made at the beginning of the meeting informing the attendees of the Additional Business portion of the meeting.</b>  <b>No action was taken on Mrs. Deaver's Motion although there was a consensus of the Council to amend the Sign-In Sheet for Additional Business, as recommended.</b>
<b>M 007 12</b> <b>Adopt</b> <b>Rules of</b> <b>Procedure</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adopt the Rules of Procedure.</b>  <b>Motion Adopted: 5 Yeas.</b>  <b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;</b> <b>Mr. Phillips, Yea; Mr. Wilson, Yea;</b> <b>Mr. Vincent, Yea</b>
<b>Approve</b> <b>Minutes</b>	<b>The minutes of December 6 and 13, 2011 were approved by consent.</b>
<b>Corre-</b> <b>spondence</b>	<b>Mr. Moore read the following correspondence:</b>  <b>REV. DALE BROWN, UNION UNITED METHODIST CHURCH FOOD PANTRY, BRIDGEVILLE, DELAWARE.</b> <b>RE: Letter in appreciation of the food donation following the Annual Caroling on The Circle food drive.</b>  <b>BOYS &amp; GIRLS CLUBS OF DELAWARE, WILMINGTON, DELAWARE.</b> <b>RE: Letter in appreciation of Human Service Grant.</b>

**Corre-  
spondence  
(continued)**

**SUSSEX FAMILY YMCA, YMCA OF DELAWARE, WILMINGTON,  
DELAWARE**

**RE: Letter in appreciation of Human Service Grant.**

**GOOD SAMARITAN AID, LAUREL, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**KENT SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**ALZHEIMER'S ASSOCIATION, NEWPORT, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**READING ASSIST INSTITUTE, WILMINGTON, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**LEWES SENIOR CENTER, INC., LEWES, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**MILFORD SENIOR CENTER, INC., MILFORD, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**DELAWARE ADOLESCENT PROGRAM, INC., SEAFORD,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**RONALD MCDONALD HOUSE, WILMINGTON, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**EASTER SEALS DISABILITY SERVICES, GEORGETOWN,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**JUNIOR ACHIEVEMENT OF DELAWARE, INC., WILMINGTON,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**EL CENTRO CULTURAL, INC., GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**DELAWARE GUIDANCE SERVICES, LEWES, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**Corre-  
spondence  
(continued)**

**PEOPLES PLACE, MILFORD, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**THE WAY HOME, INC., GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**CAPE HENLOPEN FOOD BASKET, NASSAU, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**CATHOLIC CHARITIES, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**SUSSEX PREGNANCY CARE CENTER, GEORGETOWN,  
DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**COVERDALE CROSSROADS COMMUNITY COUNCIL,  
BRIDGEVILLE, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**LA ESPERANZA, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**WEST SIDE NEW BEGINNINGS, WEST REHOBOTH CHILDREN AND  
YOUTH PROGRAM, REHOBOTH, DELAWARE.**

**RE: Letter to Councilman Cole in appreciation of grant.**

**REHOBOTH ART LEAGUE, REHOBOTH BEACH, DELAWARE.**

**RE: Letter to Councilman Cole in appreciation of grant.**

**REHOBOTH BEACH HISTORICAL SOCIETY AND MUSEUM,  
REHOBOTH BEACH, DELAWARE.**

**RE: Letter to Councilman Cole in appreciation of grant.**

**Mrs. Deaver announced that she continues to receive letters asking the Council for help in opposing the Tidewater rate increase. She stated that she will forward the letters to the Public Service Commission.**

**Thanks  
Expressed  
by Vance  
Phillips**

**Mr. Phillips thanked “everyone who has been of great support and encouragement for the last two months in my absence” (during his recuperation from injuries sustained in a single engine plane crash in Virginia on October 30, 2011).**

<b>Employee of the Year</b>	<p>The Council recognized Shari L. Collins, Employee of the Year. Mrs. Collins was recognized during the annual Mildred King Luncheon on December 9, 2011. Shari started with the County in 2001 in the Recorder of Deeds Office and in 2008, she transferred to the Emergency Medical Services Department where she currently serves as an Administrative Clerk.</p>
<b>Bond Rating</b>	<p>Mr. Lawson reported that Standard &amp; Poor's rating services has raised its rating on Sussex County, Delaware's General Obligation Bonds to AA+ from AA, the highest AA rating. The rating increase was due to the resilient local economy with below average unemployment rates during a protracted national recession. The one notch upgrade also reflects the County's strong financial performance which has been supported by a stable stream of property tax revenues. Mr. Lawson stated that this news is especially significant in light of the economy and heightened focus on credit quality; this upgrade is very rare. The County's team, including Finance Director Susan Webb and Retired County Administrator David Baker are to be commended.</p>
<b>Administrator's Report</b>	<p>Mr. Lawson read the following information in his County Administrator's Report:</p> <ol style="list-style-type: none"><li><p><b><u>Sussex County Council vs. DNREC Court Case</u></b></p><p>On Thursday, December 29, 2011, the Delaware Supreme Court issued its decision on the suit of Sussex County Council vs. DNREC. The court affirmed the Superior Court's decision striking down DNREC's Pollution Control Strategy regulations that attempted to establish buffer zones contrary to those established by the County. This decision affirms the County's position and rejects attempts by DNREC and any other State agency attempting to regulate land use in any county or municipality which has home rule.</p></li><li><p><b><u>DEDO Business Grassroots Plus</u></b></p><p>Beginning in January, the Delaware Economic Development Office will host business grassroots sessions at the Georgetown Public Library for anyone to attend that include:</p><p><b><u>January 3</u></b>      2:00 – 3:00 p.m. How to Apply for a Job If You Have a Criminal or Challenged Background</p><p><b><u>January 13</u></b>    1:00 – 2:00 p.m. How to Start a Business in Delaware with Limited or No Funding</p></li></ol>

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

**2:00 – 3:00 p.m.**

**The Delaware Economic Development Office Can  
Help Your Business**

**3:00 – 4:00 p.m.**

**Are You Really Cut Out to be an Entrepreneur?**

**January 20**

**1:00 – 2:00 p.m.**

**What You Want and Need to Know About Your  
Money**

**2:00 – 3:00 p.m.**

**If I Can Do It, Anybody Can Do It!**

**3. Travis Sirman**

We regret to inform you that Travis Sirman, County pensioner, passed away on December 13, 2011. Travis worked as a Secretary II with the County's Library Department. She was employed with Sussex County from October 1981 to October 2004.

**4. Anthony "Pete" Hazzard**

We also regret to inform you that Anthony "Petey" Hazzard passed away on January 1, 2012. Petey was hired with the County on December 3, 1979, as a Carpenter's Helper under the C.E.T.A program. He then was transferred to Maintenance at the Airport. He retired from the County on December 3, 2009, with 30 years of service as a Maintenance Worker II. Funeral services information is pending.

**Bank  
Accounts  
Recommen-  
dation**

Mrs. Webb presented a Proposed Bank Resolution for the Council's consideration and she explained that typically, in January, new Bank Resolutions are needed for all the County's bank accounts. However, since the President and Vice President will remain the same in 2012 as in 2011, all new Resolutions are not needed. Mrs. Webb reported that only one Resolution is needed. Mrs. Webb recommended moving two accounts from PNC to M&T Bank as M&T Bank will pay a higher rate.

**M 008 12  
Adopt  
R 001 12**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 001 12 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH M & T BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

**Motion Adopted: 5 Yeas.**

**M 008 12  
(continued)**

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

**Industrial  
Park  
Sublease/  
William  
Briedis  
to  
Mark  
Allen**

Jim Hickin, Director of Airport and Industrial Park, presented a request from a tenant at the Industrial Park (William Briedis - California Closets) to sublease a portion of the property he leases from the County to Mark Allen. If approved, Mr. Allen will sublease a 50 foot by 60 foot building to operate a fleet vehicle repair service where he anticipates employing five people. Most of the vehicle repair work will be done off-site, with the building being used as a base of operations. The business will operate as MAR Fleet Services LLC, a Richard Petty Fleet Services Dealer.

In response to questions raised by Mr. Cole, it was noted that since this is a current lease, there is no opportunity to increase the rent at this time. Mr. Moore stated that, in the future, the County is proposing to change lease agreements to permit the renegotiation of terms.

**M 009 12  
Approve  
Industrial  
Park  
Sublease/  
William  
Briedis  
to Mark  
Allen**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the use of Lot 20B at the Sussex County Industrial Airpark for the operation of a vehicle fleet repair service and consents to William Briedis entering into a Commercial Lease Agreement with Mark Allen for the use of Lot 20B.

**Motion Adopted:** 5 Yeas.

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

**Inland  
Bays RWF/  
Change  
Order**

Bob Jones, Project Engineer, presented and reviewed Change Order No. 6 in the credit amount of \$12,672.00 for Sussex County Project No. 09-19, Inland Bays Regional Wastewater Facility, Phase 1 Expansion. The contractor for the project is Whiting Turner.

**M 010 12  
Approve  
Change  
Order/  
Inland  
Bays RWF**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 6 for Sussex County Project No. 09-19, Inland Bays Regional Wastewater Facility, Phase 1 Expansion, be approved in the credit amount of \$12,672.00, which decreases the contract total to \$12,832,436.80, contingent upon the receipt of approval from the funding agencies.

**Motion Adopted:** 5 Yeas.

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



**Rehabilitate Rudder Lane Project**      **Bob Jones, Project Engineer, presented and reviewed Change Order No. 1 in the amount of \$62,866.64 for Sussex County Project No. 10-07, Rehabilitate Rudder Lane. The contractor for the project is David A. Bramble, Inc.**

**M 011 12 Approve Change Order/ Rehabilitate Rudder Lane Project**      **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department that the Balancing Change Order for Sussex County Contract No. 10-07, Rehabilitate Rudder Lane with David A. Bramble, Inc. be approved, which decreases the Contract by the amount of \$11,775.86 for a new contract total of \$62,866.64; that Substantial Completion is granted effective October 5, 2011; and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**

**Motion Adopted:      5 Yeas.**

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

**Old Business/ C/U No. 1905**      **Under Old Business, the Council discussed Conditional Use No. 1905 filed on behalf of West Rehoboth Community Land Trust.**

**The Planning and Zoning Commission held a Public Hearing on this application on July 14, 2011 at which time action was deferred. On July 28, 2011, the Commission deferred action again. On September 8, 2011, the Commission recommended approval of Conditional Use No. 1905 with the following conditions:**

- A. This recommendation is contingent upon the approval of a variance from the Sussex County Board of Adjustment to allow two (2) multi-family dwelling units on the subject property. If such a variance is not granted, this recommendation is null and void. This recommendation should not be viewed as making a determination as to whether a hardship or exceptional practical difficulty exists sufficient to grant a variance. Such determination is the responsibility of the Board of Adjustment.**
- B. Only two (2) units shall be constructed upon the property.**
- C. The project shall be subject to the approval of the Sussex County Engineering Department. The Applicant shall be required to design, fund and construct any upgrades to the County sewer system that are necessary to serve the two (2) units.**
- D. The building shall be designed to resemble a single family dwelling. An example of this would be a separation of the entrances so that no two (2) entrances are on the same side of the units.**
- E. At the time of site plan approval, the Applicant shall also submit front, side, and rear elevation drawings of the building to the Planning and Zoning Commission.**

**Old  
Business/  
C/U  
No. 1905  
(continued)**

- F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The site plan shall include designated parking spaces that do not require a resident to back directly onto the adjacent street.**

**The County Council held a Public Hearing on this application on August 2, 2011 at which time action was deferred.**

**Lawrence Lank, Director of Planning and Zoning, pointed out that the Commission's recommendation of approval was contingent on the approval of a variance by the Board of Adjustment and he advised that the Board denied the variance.**

**M 012 12  
Adopt  
Proposed  
Ordinance/  
C/U  
No. 1905  
  
DENIED**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6,986.70 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1905) filed on behalf of West Rehoboth Community Land Trust.**

**Motion Denied: 5 Nays.**

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

**Old  
Business/  
C/U  
No. 1891**

**The Council discussed Conditional Use No. 1891 filed on behalf of Juan Santay Ajanel.**

**The Planning and Zoning Commission held a Public Hearing on this application on April 28, 2011 at which time action was deferred. On May 26, 2011 the Commission recommended that the application be denied.**

**The County Council held a Public Hearing on this application on May 17, 2011 at which time action was deferred. It was noted that the Applicant was not present during the Public Hearing before the County Council and therefore, there was no record.**

**Lawrence Lank, Director of Planning and Zoning, advised that the Council could have denied the application on May 17, 2011 since the Applicant failed to appear and there was no record.**

**M 013 12  
Adopt  
C/U 1891**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SUBCONTRACTED TRUCK**

- M 013 12**  
**Adopt**  
**Proposed**  
**Ordinance/**  
**C/U**  
**No. 1891**  
**(continued)**
- TRAILERS AND LOCAL HAULING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.717 ACRES, MORE OR LESS” (Conditional Use No. 1891) filed on behalf of Juan Santay Ajanel.**
- Motion Denied: 5 Nays.**
- DENIED**
- Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay; Mr. Phillips, Nay; Mr. Wilson, Nay; Mr. Vincent, Nay**
- Grant**  
**Requests**
- Mrs. Webb presented grant requests for the Council’s consideration.**
- M 014 12**  
**Community**  
**Grant**
- A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,500.00 (\$1,250.00 each from Mr. Cole’s and Mr. Phillips’ Community Grant Accounts) to the Lower Sussex Little League for upgrading and installing batting cages.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 015 12**  
**Community**  
**Grant**
- A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 from Mr. Vincent’s Community Grant Account to Nanticoke Health Services for the Prescription Drug Fund.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 016 12**  
**Community**  
**Grant**
- A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$2,500.00 from Mr. Wilson’s Community Grant Account to the Historic Georgetown Association to restore Georgetown’s First Firehouse.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 017 12**  
**Community**  
**Grant**
- A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$750.00 (\$500.00 from Mr. Vincent’s Community Grant Account and \$250.00 from Mr. Phillips’ Community Grant Account) to the Centenary Food Pantry for operating costs.**

**M 017 12  
(continued)**

**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**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWN CARE AND MAINTENANCE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.51 ACRES, MORE OR LESS” (Conditional Use No. 1922) filed on behalf of Edgar Polite.**

**Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 35,000 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1923) filed on behalf of Donna Massey.**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Additional  
Business**

**Under Additional Business, Ed Funk discussed crime in the County and the need for additional protection, especially for seniors.**

**Under Additional Business, Carol Somers of the Sussex County League of Women Voters stated that the time is approaching when the County’s Land Use Plan will have to be reviewed and she stated that the position of Land Use Planner is still vacant.**

**Under Additional Business, Mr. Cole referenced the County’s Ordinance relating to garage apartments and he questioned why the Ordinance does not apply to the GR District. In response to Mr. Cole’s questions, Mr. Lank stated that the Ordinance references the AR and MR districts and he stated that there is no reason why it cannot include the GR District (although any application would have to go to the Board of Adjustment through the Public Hearing process). The Council directed staff to prepare a Draft Ordinance to include the GR District in the Ordinance relating to garage apartments. Mr. Lank stated that a Draft/Proposed Ordinance will have to go through the Public Hearing process before the Planning and Zoning Commission and the Sussex County Council.**

**Under Additional Business, Mrs. Deaver stated that there is no historic preservation ordinance at this time; that a draft was discussed in 2009 and placed on the County’s website for comment; and that if there was a lot of support, she would introduce a historic preservation ordinance. Mr. Cole**

<b>Additional Business (continued)</b>	<p>stated that the draft should be re-circulated to the Council members.</p> <p>Under Additional Business, Lawrence Lank, Director of Planning and Zoning, referenced his previous comments on the lack of a presentation by an Applicant and he advised the Council members of Chapter 115, Article XXVIII, Section 115-216 (F) of the Sussex County Code which applies to Conditional Use and Change of Zone applications: “Failure to appear. If a petitioner, applicant or appellant fails to appear, or appear by agent, or fails to withdraw his application as provided for in Subsection E hereof, a petition requesting an amendment, supplement or change substantially similar shall not be reconsidered sooner than one year after the previous failure to appear or failure to withdraw.”</p>
<b>M 018 12 Go Into Executive Session</b>	<p>At 11:07 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel and pending/potential litigation.</p> <p><b>Motion Adopted:     5 Yeas.</b></p> <p><b>Vote by Roll Call:     Mrs. Deaver, Yea; Mr. Cole, Yea;                                  Mr. Phillips, Yea; Mr. Wilson, Yea;                                  Mr. Vincent, Yea</b></p>
<b>Executive Session</b>	<p>At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Office of the County Administrator for the purpose of discussing issues relating to personnel and pending/potential litigation. The Executive Session concluded at 11:48 a.m.</p>
<b>M 019 12 Reconvene Regular Session</b>	<p>At 11:50 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.</p> <p><b>Motion Adopted:     5 Yeas.</b></p> <p><b>Vote by Roll Call:     Mrs. Deaver, Yea; Mr. Cole, Yea;                                  Mr. Phillips, Yea; Mr. Wilson, Yea;                                  Mr. Vincent, Yea</b></p>
<b>M 020 12 Proceed with Demolition of 115 E. Pine Street</b>	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to authorize the County to proceed with the demolition of 115 E. Pine Street in Georgetown.</p> <p><b>Motion Adopted:     5 Yeas.</b></p> <p><b>Vote by Roll Call:     Mrs. Deaver, Yea; Mr. Cole, Yea;                                  Mr. Phillips, Yea; Mr. Wilson, Yea;                                  Mr. Vincent, Yea</b></p>
<b>Public Hearing/</b>	<p>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</p>

**Public  
Hearing/  
C/U  
No. 1915  
(continued)**

**MANUFACTURED HOME INSTALLATION BUSINESS AND RELATED EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS” (Conditional Use No. 1915) filed on behalf of Michael Van Drunen.**

**The Planning and Zoning Commission held a Public Hearing on this application on December 8, 2011 at which time action was deferred for further consideration and to allow the Commission time to review the video submitted during the Public Hearing.**

**See the minutes of the meeting of the Planning and Zoning Commission dated December 8, 2011.**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.**

**The Council found that Michael Van Drunen was present with James Waehler, Attorney. They stated that the parcel contains approximately 3 acres and is located in a Low Density Area according to the Comprehensive Land Use Plan; that there are other business uses in the immediate area including a nursery/greenhouse business, an auto sales business, a tree service business, and a landscaping/satellite equipment business; that the Applicant hopes to continue his manufactured home installation and electrical contracting business; that the business started on the land of Cornelius Van Drunen, his father, and has been in operation for approximately 30 years on either his father’s property or this site; that employees arrive between 7:00 a.m. and 8:00 a.m. daily, leave for job sites, and then return around 5:00 p.m.; that trucks and equipment would be stored on the site on nights and weekends; that the existing storage building is used for storage of materials and equipment; that the Applicant will be phasing out the dumpsters and dumpster carrier and will be contracting for one small dumpster to handle regular trash pick-ups; that the use has compatibly existed with the residential businesses in the area for over 28 years; that 16 of his neighbors have signed the petition in support of the application; that the business has continued to grow and he has 12 employees; that if the use is granted, the Applicant can consolidate his business at the site; that the Applicant submitted pictures of the site; that the Applicant has agreed to erect a six foot barrier fence around the business’s storage and parking yard and to extensively landscape the perimeter of the drive-ways and the storage and parking areas; that the Applicant is agreeable to reasonable limits to his hours of operation; that the Applicant does do work out of state on occasion and sometimes his employees do return to the site after 5:00 p.m.; that if the application is not approved, the Council would be terminating an existing business; that some of the comments in opposition to the application were incorrect; and that the concerns expressed by the opposition will be addressed if the application is approved, i.e. by fencing, landscaping, and temporary covering of the dumpsters and their ultimate phasing out; that mobile homes have never**

**Public Hearing/  
C/U  
No. 1915  
(continued)**      **been destroyed on the site; and that the Applicant currently lives in a modular home on the property.**

**The Applicant and Mr. Waehler submitted a packet of information and proposed Findings of Fact.**

**Public comments were heard.**

**Cornelius Van Drunen and Mark Ferro spoke in support of the application.**

**There were no public comments in opposition to the application.**

**The Public Hearing was closed.**

**M 021 12  
Defer  
Action on  
C/U  
No. 1915**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Conditional Use No. 1915) filed on behalf of Michael Van Drunen and to leave the record open for the purpose of viewing the video (submitted during the Public Hearing before the Planning and Zoning Commission).**

**Motion Adopted:      5 Yeas.**

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

**M 022 12  
Adjourn**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 12:18 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**







