

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 1, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 1, 2014, 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>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</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.**

**M 151 14  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Agenda by deleting “Job Applicants Qualifications”, “Pending/Potential Litigation”, 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**

**Minutes**

**The minutes of March 25, 2014 were approved by consent.**

**League of  
Women  
Voters  
Presentation**

**Jane Lord of the League of Women Voters of Sussex County presented the League’s Annual Report (Sunshine Day Report) to the Sussex County Council. As part of the League of Women Voters’ support for openness in government, its Observer Corps monitors governmental bodies for issues of importance to the League and to the County. The Observer Corps has now completed its fifth year of activity; observers attended County Council, Planning and Zoning Commission, and Board of Adjustment meetings.**

**Highlights noted, along with the League’s position, included: water problems, the need for a Land Use Planner, the heavy reliance of transfer tax money for County revenue, granting of time extensions to developers, and Citizen’s Right to Know/Citizen Participation.**

**League of Women Voters Presentation (continued)**

**Ms. Lord reviewed additional observations on issues where the League does not have specific positions: “although we continue to be favorably impressed by the fiscal management of the County, the practice of Council Members having individual accounts for granting monetary requests raises questions of appropriateness”, “Council members have demonstrated genuine concern to citizens who have come to them for assistance”, and “County employees are consistently polite and helpful”.**

**Ms. Lord presented copies of the report to the Council.**

**Employee of the Quarter**

**The Council recognized Vanessa Pettyjohn, Employee of the First Quarter. Ms. Pettyjohn has worked for the County since 1976 and is currently a Billing Support Coordinator in the Finance Department.**

**Storage of Waste Materials Including Tires as it Relates to County Code**

**Mr. Lawson presented information on waste materials, including tires, as it relates to violations of the County Code. He reported on the issue regarding a pile of tires on private property in the unincorporated area of Sussex County (Route 113, Georgetown).**

**Mr. Lawson reported that Section 115-191.4 of the County Code provides for the Council to take action. The Code states that “The purpose of this section is to prevent the accumulation of rubbish, trash or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the safety of the owner, possessor or other persons. In that regard: A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes shall permit refuse, rubbish, trash or other waste material to be placed or to accumulate upon such lands or premises.” Mr. Lawson noted that similar wording can be found in Section 115-191.6 of the Code.**

**Mr. Lawson reported that the County has several options in determining remedies to pursue:**

- 1. Section 115-191.5 allows the County, after ten days’ prior notice, to hire a third party contractor to clean up the rubbish and charge the property owner for the costs associated therewith. Those costs may then be imposed as a lien. (Mr. Lawson noted, however, that there may be additional steps that the County should take prior to taking these steps such as site inspection, speaking to other State agencies, and determining the extent of the site violation.)**
- 2. Section 115-191.2 permits bringing suit in the Justice of the Peace Court for a misdemeanor and fines.**
- 3. Section 115-191.2 also authorizes suit in a court of law or equity to restrain, correct, abate or enjoin the violation or require removal of the offending condition. Under the common law, a public nuisance action may also be alleged.**

**Storage of  
Waste  
Materials  
Including  
Tires  
as it  
Relates  
to County  
Code  
(continued)**

4. **Section 115-191.6 states that the County may apply to the Chancery Court for injunctive relief against the property owner or possessor to prevent, enjoin, or abate any continuing violation of the provisions of Section 115.191.**
5. **Additional remedies may be associated (involving a specific site) with the conditional use violation, if applicable.**

**Mr. Lawson noted that, in regards to these options, the Council needs to consider how much they want to pursue these sites and at what cost.**

**Mr. Lawson reported on the tire pile in North Georgetown that has been of discussion recently and he stated that it would cost the County significant money to remove the tires and dispose of them.**

**The Council discussed the storage of tires, the County’s current complaint driven process, the possibility of changing the Code as it relates to certain issues, i.e. trash and rubbish, the fact that DNREC has money for the cleanup of tires and asking the State to take responsibility for these issues, the possibility of the Council cleaning up the site and attaching a lien to the property (including a fine and interest), and giving fair notice to a property owner.**

**Mr. Vincent asked Mr. Lawson to consider the comments made by Council members and to advise Council as to how to proceed.**

**Proposed  
Rules of  
Procedure  
Amend-  
ment  
Regarding  
Consent  
Agendas**

**Mr. Lawson discussed a possible amendment to the Rules of Procedure regarding Consent Agendas and he noted that, at the March 25th meeting, the Council discussed the idea of using a Consent Agenda for items on the agenda, such as wastewater agreements. A revised Rule 17.6 was included in the Council packets; this was a draft for the Council’s consideration.**

**Proposed Amendment:**

**Rule 4A – Consent Agenda**

**4A.1 The County Administrator or any member of the County Council may propose any matter that would be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.**

**4A.2 An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting’s agenda.**

**4A.3 All items on a Consent Agenda shall be read and voted on as a single group.**

**Proposed Rules of Procedure Amendment Regarding Consent Agendas (continued)**

**Mr. Lawson noted that, at the March 25th meeting, questions were raised as to whether or not the Council needs to approve wastewater agreements. Legal Counsel’s advice was that the Council should still approve the agreements; however, the approval process could be by Consent Agenda.**

**Mr. Moore noted that any Council member would be allowed to pull an item off of a Consent Agenda because the items would be listed on the Agenda and it would simply be a matter of amending the Agenda.**

**Council members discussed consent agendas, raising questions and concerns.**

**M 152 14  
Defer  
Action on  
Proposed  
Rules of  
Procedure  
Amend-  
ment**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on a Rules of Procedure amendment regarding Consent Agendas.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator’s  
Report**

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

**1. Delaware Department of Natural Resources & Environmental Control - Tax Assessment Survey**

**The Delaware Department of Natural Resources & Environmental Control (DNREC) recently contacted Sussex County to request County staff respond to the attached County Property Tax Assessment Survey. According to DNREC, “The purpose of this survey is to take the initial step in reviewing county tax assessment data to help quantify how a proposed environmental fee/tax could be implemented to support the Governor’s announced Clean Water for Delaware’s Future Initiative. This survey is part of a discovery process to help ensure that DNREC understands what county tax assessment data is available. Providing answers to the questions below will not commit a county government to a proposed environmental fee/tax collection process.”**

**Staff will work with DNREC to provide an adequate response and will keep the Council apprised of any action DNREC considers.**

**Legislative  
Update**

**Mr. Godwin presented the following legislative update:**

**House Bill No. 272 – “AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PARAMEDIC SERVICES”**

**Synopsis: This Bill, modeled after similar legislation enacted in Pennsylvania and West Virginia, clarifies paramedic immunity when**

**Legislative  
Update  
(continued)**

consent to render care is unable to be obtained.

On March 25th, Mr. Godwin reported that he asked the County's Paramedic Department and Legal Counsel to review and comment on the new legislation. Mr. Schoonover in the Paramedic Department has stated that there is already an implied consent law that allows the paramedics to perform their services in the event they cannot gain consent from the patient. Mr. Godwin stated that this legislation may be a duplicate authorization of the same thing. Mr. Godwin stated that the Paramedic Department supports this legislation.

Mr. Godwin further reported that the Paramedic Department believes that this legislation offers more protection for the physician who gives communication over the phone/computer to a paramedic on the scene.

**Senate Bill No. 157 – “AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO OPEN MEETINGS”**

**Synopsis:** The Bill adds sales and leases to the current language regarding publicly funded capital improvements.

Mr. Godwin stated that he would like the Council's direction on this legislation.

It was the consensus of the Council to support House Bill No. 272 and Senate Bill No. 157.

Mr. Phillips referenced House Bill No 217 entitled “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE GENERAL POWERS OF THE GOVERNMENT OF NEW CASTLE COUNTY”.

**Synopsis:** This Bill allows New Castle County to create a special tax assessment for the purpose of providing funding for volunteer fire, ambulance and/or emergency medical technical services.

Mr. Phillips stated that this could potentially cause concern for Sussex County in the future.

Mr. Godwin stated that it is clearly New Castle County legislation.

The majority of Council members did not think that the Sussex County Council should take a position on this legislation.

Mr. Phillips referenced Punkin Chunkin and he commented that it has been in the news that the property owner of the land on which the event has been held in the past few years is no longer going to allow it to be held on his property. Mr. Phillips referenced Senator Brian Pettyjohn's draft legislation regarding liability limits to protect entities, municipalities, etc. and he stated that the legislation would be worth revisiting.

**Wetlands  
Advisory  
Committee  
Update**

**Hal Godwin, Deputy County Administrator, reported on the Wetlands Advisory Committee meetings that he has attended and he presented an overview of a wetlands report including information on types of non-tidal wetlands in Delaware; total acreage of Category 1 Wetlands; regulated (not isolated) and unregulated (isolated) Category 1 Wetlands; how many are vulnerable and need to be protected; how many are protected – public versus private lands; Category 1 Wetland Ownership in Sussex, Kent, and New Castle counties; and examples of Category 1 wetland losses from 1992-2007.**

**Mr. Godwin noted that there are five questions that the Council needs to vote on prior to the next meeting of the Wetlands Advisory Committee on Friday, April 9th.**

**Virgil Holmes of DNREC gave a presentation on how DNREC would manage the Category 1 wetlands that are currently regulated by the Corps, if given the authority.**

**Brenna Goggin of the Delaware Nature Society and member of the Wetlands Advisory Committee gave a presentation on the conservation tax credit and the options they are proposing to the Wetlands Advisory Committee as incentives to protect wetlands in the State. Ms. Goggin referenced Delaware House Bill No. 248 which allows for this tax credit program. (Ms. Goggin noted that she was making this presentation on behalf of Danielle Leverage, a student at the University of Delaware, who came up with this idea when researching how to come up with a way to incentivize the idea of protecting wetlands in the State.)**

**Jim McCulley of the Home Builders Association of Delaware and member of the Wetlands Advisory Committee gave a presentation on an incentive program (protecting resources with higher density development) that the Association has proposed to the Committee.**

**Marty Ross of the Delaware Farm Bureau and member of the Wetlands Advisory Committee stated that he wishes to address the Council on this issue (incentives) but that due to time constraints, he would speak at the next meeting of Council and he would defer to other members who may not be able to attend the April 8th Council meeting.**

**Chris Bason of the Center for the Inland Bays and member of the Wetlands Advisory Committee gave a presentation on restoring the water quality of the Inland Bays and the importance of wetlands to the Inland Bays. He stated that the Center will be supportive of incentive-based programs and regulatory programs that can help protect wetlands.**

**Bob Walls of the Farm Services Agency and member of the Wetlands Advisory Committee referenced incentives and farmland preservation. Mr. Walls stated that he does not believe any more regulations (DNREC) are needed.**

**Wetlands  
Advisory  
Committee  
Update  
(continued)**

**Senator Gerald Hocker, member of the Wetlands Advisory Committee, stated that he is very reluctant to give the State any additional regulation authority. He also commented on the water quality of the bays.**

**Representative Dave Wilson, member of the Wetlands Advisory Committee, stated his concern about implementing more regulations and he commented on Secretary O'Mara's new incentives for the State of Delaware. Representative Wilson stated that his main concern is that legislation gets changed through the regulatory process and legislators do not hear about it until calls start coming in from constituents. Representative Wilson commented that he is open minded and he wants to hear about the incentives which he thinks is a great idea if the State has the money to pay for it. Representative Wilson encouraged Council members to contact him to let him know the direction the Council supports.**

**There were no additional comments.**

**(Comments, questions, and answers were heard during the presentations. The presentations and discussions can be heard in entirety on the audio recording of this meeting.)**

**Wastewater  
Agreements**

**Hal Godwin, Deputy County Administrator, presented wastewater agreements for consideration.**

**M 153 14  
Execute  
Wastewater  
Agreement/  
Hopkins-  
Pettyjohn  
Subdivision**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 446-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Sweetbriar, LLC, for wastewater facilities to be constructed in Hopkins-Pettyjohn Subdivision (AKA Red Mill Pond North) – Phase 3 (Revised Construction Plan and Construction Record), located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**M 154 14  
Execute  
Wastewater  
Agreement/  
Bishop's  
Landing,  
Phase 3**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 733-5, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dove Barrington Development, LLC, for wastewater facilities to be constructed in Bishop's Landing, Phase 3, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.**

**M 154 14  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Expansion  
of the  
Bay View  
Estates  
SSD**

**John Ashman, Director of Utility Planning, presented a request for permission to prepare and post notices for a property to be included in the Bay View Estates Sanitary Sewer District. A letter of request was received from the property owner, David Kohout, requesting to be annexed into the sewer district. The parcel, containing .82 acres±, is located on Williamsville Road and is adjacent to the sewer district. The owner would like to place a single family home on the parcel in the near future; the parcel is currently vacant. The property owner will be responsible for system connection charges in the amount of \$6,489.00 per EDU based on current rates. A Public Hearing will be scheduled.**

**M 155 14  
Prepare  
and Post  
Notices/  
Proposed  
Expansion  
of the  
Bay View  
Estates SSD**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Bay View Estates Sanitary Sewer District boundary to include Parcel 533-19.00-289.09 owned by David Kohout, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 156 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$2,000.00 from Mr. Phillips' Councilmanic Grant Account to the John M. Clayton Elementary School for a Student Mentoring Program.**

**Motion Adopted: 5 Yeas.**

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

**M 157 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00, (\$250.00 each from Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to the Delaware 4-H Association for the Bridgeville Mustangs Club's conference expenses.**

**Motion Adopted: 5 Yeas.**





**M 162 14  
Council-  
manic  
Grant  
(continued)**

**League Foundation (Delaware Devil Dogs – Detachment 780) for a fundraiser for various community projects.**

**Motion Adopted: 5 Yeas.**

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

**M 163 14  
County-  
wide  
Youth  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from the Countywide Youth Grant Account to Delaware Technical & Community College for Kids on Campus for summer classes/camp.**

**Motion Adopted: 5 Yeas.**

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

**Additional  
Business**

**Under Additional Business, Paul Reiger referenced the tire pile discussion and he said he hopes the same standards will apply to other situations, such as his. Mr. Reiger discussed his problems with the neighboring property including barbed wire in a residential area.**

**Under Additional Business, Dan Kramer referenced FOIA and he stated that the Council is not allowed to bring up subjects that are not on the agenda, i.e. budget (at the 3/25/14 Council meeting) and the Punkin Chunkin event (at this meeting). He also referenced comments that he has cost the County (on FOIA complaints) and he stated that if the Council did things correctly, there would be no FOIA violations.**

**Charles Herrman commented on tire problems in the County and he stated that the worse one is located in Millsboro. Mr. Herman expressed concerns about tire piles and he stated that they create a dangerous situation – a disaster waiting to happen – as tires are a fire hazard and tire pile fires are hard to put out.**

**M 164 14  
Go Into  
Executive  
Session**

**At 12:58 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel.**

**Motion Adopted: 5 Yeas.**

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

**Executive Session** At 1:00 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers to discuss issues relating to personnel. The Executive Session concluded at 1:22 p.m.

**M 165 14 Reconvene Regular Session** At 1:24 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted:** 5 Yeas.

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

**M 166 14 Recess to Workshop** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess to the County's West Complex for a Workshop on Building Height Limits.

**Motion Adopted:** 5 Yeas.

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

**M 167 14 Reconvene/ Workshop** At 1:49 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to reconvene for the purpose of holding a Workshop on Building Height Limits. (The meeting reconvened at the County's West Complex.)

**Motion Adopted:** 5 Yeas.

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

**Workshop on Height Limits** The following were in attendance at the Workshop:

<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>Hal Godwin</b>	<b>Deputy County Administrator</b>
<b>Robert Wheatley</b>	<b>Chairman – P&amp;Z Commission</b>
<b>I. G. Burton</b>	<b>Commissioner – P&amp;Z Commission</b>
<b>Michael Johnson</b>	<b>Commissioner – P&amp;Z Commission</b>
<b>Marty Ross</b>	<b>Commissioner – P&amp;Z Commission</b>
<b>Rodney Smith</b>	<b>Commissioner – P&amp;Z Commission</b>
<b>Lawrence Lank</b>	<b>Director of P&amp;Z</b>
<b>Shane Abbott</b>	<b>Assistant Director of P&amp;Z</b>
<b>Andrew Dolby</b>	<b>P&amp;Z Intern</b>

**Workshop  
on Height  
Limits  
(continued)**

<b>Dale Callaway</b>	<b>Chairman – Board of Adjustment</b>
<b>Jeff Hudson</b>	<b>Member – Board of Adjustment</b>
<b>John Mills</b>	<b>Member – Board of Adjustment</b>
<b>E. Brent Workman</b>	<b>Member – Board of Adjustment</b>
<b>Norman “Bud” Rickard</b>	<b>Member – Board of Adjustment</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>
<b>Vincent Robertson</b>	<b>Assistant County Attorney</b>
<b>James P. Sharp</b>	<b>Assistant County Attorney</b>
<b>Michael Izzo</b>	<b>County Engineer</b>
<b>John Ashman</b>	<b>Director of Utility Planning</b>
<b>Andy Wright</b>	<b>Chief of Building Code</b>
<b>Marc Cote’</b>	<b>Assistant Planning Director - DelDOT</b>
<b>Duane T. Fox, Jr.</b>	<b>Office of the State Fire Marshal</b>

**Mr. Lawson stated that the purpose of the Workshop is for discussion and to get direction on building heights in Sussex County.**

**Mr. Robertson conducted the Workshop.**

**Mr. Robertson gave an overview of the following: current County Code; County height limits per zoning district; other municipal height limits in Seaford, Rehoboth, and Kent and New Castle counties; examples of existing buildings in the County over 42 feet (with photos); and the County’s method of measurement.**

**Mr. Izzo discussed how building height may relate to the County’s wastewater facilities. He reported on sewer capacity calculations with a specific review of the West Rehoboth Sewer District and he discussed how the height of a building affects sewer (EDUs).**

**Mr. Cote’ explained how DelDOT analyzes the impact of a proposed project with respect to traffic. He also discussed higher building limits which would allow for more mixed use types of designs.**

**Mr. Fox explained the position of the Office of the State Fire Marshal and the fire companies on tall buildings and he explained that their regulations cover the entire State, not specific counties and municipalities. He explained that most height and area limitations come from different building codes. Mr. Fox stated that the Office treats height differently; their height definition has nothing to do with the roof; it stops at the highest floor level. Mr. Fox also explained that their fire lane regulations were changed to fire department access regulations. Mr. Fox noted that the Office has no objection to any kind of zoning but that once a building is constructed and its use defined, the Office comes in and advises what can and cannot be done; additionally, as a building goes up, extra features may be required.**

**Mr. Robertson summarized by saying that a height limit is a zoning issue as well as an engineering, transportation and fire issue.**

**Workshop  
on Height  
Limits  
(continued)**

**Mr. Robertson presented options for the County to consider:**

- **Approve the pending ordinance amending §115-179B to allow 60' buildings for government buildings, hospitals, and schools when permitted in a district.**
- **Amend the County Code to amend the height limits within a specific Zoning District.**
- **Require all buildings over height limits to apply for a variance.**

**No action was taken.**

**(Comments, questions, and answers were heard during the Workshop. The presentations and discussions can be heard in entirety on the audio recording of this meeting.)**

**M 168 14  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to adjourn at 3:31 p.m.**

**Respectfully submitted,**

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