



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 21, 2009

#### Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 21, 2009, at 3:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
George B. Cole	Vice President
Joan R. Deaver	Councilwoman
Michael H. Vincent	Councilman
Samuel R. Wilson, Jr.	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy County Administrator
J. Everett Moore	County Attorney

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

Mr. Phillips called the meeting to order.

#### M 426 09 Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

#### Approve Minutes

The minutes of June 16, June 23, and June 30, 2009 were approved by consent.

#### Corre- spondence

Mr. Moore read the following correspondence:

KATHY HERSHEY, CHILDREN & FAMILIES FIRST, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Council's recent grant in support of the Early Care and Education Resource Center Program.

BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON,

**DELAWARE.**

**RE: Letter in appreciation of the Council's recent grant for the 2008-2009 Annual One Campaign.**

**JESSE SAVAGE, FINANCE DIRECTOR, TOWN OF BRIDGEVILLE, BRIDGEVILLE, DELAWARE.**

**Corre-  
spondence  
(continued)**

**RE: Letter in appreciation of the Council's financial assistance through the Local Law Enforcement Grant Program.**

**DALE DUKES, LAUREL, DELAWARE.**

**RE: Letter regarding the recent public forum called "Heart & Soul".**

**The County Council recognized Christine Fletcher, Sussex County Employee of the Quarter for the Second Quarter 2009.**

**Delaware  
District III  
Softball  
World  
Series/  
Check  
Presen-  
tation**

**Martin Donovan of Delaware District 3 Little League and Senior Softball World Series stated that they would once again be hosting the World Series in Sussex County. He reported that there will be a Sussex team and teams from all over the United States, as well as international teams. Mr. Donovan reported that this is the sixth consecutive year that they will host the event in Sussex County.**

**The Council presented a check in the amount of \$13,800 to Mr. Donovan for event expenses.**

**County  
Attorney**

**Mr. Moore stated that he would like to recuse himself from the next matter of discussion and it was noted that Vince Robertson, Assistant County Attorney, was present to advise the Council.**

**Request  
for Time  
Extension/  
Dean  
Sherman/  
C/U  
No. 1531**

**Mr. Baker reported that a letter dated April 13, 2009 was received from Dean Sherman regarding Conditional Use No. 1531. In his letter, Mr. Sherman requested an additional time extension for the purpose of completing his borrow pit and pond project. It was noted that one of the conditions of the Conditional Use was that "The excavation and operation of the borrow pit shall be limited to 24 months. If necessary the Applicant shall be allowed a reasonable amount of additional time to complete reclamation activities subject to the approval of the Director". Mr. Baker reported that Lawrence Lank, Director of Planning and Zoning, previously granted an extension until April 20, 2009.**

**M 427 09  
Grant  
Time  
Extension/  
C/U  
No. 1531**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to grant a time extension for a period of three years for Conditional Use No. 1531, an application of Dean Sherman.**

**Motion Adopted: 5 Yeas.**

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

<b>Farmland Preservation Proposal</b>	<b>Mr. Baker reported that, at the Council's June 30, 2009 meeting, the Sussex County Land Trust (SCLT) recommended that the County Council participate in the purchase of farmland preservation development rights. The proposal would preserve 218.87 acres from development. The cost to the County, as recommended by the SCLT, would be \$300,000 from prior year funds set aside for Open Space; the federal match would be \$749,628.00; and the SCLT contribution would be approximately \$172,723.00 (from private monies that the SCLT raises). The total cost would be \$5,128.00 per acre. Mr. Baker clarified that this would be for the purchase of development rights only. Mr. Baker advised that five farms would be preserved along the Corridor Preservation Loop and a map outlining the five properties was distributed. Mr. Baker noted that approval of this proposal would require a super majority four-fifths vote by the Council.</b>
<b>Farmland Preservation Proposal (continued)</b>	
<b>M 428 09 Approve Funding for Farmland Preservation</b>	<b>A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, that the Sussex County Council approves the use of up to \$300,000 of County funds towards the purchase of approximately 218.87 acres of farmland preservation rights in Sussex County based on the recommendation from the Sussex County Land Trust with funding from the SCLT and the federal government.</b>
	<b>Motion Adopted: 4 Yeas, 1 Nay.</b>
	<b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Nay; Mr. Phillips, Yea</b>
<b>Draft Ordinance/Recorder of Deeds</b>	<b>John Brady, Recorder of Deeds, presented a draft ordinance to establish fees for internet based searches of Recorder of Deeds' records which have been digitized and entered into the online database maintained for the Recorder of Deeds Office; to establish charges for monthly subscriber fees and a discounted per page printing rate for subscribers; and to establish a per page rate for printing of digitized documents by users who do not elect to execute a subscriber agreement. It also authorizes the acceptance of electronic payment for the services to be provided to users of the online document database. Mr. Brady explained that the adoption of this ordinance will facilitate the access to recorded documents by users from remote locations utilizing the services of the internet.</b>
<b>Introduction of Proposed Ordinance</b>	<b>Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE VI, § 62-18, RELATING TO FEES CHARGED BY THE RECORDER OF DEEDS". The Proposed Ordinance will be advertised for Public Hearing.</b>
<b>Recovery Zone</b>	<b>Mr. Baker presented information regarding American Recovery Zone Bonds, which is part of the federal stimulus program and provides a</b>

**Bonds** provision whereby counties can issue tax-exempt bonds for businesses and local governments. He explained that there are two types of Recovery Zone Bonds:

**Recovery Zone Bonds** (1) Recovery Zone Economic Development Bonds (RZEDB):

(continued)

- Can be issued to fund capital projects for County or towns;
- Taxable bonds;
- Forty five percent (45%) rebate of interest to issuer by Federal government;
- Total County limit of bonds - \$16,644,000;
- May not offer best net interest cost for County at this time;
- Projects must be located in “Recovery Zone”.

Mr. Baker advised that the Recovery Zone Economic Development Bonds are not the best option for County projects; there are other funding agencies (USDA, SRF) that offer better options. He noted that these bonds can be offered to the municipalities and that the limit for Sussex County governments for this type of bond is \$16,644,000.

(2) Recovery Zone Facility Bonds (RZFB):

- Issued by private businesses for their capital needs;
- Tax-exempt conduit financing;
- Similar to Industrial Development Bonds, except can be used for additional purposes;
- Cannot be used for certain businesses, such as gambling, golf courses, country clubs, etc.;
- Can be used for agriculture and non-manufacturing businesses;
- Projects must be located in “Recovery Zone”;
- Sussex County’s limit is \$24,967,000;
- The County’s credit is not pledged.

Mr. Baker stated that these bonds could be an incentive for businesses considering capital expansion and this would enable them to borrow money at a less expensive rate.

Mr. Baker reported that either type of bonds can only be issued in a Recovery Zone that has been defined as a “distressed” area. The County Council must decide on what areas in Sussex County constitute a Recovery Zone. Mr. Baker stated that he met with Susan Webb and Julie Wheatley to try and classify what a Recovery Zone is and that they are recommending all areas of the County (except for State and Federal owned lands) since County residents have the lowest median household income in the State of Delaware; since the County has a high unemployment rate of 7.3 percent; and since the gap between affordable housing prices and prices affordable

<b>Recovery Zone Bonds (continued)</b>	<p>for low to moderate households is the greatest in Sussex County in comparison to New Castle and Kent counties. The Economic Development Administration has designated all of Sussex County as a distressed area and eligible for EDA assistance. Additionally, in order for the municipalities to qualify for funding, they have to be included. Mr. Baker noted that the County's bond counsel believes that the Recovery Zone Area can be made this broad.</p> <p>Mr. Baker briefly reviewed the process by which business would apply: an application form would have to be filled out and reviewed, a public hearing would be held, and the County's Industrial Revenue Bond Committee would vote on the application and make a recommendation to the Council. He noted that the County's Bond Counsel would also review applications to insure that a project is eligible.</p>
<b>M 429 09 Adopt R 020 09</b>	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to Adopt Resolution No. R 020 09 entitled "SUSSEX COUNTY DESIGNATES RECOVERY ZONES FOR SUSSEX COUNTY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009" (to include areas throughout the County, with the exception of State and Federal owned lands).</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Nay; Mr. Cole, Yea; Mr. Phillips, Yea</p>
<b>Adminis- trator's Report</b>	<p>Mr. Baker reviewed the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><li data-bbox="386 1312 1442 1659"><p><b><u>Home Foreclosure Prevention Seminar</u></b></p><p>Attached is a press release regarding the Home Foreclosure Prevention Seminar to be held Wednesday, July 22, 2009, from 2:00 to 8:00 p.m. at the Millsboro Fire Company, 109 East State Street, in Millsboro. This seminar will be sponsored by the Sussex County Community Development and Housing Division. Mr. Gerry Kelly from the State Bank Commissioner's Office will discuss various options for anyone behind in their mortgage payment.</p></li><li data-bbox="386 1680 1442 1911"><p><b><u>Summer Bookmobile Schedule</u></b></p><p>Attached is a copy of the summer bookmobile schedule. Part of this schedule includes helping Bridgeville Library on Thursdays and Fridays during the transition period while their new library is under construction.</p></li><li data-bbox="386 1932 1442 1976"><p><b><u>Delaware State Police Report – May 2009</u></b></p></li></ol>

As per the attached report, the Delaware State Police in Sussex County handled 3,776 traffic arrests and 1,281 criminal arrests during May 2009. Approximately 42 percent of the hours on duty were spent on criminal investigations.

Adminis-  
trator's  
Report  
(continued)

4. **Beneficial Acceptance**

The Engineering Department granted Beneficial Acceptance to Bethany Woods, Agreement No. 740, on July 1, 2009. The developer is Bethany Woods, L.L.C., and the project is located south of County Road 360 and McCoys Way in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, consisting of a 19-lot subdivision. Included with this report is a fact sheet on the project.

5. **Clean Hands Report**

As of July 20, 2009, per the County Assessment Division, approximately \$633,336 has been collected as a result of the Clean Hands Ordinance. This ordinance requires residents and property owners to be current in the payment of County obligations, including taxes, prior to receiving various County approvals and/or permits.

6. **Sussex County Emergency Operations Center Fire and Ambulance Callboard Call Statistics**

As per the attached schedule, 46,344 9-1-1 calls were received by the Sussex County Emergency Operations Dispatch Center for the period January 1 to June 30, 2009. Sixty-five percent (65%) of those calls were from wireless callers. This compares to 62 percent during calendar year 2008 and 54 percent during calendar year 2007 of wireless calls.

7. **National Association of Counties Prescription Drug Discount Card Program**

Per the latest report, users of the Sussex County prescription drug card have saved a total of \$160,779.72 since November 2007. Approximately 11,010 prescriptions were filled using this card. Usage of the card in June totaled 877 prescriptions, which is the highest monthly number to date. In November 2007, our first month, 183 prescriptions were filled with the savings card.

The discount prescription cards are available in County buildings, County libraries, and at participating drugstores. The average price savings per prescription is 24 percent, and there is no cost for the card. Attached is a copy of the card.

(Attachments to the Administrator's Report are not attachments to these

minutes.)

**Bank  
Account**

Mrs. Webb presented a request to open a new bank account.

**M 430 09  
Adopt  
R 021 09**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 021 09 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF VANCE PHILLIPS, PRESIDENT; GEORGE B. COLE, 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.**

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

**Wastewater  
Project  
Update**

Mrs. Webb updated the Council on funding for several wastewater projects:

**(1) Oak Orchard Expansion**

- Treatment at the Inland Bays Wastewater Treatment Facility
- 855 users
- Completion in Spring 2011
- Project costs estimated at \$16 million
- Federal and State loans and grants and stimulus money

**(2) Pump Station 30 and Force Main**

- An extensive renovation due to the size and the age of existing pump station
- Construction of a parallel force main to the South Coastal Wastewater Treatment Facility
- Will serve the Fenwick Island Sanitary Sewer District including Americana Bayside and the new Johnson’s Corner Sewer District
- To be completed in 2010
- Projected costs are \$12.8 million
- One-half funded by Rural Development and one-half funded by existing connection fees that the County has been collecting

**(3) The Woodlands of Millsboro Sanitary Sewer District**

- 57 lots in the subdivision with a failing on-site treatment and disposal system.
- Wastewater will be treated by the Town of Millsboro
- Project costs estimated at \$1.2 million
- Federal and State loans and grants and stimulus money

**Public  
Hearing/  
Proposed  
Community  
Improvements  
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 96, SUSSEX COMMUNITY IMPROVEMENTS, TO FACILITATE THE IMPROVEMENT OF STREETS AND ROADWAYS OWNED AND CONTROLLED BY HOMEOWNERS ASSOCIATIONS, PROPERTY OWNERS ASSOCIATIONS AND CONDOMINIUM ASSOCIATIONS”.

Vincent Robertson, Assistant County Attorney, reported that the Proposed Ordinance would establish a system whereby any qualifying Homeowners Association, Property Owners Association or Condominium Association may petition the Sussex County Council to improve the streets and appurtenances within their community. The Program seeks to provide implementation and financing of the improvements; however, Sussex County does not undertake or accept any independent financial obligations by virtue of this ordinance. Mr. Robertson explained that the Proposed Ordinance would codify the County’s existing practice of operating a community street and road improvement program for existing developments.

Mr. Robertson further explained that, to qualify for the program, a community must consist of five separate and distinct property owners and 500 linear feet of road surface; the County Engineer must determine that the community is reasonably and economically capable of being improved; the community must have direct access to a road which is part of the DelDOT road system; and the community must have a legally established homeowners, property owners or condominium association.

Mr. Robertson briefly reviewed the process by which developments would apply for road upgrades through this program. He noted that there is a limitation that it would not be less than 40 feet or more than 100 feet of front footage assessment.

Public comments were heard.

Rocco Lano, Board of Director of Plantation Park; Dan Kramer of Greenwood; Hugh Dolan of Millville; Salvatore Fichera and Ron Shoup of the Lochwood Homeowners Association; Geri Buckley, President of the Salt Pond Homeowners Association; Jim Freeman, President of the Bay Colony Homeowners Association; and Jim Harding of the Ocean Farms Homeowners Association spoke in support of the Proposed Ordinance; questioned cost estimates; spoke in support of unit pricing; stated that the ordinance is too complicated; questioned how to take care of small subdivisions; stated that some developers only put down the minimum



amount of road surface; stated that many homeowners are on fixed incomes; questioned the maintenance aspect of the Proposed Ordinance; questioned if the County can handle many projects at one time or would there be a need to prioritize them; questioned the County's administrative costs; and questioned if the program can accommodate the different phases of a development.

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

**Hearing (continued)** The Council discussed front footage costs versus unit pricing. Mr. Robertson advised that if the Council wishes to make a change to the ordinance to incorporate unit pricing, that such action should be done through an ordinance amendment.

**M 431 09** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt  
**Adopt Ordinance** Ordinance No. 2071 entitled "AN ORDINANCE TO ADOPT CHAPTER  
**Ordinance No. 2071** 96, SUSSEX COMMUNITY IMPROVEMENTS, TO FACILITATE THE IMPROVEMENT OF STREETS AND ROADWAYS OWNED AND CONTROLLED BY HOMEOWNERS ASSOCIATIONS, PROPERTY OWNERS ASSOCIATIONS AND CONDOMINIUM ASSOCIATIONS".

**Motion Adopted:** 5 Yeas.

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

**Recess** Mr. Phillips declared a two minute recess at 4:38 pm.

**Reconvene** Mr. Phillips called the Council back into session at 4:40 p.m.

**Wastewater Agreements** Mr. Godwin presented wastewater agreements for the Council's consideration.

**M 432 09** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the  
**Authorize** recommendation of the Sussex County Engineering Department, for Sussex  
**Wastewater** County Project No. 81-04, Agreement No. 746, that the Sussex County  
**Agreement/** Council execute a Construction Administration and Construction  
**Byewood** Inspection Agreement between Sussex County Council and Bay Forest,  
**Manor** LLC, c/o Natelli Communities, for wastewater facilities to be constructed in Byewood Manor, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

**Motion Adopted:** 5 Yeas.

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

**M 433 09** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the

**Authorize  
Wastewater  
Agreement/  
Fairway  
Village**

**M 433 09  
(continued)**

**recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 844-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Estates of Fairway Village, LLC, for wastewater facilities to be constructed in Fairway Village – Phase 3, located in the Bethany Beach Sanitary Sewer District.**

**Motion Adopted: 5 Years.**

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

**Grant  
Requests/  
Revenue  
Sharing  
for Local  
Law  
Enforce-  
ment**

**Mr. Godwin presented the following requests for funding through the Revenue Sharing for Local Law Enforcement Grant Program.**

<b>Frankford</b>	<b>\$ 16,079.30</b>	<b>Gasoline, Phone &amp; Internet, Vehicle Maintenance</b>
<b>Ellendale</b>	<b>\$ 25,000.00</b>	<b>Printer, Weapon System, Police Patrol Bike, salary, ammunition</b>

**M 434 09  
Approve  
Local  
Law  
Enforce-  
ment  
Grant  
Requests**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to approve the Revenue Sharing for Local Law Enforcement Grants to the Town of Frankford and the Town of Ellendale, as presented.**

**Motion Adopted: 5 Years.**

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

**Sussex  
County  
Rental  
Program/  
Application  
of Arbors  
of Cottage-  
dale**

**William Lecates and Brandy Bennett of the Community Development and Housing Department presented an application under the Sussex County Rental Program.**

**Ms. Bennett reported that the application is for the development known as Mid-Atlantic Development Ventures, LLC and the project known as the Arbors of Cottagedale; that the size of the parcel is 18.33 acres; that 216 units are proposed with nine 24-unit buildings; that 184 market rate units and 32 rental program units are proposed; that units will range in size from 750 to 1,100 square feet; that rental prices will be 25 percent of household income; and that the rental units will be placed throughout the project.**

**The Rental Program deems a project eligible if it has at least 25 total units, it is located on qualifying land (Town Center, Developing Area, Future Growth & Annexation Area, and Environmentally Sensitive Developing Area), and confirmed public water and sewer utilities. The developer must**

also ensure that the percentage of units that will belong to the program must be indiscernibly different from the market-rate units and must be distributed throughout the project. Ms. Bennett stated that the Arbors of Cottagedale is eligible based on the location of the project, number of total units, and access to public water/sewer.

(continued) It was noted that the matter before the Council on this date is to determine if the application qualifies for the Rental Program's incentives of an expedited review and a bonus density.

**M 435 09**  
**Grant**  
**Preliminary**  
**Approval/**  
**Sussex**  
**County**  
**Rental**  
**Program/**  
**Arbors of**  
**Cottagedale**

A Motion was made by Mr. Vincent, seconded by Mr. Cole, that the Sussex County Council grants preliminary approval for the Sussex County Rental Program (SCRCP) application of Mid-Atlantic Development Ventures, LLC (Arbors of Cottagedale) contingent upon the Applicant obtaining zoning approval and signing a SCRCP Agreement prepared by the County Attorney.

**Motion Adopted: 4 Yeas, 1 Nay.**

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

**Airport**  
**Ground**  
**Lease/**  
**Francis**  
**Martin**

James Hickin, Director, Sussex County Airport & Industrial Park, presented a ground lease with Francis Martin for Lot C6 at the Airport. He advised that Mr. Martin owns a small single aircraft T-Hangar at the end of the corporate hangar taxi-lane; the hangar was to be torn down two years ago to make way for another tenant to build a bigger hangar; however, that deal has been cancelled and Mr. Martin has requested permission to rent out his hangar.

Mr. Hickin proposed a month to month lease in the amount of \$75.00 per month with a 30 day notice of cancellation requirement; Mr. Martin will be responsible for the payment of utilities and he will only be able to rent the hangar as a commercial aircraft storage facility.

**M 436 09**  
**Approve**  
**Lease**  
**Agreement/**  
**Francis**  
**Martin**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves the Lease Agreement with Francis Martin for Lot C6 at the Sussex County Airport, as presented.

**Motion Adopted: 5 Yeas.**

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

**Bid**  
**Results/**  
**Johnson's**  
**Corner**

Michael Izzo, County Engineer, presented the bid results for the Johnson's Corner Sanitary Sewer District, Contract No. 08-10, as follows:

**Bid Alternate**

<b>SSD</b>	<b><u>Bidder</u></b>	<b><u>Base Bid</u></b>	<b><u>with Hampden Park</u></b>
	<b>Bunting &amp; Murray Const. Corp.</b>	<b>\$3,626,549.06</b>	<b>\$3,989,781.45</b>
	<b>American Paving Corp.</b>	<b>\$4,501,921.52</b>	<b>\$4,996,598.27</b>
<b>Bid</b>	<b>Underground Utilities Corp.</b>	<b>\$4,759,984.17</b>	<b>\$5,235,713.52</b>
<b>Results</b>	<b>George &amp; Lynch, Inc.</b>	<b>\$5,327,880.00</b>	<b>\$5,983,959.00</b>
<b>Johnson's</b>	<b>Kent Construction Co., Inc.</b>	<b>\$5,452,817.03</b>	<b>\$6,275,292.36</b>
<b>Corner</b>			
<b>SSD</b>			
<b>(continued)</b>			

**Mr. Izzo recommended that the bid be awarded to Bunting & Murray Construction Corp. with the Alternate Bid with Hampden Park included.**

**M 437 09**  
**Award**  
**Bid/**  
**Johnson's**  
**Corner**  
**SSD**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the Engineering Department, that Sussex County Project No. 08-10, Johnson's Corner Sanitary Sewer District, Swann Estates, Western Subdivisions and Pump Station #306/Pump Station #307" be awarded to Bunting & Murray Construction Corporation of Selbyville, Delaware, at the Alternate Bid amount of \$3,989,781.45, contingent upon the receipt of approval from the Delaware Department of Natural Resources and Environmental Control and/or Rural Utility Service.**

**Motion Adopted: 5 Yeas.**

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

**Woodlands**  
**of Millsboro**  
**SSD**  
**Contract**

**Mr. Izzo presented and reviewed a Design Contract with George, Miles & Buhr (GMB) in the amount of \$90,574.00 for the Woodlands of Millsboro Sanitary Sewer District. Mr. Izzo noted that this is a stimulus project and therefore; a construction contract must be signed by February 17, 2010.**

**M 438 09**  
**Authorize**  
**Agreement**  
**with GMB/**  
**Woodlands**  
**of Millsboro**  
**SSD**

**A Motion was made by Mr. Wilson, seconded by Mr. Vincent, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute an Agreement with George, Miles & Buhr, LLC of Salisbury, Maryland, to provide design services for The Woodlands of Millsboro Sanitary Sewer District at a cost not to exceed \$90,574.00.**

**Motion Adopted: 5 Yeas.**

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

- Old Business C/Z No. 1644**      **The Council discussed Change of Zone No. 1644, filed on behalf of Brian McKinley.**
- Old Business C/Z No. 1644**      **The Planning and Zoning Commission held a Public Hearing on this application on May 28, 2009 at which time action was deferred. On June 11, 2009, the Commission recommended that the application be approved with eighteen (18) conditions.**
- Old Business C/Z No. 1644 (continued)**      **The County Council held a Public Hearing on this application on June 16, 2009 at which time the Council deferred action and directed staff to develop additional conditions and/or modifications to the Planning and Zoning Commission's recommended conditions; staff was asked to give consideration to extra buffering, the location of the central sewer, the relocation of townhouses and single family lots, and limitations on access to Danny Drive.**
- Lawrence Lank, Director of Planning and Zoning, read twenty-one (21) conditions, as amended by staff.**
- M 439 09 Adopt Ordinance No. 2072 (C/Z No. 1644)**      **A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to Adopt Ordinance No. 2072 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 140.21 ACRES, MORE OR LESS" (Change of Zone No. 1644) filed on behalf of Brian McKinley) with the following conditions, as amended:**
- a.      The maximum number of units shall not exceed 473 units, consisting of townhouses, multi-family units and single family lots.**
  - b.      All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
  - c.      This RPC shall be served by central sewer subject to the approval of DNREC and the County Engineering Department. The sewage treatment facility shall not be located within the geographic boundaries of this project.**
  - d.      This RPC shall be served by central water.**
  - e.      Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**
  - f.      A system of street lighting shall be installed, providing for downward illumination preventing the lights from shining onto the property of**

**adjoining owners.**

- M 439 09  
Adopt  
Ordinance  
No. 2072  
(C/Z  
No. 1644)  
(continued)**
- g. The Developer is directed to form a Homeowner's Association responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**
  - h. No wetlands shall be included within any individual lots.**
  - i. As proposed by the Applicant, a 25 foot wide buffer shall be established around the wetlands. The lot lines shall be adjusted as necessary so that the buffer is outside of any lot lines within the project. Further buffers shall be established between any structures constructed within the project and all existing structures located on adjoining properties to establish a minimum buffer or setback between such structures of at least 100-feet.**
  - j. A 20 foot wide vegetated buffer shall be established along all areas of the development adjacent to lands used for agricultural purposes. This shall be shown on the Final Site Plan.**
  - k. The Applicant has proposed to maintain as many existing trees as possible. These areas shall also be shown on the Final Site Plan.**
  - l. As proposed by the Applicant, the construction of the RPC shall be phased over a 10 year period, with no more than 75 residential building permits to be issued within any calendar year.**
  - m. Recreational facilities and community buildings shall be constructed and open to use by residents prior to the issuance of the 100<sup>th</sup> building permit.**
  - n. A school bus stop shall be provided in coordination with the local school district. The location of the bus stop area shall be shown on the Final Site Plan.**
  - o. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.**
  - p. The Master Site Plan and phasing site plans shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - q. The Master Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
  - r. The Master Site Plan and each phase of the development shall be**

subject to the review and approval of the Planning and Zoning Commission.

**M 439 09  
Adopt  
Ordinance  
No. 2072  
(C/Z  
No. 1644)  
(continued)**

- s. **Danny Drive shall not be utilized for traffic from the project, except for emergency access. The street interconnection will be gated or fenced, subject to the approval of DelDOT and the Blades Volunteer Fire Company.**
- t. **No townhouses, multi-family condominiums or multi-family dwelling structures shall be located adjacent to residential lots of other ownership or along the frontage along Airport Road. Single family dwellings shall be the first visible residential units from Airport Road or the adjacent residential lots.**
- u. **All silt fencing shall be located on the interior of all buffer areas to avoid disturbance of those areas.**

**Motion Adopted: 4 Yeas, 1 Nay.**

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

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

**M 440 09 A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$500.00  
Community (\$100 from each Community Grant Account) to the Delaware Police Chiefs'  
Grant Foundation, Inc. for conference costs.**

**Motion Adopted: 4 Yeas, 1 Nay.**

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

**M 441 09 A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$500.00  
Community (\$100.00 from each Community Grant Account) to the Delaware Police  
Grant Chiefs' Foundation, Inc. for their Staff Development Seminar.**

**Motion Denied: 3 Nays, 2 Yeas.**

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

**Grant Request Sussex Tech Harvey Bullock, Jr., Director of Bands for the Sussex Technical High School, was in attendance to present a request for funding for the Marching Band's participation in the New York City 90<sup>th</sup> Veterans Day Parade and the BCS Gator Bowl in Jacksonville, Florida.**

**M 442 09**  
**Defer**  
**Action**  
**on Grant**  
**Request**  
**M 442 09**  
**(continued)**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to defer action on the grant request from the Ravens Music Boosters for a period of one week.

Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea

**Introduction**  
**of Proposed**  
**Ordinances**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 41,542 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1846) filed on behalf of Joseph M. and Melissa R. Crispin.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE METAL FABRICATION / WELDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.06 ACRES, MORE OR LESS” (Conditional Use No. 1847) filed on behalf of Brian B. Butler.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 19.541 ACRES, MORE OR LESS” (Change of Zone No. 1670) filed on behalf of Nentego Properties, LLC.

Mr. Wilson 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 45.77 ACRES, MORE OR LESS” (Change of Zone No. 1690) filed on behalf of L.T. Associates, LLC.

The Proposed Ordinances will be advertised for Public Hearing.

There was no additional business.



**M 443 09**  
**Go Into**  
**Executive**  
**Session**

**At 5:49 p.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to recess the Regular Session and go into Executive Session for the purpose of discussing pending/potential litigation and land acquisition.**

**Motion Adopted: 5 Yeas.**

**M 443 09**  
**(continued)**

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

**Executive**  
**Session**

**At 5:50 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing pending/potential litigation and land acquisition. The Executive Session concluded at 6:31 p.m.**

**M 444 09**  
**Reconvene**  
**Regular**  
**Session**

**At 6:33 p.m., a Motion was made by Mr. Vincent, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

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

**Public**  
**Hearing**  
**C/Z**  
**No. 1647**

**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 TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.7482 ACRES, MORE OR LESS (Change of Zone No. 1647) filed on behalf of SMI Long Neck Properties, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on June 25, 2009 at which time they recommended that the application be approved.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated June 25, 2009.)**

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

**Jim Fuqua, Attorney, and Donald Short, a Principal of SMI Long Neck Properties, LLC, were present on behalf of the application. Mr. Fuqua stated that the land comprising this application consists of two lots containing a total of 2.74 acres; that the application is to rezone the two lots to CR-1 Commercial which will be compatible with the adjoining C-1 zoning on both sides of the project; that the Comprehensive Plan Update**

**Public  
Hearing  
C/Z  
No. 1647  
(continued)**

depicts the site in the Environmentally Sensitive Developing District and in the Highway Commercial Area (on the Future Land Use Plan Map); that SMI Long Neck Properties, LLC is a part of the Shorts Marine business; that the Shorts Marine business started in 1950 as a family business; that the core of the business is located directly across Long Neck Road on Parcel Nos. 300.00, 301.00 and 302.00 where the existing offices, boat sales and display facilities exist; that the adjacent property is partially used by Shorts Marine for additional boat sales, display and storage; that the business also operates a canvas shop in Oak Orchard; that the business also operates several boat storage facilities in the area, i.e. Long Neck, Angola, Oak Orchard, etc.; that they propose to use this site as a similar use to the other Shorts Marine facilities; that two manufactured homes exist on the site; that one of the manufactured homes will continue to be occupied and the other may be used for security; that the immediate adjacent area is zoned C-1 General Commercial; that this application should be considered as an infill site; and that the intent of the use is for continuation of the adjacent existing use.

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

**M 445 09  
Adopt  
Ordinance  
No. 2073  
(C/Z  
No. 1647)**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to Adopt Ordinance No. 2073 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.7482 ACRES, MORE OR LESS (Change of Zone No. 1647) filed on behalf of SMI Long Neck Properties, LLC.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing  
(C/Z  
No. 1648)**

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 TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.208 ACRES, MORE OR LESS" (Change of Zone No. 1648) filed on behalf of William and Elizabeth Jiron.

The Planning and Zoning Commission held a Public Hearing on this application on June 25, 2009 at which time they deferred action. On July 15, 2009, the Commission recommended that the application be denied.

(See the minutes of the meeting of the Planning and Zoning Commission

dated June 25 and July 15, 2009.)

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

Public  
Hearing  
(C/Z  
No. 1648)  
(continued)

Elizabeth Byers - Jiron was present and stated she would like to open a consulting business; that there are other commercial uses located in the vicinity; that she filed the application to rezone from AR-1 to CR-1 Commercial Residential to convert the dwelling on the premise to an office for the consulting business; that the business will be called LBJ Consulting Services, Sparrows Point Services Recycling Center of Excellence (SPSRCE); that SPSRCE will be a woman-owned business and will be comprised of retired Naval Engineering Duty Officers and prior enlisted; that employees will have no less than one Masters Degree and many will have PhD's; that there will also be Disabled American Veterans with certifications in a specialty field, i.e. Safety and Environment, a Business/Contracting Liaison/Program Manager and two part time administrative personnel, who will be employees of the SPSRCE; that employees will perform service virtually in their experienced fields and will bring education and talent to areas around the Country where expertise is required; that the home office of the business will be at this location; that this location will be a central repository of projects; that the management of the SPSRCE will be conducted on a daily basis at this location; that the site will house 3 or 4 employees; that work will be performed at remote areas but local to the service area requiring assistance; that her position as program manager will be to serve as a liaison/consultant supporting employees in the field on a daily basis; that the position will consist of arranging a yearly conference at a local site to bring employees together and provide information on current technology and results of assigned projects; that a review will be maintained at this location to ensure that the requested services are properly supported and employers are satisfied with the performance of the individual assigned; that the scope of work for an individual assigned at a remote location will be to: perform consulting services, providing the most current information available; to track and evaluate metrics enabling cost-benefiting determinations, and to provide recommendations for improving on site work and cost benefit results; that assignments that will be considered for service include, but are not limited to: Department of Navy: Ships Donation Inspection Program, which includes 48 ships across the Country; Environmental and Safety Historical Information Program; and Federal Employees Compensation Program Act; telephone work; that she was advised by staff to submit to PLUS for review and went through the PLUS process in January 2008; that the site has adequate space for parking on site; and that she originally applied for a Conditional Use, but withdrew that application and reapplied for the change of zone.

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

**M 446 09**      **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to Adopt**  
**Adopt**      **Ordinance No. 2074 entitled “AN ORDINANCE TO AMEND THE**  
**Ordinance**      **COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN**  
**No. 2074**      **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1**  
**(C/Z**      **COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL**  
**No. 1648)**      **OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED,**  
**M 446 09**      **SUSSEX COUNTY, CONTAINING 1.208 ACRES, MORE OR LESS”**  
**(continued)**      **(Change of Zone No. 1648) filed on behalf of William and Elizabeth Jiron.**

**Motion Adopted:      3 Yeas, 2 Nays.**

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

**Question**      **Mr. Cole asked the County Attorney to look into whether or not the Council**  
**Regarding**      **can downzone an application (permitting a lesser use) during the Public**  
**Downzoning**      **Hearing and approval process.**

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing**      **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**  
**C/Z**      **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**  
**No. 1650**      **DISTRICT TO AN AR-1 – RPC AGRICULTURAL RESIDENTIAL**  
                         **DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN**  
                         **PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED,**  
                         **SUSSEX COUNTY, CONTAINING 134.565 ACRES, MORE OR LESS”**  
                         **(Change of Zone No. 1650) filed on behalf of Cannon Road Investments, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on June 25, 2009 at which time they deferred action. On July 15, 2009, the Commission deferred action until August 27, 2009.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated June 25 and July 15, 2009.)**

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

**Mr. Lank distributed Exhibit Books which were provided by the Applicant.**

**Randy Mitchell and Rob Allen of Cannon Road Investments, LLC was present with Dennis Schrader, Attorney, and Holly Hearne, P.E. of McCrone, Inc. were present on behalf of the application. Mr. Schrader and Ms. Hearn stated that the project site is located on the west side of Route 5 and on both sides of County Road 307 (Cannon Road); that the site consists of 134.565 acres and is currently zoned AR-1; that the site is currently the subject of an approved standard subdivision (Pelican Point, Phases 1 through 3); that they are seeking a change of zone designation for Phases 1 through 3 so that it will become an AR – RPC Residential Planned**

Public  
Hearing  
C/Z  
No. 1650  
(continued)

Community; that they are seeking approval to allow for the development of Phases 1 through 3 in connection with Phases 4 through 7; that they propose a diversified mix of housing types to allow for smaller units with more reasonable prices; that they propose 77 acres of open space; that they are requesting RPC zoning to allow 84 single family dwellings and 168 single family attached dwellings (two unit buildings) with a density of 1.87 units per acre; that Phases 4 through 7 of Pelican Point is a cluster subdivision; that the overall density of Pelican Point Phases 1 through 7 will still be less than two units per acre; that according to the State Strategies, the site is designated in an Investment Level 4 Area; that Artesian Water Company, Inc. will provide central water and central sewer to the project; that the existing lots in the subdivision contain approximately 20,000 square feet; that the proposed single family lots will contain approximately 13,500 square feet; that the lots within the cluster portion of Phase 4 through 7 contain approximately 7,500 square feet; that the varying size of lots provides the Developer with a variety of lot sizes to offer for sale; that smaller lots provide for smaller homes; that the RPC will provide an additional 50 acres of open space over the 20 acres offered in the original plans; that streets within the project will be private; that sidewalks are proposed on one side of all streets; that the street layout is the same as the original project; that the project has already gone through DelDOT's review process including the Traffic Impact Study (TIS) process; that this project was a part of the TIS for Pelican Point, Phases 4 through 7 (Prettyman property); that a letter has been received from DelDOT stating that they do not require an additional TIS for the redesign of this layout; that the entrances have already been designed and approved; that one entrance is already constructed; that the project is in compliance with the AR-1 and RPC regulations; that as developers of Stonewater Creek Community they have had some difficulty in selling homes in the last couple of years; that they have reduced the minimum home size down from 2,800 square feet to 1,800 square feet due to the market; that homes are being offered at \$199,000 and some in the upper \$300,000 range; that by shrinking down lot sizes it allows for reduced lot sizes and reduced cost; that the attached single family homes should be easier to sell; that they will be required to make infrastructure improvements to Route 5, Cannon Road and Townsend Road; that this project will be similar to the Independence project to the north of this site; that the attached single family homes will be similar to Millschase community and Sterling Crossing community; that the current covenants and restrictions will remain in effect and could be subject to some changes as a result of changes in Delaware Law; that Proposed Findings of Fact and Proposed Conditions are offered in Tab 19 of the Exhibit Booklet; that the site was originally a part of Stonewater Creek; that the development was revised to create two separate subdivisions, one on the east side of Route 5 (Stonewater Creek) and one on the west side of Route 5 (Pelican Point); that recreational amenities are to be located in Phases 4 through 7 including a clubhouse and a pool area; that the wetlands are buffered; that the proposed layout has a minimum 50 foot buffer, if not greater, along the wetland area; that the layout of the road alignment has not changed from the original plan; that the site is now in agricultural use;

that this project will start prior to Phase 4 through 7; that design superiority is established by the additional open space; and that there is no way to demonstrate that this project will negatively impact the surrounding area. Ms. Hearn showed a rendering of the current layout that they are submitting for approval.

**Public  
Hearing  
C/Z  
No. 1650  
(continued)**

Ms. Hearn noted that the letter from PLUS, written to Sussex County, is not included in the Exhibit Book as it was submitted after the Book was completed and submitted to the County.

Public comments were heard.

Tiffany Derrickson and Norma Lee Burton Derrickson expressed concern about the protection of the N & M Burton Farm District, a 241 acre working farm that borders Stonewater Creek and the future Pelican Point and about the increased traffic created by the additional units proposed. They stated that they oppose the change in density unless Cannon Road Investments reroutes all traffic from Pelican Point to Cannon Road and closes the section of Stevenson Road adjacent to the N & M Burton Farm District; that current development plans route traffic onto Stevenson Road; and that they question how much of the 134 acres is woodlands and how many of those acres will be gone as a result of this project.

The Applicant stated that, in the revised plan, there are 6.46 acres of woodlands that will remain undisturbed.

Randy Mitchell stated that they are not opposed to the request made by Tiffany Derrickson and that they would redesign the traffic flow; however, it is DelDOT's decision if they want to close Stevenson Road, which is a public road.

The Public Hearing was closed.

The Council directed Mr. Lank to contact DelDOT regarding the road issue and to report back to the Council

**M 447 09  
Close  
Public  
Hearing/  
Leave  
Record  
Open/  
C/Z  
No. 1650**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to close the Public Hearing on Change of Zone No. 1650 filed on behalf of Cannon Road Investments, LLC and to leave the record open for comments from DelDOT.

Motion Adopted: 5 Yeas.

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

**M 448 09  
Defer**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to defer action on Change of Zone No. 1650 filed on behalf of Cannon Road Investments,

**Action  
on C/Z  
No. 1650**      **LLC.**  
**Motion Adopted:    5 Yeas.**

**M 448 09  
(continued)**      **Vote by Roll Call:    Mrs. Deaver, Yea; Mr. Vincent, Yea;  
   Mr. Wilson, Yea; Mr. Cole, Yea;  
   Mr. Phillips, Yea**

**M 449 09  
Adjourn**      **A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to adjourn at  
7:45 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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