



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 9, 2007

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 9, 2007 at 6:30 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Lynn J. Rogers	Member
Vance Phillips	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
James D. Griffin	County Attorney

Request to Amend Agenda

The Council was informed that a letter dated January 3, 2007 was received from Terrance Babbie advising the County that he wished to withdraw his Change of Zone Application No. 1604. The receipt of the letter met the County's guidelines for allowing the withdrawal of an application.

M 001 07 Amend and Approve Agenda

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to amend the Agenda by deleting the Public Hearing on Change of Zone No. 1604, an application of Terrance Babbie; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

M 002 07 Appoint President

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to nominate and appoint Dale R. Dukes as President of the Sussex County Council for the Year 2007.

Motion Adopted: 5 Yeas.

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

M 003 07
Appoint
Vice
President

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to nominate and appoint Finley B. Jones, Jr. as Vice President of the Sussex County Council for the Year 2007.

Motion Adopted: 5 Yeas.

M 003 07
(continued)

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

Pass
Gavel

President Rogers passed the gavel to the newly elected President, Dale R. Dukes.

Sheriff
Swanson

The newly elected Sheriff, Eric Swanson, addressed the Council. He stated that he is looking forward to working with the Council and Mr. Baker and that his office is open to the Councilmembers and the public at all times.

M 004 07
Authorize
Executive
Session

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to authorize an Executive Session to be held for the purpose of discussing pending litigation and land acquisition.

Motion Adopted: 5 Yeas.

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

M 005 07
Recess
Regular
Session/
Go Into
Executive
Session

At 6:45 p.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips, to recess the Regular Session and go into Executive Session.

Motion Adopted: 5 Yeas.

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

Executive
Session

At 6:46 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the County Council Chambers for the purpose of discussing pending litigation and land acquisition. The Executive Session concluded at 7:03 p.m.

M 006 07
Come out
of Executive

At 7:04 p.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session of the Sussex County Council.

**Session and
Reconvene
Regular
Session**

Motion Adopted: 5 Yeas.

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

**M 007 07
2007
Appoint-
ments
M 007 07
2007
Appoint-
ments
(continued)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to authorize the following appointments for the Year 2007: Lynn J. Rogers as the Council's representative on the Delaware League of Local Governments; to appoint Finley B. Jones, Jr. to serve on the National Association of Counties Board of Directors; to appoint Finley B. Jones, Jr. to serve on the Sussex Conservation District Board of Directors; to appoint Lynn J. Rogers to serve on the Sussex County Airport Committee; to appoint Finley B. Jones, Jr. to serve on the Sussex County Pension Committee; and to appoint Lynn J. Rogers and Vance Phillips to serve on the Sussex County Land Trust.

Motion Adopted: 5 Yeas.

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

**M 008 07
Appoint
County
Attorney**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to appoint James D. Griffin as County Attorney and Attorney for the Sussex County Council for the Year 2007.

Motion Adopted: 5 Yeas.

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

**M 009 07
Appoint
Assistant
County
Attorney**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to appoint Vincent G. Robertson as Assistant County Attorney and Attorney for the Planning and Zoning Commission for the Year 2007.

Motion Adopted: 5 Yeas.

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

**M 010 07
Appoint
Assistant
County
Attorney**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to appoint Richard E. Berl, Jr. as Assistant County Attorney and Attorney for the Board of Adjustment for the Year 2007.

Motion Adopted: 5 Yeas.

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

M 011 07
Appoint
Assistant
County
Attorneys

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to appoint Rebecca L. Trefillis as Assistant County Attorney and David R. Hackett as Assistant County Attorney for the Year 2007.

Motion Adopted: 5 Yeas.

M 011 07
(continued)

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

Rules of
Procedure

The Council discussed the Rules of Procedure, which were originally adopted in January 1996 and most recently amended in January 2006.

Mr. Baker referred to Rule 2.2, which states that “Regular business meetings shall convene at 10:00 a.m. on those days set forth in Exhibit “A”, attached hereto and incorporated herein by reference.” Mr. Baker noted that the Council meets one night a month at 6:30 p.m. and that an Exhibit A is not attached to the document.

M 012 07
Amend
Rules of
Procedure

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council amends the Rules of Procedure by amending Rule 2.2 so that it reads as follows: “Regular business meetings shall convene on Tuesdays.”

Motion Adopted: 5 Yeas.

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

Mr. Baker referred to Rule 10.9, which states that “Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the ordinance in its entirety, with notice of its adoption.” Mr. Baker noted that only the title of an adopted ordinance is published, as required by Delaware State Code.

M 013 07
Amend
Rules of
Procedure

A Motion was made by Mr. Jones, seconded by Mr. Rogers, that the Sussex County Council amends the Rules of Procedure by amending Rule 10.9 so that it reads as follows: “Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.”

Motion Adopted: 5 Yeas.

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

M 014 07 A Motion was made by Mr. Jones, seconded by Mr. Rogers, that the Sussex
Adopt County Council adopts the Rules of Procedure, as amended.
Rules of
Procedure

Motion Adopted: 5 Yeas.

M 014 07 **Vote by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;
(continued) Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 015 07 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt
Adopt Mason's Manual of Legislative Procedures as the parliamentary rules of the
Mason's Sussex County Council.
Manual of
Legislative
Procedures

Motion Adopted: 5 Yeas.

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

M 016 07 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the
Approve minutes of December 5, 2006.
Minutes

Motion Adopted: 5 Yeas.

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

M 017 07 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve
Approve the minutes of December 12, 2006.
Minutes

Motion Adopted: 5 Yeas.

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

Corre- Mr. Griffin read the following correspondence:
spondence

DOWNTOWN SEAFORD ASSOCIATION, SEAFORD, DELAWARE.
RE: Letter in appreciation of the Council's grant for Seaford's Christmas
Parade.

**JOSEPH'S STOREHOUSE, DAGSBORO CHURCH OF GOD,
DAGSBORO, DELAWARE.**

RE: Letter in appreciation of the Council's grant for their emergency food pantry.

**ALZHEIMER'S ASSOCIATION, DELAWARE VALLEY CHAPTER,
DELAWARE.**

RE: Letter in appreciation of the Human Service Grant approved by the Council.

**Corre-
spondence
(continued)**

**DELAWARE HOUSING COALITION, SUSSEX COUNTY, DELAWARE.
RE: Letter in appreciation of the Human Service Grant approved by the Council.**

MILTON HISTORICAL SOCIETY, MILTON, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

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

RE: Letter in appreciation of the Human Service Grant approved by the Council.

FIRST STEPS PRIMEROS PASOS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

DELAWARE HUMANE ASSOCIATION, WILMINGTON, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

MILFORD SENIOR CENTER, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

WILLIAM JONES, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of repairs made to his home which were made possible by the Sussex County Community Development Office.

DELAWARE COMMUNITY FOUNDATION, GEORGETOWN,

DELAWARE.

RE: Letter in appreciation of the Council's contribution to the First State Bayball Fund.

DELAWARE HOSPICE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Council's grant in support of the 2006 Delaware Hospice Festival of Trees.

MLK DREAM TEAM COMMITTEE, SEAFORD, DELAWARE.

RE: Letter in appreciation of the Council's grant in support of the 2007 Dr. Martin Luther King, Jr. Day of Celebration.

LAUREL COMMUNITY FOUNDATION, LAUREL, DELAWARE.

RE: Letter in appreciation of the Human Service Grant approved by the Council.

Corre-
spondence
(continued)

LOWER DELAWARE AUTISM FOUNDATION, LEWES, DELAWARE.

RE: Letter in appreciation of the Council's grant in support of the Fall Fling Art Show.

MISPILLION ROTARY CLUB OF MILFORD, MILFORD, DELAWARE.

RE: Letter in appreciation of the Council's grant in support of the Eighth Annual Romantic Valentine Gala.

SOUTHERN DELAWARE CHORAL SOCIETY, LEWES, DELAWARE.

RE: Letter in appreciation of the Council's grant which will fund complimentary tickets to veterans for the Spring concerts.

HISTORIC GEORGETOWN ASSOCIATION, GEORGETOWN, DELAWARE.

RE: End of Year Report.

Adminis-
trator's
Report

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

1. Land Use Plan Public Hearing Schedule

Attached is a copy of the public hearing schedule for the 2007 Comprehensive Plan Update. The purpose of these public hearings is to receive input from the public to be considered in the development of the Comprehensive Plan Update.

Also attached is a copy of a page from the County's website, www.sussexcountyde.gov, which notes the scheduled public hearings, as well as provides a means for the public to comment on-line to the County. An on-line comment form is also attached, as well as the mailing address for comments.

As noted in the News Brief, the hearings are scheduled for January 29, January 31, February 1, February 6, and February 15.

2. **Johnson's Corner Sewer Boundary Public Hearing**

A public hearing has been scheduled on January 27, 2007, at 9:00 a.m. at the Roxana Fire Company to review and solicit public input regarding proposed boundaries for the proposed Johnson's Corner Sanitary Sewer District. For information, please contact Mr. John Ashman, Director of Utility Planning, at 856-6258. Mr. Ashman will be presenting a report to Council prior to the January 27 public hearing.

Adminis-
trator's
Report
(continued)

3. **Beneficial Acceptance**

The Engineering Department has granted Beneficial Acceptance to the following projects:

- The Island - Pot Nets Bayside, Agreement No. 335, was granted Beneficial Acceptance on December 21, 2006. The developer is Don Sellers, Tunnell Companies, L.P., and the project is located at Pot Nets Bayside in the Long Neck Sanitary Sewer District, consisting of 38 single-family lots.
- Tunnell Cancer Center, Agreement No. 560, was granted Beneficial Acceptance on December 22, 2006. The developer is James Monihan and the project is located on Route 24, one mile west of Route 1, in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of a radiation oncology building with associated site improvements.
- Peninsula - Marina Bay Phase 2 - Area 1 - Parcel K, Agreement No. 565, was granted Beneficial Acceptance on December 27, 2006. The developer is Larry Goldstein, The Peninsula at Long Neck, L.L.C., and the project is located on Marina Bay Circle in the Long Neck Sanitary Sewer District, consisting of 35 condominium units and 12 townhouses.
- Peninsula - Marina Bay - Area 2, Agreement No. 615, was granted Beneficial Acceptance on December 27, 2006. The developer is Larry Goldstein, The Peninsula at Long Neck, L.L.C., and the project is located on Marina Bay Circle in the Long Neck Sanitary Sewer District, consisting of 298 multi-family units.
- Peninsula - Marina Bay - Area 3, Agreement No. 600, was granted Beneficial Acceptance on December 27, 2006. The developer is Larry Goldstein, The Peninsula at Long Neck, L.L.C., and the project is located on Main Road in the Long Neck Sanitary Sewer District, consisting of 99 condominium units and 12 townhouses.

- Canal Villas, Agreement No. 544, was granted Beneficial Acceptance on January 3, 2007. The developer is Louis Capano, Ocean Dunes, L.L.C., and the project is located on Route 273-C in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of ten condominium units.

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

Land Use Meetings Mr. Dukes clarified that the Land Use Meetings are being held to receive input from the public; that a draft plan will not be presented at the meetings; and that once the five meetings have been held and input received and considered, a draft plan will be written. Additional public meetings will be held once a draft plan has been written.

Public Hearing/ CDBG A Public Hearing was held on the development of a Community Development Block Grant Application, which is to be submitted to the Delaware State Housing Authority by the end of January. The Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.

Mr. Lecates, Director of Sussex County Community Development & Housing, advised that Sussex County's application will consist of projects in the County and in the municipalities. He reported that he has met with all the municipalities who have asked for the County's assistance to make application. Mr. Lecates explained that the primary objective of the Community Development Program is the development of viable urban communities, including decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. It is also a primary objective to alleviate physical and economic distress through the stimulation of private investment and community revitalization in areas of population out-migration or a stagnating or declining tax base. Eligible applicants are units of general local governments in Sussex and Kent counties, the Kent County Levy Court and the Sussex County Council. Mr. Lecates reported that there is \$2 million available for Sussex County, Kent County, and the municipalities. Seventy percent (70%) will be for housing rehab, demolition and code enforcement and thirty percent (30%) will be for infrastructure projects with a priority towards new housing developments. There is a ten percent (10%) match for projects less than \$100,000; a fifteen percent (15%) match for projects less than \$200,000, and a twenty percent (20%) match for projects more than \$200,000. There is fifty percent (50%) match for administration required; administration of the grants is provided by the County's Community Development & Housing Department. Mr. Lecates reviewed the program eligibility requirements which are based on family size and income. He noted that the average grant per homeowner is \$15,000.00 (CDBG) and \$3,000.00 (HPG).

Mr. Lecates reviewed a draft Resolution that listed the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

Application No. 1:

Public Hearing/ CDBG (continued)	Scatter Site – West Rehoboth	\$ 390,000	Housing Rehabilitation
	Scatter Site – Ocean View – Pine Town	70,000	Hook-ups/Sewer & Water
	Scatter Site - Delmar	20,000	Demolition
	Coverdale Crossroads	75,000	Housing Rehabilitation
	Rural Lincoln – Cedar Creek	150,000	Housing Rehabilitation
	Rural Millsboro - Dagsboro	135,000	Housing Rehabilitation
	Rural Seaford – Brick Yard Road	110,000	Housing Rehabilitation
	Administration	<u>\$ 150,000</u>	
	Total	<u>\$1,100,000</u>	

Application No. 2:

Blades	\$ 75,000	Storm Drainage
	\$ 180,000	Housing Rehabilitation

Application No. 3:

Bridgeville	\$ 180,000	Housing Rehabilitation
	\$ 20,000	Demolition

Application No. 4:

Ellendale	\$ 150,000	Housing Rehabilitation
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Application No. 5:

Frankford	\$ 80,000	Housing Rehabilitation
	\$ 10,000	Demolition

Application No. 6

Georgetown	\$ 180,000	Housing Rehabilitation
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Application No. 7

Greenwood	\$ 150,000	Housing Rehabilitation
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Application No. 8:

Laurel	\$ 350,000	Housing Rehabilitation
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Application No. 9:

Lewes	\$ 180,000	Housing Rehabilitation
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Application No. 10:

Milford	\$ 280,000	Housing Rehabilitation
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Application No. 11:

Milton	\$ 180,000	Housing Rehabilitation
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Application No. 12:

**Public
Hearing/
CDBG
(continued)**

Selbyville	\$ 180,000	Housing Rehabilitation
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Mr. Lecates reported that public reviews and public hearings were held on the above listed projects. He also reported that each application is reviewed and considered based on their own merit.

Public comments were heard.

Mr. Kramer referred to Mr. Lecates' comments regarding 30 percent of the funding being allocated for infrastructure projects (new housing development priority). He questioned if this program provides assistance for new housing developments.

Mr. Lecates responded that this has been a part of the policy for some time and that it is for public housing for low to moderate income individuals.

Evelyn Wilson of the Coverdale Crossroads Community Council, Roxy Sturgis of the West Rehoboth Community Land Trust, Sharon Harmond and Sebastian Matthews of Lucas Development in Milton, and Juanita Johnson of the Polly Branch Development in Selbyville spoke in support of CDBG funding. They stated that their communities have benefited greatly from the CDBG funding in the past and that it is vital to their communities to be included in the program in 2007.

Mr. Lecates advised that the Proposed Resolution would be revised for the Council's consideration at their next meeting on January 16, 2007.

The Public Hearing was closed.

**M 018 07
Defer
Action
on
Proposed
Resolution/**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on the Proposed Resolution entitled "ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING DAVID B. BAKER, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS" and to continue the Public Hearing on the development of the Community Development Block Grant Application until January 16, 2007.

**Continue
Public
Hearing on
CDBG**

Motion Adopted: 5 Yeas.

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

**M 019 07
Adopt
R 009 07**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Resolution No. R 009 07 “RECOGNIZING THE IMPORTANCE OF FAIR HOUSING FOR THE CITIZENS OF SUSSEX COUNTY”.

Motion Adopted: 5 Yeas.

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

**Bank
Account
Resolutions**

**M 020 07
Adopt
R 001 07**

Susan Webb reviewed eight (8) Proposed Resolutions listing the bank accounts of the Sussex County Council. The adoption of the Proposed Resolutions would reauthorize the accounts for the Year 2007.

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Resolution No. R 001 07 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, 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: 4 Yeas, 1 Absent.

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

Mr. Cole was out of the room during the vote.

**M 021 07
Adopt
R 002 07**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Resolution No. R 002 07 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR”.

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Cole was out of the room during the vote.

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 003 07 entitled “CASH MANAGEMENT ACCOUNT RESOLUTION”.

**M 022 07
Adopt
R 003 07**

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Cole was out of the room during the vote.

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 004 07 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE CITIZENS BANK BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, 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”.

**M 023 07
Adopt
R 004 07**

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Cole was out of the room during the vote.

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 005 07 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 DALE R. DUKES, PRESIDENT; FINLEY B. JONES, 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”.

**M 024 07
Adopt
R 005 07**

Motion Adopted: 3 Yeas, 1 Abstention, 1 Absent.

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

Mr. Cole was out of the room during the vote.

**M 025 07
Adopt
R 006 07**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 006 07 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR”.

Motion Adopted: 3 Yeas; 1 Abstention, 1 Absent.

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

Mr. Cole was out of the room during the vote.

Mr. Dukes did not vote on Resolution Nos. R 005 07 and R 006 07 due to a possible conflict of interest.

**M 026 07
Adopt
R 007 07**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 007 07 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MERCANTILE PENINSULA BANK BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, 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: 4 Yeas, 1 Absent.

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

Mr. Cole was out of the room during the vote.

M 027 07

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 008 07 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT

**Adopt
R 008 07**

WITH THE WILMINGTON SAVINGS FUND SOCIETY, FSB BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, 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: 4 Yeas, 1 Absent.

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

**M 027 07
(continued)**

Mr. Cole was out of the room during the vote.

Mr. Godwin presented a request for funding through the Revenue Sharing for Local Law Enforcement Grant Program:

**Local Law
Enforce-
ment Grant
Request**

Rehoboth Beach \$ 740.00 Vehicle Lettering

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Local Law Enforcement Grant in the amount of \$740.00 to the City of Rehoboth Beach, as presented.

**M 028 07
Approve
Local Law
Enforce-
ment Grant**

Motion Adopted: 5 Yeas.

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

**South
Coastal
Treatment
Plant
Building
Upgrade
Project/
Bid
Results**

Michael Izzo, County Engineer, presented the Bid Results for Sussex County Project No. 05-07, South Coastal Treatment Plant Building Upgrade”, as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Contingent Bid Items</u>	<u>(Add-on) Replace Roof on Existing Admin Bldg</u>	<u>Total</u>
Conventional Builders Houston, Delaware	\$3,585,000.00	\$14,815.00	\$ 8,056.00	\$3,683,371.00
Richard Y. Johnson & Son, Inc. Lincoln, Delaware	\$3,721,000.00	\$14,815.00	\$13,870.00	\$3,819,685.00
Kent Construction Co., Inc. Smyrna, Delaware	\$4,126,000.00	\$14,815.00	\$ 9,385.33	\$4,232,315.00
Engineer’s Estimate	\$4,054,000.00	\$14,815.00	\$31,600.00	\$4,100,415.00

Mr. Izzo explained that the project includes the construction of a new maintenance facility and the rehabilitation of the existing administrative

building. He noted that a fair bid was received for the roof replacement and that the Engineering Department would prefer to include it with the other comprehensive building work at South Coastal. Mr. Izzo reported that the Engineering Department recommends that the bid be awarded to Conventional Builders with the contingent bid items and the add-on, for a total bid of \$3,683,371.00.

**M 029 07
Award
Bid/
South
Coastal
Treatment
Plant
Building
Upgrade
Project**

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department and the Engineering Consultants, Stearns & Wheler, LLP, that Sussex County Project No. 05-07, South Coastal Treatment Plant Building Upgrade”, be awarded to Conventional Builders of Houston, Delaware at the alternate bid amount of \$3,683,371.00.

Motion Adopted: 5 Yeas.

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

Susan Webb presented grant requests for the Council’s consideration.

**Requests

M 030 07
Community
Investment
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$5,000.00 from Mr. Dukes’ Community Investment Grant Account to the Nanticoke Little League for facilities upgrade and expansion.

Motion Adopted: 5 Yeas.

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

**M 031 07
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the VFW Operation Up-Link Program for the purchase of phone cards for veterans and service men and women.

Motion Adopted: 5 Yeas.

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

**M 032 07
Youth**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00 from Mr. Phillips’ Youth Activity Grant Account to Millsboro Hut, Inc. in support of scouting programs.

**Activity
Grant**

Motion Adopted: 5 Yeas.

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

**M 033 07
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$1,500.00 (\$300.00 from each Councilmanic Grant Account) to the Dr. Martin Luther King Jr. Celebration Organization of Sussex County to support youth participation at the 2007 services and banquet.

**M 033 07
Council-
manic
Grant
(continued)**

Motion Adopted: 5 Yeas.

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

**Additional
Business**

Under *Additional Business*, Dan Kramer addressed the Council and referred to the wording in the Oath of Office recited by the elected officials during the Swearing-In Ceremony.

**Public
Hearing
C/U
No. 1722**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (4 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 17,500 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1722) filed on behalf of West Rehoboth Community Land Trust.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on the application on December 7, 2006 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated December 7, 2006 for additional information on the application, correspondence received and the Public Hearing before the Commission.)

Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

Mr. Lank, Director of Planning and Zoning, reported that additional correspondence had been received since the Public Hearing. A letter was received from the Diamond State Community Land Trust in support of the application and a letter was received from State Senator George Bunting asking that his support for the application be rescinded.

The Council found that David J. Weidman, Attorney, was present on behalf of the application. He stated that he was surprised at the opposition for an

Public
Hearing
C/U
No. 1722
(continued)

affordable housing proposal in a lower-income neighborhood. Mr. Weidman stated that their conditional use proposal is legally permissible in concept; that it is worthy in purpose; and that it is practical in terms of land use. He stated that their vision for the future is a vibrant new community; that they propose to build two duplexes consisting of four units; that the parcel consists of two recorded lots; that the proposal will provide safe and affordable housing in West Rehoboth and will make this property affordable for future generations; that the West Rehoboth Community Land Trust is the first Land Trust in the State of Delaware; that it is a model that has been used nationwide; that three parking spaces will be provided per unit; that each unit will have a garage; that the site plan can be altered to relocate the parking and building to conform to the setbacks and other parking requirements; that the Land Trust is going to pay fair market value for the property; that there has been concerns raised about the sewer capacity; that, if the conditional use is approved, the applicant is going to have to make sewer upgrades; that, if the applicant cannot afford to pay for the sewer upgrades, the proposal will not go forward and the property stays as is; that the applicant is simply seeking the opportunity to pursue the project; that no Traffic Impact Study was required; that the proposal is not out of character with the area; that income-qualified residents of West Rehoboth will be given first priority; that the West Rehoboth Community Land Trust will own the land in perpetuity and they cannot make a profit on it; and that buyers would be limited to a profit on the property.

Mr. Weidman stated that the Council has Case Law to deal with and he referred to the Gibson Case. Mr. Weidman stated that under current law, there are no impediments to the Planning and Zoning Commission and the Sussex County Council approving this Plan.

Mr. Weidman referred to the letters of opposition, one of which was from Robert Paul and others that appear to be form letters. He stated that Mr. Paul's letter was copied and signed by others. Mr. Weidman commented on the eight points outlined by Mr. Paul in his letter.

Matt Peterson presented a rendering of the house plans and site plan. He stated that the homes would be 1,600 square feet in size with three bedrooms; that the cost would be minimized based on design; that they could accommodate the parking requirements although it would increase costs and would result in less yard space; and that they would meet all Codes, including energy star requirements.

Mr. Cole raised questions about the parking proposal and questioned whether backing out onto the road would be permissible.

Mr. Lank responded that off-street parking areas that make it necessary to back out directly onto a public road or street are prohibited except for single-family dwelling units. He noted that parking within a front-yard setback is subject to site plan review.

Public comments were heard.

Roxy Sturgis encouraged the Council to support the application. She stated that revitalization is what they want to do in West Rehoboth; that financing can come from HUD, Rural Development and Fannie Mae; that they need to maximize the use of the land to make the housing affordable; and that they propose decent and safe housing at a cost of approximately \$170,000.00 per unit.

**Public
Hearing
C/U
No. 1722
(continued)**

Mable Granke, Board Member of the Land Trust, spoke in support of the application. She stated that they are trying to do a “total situation for West Rehoboth”; that the Land Trust can bring in new homes; that the homes would be for people 80 percent and below the median income of Sussex County; that CDBG funds can rehabilitate homes; and that she has been authorized to give the Council the verbal agreement of Representative Pete Schwartzkopf and Senator Gary Simpson, who have advised that they propose to help upgrade the roads and provide lighting in West Rehoboth.

There were no public comments in opposition to the application.

The Public Hearing was closed.

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on Conditional Use No. 1722 filed on behalf of the West Rehoboth Community Land Trust.

**M 034 07
Defer
Action on
C/U
No. 1722**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
(C/U
No. 1673)**

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 AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS” (Conditional Use No. 1673) filed on behalf of William Kevin Clark.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 21, 2006 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated December 21, 2006 for additional information on the application, correspondence received and the Public Hearing before the Commission.)

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

summary was admitted as part of the Council's record.

Mr. Lank reported that one additional letter had been received since the Public Hearing before the Commission – a letter from Melissa Clark, the Applicant's wife, in support of the application.

Mr. Lank distributed a copy of the letters referred to in the report of the Planning and Zoning Commission along with a copy of the letter from Melissa Clark.

The Council found that Harry Murphy of Charles Murphy Associates and William Kevin Clark were present on behalf of the application. They stated that Mr. Clark has lived with his wife and children on the lot for about seven years; that that his adjacent neighbors are family members; that the applicant desires to create a home business for himself; that he is willing to limit his business operations to displaying no more than ten vehicles at one time; that he proposes to add approximately 15 feet of stone for display purposes; that he plans to construct a 12 foot by 16 foot office building; that there is an existing outbuilding on the site where he can perform general service work on the cars; that he proposes a small sign to advertise his business; and that he proposes the hours of operation to be from 9:00 a.m. to 9:00 p.m., Sunday through Friday, with no Saturday hours.

Mr. Dukes asked the applicant to address the letter from William and Diana Ashley in which they complain that the applicant displays un-licensed junk cars in front of his home and collects scrap metal in a large pile near the building.

Mr. Clark stated that Diana Ashley is his sister; that he does not have any junk cars on the property; and that the Ashley's cannot see the subject property without walking behind it or in front of it.

The Applicant submitted photographs of the site into the record.

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

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to defer action on Conditional Use No. 1673 filed on behalf of William Kevin Clark.

Motion Adopted: 5 Yeas.

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

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 RETAIL CRAFTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED,

Public
Hearing
(C/U
No. 1673)
(continued)

M 035 07
Defer
Action
on C/U
1673

Public
Hearing
(C/U

No. 1676) SUSSEX COUNTY, CONTAINING 3.1469 ACRES, MORE OR LESS”
(Conditional Use No. 1676) filed on behalf of Peter J. Goebel.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 21, 2006 at which time the Commission recommended that the application be approved with five conditions.

**Public
Hearing
(C/U**

(See the minutes of the meeting of the Planning and Zoning Commission dated December 21, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission, and the Commission’s recommendation of approval.)

**No. 1676)
(continued)**

Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

The Council found that Peter Goebel was present on behalf of his application. He stated that he and his wife propose to operate a small craft store; that they propose to sell crafts in their detached 3-car garage; that they would only be using 1/3 of the 3-car garage for the business; and that they plan to continue to reside on the property.

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

**M 036 07
Adopt
Ordinance
No. 1884
(C/U
No. 1676)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1884 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL CRAFTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.1469 ACRES, MORE OR LESS” (Conditional Use No. 1676) filed on behalf of Peter J. Goebel, with the following conditions:

- 1. Sales shall only occur during daylight hours.**
- 2. Sales shall only be from the existing garage structure.**
- 3. There shall be no items placed outside for sale.**
- 4. One unlighted sign shall be permitted, not to exceed 32 square feet per side or facing.**
- 5. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

A Public Hearing was held on the Proposed Ordinance entitled “AN

**Public
Hearing
(C/U
No. 1700)**

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DELI/STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 7.4183 ACRES, MORE OR LESS” (Conditional Use No. 1700) filed on behalf of Steve and Wendy Mitchell.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 21, 2006 at which time action the Commission recommended that the application be approved with seven conditions.

**Public
Hearing
(C/U
No. 1700)
(continued)**

(See the minutes of the meeting of the Planning and Zoning Commission dated December 21, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission, and the Commission’s recommendation of approval.)

Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

The Council found that Wendy Mitchell was present on behalf of the application. She stated that the Town of Gumboro has a need for a delicatessen/store; that the Town has been without such an establishment since the close of the original store due to a fire; that the hours of operation would be Monday through Saturday from 6:00 a.m. to 8:00 p.m.; that there would be no Sunday hours; that a 40 foot by 40 foot building is proposed; and that they would like a lighted sign outside.

Several Councilmembers stated that they did not see any need in restricting business hours.

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

**M 037 07
Adopt
Ordinance
No. 1885
(C/U
No. 1700)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1885 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DELI/STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 7.4183 ACRES, MORE OR LESS” (Conditional Use No. 1700) filed on behalf of Steve and Wendy Mitchell, with the following conditions:

- 1. All entrances shall meet all of DelDOT’s requirements.**
- 2. On-site septic and wells must be approved by DNREC.**
- 3. Dumpsters shall be screened from neighbors and any public roadways.**
- 4. Any security lighting shall shine downward and not towards neighboring properties or any public roadways.**
- 5. A lighted sign, not exceeding 32 square feet per side or facing, shall**

be permitted.

6. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**Old
Business
(C/U
No. 1667)
(continued)**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1667) filed on behalf of Douglas Hitchens.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on the application on October 12, 2006; on October 26, 2006 the Commission recommended that the application be denied.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 12 and 26, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and their recommendation of denial.)

The County Council held a Public Hearing on this application on October 31, 2006 at which time they deferred action and directed the Planning and Zoning staff to develop proposed conditions for the Council’s consideration.

Mr. Lank read the suggested findings and conditions of approval which were prepared for the Council’s consideration.

Mr. Jones suggested that the number of vehicles to be displayed be limited to ten (10).

**M 038 07
Adopt
Ordinance
No. 1886
(C/U No.
1667)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1886 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1667) filed on behalf of Douglas Hitchens, with the following conditions:

1. The use shall be limited to an office, an area for vehicles displayed for sale, parking for customers, driveways, and a dumpster, if any.
2. The maximum number of vehicles to be displayed shall not exceed

ten (10).

3. Repair work and detailing of vehicles shall be limited to vehicles to be offered for sale on the premises, not vehicles owned by others. There shall be no repair work performed outside.
4. Business hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. There shall be no Sunday business hours.
5. Any security lighting shall be downward illuminated so as not to cause glare into adjacent properties or Route 404.
6. If a dumpster is placed on the property, it shall be screened from view from adjacent properties and Route 404.
7. All vehicles displayed for sale shall be set back at least 25-feet from the front property line, the right-of-way of Route 404.
8. One ground sign, not exceeding 32-square feet per side or facing, may be permitted.
9. Final site plan approval shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals, i.e. DelDOT, Fire Marshall, Sussex Conservation District, DNREC, etc.

M 038 07
Adopt
Ordinance
No. 1886
(C/U No.
1667)
(continued)

Motion Adopted: 3 Yeas, 2 Nays.

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

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 9:38 p.m. Motion Adopted by Voice Vote.

M 039 07
Adjourn

Respectfully submitted,

Robin A. Griffith
Clerk of the Council