



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 15, 2008

#### Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 15, 2008 at 6:30 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

#### M 043 08 Amend and Approve Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the Agenda by changing the wording of the item listed under Susan Webb, Finance Director, to "Introduction of a Proposed Ordinance entitled AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE MILLER CREEK SANITARY SEWER DISTRICT", and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

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

#### M 044 08 Approve Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of December 11, 2007.

**Motion Adopted: 5 Yeas.**

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

#### Corre- spondence

Mr. Griffin read the following correspondence:

ELLENDALE COMMUNITY CIVIC ASSOCIATION, ELLENDALE,

**DELAWARE.**

**RE: Letter in appreciation of grant.**

**CONTACT LIFELINE, MILFORD, DELAWARE.**

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

**THE NATURE CONSERVANCY, ARLINGTON, VIRGINIA.**

**RE: Letter in appreciation of grant.**

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

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

**FIRST STATE INSPECTION AGENCY, GEORGETOWN, DELAWARE.**

**RE: Letter regarding the County's decision to take over single family building inspections, asking the Council to reconsider that decision.**

**CAIN CONSTRUCTION INC., MILFORD, DELAWARE.**

**RE: Letter in support of First State Inspection Agency continuing to perform single family building inspections in the County.**

**WEST SIDE NEW BEGINNINGS, REHOBOTH, DELAWARE.**

**RE: Letter in appreciation of grant.**

**Corre-  
spondence  
(continued)**

**Russell  
Archut  
Retiring**

**The Council extended its thanks and congratulations to Russell W. Archut, Assistant County Engineer, who is retiring after 29 years of employment with the County.**

**M 045 08  
Adopt  
Tribute/  
Russell  
Archut**

**A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt the Tribute commending Russell W. Archut for devotion, loyalty, and excellence in serving Sussex County from July 10, 1978 to January 16, 2008 (29 Years).**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Legislative Items – House Transportation, Land Use & Infrastructure Committee Meeting**

**We have just been made aware of a committee meeting on January 16 at 1:30 p.m. of the House Transportation, Land Use & Infrastructure Committee. Attached is a copy of the agenda at the present time. A number of these bills affect Sussex County. I will be attending this committee meeting to represent the County Council.**

**A summary of the bills is noted below:**

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

- **House Bill No. 111 – This bill would prevent local governments from collecting county realty transfer tax in Level 4 or outside county growth zones. A proposed amendment would clarify the bill so that the counties could no longer collect transfer tax on properties located in new major subdivisions in Level 4 areas. House Bill No. 111 without the amendment would have meant an approximate \$7,000,000 decrease in realty transfer tax revenues during this current fiscal year. The above noted amendment would mean a \$3,000,000 decrease in annual County revenues estimated after four years. That amount would grow over time.**

**Seventy-one (71) percent of land within Sussex County is in Level 4. Decreases of this magnitude in the County budget would require either additional other revenues or cuts in programs. Attached is a handout to be reviewed with the committee tomorrow.**

- **House Bill No. 186 – This bill would prevent county and local governments from permitting new major subdivisions in Level 4 areas or outside county or local growth zones.**
- **House Bill No. 233 – This bill would extend the School Impact Fee Program that is currently used in New Castle County to the rest of the State.**
- **House Bill No. 239 – Land use rezonings, subdivisions, etc., would be subject to the approval of the Office of State Planning after a review by that office to determine the adequacy of public facilities and infrastructure.**
- **House Bill No. 280 – This bill requires all subdivision roads in the County to be built to State standards.**

**2. Millville Sewer Expansion Newsletter**

**Attached is a copy of the latest newsletter regarding the Millville Sewer Expansion. This newsletter will be sent to the Millville area to keep residents informed on the status of this project. As noted, this project will eliminate 1,600 existing septic systems and reduce over 65,000 pounds of nitrogen and phosphorus that goes into the watershed as a result of these septic systems per year.**

**We would like to congratulate the Engineering Department on the preparation of this professional newsletter.**

**3. Beneficial Acceptance**

**The Engineering Department has granted Beneficial Acceptance to**

**the following projects:**

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

- **Ashley Manor – Phase 3, Agreement No. 539-3, was granted Beneficial Acceptance on January 9, 2008. The developer is Pano Development, L.L.C., and the project is located on Route 20, north of Route 54, in the Fenwick Island Sanitary Sewer District, consisting of a residential development with 28 townhouses.**
- **Americana Bayside – Phase 10-B, Agreement No. 576, was granted Beneficial Acceptance on January 11, 2008. The developer is Carl M. Freeman Communities, and the project is located at Dogwood Way - Aster Way in the Fenwick Island Sanitary Sewer District, consisting of 22 single-family lots.**
- **Hopkins-Pettyjohn Subdivision – Off-site, Agreement No. 446-1, was granted Beneficial Acceptance on January 14, 2008. The developer is ADC Builders and the project is located at the northeast intersection of Route 9 and Route 261 in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of off-site construction of one pump station, two separate force mains, and a short piece of gravity collection.**

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

**Draft  
Ordinance/  
Rates for  
Miller  
Creek  
SSD**

**Mrs. Webb presented a draft ordinance that would establish the rates for the Miller Creek Sanitary Sewer District: for collection, an assessment rate per billable front foot of \$6.09; for transmission and/or treatment, an assessment rate per billable front foot of \$0.85. The annual assessment rates for collection and transmission and/or treatment would become effective February 5, 2008.**

**Introduction  
of Proposed  
Ordinance**

**Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE MILLER CREEK SANITARY SEWER DISTRICT”. The Proposed Ordinance will be advertised for Public Hearing.**

**Wastewater  
Agreements**

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

**M 046 08  
Execute  
Wastewater  
Agreement/  
Herring  
Pointe**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 484, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Herring Pointe Development, Inc., for wastewater facilities to be constructed in Herring Pointe located in the Angola Neck Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**M 047 08** A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the  
**Execute** recommendation of the Sussex County Engineering Department, for Sussex  
**Wastewater** County Project No. 81-04, Agreement No. 516-1, that the Sussex County  
**Agreement/** Council execute a Construction Administration and Construction  
**The Landing** Inspection Agreement between Sussex County Council and H.K.S. 4, LLC,  
**at Pepper** for wastewater facilities to be constructed in The Landing at Pepper Creek  
**Creek** – Revision 1 (AKA The Marina at Pepper's Creek), located in Dagsboro –  
Frankford Sanitary Sewer District.

**Motion Adopted:** 5 Yeas.

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

**Possible** Mr. Godwin discussed Proposed State Legislation relating to overlay zones.  
**State** Although it was noted that no legislation has been introduced as of this date,  
**Legislation** the Council agreed that when legislation is introduced, Mr. Godwin will  
**Relating to** attempt to have it amended before it is introduced or on the day it is  
**Overlay** introduced, so that notice requirements to property owners will be included  
**Zones** specifically for Sussex County properties.

**Public** A Public Hearing was held on the development of a Community  
**Hearing/** Development Block Grant Application, which is to be submitted to the  
**CDBG** 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

Public  
Hearing/  
CDBG  
(continued)

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:**

Scatter Site	\$ 392,000	Housing Rehabilitation
Scatter Site Hookups - Pinetown, Dagsboro, Millsboro	55,000	Hook-ups/Sewer & Water
Coverdale Crossroads	150,000	Housing Rehabilitation
Rural Lincoln – Cedar Creek	90,000	Housing Rehabilitation
Rural Millsboro - Dagsboro	90,000	Housing Rehabilitation
Rural Selbyville – Pollybranch	170,000	Housing Rehabilitation
Administration	153,000	
<b>Total</b>	<b>\$1,100,000</b>	

**Application No. 2:**

Blades	\$ 123,050	Storm Drainage
	\$ 80,000	Housing Rehabilitation

**Application No. 3:**

Bridgeville	\$ 180,000	Housing Rehabilitation
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**Application No. 4:**

Georgetown	\$ 120,000	Housing Rehabilitation
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**Application No. 5:**

Greenwood	\$ 150,000	Housing Rehabilitation
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**Application No. 6**

Laurel	\$ 180,000	Housing Rehabilitation
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**Application No. 7**

<b>Public Hearing/ CDBG (continued)</b>	<b>Milford</b>	<b>\$ 180,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 8:</u></b>		
	<b>Milton</b>	<b>\$ 180,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 9:</u></b>		
	<b>Ocean View</b>	<b>\$ 60,000</b>	<b>Hookups-Water</b>
	<b><u>Application No. 10:</u></b>		
	<b>Seaford</b>	<b>\$ 180,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 11:</u></b>		
	<b>Selbyville</b>	<b>\$ 180,000</b>	<b>Housing Rehabilitation</b>

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.

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

**M 048 08**  
**Adopt**  
**Resolution**  
**R 009 08**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 009 08 entitled “ENDORSING 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”.

**Motion Adopted: 5 Yeas.**

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

**M 049 08**  
**Adopt**  
**Resolution**  
**R 010 08**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Resolution No. R 010 08 “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**

**Update on  
MPHU  
Program**

Mr. Lecates, Director of Sussex County Community Development & Housing, and Brandy Bennett, Sussex County Housing Coordinator, updated the Council on the Moderately Priced Housing Program. They reported that three pilot projects were approved in 2007: North Milton

**Development Corporation, Bell Point, and Sea Coast.**

(continued) **Mr. Lecates reported that they plan to put out a Request for Proposals (RFP) Round Two for the MPHU Program in January for the purpose of selecting program participants. Interested developers/applicants will be requested to return their submissions in February.**

**Community Development Website** **Ms. Bennett reported that the County has a Community Development website with resource links to other agencies and non-profit organizations. In addition, the Department has published brochures on the MPHU and CDBG programs.**

**T-Hangar Tenant List** **Jim Hickin, Director of Airport and Industrial Park Operations, stated that, in November 2007, the Council terminated all T-Hangar Leases in order to update the policy. At that time, the Council also approved a new lease document, new rates and a waiting list policy.**

**Mr. Hickin submitted a list of the current tenants and proposed tenants; he noted that some of the names are different due to the fact that the new policy requires that leases be made to the owner of the aircraft. The proposed tenants are:**

**Rudder Lane Hangars**

- No. 1 - Rickards Restoration, Inc.**
- No. 2 - Bowman & Dehn Enterprises, Inc.**
- No. 3 - Powerlyne Systems, Inc.**
- No. 5 - Railway Aviation, LLC**
- No. 6 - Waterloo Ventures, LLC**
- No. 7 - John Wells**
- No. 9 - Sky Dreams, Inc.**
- No. 10 - Thomas Jones**

**Hangar Nos. 4 and 8 to be filled in accordance with the hangar waiting list policy.**

**Aviation Avenue Hangars**

- No. 1 - Robert Young**
- No. 3 - Diamond Pond Aero, LLC**
- No. 4 - Randy Murray**
- No. 5 - Delmarva Aviation**
- No. 6 - AviaBellanca, Inc.**

**Hangar No. 2 is to be filled in accordance with the hangar waiting list policy.**

**M 050 08 Execute** **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council authorizes the County Administrator to execute**



**T-Hangar Agreements**      **monthly Use and Occupancy Agreements for T-Hangar Units at the Sussex County Airport with the tenants identified by Jim Hickin, Director of Sussex County Airport and Industrial Park, on January 15, 2008.**

<b>M 050 08</b> <b>(continued)</b>	<b>Motion Adopted:</b> <b>Vote by Roll Call:</b>	<b>5 Yeas.</b> <b>Mr. Cole, Yea; Mr. Phillips, Yea;</b> <b>Mr. Rogers, Yea; Mr. Jones, Yea;</b> <b>Mr. Dukes, Yea</b>
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<p><b>Fenwick Island SSD Pump Stations/ Contract Amend-ment with WR&amp;A</b></p>	<p><b>Russell Archut, Assistant County Engineer, presented an amendment to a Contract with Whitman, Requardt &amp; Associates (WR&amp;A) to perform design work for two pump station upgrades (Pump Stations 30 and 31) in the Fenwick Island Sanitary Sewer District. The work would include (1) the design of upgrades to the pump stations and (2) the design of the construction of a 7,000 linear foot force main. Pump Station 30 is the main regional pump station which pumps from Fenwick Island to the South Coastal Regional Wastewater Facility. Mr. Archut noted that upgrades are necessary due to the addition of the Johnson's Corner Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, and the Bay View Sanitary Sewer Districts.</b></p>
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**Mr. Archut reported that the amount of the Design Contract with WR&A is \$843,045.00 and that funding is in place to finance it, either through the budget or through the loan for Pump Station 31. Mr. Archut reported that a loan package was received last year from USDA/Rural Development for Pump Station 31.**

<b>M 051 08</b> <b>Execute</b> <b>Contract</b> <b>Amendment</b> <b>with</b> <b>WR&amp;A/</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 42, dated January 8, 2008, to its contract with Whitman, Requardt &amp; Associates, LLP, for final design of Pump Station No. 30 and Pump Station No. 31 wastewater improvements, at a cost not to exceed \$843,045.00.</b>
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<b>Island SSD Pump Stations</b>	<b>Motion Adopted:</b>	<b>5 Years.</b>
	<b>Vote by Roll Call:</b>	<b>Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</b>

**Bid Results for the** **Michael Izzo, County Engineer, presented the Bid Results for the Millville Sanitary Sewer District Collection & Conveyance Project (Sussex County Project No. 05-06D); bids were opened on January 4, 2008.**

SSD/ Contract D	Mr. Izzo pointed out that the Base Bid is for service to several subdivisions in the area – Banks Acres and Banksville Park. Alternate 1 and Alternate 2 Bids considered the Railway Avenue area leading down to Bethany Bay. Alternate 1 is for the installation of County required sewer, estimated at \$400,000 (the bid came in at approximately \$250,000). Alternate 2 is only
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(continued) for the sewer that is required to serve the development, estimated at \$700,000 (the bid came in at approximately \$500,000). Mr. Izzo noted that the developer has opted to become a part of the project and has escrowed the money to finance his part of the construction. The Engineering Department is recommending that Alternate No. 2 be awarded to the low bidder, Teal Construction, at the cost of \$2,448,468.00 (the Engineer's Estimate was \$3,577,596.00).

**M 052 08** A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based on the  
**Award** recommendation of the Engineering Consultants, Whitman, Requardt &  
**Bid/** Associates, LLP, and the Sussex County Engineering Department, that  
**Millville** Sussex County Project No. 05-06-D, Millville Sanitary Sewer District  
**SSD/** Collection and Conveyance, be awarded to Teal Construction of Dover,  
**Contract D** Delaware, at the Alternate Bid No. 2 amount of \$2,448,468.00, contingent  
upon the receipt of approval from the Rural Utility Service.

**Motion Adopted: 5 Yeas.**

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

**Old** The Council discussed the Proposed Ordinance entitled "AN ORDINANCE  
**Business/** TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
**C/U** AGRICULTURAL RESIDENTIAL DISTRICT FOR A RESIDENTIAL  
**No. 1702** SCHOOL AND COUNSELING FACILITY TO BE LOCATED ON A  
CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST  
FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.01 ACRES,  
MORE OR LESS" (Conditional Use No. 1702) filed on behalf of Shiloh  
House of Hope.

The Planning and Zoning Commission held a Public Hearing on this application on September 27, 2007 at which time they deferred action; on November 8, 2007, the Commission recommended that the application be denied.

The Council held a Public Hearing on this application on October 16, 2007.

On January 9, 2008, the Council was provided a copy of the Commission's report on the application along with Proposed Findings of Fact and Proposed Conditions which were offered by the applicants in their presentation during the public hearings. The proposed findings of fact and conditions were read into the record.

**M 053 08** A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the  
**Add** following condition be added to the list of nineteen proposed conditions:  
**Proposed**  
**Condition/** Condition No. 20 - The Conditional Use permit shall expire in ten years and  
**C/U** shall have to be reapplied for and its record reviewed; renewal of the

**No. 1702**                    **Conditional Use shall be contingent upon review of land use violations, civil violations, and any personnel problems.**

**Motion Adopted:        5 Yeas.**

**M 053 08**                    **Vote by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea;**  
**(continued)**                    **Mr. Rogers, Yea; Mr. Jones, Yea;**  
   **Mr. Dukes, Yea**

**M 054 08**                    **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the**  
**Adopt**                            **Proposed Ordinance entitled “AN ORDINANCE TO GRANT A**  
**Proposed**                        **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**  
**Ordinance**                      **RESIDENTIAL DISTRICT FOR A RESIDENTIAL SCHOOL AND**  
**(C/U**                                **COUNSELING FACILITY TO BE LOCATED ON A CERTAIN PARCEL**  
**No. 1702)**                        **OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED,**  
**Denied**                           **SUSSEX COUNTY, CONTAINING 6.01 ACRES, MORE OR LESS”**  
   **(Conditional Use No. 1702) filed on behalf of Shiloh House of Hope, with the**  
   **following conditions:**

1. There shall not be more than forty-eight students attending the school.
2. All students shall be residents of the school campus. No commuter students shall be permitted.
3. All outdoor school activities shall conclude by 9:00 p.m. except for educational purposes.
4. All residential buildings shall have security and alarm systems.
5. All residential buildings shall have a staff member on site whenever students are in the buildings.
6. The school and residences shall meet all requirements of the Fire Marshall, the Department of Health and Human Services and any other State agency which has jurisdiction.
7. The school curriculum shall be approved and accredited by the Delaware Board of Education if required by the State.
8. All deliveries of supplies to the campus shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except in the case of an emergency.
9. The school shall establish and maintain written policies governing the conduct and obligations of the students and staff.
10. No students who have exhibited violent behavior for at least two (2) years prior to application shall be admitted to the school.
11. All students shall be subject to criminal background checks prior to admission.
12. All staff shall be subject to criminal background checks prior to being hired or accepted as a volunteer.
13. No student shall be permitted to have a bicycle or motorized vehicle on the campus.
14. The site shall have a vegetative buffer adjacent to McDowell Road.
15. The applicant shall maintain at least one storm water pond which is a wet pond with a dry hydrant installed.

**M 054 08**  
**Adopt**  
**Proposed**  
**Ordinance**  
**(C/U**  
**No. 1702)**  
**Denied**  
**(continued)**

16. All students shall be residents of the Delmarva Peninsula.
17. All lighting on the buildings shall be directional onto the building and shall not shine into adjacent properties.
18. The applicant will be permitted to have one sign no larger than thirty-two (32) square feet in size with directional lighting. No backlit signage will be permitted.
19. The site plan is subject to final approval by the Planning and Zoning Commission.
20. The Conditional Use permit shall expire in ten years and shall have to be reapplied for and its record reviewed; renewal of the Conditional Use shall be contingent upon review of land use violations, civil violations, and any personnel problems.

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

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

**Requests**

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

**M 055 08**  
**Human**  
**Service**  
**Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$1,000.00 from Human Service Grants to the Bridgeville Community Action Agency for school programs.

**Motion Adopted:** 5 Yeas.

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

**M 056 08**  
**Community**  
**Investment**  
**Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Rogers' Community Investment Grant Account to The Greater Lewes Foundation in support of the *FutureScan project*.

**Motion Adopted:** 5 Yeas.

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

**M 057 08**  
**Youth**  
**Activity**  
**Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$1,000.00 (\$500.00 each from Mr. Dukes' and Mr. Phillips' Youth Activity Grant Accounts) to the Laurel Little League for ground improvements.

**Motion Adopted:** 5 Yeas.

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

**Mr. Dukes, Yea**

- M 058 08 Grant Youth Activity Grant (continued)**      **A Motion was made by Mr. Cole, seconded by Mr. Rogers to give \$750.00 (\$150.00 from each Youth Activity Grant Account) to the Delaware State Police Troop 4 Explorers to help pay travel expenses for students attending the National Law Enforcement Conference.**
- Motion Adopted:      5 Yeas.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**
- M 059 08 Youth Activity Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Youth Activity Grant Account) to Delaware Envirothon to sponsor the 2008 event.**
- Motion Adopted:      5 Yeas.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**
- M 060 08 Councilmanic Grant**      **A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$150.00 from Mr. Dukes' Councilmanic Grant Account to the Mission of Hope for their Fund Raiser Dinner**
- Motion Adopted:      5 Yeas.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**
- M 061 08 Youth Activity Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mr. Jones' and Mr. Rogers' Youth Activity Grant Accounts) to the Milford Little League for operating expenses.**
- Motion Adopted:      5 Yeas.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**
- M 062 08 Human Service Grant**      **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$1,000.00 from Human Service Grants to Georgetown Park & Recreation to fund on-going family programs.**
- Motion Adopted:      5 Yeas.**

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

**M 063 08** A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give  
**Youth** \$250.00 (\$50.00 from each Youth Activity Grant Account) to Delaware  
**Activity** Magic for their golf tournament fundraiser.  
**Grant**

**Motion Adopted:** 5 Yeas.

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

**Introduction** Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE  
**of Proposed** TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
**Ordinances** COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN  
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN  
PARCEL OF LAND LYING AND BEING IN BROAD CREEK  
HUNDRED, SUSSEX COUNTY, CONTAINING 28.12 ACRES, MORE  
OR LESS” (Change of Zone No. 1653) filed on behalf of Deerfield  
Meadows, LLC. The Proposed Ordinance will be advertised for Public  
Hearing.

Mr. Phillips 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 INDIAN  
RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.00 ACRES,  
MORE OR LESS” (Change of Zone No. 1654) filed on behalf of Peninsula  
Square, LLC. The Proposed Ordinance will be advertised for Public  
Hearing.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE  
TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN  
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN  
PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,  
SUSSEX COUNTY, CONTAINING 86.83 ACRES, MORE OR LESS”  
(Change of Zone No. 1655) filed on behalf of Chad A. and Tami, and  
Matthew Mitchell. The Proposed Ordinance will be advertised for Public  
Hearing.

**M 064 08** At 8:17 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to  
**Recess/** recess and go into Executive Session for the purpose of discussing land  
**Executive** acquisition.  
**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 8:18 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Sussex County Council Chambers for the purpose of discussing land acquisition. The Executive Session concluded at 8:42 p.m.**

**M 065 08  
Out of  
Executive  
Session/  
Reconvene  
Regular  
Session**

**At 8:43 p.m., a Motion was made by Mr. Cole, seconded by Mr. Rogers, to come out of Executive Session and to reconvene the 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 066 08  
Adjourn**

**A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn at 8:43 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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