



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 17, 2006

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 17, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

Presiding Mr. Dukes presided in the absence of the President.

M 063 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the
Approve Agenda by deleting "Oak Orchard Sanitary Sewer District, Contract D,
Agenda Change Order No. 2" and one of the two grant requests listed as "Coverdale
Crossroads Community Council, Inc.", and to approve the Agenda as
amended.

Motion Adopted: 4 Yea, 1 Absent.

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

M 064 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the
Approve minutes of January 3, 2006.
Minutes

Motion Adopted: 4 Yea, 1 Absent.

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

Mr. Griffin read the following correspondence:

Corre- BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON,
spondence DELAWARE.
RE: Letter in appreciation of grant funding.

Corre- UNITED WAY OF DELAWARE, WILMINGTON, DELAWARE.
spondence RE: Letter in appreciation of Human Service Grant.
(continued)

SUSSEX PREGNANCY CARE CENTER, GEORGETOWN,
DELAWARE.
RE: Letter in appreciation of Human Service Grant.

SUSSEX COMMUNITY CRISIS HOUSING SERVICES, INC.,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

Mr. Rogers joined the meeting and presided over the meeting.

Delaware William Andrew, Layton Wheeler, and Howard Clendaniel were present
Electric from Delaware Electric Cooperative. Mr. Andrew presented a check in
Cooperative the amount of \$2,573.64 to the Council; the check represents a Capital
Capital Credit refund. Delaware Electric Cooperative members share the profits in
Credit the form of Capital Credit refunds. Unlike other electric utilities, Delaware
Refund Electric's purpose is to provide safe, reliable, and cost effective service, not
to make a profit. The check to Sussex County Council represents some of
the usage that has occurred at the Sussex County Wastewater Treatment
Plant. The refund is a result of Delaware Electric retiring Capital Credits
for the years 1985 and 1986 as well as an allocation from 1987 through
2004.

DelDOT/ Monroe Hite of DelDOT and John Maddox of Whitman, Requardt &
Proposed Associates were present to discuss a Proposed Memorandum of Agreement
Memor- (MOA) between the Delaware Department of Transportation and Sussex
andum of County Council. Mr. Hite explained that the MOA was prepared to
Agreement establish a cooperative process for implementing the recommendations of
the SR 1 Land Use and Transportation Study (SR 1 LUTS). Because the
SR 1 LUTS was a conceptual level analysis, a more detailed study is
necessary to evaluate impacts to cultural and natural resources, allow for
public input, determine a preferred alignment, and obtain the necessary
rights-of-way and easements. Specifically, the project will undertake the
analysis necessary to determine a preferred alignment for a new controlled
access parkway west of State Route 1, referred to as the "Western
Parkway". Mr. Hite explained that the MOA sets forth the framework for
the Department and the County to collectively develop the plan, adopt an
alignment, and protect the right-of-way for implementing the Western
Parkway Project.

Mr. Maddox highlighted the eight items listed in the MOA, which refer to the establishment of the cooperative process:

**DelDOT
(continued)**

- 1. To work competitively through the planning process that will include an analysis of transportation alternatives, including no-build, improvements to existing roadways and new alignments.**
- 2. To work cooperatively and coordinate their efforts to protect the rights-of-way required for construction if a new alignment alternative is confirmed to be the preferred alternative.**
- 3. To work cooperatively and coordinate their efforts to ensure that property owners and developers of proposed developments in the project area are made aware of and reserve the land identified for the Western Parkway as they prepare their plans.**
- 4. To work jointly with property owners and developers to obtain right-of-way dedications, where feasible, or acquire land when required to complete the Western Parkway.**
- 5. To jointly conduct public information/input meetings during the planning phase of the Western Parkway project.**
- 6. To incorporate the recommended alternative from the Western Parkway cooperative process into the Sussex County Comprehensive Plan and into the zoning and other land development approval processes.**
- 7. To recommend the funding for the Western Parkway in future Capital Transportation Programs, including engineering, environmental studies, right-of-way and construction.**
- 8. To designate, through the Secretary of Transportation and the Sussex County Administrator, the appropriate staff members with responsibility to develop procedures and methods to successfully execute the provisions of this Memorandum of Agreement and any amendments or additions agreed to by the signatories.**

The Council expressed concern about the length of time of the study and the lack of funding for transportation projects.

Mr. Phillips suggested, and it was the consensus of the Council, to defer action and to post the Memorandum of Agreement on the County's website for the purpose of receiving feedback from the public.

**Sussex
County
EMS-
15th
Anniversary**

Mr. Luedtke, Sussex County Director of EMS, announced that Sussex County EMS is celebrating fifteen years of dedicated service. Sussex County EMS was founded on January 15, 1991 with a group of ten paramedics operating with one response vehicle. Today, the department has over 100 paramedics, paramedic supervisors, administrators and support personnel stationed at nine locations throughout the County. Mr. Luedtke introduced four of the original ten paramedics: John Kinsley, Lee Foxwell, Kirk Miller, and Frank Shade. Mr. Luedtke also introduced graduates of the first paramedic class, which was held at Kent General

Hospital in Dover: Bob Stuart, Jay Myers, Ann Tait, Cliff Neidig, Wayne Naumann, Brent Hudson, and Jenny McCabe-Severs.

M 065 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the**
Adopt **Proclamation entitled “PROCLAIMING JANUARY 17, 2006 AS SUSSEX**
Procla- **COUNTY EMS APPRECIATION DAY”.**
mation

M 065 06 **Motion Adopted: 5 Yea.**
(continued) **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;**
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

Agreement **Mr. Stickels presented a Wastewater Agreement for Council’s approval.**

M 066 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the**
Execute **recommendation of the Sussex County Engineering Department, for**
Agreements/ **Agreement No. 478, that the Sussex County Council execute a Construction**
Bay **Administration and Construction Inspection Agreement between Sussex**
Forest LLC **County Council and Bay Forest, LLC for a 24" regional sewer line to be**
 constructed to service the area of Old Mill Road, north of Route 26, located
 in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Draft **Mr. Lank and Mr. Kautz of the Sussex County Planning and Zoning**
Ordinance **Department presented for discussion a draft ordinance (dated June 28,**
Relating to **2005) relating to closing the existing C-1 District and creating an entirely**
C-1 and **new zoning district (CR-1) modeled after the existing C-1 District, which**
CR-1 **would allow residential uses as a conditional use and at a density**
Districts **determined at the time of approval by the County Council. The draft**
 ordinance also corrects an earlier error relating to certain amusements as
 conditional uses.

Mr. Kautz stated that the draft ordinance was previously discussed by the Council at a workshop held on June 21, 2005 and that only a few minor changes to the documents have been made based on the discussions at the workshop.

At the workshop, Mr. Kautz was directed to revise the draft ordinance by eliminating any reference to density and by allowing multi-family units as a conditional use in the CR-1 District (and B-1 District) and by changing the setbacks on major roads in the B-1 District from 40 feet to 60 feet.

Mr. Cole expressed concern regarding the elimination of any reference to limiting density. He stated that for many years, the County has had a

Draft
Ordinance
Relating to
C-1 and
CR-1
Districts
(continued)

limitation on density (currently 12 units per acre) and that it should remain that way. Mr. Cole also expressed concern about amusements being allowed as a permitted use. He stated that, currently, amusements are not a permitted use in the C-1 Commercial District today and that this should not be changed for the CR-1 Commercial Residential District. Mr. Cole noted that only indoor amusements should be allowed as permitted uses, since many large amusements (go cart tracks, waterslides, miniature golf, etc.) would not be compatible in a residential area.

Mr. Dukes agreed that some outside amusements are not appropriate as permitted uses and he suggested that a conditional use be required for all conditional uses or that a list should be developed outlining the amusements that would be allowed/not allowed. He stated that he does not have any problem with indoor amusements being permitted. Mr. Dukes also stated that he would favor a cap on the density and that the public should be aware of what density is being considered prior to the proposed ordinance going to public hearing.

Mr. Phillips stated that Sussex County may be an evolving County that presents situations at a higher density which would be appropriate and by putting an arbitrary cap on density, the Council may be tying the hands of this Council or a future Council to approve a higher density under certain circumstances.

Mr. Cole stated that failure to set a density cap would impede the County Engineering Department's ability to plan.

It was the consensus of the Council that the Proposed Ordinance should be amended to include a maximum density of twenty (20) units and to distinguish certain indoor amusements as permitted uses and outdoor amusements as conditional uses.

Adminis-
trator's
Report

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

1. Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities

The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will be meeting on Monday, January 23, 2006, at 10:00 a.m. at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware. Included with this report is a copy of the agenda. The media as well as the general public is welcome to attend.

Private
Activity
Bond
Volume
Cap

Mr. Baker reported that correspondence has been received from Stephanie M. Scola, Director of Bond Finance, Delaware Department of Finance, State of Delaware, requesting that any portion of the 2005 Private Activity Bond Volume Cap Allocation assigned to Sussex County which will not be allocated either to a qualified project or identified as eligible for carry-forward be reassigned to the State for reallocation. This request is made

annually to allow the State to maximize usage of its Private Activity Bond Volume Cap.

M 067 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex
Reallocate County Council reallocates \$23,920,000 of the unused Private Activity Bond
Bond Volume Cap for 2005 to the State of Delaware in accordance with 29 Del.
Volume Cap Code, §5091 (f).

M 067 06 Motion Adopted: 4 Yea, 1 Absent.
(continued)

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

Public A Public Hearing was held on the Proposed Ordinance entitled “AN
Hearing/ ORDINANCE TO AMEND CHAPTER 115 SECTION 25 OF THE CODE
Proposed OF SUSSEX COUNTY, TO ADD A REQUIREMENT THAT ALL AR-1
Ordinance CLUSTER DEVELOPMENTS BE LOCATED WITHIN A
Relating DEVELOPMENT DISTRICT AS SHOWN ON THE ADOPTED
to Cluster COMPREHENSIVE PLAN FOR SUSSEX COUNTY”.

Develop- The Planning and Zoning Commission held a Public Hearing on the
ments Proposed Ordinance on January 12, 2006 at which time they deferred
 action.

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

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the County Council’s record.

Mr. Lank noted that the Proposed Ordinance, as written, cannot be adopted in its entirety and that Sections 1 and 2 could be adopted or Section 3 could be adopted.

Mr. Phillips noted that if Sections 1 and 2 are adopted, then the title of the Proposed Ordinance would not be applicable to what is adopted.

Mr. Dukes stated that it was his understanding that the purpose of the Proposed Ordinance was to address Cluster Developments in AR Districts and in that District, the total number of lots permitted would be determined by first reducing the gross area by twenty-five percent (25%).

Public comments were heard.

Lenny Massotti of Axiom Engineering stated that if the Proposed Ordinance is adopted with a twenty-five percent reduction of gross area in

**Public
Hearing/
Proposed
Ordinance
Relating
to Cluster
Develop-
ments
(continued)**

low density areas, it would provide a valuable tool to the design community and allow for additional opportunities to preserve open space and existing natural features; that the currently permitted land use density would be preserved while rewarding green development practices rather than penalizing them; that a twenty-five percent (25%) gross area reduction appears to be a reasonable compromise which removes the perceived density bonus while allowing AR-1 lands in low density growth areas to benefit from green clustering practices; that clustering is a widely accepted methodology to increase open space, to reduce impervious cover, and to allow flexibility to the land designer and land owner.

Joe Hudson stated that the proposal may tend to waste land; that the proposed ordinance should clarify what open space is and that open space should be usable space for residents.

Mike Tyler stated that if the yield stays the same and is not increased by having smaller lot sizes and clustering homes, the infrastructure required would be smaller; that it would better create a sense of community; that clustering houses allows for the achievement of open space; that to give a bonus density – “it flies in the face of the whole concept”; that allowing clustering outside of the Development District would create sprawl and urban areas would turn into rural areas; and that if clustering is limited to the developing area, growth can be maintained.

Dan Kramer stated that the Proposed Ordinance does not refer to the AR-1 District.

Mr. Dukes agreed that the reference should be more defined and the term “Low Density Area” should be changed to “AR-1 District”.

Dan Kramer also stated that if the Council does not allow density in these areas, then there will be sprawl because every acre is going to be developed; and that the Council should permit more density at greater heights instead of sprawl.

Burt Messick, President of the Sussex County Farm Bureau, spoke in favor of the Proposed Ordinance and stated that the Bureau feels that, by clustering development, especially in AR Districts and low density areas, sprawl and land consumption would be reduced; that they are opposed to any ordinance that would restrict cluster developments in the low density areas; that by restricting cluster developments, farmers’ equity, land value, and options are taken away; and that cluster developments are more compatible in an AR District than cookie cutter developments.

Ed Justice, Vice President of Delaware Farm Bureau, stated that he supports Mr. Messick’s comments; that the Bureau supports Sections 1 and 2 of the Proposed Ordinance; that they do not support Sections 3; and that they support Home Rule (County Council).

Public
Hearing/
Proposed
Ordinance
Relating
to Cluster
Develop-
ments
(continued)

Preston Dyer stated that it is generally accepted that clustering is a good idea; that the question is how it is going to be applied; that he supports the twenty-five percent (25%) reduction; that the title of the Proposed Ordinance needs to be amended as previously discussed; that the term “Low Density Area” should be better defined; that as a developer, the governing tool is the Land Use Map; that the use of the term instead of the map designation could result in a question of interpretation; that the synopsis needs to be amended to reflect, in the first paragraph, the following: “The amendment restricts the locations where a two unit per acre AR-1 Cluster Development can be approved ...; that the Proposed Ordinance should have a grandfathering clause for subdivisions that were previously filed; that there is a national trend for a decrease in lot size; that decreased lot sizes allow for open space; that the proposal should incorporate the ability to provide for flexibility in setback requirements; that it doesn’t allow for alleys, which is also becoming a trend; that another consideration for smaller lot sizes is Senate Bill 99 provides for a new factor that did not exist when the Land Use Plan was adopted; and that Senate Bill 99 which provides for private wastewater systems that would support cluster developments. Mr. Dyer submitted into the record an analysis of Livable Delaware and Delaware Strategies for State Policies and Spending to shed light on the current confusion as to: (i) What Livable Delaware and Delaware Strategies are, (ii) What Livable Delaware and Delaware Strategies are not, (iii) Where Livable Delaware and Delaware Strategies conflict with Sussex County regulations, and (iv) Suggestions for reconciliation of these conflicts. Mr. Dyer concluded by stating that developers purchase land based on density and therefore, the resulting impact would be on the property owner. Mr. Dyer asked the Council to recognize that the conflict which exists between a rural characterization and protected farmland runs completely contrary and in opposition to what the Council has provided as a permitted use in an AR-1 District, which will result in problems with the approval of the Land Use Plan Update by Livable Delaware.

There were no additional comments, the Public Hearing was closed, and action was deferred since a recommendation has not been received from the Planning and Zoning Commission.

It was decided that the Proposed Ordinance and the Resolution directing the Planning and Zoning Department and Planning and Zoning Commission not to accept further applications for preliminary subdivision plan approval would be placed on the January 31, 2006 Agenda.

Proposed
Ordinance
Relating to
Moderately
Priced
Housing
Units

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 72 OF THE CODE OF SUSSEX COUNTY RELATING TO MODERATELY PRICED HOUSING UNITS”.

The County Council held a Public Hearing on the Proposed Ordinance on October 11, 2005 at which time many public comments were heard. At the conclusion of the Public Hearing, the County Council agreed that a lot of

good points were brought forward and that the Committee should meet again to consider all of the new information and come back with a recommendation to the Council.

Proposed
Ordinance
Relating to
Moderately
Priced
Housing
Units
(continued)

Mr. Lecates, Director of Community Development and Housing, reported that, since the public hearing, the Moderately Priced Housing Committee has met twice, including a four-hour session where the committee went line-by-line through the draft. After that meeting, revisions were made and circulated for input. The final pass included comments from legal counsel at the Delaware State Housing Authority. Following this, the draft was reviewed by Jim Griffin for content and format.

Mr. Lecates stated that the final draft before the Council on this date reflects the contributions and consensus from all committee members in attendance at the reviews, as well as, public hearing and workshop recommendations. He noted however, that there are two issues where the committee is not in agreement. The first issue relates to making the Moderately Priced Housing Units applicable to all residential zoned land in the County and the second issue relates to the control period, which is the length of time a given MPHU is subject to resale price controls.

On the first issue, representatives from the State and Citizen's groups are adamant that it only apply in the Development District served by public water and sewer. The development community is adamant that the MPHU incentives apply in select cases outside the development area on land with regulated central sewer and water systems. The developers believe that there are no adverse impacts from using the incentives on property that fronts on major roads or that abuts land that is already intensely developed and that including such land in the program is necessary to create a material MPHU inventory.

The second issue relates to the housing advocates preference for a longer control period. The draft reflects their recommendation of twenty years. They want the units under control for as long as reasonably possible to assure an adequate MPHU supply in the future. However, the developers are concerned from a business standpoint that sale price constrained owners might not reinvest in the properties and thereby leave an ever-declining product quality.

Mr. Phillips clarified that if the Proposed Ordinance is approved, there would be a Request for Proposal (RFP) process. The Proposed Ordinance would set up a mechanism through which proposals could be submitted for the Council's approval and the Council would have the opportunity to turn down a request if it were deemed to be located in an inappropriate area. In response to the first issue of concern, Mr. Phillips questioned whether "Qualifying Land" could be a scoring element in the RFP process.

Mr. Griffin pointed out that a correction to the Proposed Ordinance on Page 15, §72-13 (F), is necessary. The word "days" needs to be inserted at

the end of the last sentence. (...period of up to sixty (60) days.)

Karen Horton of the Delaware State Housing Authority, spoke on behalf of the housing advocates and referenced Issue #1 relating to making the ordinance applicable to all residential zoned land in the County. She suggested that during the pilot years, the Development District, Town Centers, and Environmentally Sensitive Areas should be the “Qualifying Land”; that it would be a living document, and that the targeted area could be changed at a later time.

**Proposed
Ordinance
Relating to
MPHUs
(continued)**

Bob Minitolli, representative for the developers, stated that the qualifying area should not be limited to the developing areas because the economics of building in the Development District is formidable and it would be difficult, that the Council would have the final approval through the RFP process; and that they also suggest a shorter control period.

**M 068 06
Motion
Died**

A Motion was made by Mr. Phillips to amend the Proposed Ordinance by striking §72-5 (S) (2), which limits the qualifying land to a Town Center, Developing Area or Environmentally Sensitive Developing Area. The Motion died for the lack of a Second.

**M 069 06
Adopt
Ordinance
No. 1821
(MPHU
Ordinance)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1821 entitled “AN ORDINANCE TO ADOPT CHAPTER 72 OF THE CODE OF SUSSEX COUNTY RELATING TO MODERATELY PRICED HOUSING UNITS”, with the amendment to Page 6, §72-12 (F), as proposed by the County Attorney.

Motion Adopted: 4 Yea, 1 Nay.

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

**Bid
Results/
Vehicles
for
Engineering**

Mr. Shade reported on the bid results for Engineering Vehicles. Two vendors responded to the bid process, as follows:

1. Two – One Ton Van with bins & ladder rack options:

Hertrich	\$26,863.00
Townsend	\$27,386.00

2. One – 4 X 4 3/4 Ton Ext. Cab Utility Body:

Hertrich	\$31,698.00
Townsend	\$31,897.00

3. Two – 4 X 4 3/4 Ton Ext. Cab 8 Foot Bed Pickup

Hertrich	\$26,842.00
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Townsend	\$26,997.00
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4. One – 4 X 4 1/2 Ton Ext. Cab 6 Foot Bed Pickup

Hertrich	\$20,398.00
Townsend	\$21,297.00

**Bid
Results
(continued)**

5. One – 1/2 Ton Ext. Cab 6 Foot Bed Pickup

Hertrich	\$17,984.00
Townsend	\$18,897.00

**M 070 06
Award
Bid for
Engineering
Vehicles**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Purchasing Department and Engineering Department, that Sussex County Council accepts the bid of Hertrich Fleet Services for the purchase of seven vehicles for the Engineering Department.

Motion Adopted: 5 Yea.

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

**Airport
Fence
Project**

Jim Hickin, Project Engineer, reported that the fence project at the Sussex County Airport has been completed by Abel Fence, LLC. and therefore, he is recommending that Substantial Completion be granted for the project.

**M 071 06
Grant
Substantial
Completion/
Airport
Fence
Project**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Engineering Consultants, Delta Airport Consultants, Inc., and the County Engineering Department, that the Sussex County Council grant Substantial Completion, effective November 8, 2005, for Sussex County Project No. 04-09, Perimeter Fence at Sussex County Airport, to Abel Fence LLC, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the Contract documents.

Motion Adopted: 5 Yea.

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

**Holly Oak
Proposed
Suburban
Community
Project**

Patti Deptula, Assistant Director of Public Works, reported that a petition has been received for the Suburban Community Improvement Program from the Holly Oak Subdivision. The subdivision consists of 56 tax parcels of which 36 have improvements. The petitions received represent approximately 53 percent of the total subdivision road frontage. The request is for road resurfacing. The Property Owners Association owns

the street and would provide for perpetual maintenance.

- M 072 06**
Proceed w/
Holly Oak
Suburban
Community
Project
M 072 06
Proceed
with
Holly Oak
Suburban
Community
Project
(continued)
- A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that Holly Oak Subdivision, located in Indian River Hundred, qualifies as a Suburban Community, as defined under Title 9, Chapter 5, of the Delaware Code, and further; that valid petitions have been received from freeholders of property representing more than fifty percent of the property with street frontage within the community, and that the Holly Oak Subdivision be accepted in the Suburban Community Improvement Program and that final plans, specifications, and cost estimates be compiled, after which an election shall be held, and the outcome of said election shall determine whether the County shall proceed to finance the proposed improvements.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- Requests**
- The Council considered requests for grant funding.**
- M 073 06**
Community
Improve-
ment
Grant
- A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$10,000 from Mr. Phillips' Community Improvement Fund to the Town of Dagsboro for building renovations.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- M 074 06**
Council-
manic
Grant
- A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00 (\$250.00 each from Mr. Jones' and Mr. Dukes' Councilmanic Grant Accounts) to Coverdale Crossroads Community Council, Inc. for their Black History Celebration.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- Action**
Deferred
- Action on the grant request from the University of Delaware Sea Grant Program was deferred.**
- M 075 06**
Council-
manic
- A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Millsboro Fire Company for the Del-Mar-Va Volunteer Firemen's Association**

Grant Convention.

Motion Adopted: 5 Yea.

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

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAND SURVEYING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.20 ACRES, MORE OR LESS” (Conditional Use No. 1671) filed on behalf of Compass Point Associates, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE (SALES CENTER) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (Conditional Use No. 1672) filed on behalf of Saddlebrook. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance Mr. Rogers 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS” (Change of Zone No. 1601) filed on behalf of Regina Struble. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance 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 GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.77 ACRES, MORE OR LESS” (Change of Zone No. 1602) filed on behalf of Triple D Double J, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance Mr. Jones 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A

CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.3896 ACRES, MORE OR LESS” (Change of Zone No. 1603) filed on behalf of Andrew Lubin. The Proposed Ordinance will be advertised for Public Hearing.

**Additional
Business/
Public
Comments**

Dan Kramer addressed the Council and the County Attorney regarding conversations on the drafting and introduction of proposed ordinances that took place at the January 3 and January 10, 2006 meetings.

Mr. Kramer asked for clarification that the County Attorney said that the Council’s Rules of Procedure overrode State Law.

Mr. Griffin responded that he did not say that and that his comment was that they were not in conflict.

Mr. Griffin stated that State Law says that once something is introduced, it should go to publication. He noted that State Law does not state that the Councilmembers cannot see a draft ordinance before it is introduced.

Mr. Kramer disagreed with Mr. Griffin’s interpretation of the State Law.

Mr. Griffin explained that the Council’s Rules of Procedure state that when a Councilman wishes to introduce an ordinance, he will notify the other members and he will give them a copy.

**Flashing
Signs/
Violations**

Mr. Cole advised that he has received comments regarding electronic/flashing signs that are in violation of the Zoning Ordinance. Mr. Cole questioned if the owners of the signs are being issued violations. Mr. Cole was advised that violations are being issued to all offenders.

**Sign
Ordinance**

The Council discussed the possibility of reviewing the current sign ordinance for possible amendments.

**M 076 06
Adjourn**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to adjourn at 1:12 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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