



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 23, 2007

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 23, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 058 06 Approve Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 5 Yea.

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

M 059 06 Approve Minutes

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of January 9, 2007.

Motion Adopted: 5 Yea.

**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:

**MASON-DIXON WOODWORKERS, SALISBURY, MARYLAND.
RE: Letter in appreciation of the \$500.00 grant.**

DELAWARE COMMUNITY FOUNDATION, WILMINGTON, DELAWARE.

RE: Letter in appreciation of the \$500.00 grant to the Laurel Alumni Scholarship Foundation, Inc. Fund.

CHILDREN & FAMILIES FIRST, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the \$1,000.00 Human Service Grant.

**Corre-
spondence
(continued)**

KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.

RE: Letter to Councilman Jones in appreciation of the \$1,000.00 grant.

FRIENDS OF THE GEORGETOWN PUBLIC LIBRARY, GEORGETOWN, DELAWARE.

RE: Letter to Councilman Jones in appreciation of the \$500.00 grant.

**M 060 07
Authorize
Executive
Session**

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

Motion Adopted: 5 Yea.

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

**Private
Activity
Bond
Volume Cap**

Mr. Baker reported that correspondence has been received from Stephanie M. Scola, Director of Bond Finance, Department of Finance, State of Delaware, requesting that any portion of the 2006 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 carryforward 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 061 07
Reallocate
Private
Activity
Bond
Volume
Cap**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council reallocates \$24.66 million of the unused Private Activity Bond Volume Cap for 2006 to the State of Delaware in accordance with 29 Del. Code, §5091(f).

Motion Adopted: 5 Yea.

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

**Local Law
Enforce-
ment
Grant**

The Council discussed the County's Local Law Enforcement Grant Program and the way funding is allocated. Mr. Baker noted that he was directed by the Council to consider different allocation methods. Currently, there is \$525,000 budgeted for this program and \$25,000 is allocated to each

Program municipal police agency to be used for capital costs. He also noted that the purpose of the fund is to offset costs related to local police departments assisting outside of municipal boundaries.

Mr. Baker advised that staff has reviewed five different options, as follows:

- | | |
|--|---|
| Local Law Enforce- ment Grant Program (continued) | <ul style="list-style-type: none">➤ Basis – Assessed value of total improvements for in-town.➤ Basis – Assessed value of total improvements for in-town plus within a three-mile radius of the town.➤ Basis – 911 calls to assist outside agencies.➤ Basis – Building permit construction values.➤ Basis – Capitation Tax numbers. |
|--|---|

Mr. Baker stated that there is a concern about reducing the base amount of the grant to the individual municipalities. **Mr. Baker** explained that by applying one of these formulas and not increasing the total amount of funding, some municipalities would see a decrease in their funding. **Mr. Baker** advised that, if additional funding were available, than the additional funding could be allocated using a new formula/basis, above the \$25,000.00 per municipality.

Mr. Baker commented on the different options. He noted that there is a problem with the numbers for the “assessed value of total improvements for in-town plus within a three-mile radius of the town” since there is some overlap between towns, i.e. Blades and Seaford. The Sussex County Emergency Operations Center, SusCom, Chief William Toppin of the Georgetown Police Department and Major Paul Eckrich of the Delaware State Police have stated that they are not comfortable with the numbers (which have only been collected since August) due to the way data is collected for 911 calls to assist outside agencies. **Mr. Baker** stated that, if the grant was based on building permit construction values, it would not reflect existing construction. **Mr. Baker** noted that capitation tax numbers are not as conclusive as they should be for an allocation such as the Local Law Enforcement Grant Program. **Mr. Baker** also stated that another consideration could be to ask the Local Police Chiefs’ Organization to bring forth a recommendation.

It was the consensus of the Council to continue allocating \$25,000 a year to each municipal police department and further, if additional funding is available in the Fiscal Year 2008 Budget, based on the recommendation of the Budget Committee and the approval of the Council, another allocation method would be considered to provide additional funding to qualifying municipalities.

| | |
|---|---|
| Adminis- trator’s Report | <p>Mr. Baker read the following information in his Administrator’s Report:</p> <ol style="list-style-type: none">1. <u>County Administrative Office Building - Internet Wireless Access</u> |
|---|---|

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

Wireless Internet Service is now available to the public inside the County Administrative Office Building on The Circle in Georgetown. This service, free of charge, has been requested by title searchers and the Recorder of Deeds to enable them to access the County's website and thereby assist them in performing their daily duties. The County's Information Systems Department has made this available at no additional cost to the County. This service will also be available to others, such as members of the press who may desire to have the ability to search the Internet within the County's Administrative Office Building. Attached is an instruction sheet that will be provided to individuals who are interested in this service.

2. Proposed Johnson's Corner Sanitary Sewer District

The Sussex County Engineering Department will be conducting a Public Hearing at the Roxana Volunteer Fire Hall, Route 20, Roxana, Delaware, on Saturday, January 27, 2007, at 9:00 a.m. The purpose of the hearing is to establish the boundaries of the proposed Johnson's Corner Sanitary Sewer District.

**Electricity
Supply
Update**

Gina Jennings, Director of Accounting, was present to provide an update on the energy contract the County has with the State of Delaware.

On May 1, 2006, electricity became deregulated in Delaware. At that time, it was predicted that a 48 percent to 177 percent increase would be seen if the County stayed with Delmarva Power. The Council agreed to join the State and other local governments to bid out a combined energy load. The County hired a broker for \$10,000 to assist in the energy bid process. A one year contract was signed with Direct Energy that is predicted to save the County 26 percent or \$389,462 annually from the newer higher Delmarva Power rates.

Ms. Jennings advised that the County's contract with Direct Energy will be ending on June 30, 2007. Additional groups are joining the County's groups such as fire companies and other municipalities. Because of the current lower energy rates, it is favorable to go out to bid at this time. The partnership has contacted World Energy to hold an on-line auction for the energy-load; this is a new process that the State is looking into. In three to four weeks; auctions will include different term lengths and bundling by load factor.

Ms. Jennings reported that, due to the constant change in market rates, the bidding process only lasts a few hours. There is no cost to the County to use World Energy's online auction; the supplier's bid includes World Energy's commission.

In response to questions raised by the Council, Ms. Jennings stated that the County has the option of rejecting all bids and renewing its contract with Direct Energy.

**Oak
Orchard
SSD
Expansion
No. 1**

Rob Davis, Senior Planner, Utility Planning Division, requested the Council's permission to prepare and post notices for a Public Hearing to consider annexing an area to the existing Oak Orchard Sanitary Sewer District. Mr. Davis described the area as being located on the north and west sides of the existing Oak Orchard Sanitary Sewer District and located on both sides of Oak Orchard Road from the existing District, out to approximately Route 24, crossing Route 24 taking in the Indian Museum, the Trading Post Plaza, and the Catholic Church at the Route 24 – Route 5 intersection. The area includes established manufactured home parks with leased lots, manufactured and modular home communities with individual ownership of lots, scattered single family lots with homes, some commercial and three proposed developments (Nentego, Riverside Plaza and Oak Landing). Mr. Davis noted that the parcels are located in the Inland Bays Planning Area for sewer service.

**Oak
Orchard
SSD
Expansion
No. 1
(continued)**

Mr. Davis reported that the President of the Homeowners Association of Captain's Grant expressed that the residents of the development are not interested in sewer service since they have good soils in the area and minimum problems with existing systems.

Mr. Cole recommended that Captain's Grant be included in the Proposed Expansion so that the residents could find out what the costs would be and they could make their decision based on that information. He stated that the Captain's Grant community could be taken out of the proposal later if the residents remain strongly opposed.

It was the consensus of the Council to include Captain's Grant in the Proposed Expansion of the Oak Orchard Sanitary Sewer District.

**M 062 07
Authorize
Preparation
and Posting
of Notices/
Oak
Orchard
SSD
Expansion
No. 1**

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare and post notices for the extension of the Oak Orchard Sanitary Sewer District boundary to include the Expansion No. 1 Area, as presented on January 23, 2007, and as modified to include the Captain's Grant community.

Motion Adopted: 5 Yea.

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

**Proposed
Angola
Neck SSD**

John Ashman, Director of Utility Planning, reported that on August 22, 2006 the Sussex County Council authorized the circulation of petitions on the question of organizing a sanitary sewer district in Angola Neck. He also reported that on December 5, 2006, Russell Archut, Assistant County Engineer, came before the Council to execute Contract Amendment No. 3 to the original Contract with Whitman, Requardt & Associates for the North

Coastal Planning Area for the Angola Neck Phase I Service Area facilities plan and environmental assessment. At that time, Mr. Archut reported that 269 valid petitions had been received from the Phase I Area.

Mr. Ashman reported that the Engineering Department would like to establish the date, time and place of the Public Hearing to be June 30, 2007 at 9:00 a.m. at the Angola by The Bay Community Center.

**M 063 07
Set Public
Hearing
Date/
Proposed
Angola
Neck SSD**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based on the receipt of petitions submitted pursuant to 9 Del. Code §6503, the Sussex County Council hereby sets a date of June 30, 2007 for a Public Hearing on the boundaries of the Proposed Angola Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**Old
Business/
Change of
Zone Nos.
1595,
1596,
1597**

The Council discussed Change of Zone Nos. 1595, 1596, and 1597 filed on behalf of Blackwater Creek, Inc.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held Public Hearings on the three applications on September 14, 2006; on October 26, 2006 the Commission recommended that the applications be approved.

The County Council held Public Hearings on the three applications on October 3, 2006 at which time they deferred action and left the record open; at that time, the Applicant was directed to submit the school report to the Delmar School District. The Council discussed the applications again on October 17th at which time the record was left open for one week for written correspondence from the Delmar School District. On October 24th, the Council heard comments from Dr. David Ring, Superintendent of the Delmar School District.

On January 16, 2007, the Council voted unanimously to close the record on Change of Zone Nos. 1595, 1596, and 1597 filed on behalf of Blackwater Creek, Inc.

Mr. Phillips stated that Change of Zone No. 1595 is for the business portion of the Blackwater Creek project and that he would like to defer action on this application until the Council has voted on the residential portion (Change of Zone Nos. 1596 and 1597).

**M 064 07
Defer
Action on
C/Z**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to defer action on Change of Zone No. 1595 until after the Council votes on Change of Zone Nos. 1596 and 1597.

No. 1595 Motion Adopted: 5 Yea.

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

**M 065 07 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt
Ordinance No. 1888 entitled “AN ORDINANCE TO AMEND THE
M 065 07 COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN
Adopt AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1
Ordinance AGRICULTURAL RESIDENTIAL DISTRICT – RESIDENTIAL
No. 1888 PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND
(C/Z LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX
No. 1596) COUNTY, CONTAINING 232.86 ACRES, MORE OR LESS” (Change of
Zone No. 1596) filed on behalf of Blackwater Creek, Inc., with the following
conditions:**

- 1. The maximum number of dwelling units shall not exceed 168 multi-family units and 208 single-family lots.**
- 2. The construction of the project shall be phased over a period of ten (10) years with no more than fifty (50) residential building permits being issued within any given calendar year, commencing on the date of final site plan approval of this application by the Sussex County Planning and Zoning Commission.**
- 3. Site plan review is required for the master plan and each phase of the proposed development, including the location and curbs, sidewalks, and streetlights.**
- 4. All entrances, intersections, roadway, and multimodal improvements shall be constructed as required by DelDOT.**
- 5. Interior street design shall be in accordance with or exceed Sussex County street design requirements.**
- 6. Recreational facilities within this project, including the golf course, swimming pool and community buildings shall be constructed and open to use by the residents within 2 years of the issuance of the first residential building permit within this project.**
- 7. The RPC shall be served by a central wastewater treatment plant and collection system built in accordance with the requirements of DNREC and other State, County and Federal agencies.**
- 8. The RPC shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**

**M 065 07
Adopt
Ordinance
No. 1888
(C/Z
No. 1596)
(continued)**

9. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. Best Management Practices shall be used in the operation and maintenance of the systems.
10. State and Federal wetlands shall not be included in individual lots. State and Federal wetlands shall be maintained as non-disturbance areas, except as may be authorized by a valid Federal or State permit.
11. A homeowner's association shall be formed to provide for the perpetual maintenance, repair and replacement of streets, roads, buffers, stormwater management facilities, recreational facilities and other common areas.
12. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
13. Agricultural buffers shall be provided as required by applicable State and County requirements.
14. The Agricultural Use Notice shall be included in the Restrictive Covenants and Condominium Declaration.
15. The applicant shall coordinate and cooperate with the local school district's transportation manager to establish school bus stop areas. The areas of these bus stops, with the approval of the local district, shall be shown on the Master Plan.
16. The applicant shall cooperate and coordinate with the State and County Emergency Preparedness Offices to develop and implement an emergency evacuation plan.

Motion Adopted: 4 Yea, 1 Nay.

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

**M 066 07
Adopt
Ordinance
No. 1889
(C/Z
No. 1597)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1889 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 273.54 ACRES, MORE OR LESS" (Change of Zone No. 1597) filed on behalf of Blackwater Creek, Inc., with the following conditions:

1. The maximum number of dwelling units shall not exceed 403 multi-family units, consisting of 180 units in 18 unit multi-family buildings;

160 units in 8 unit multi-family buildings; and 63 townhouse units.

**M 066 07
Adopt
Ordinance
No. 1889
(C/Z
No. 1597)
(continued)**

- 2. The construction of the project shall be phased over a period of ten (10) years with no more than fifty (50) residential building permits being issued within any given calendar year commencing on the date of final site plan approval of this application by the Sussex County Planning and Zoning Commission.**
- 3. Site plan review is required for the master plan and each phase of the proposed development, including the location and curbs, sidewalks, and streetlights.**
- 4. All entrances, intersections, roadway, and multimodal improvements shall be constructed as required by DelDOT.**
- 5. Interior street design shall be in accordance with or exceed Sussex County street design requirements.**
- 6. Recreational facilities and community buildings shall be constructed and open to use by the residents within 2 years of the issuance of the first residential building permit.**
- 7. The RPC shall be served by a central wastewater treatment plant and collection system built in accordance with the requirements of DNREC and other State, County and Federal agencies.**
- 8. The RPC shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- 9. Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. Best Management Practices shall be used in the operation and maintenance of the systems.**
- 10. State and Federal wetlands shall not be included in individual lots. State and Federal wetlands shall be maintained as non-disturbance areas, except as may be authorized by a valid Federal or State permit.**
- 11. A homeowner's association shall be formed to provide for the perpetual maintenance, repair and replacement of streets, roads, buffers, stormwater management facilities, recreational facilities and other common areas.**
- 12. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.**
- 13. Agricultural buffers shall be provided as required by applicable State and County requirements.**

14. The Agricultural Use Notice shall be included in the Restrictive Covenants and Condominium Declaration.

15. The applicant shall coordinate and cooperate with the local school district's transportation manager to establish school bus stop areas. The areas of these bus stops, with the approval of the local district, shall be shown on the Master Plan.

M 066 07
Adopt
Ordinance
No. 1889
(C/Z
No. 1597)
(continued)

16. The applicant shall cooperate and coordinate with the State and County Emergency Preparedness Office to develop and implement an emergency evacuation plan.

Motion Adopted: 4 Yea, 1 Nay.

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

M 067 07
Adopt
Ordinance
No. 1890
(C/Z
No. 1595)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1880 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.2 ACRES, MORE OR LESS" (Change of Zone No. 1595) filed on behalf of Blackwater Creek, Inc.

Motion Adopted: 4 Yea, 1 Nay.

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

Requests

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

M 068 07
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$300.00 (\$200.00 from Mr. Phillips' Councilmanic Grant Account and \$100.00 from Mr. Jones' Councilmanic Grant Account) to Sussex Central High School for the purchase of championship jackets for the football team.

Motion Adopted: 5 Yea.

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

M 069 07
Council-
manic

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Delaware Envirothon for the sponsorship of their 2007 Event.

Grant

Motion Adopted: 5 Yea.

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

**M 070 07
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00 from Mr. Jones' Youth Activity Grant Account to the People to People Student Ambassador Program for Austin Butler of Woodbridge High School.

Motion Adopted: 5 Yea.

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

**M 071 07
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to The Jefferson School for operating expenses, such as adding programs and enhancing existing programs.

Motion Adopted: 5 Yea.

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

**M 072 07
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Jones' and Mr. Rogers' Youth Activity Grant Accounts) to the Milford Little League for the purchase of scoreboards.

Motion Adopted: 5 Yea.

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

**M 073 07
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$2,200.00 (\$500.00 each from Mr. Dukes', Mr. Jones', Mr. Phillips' and Mr. Rogers' Youth Activity Grant Accounts and \$200.00 from Mr. Cole's Youth Activity Grant Account) to Ducks Unlimited for their children's program.

Motion Adopted: 5 Yea.

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

Mr. Dukes, Yea

M 074 07
Council-
manic
Grant **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Sussex County Fire Chiefs' Association for conference expenses.**

Motion Adopted: 5 Yea.

M 074 07
(continued) **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 075 07
Youth
Activity
Grant **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$250.00 (\$50.00 from each Youth Activity Grant Account) to the Delaware Diamonds for tournament expenses.**

Motion Adopted: 5 Yea.

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

M 076 07
Council-
manic
Grant **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$600.00 (\$250.00 from Mr. Jones' Councilmanic Grant Account, \$250.00 from Mr. Cole's Councilmanic Grant Account, and \$100.00 from Mr. Dukes' Councilmanic Grant Account) to the Bridgeville Community Action Agency for food baskets for needy families.**

Motion Adopted: 5 Yea.

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

M 077 07
Youth
Activity
Grant **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Dukes' and Mr. Phillips' Youth Activity Grant Accounts) to Laurel Youth Sports Basketball for program expenses.**

Motion Adopted: 5 Yea.

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

M 078 07
Community
Improve-
ment
Grant **A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$2,000.00 from Mr. Rogers' Community Improvement Grant Account to the Historic Lewes Cat Society for their Spay/Neuter and Rabies Clinics.**

Motion Adopted: 5 Yea.

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

M 079 07 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$2,000.00 from Mr. Jones' Community Improvement Grant Account to Ducks Unlimited for their children's program.

M 079 07
Community
Improve-
ment
Grant
(continued)

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, 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 PROFESSIONAL OFFICE COMPLEX AND SOME RETAIL SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS" (Conditional Use No. 1737) filed on behalf of Terrance Babbie. The Proposed Ordinance will be advertised for Public Hearing.

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 AN EQUESTRIAN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12.0 ACRES, MORE OR LESS" (Conditional Use No. 1738) filed on behalf of Baywood, 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 A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1621) filed on behalf of Todd A. Fritchman. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance Mr. Cole 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.54 ACRES, MORE OR LESS” (Change of Zone No. 1622) filed on behalf of Gary F. Farmer, DVM. The Proposed Ordinance will be advertised for Public Hearing.

Additional Business/ (continued) Under *Additional Business*, Daniel Kramer referred to the Council’s approval of the Blackwater Creek, Inc. applications. He stated that the approval should have been for 4 houses per acre; that the approval of 1 to 1.4 houses per acre is sprawl and that six to ten house per acre should be allowed.

Additional Business/ Comments/ Town of Delmar Regarding Blackwater Creek Michael Houlihan, Vice Mayor and Chairman of the Planning and Zoning Commission of the Town of Delmar, stated that the Town is opposed to the Blackwater Creek project for numerous reasons: the school district is already at capacity; the roads in town are old; their library needs to be expanded; the post office is small and cannot handle the extra growth; the project is located out of town and the whole philosophy of Smart Growth is being closer to a municipality with contiguous lands that can be annexed; the project is three to four miles out of town and away from the police department; the nearest State Police barracks is in Bridgeville; the response time for the State Police would be approximately 30 minutes; and they have met with the developers and have asked how the Town could be compensated for this project and nothing has been done so far.

Mr. Dukes stated that he would encourage the Town, when they hear that an application is before the County, to comment in a timely fashion, prior to the Public Hearing being held and the record closed.

Diane Buckley, Councilperson, stated she was present on behalf of the Town Council of Delmar, Delaware. She stated that she is disappointed with the County Council moving forward with the approval of the project; that the Town had presented their concerns to their County Councilman, Vance Phillips; that their concerns have fallen on deaf ears; that they have serious concerns on the impact the project will have on their police department, schools, fire department and roads; that their roads are in disrepair and they do not have the funds to repair them; that their current residents will have to subsidize this new development; that they have attempted to work out their areas of concerns with the developers but they have been unable to do so since the developers seem to forget previous conversations; that Sussex County will be collecting millions of dollars in impact fees as a result of this development and that she will be interested to see what is done with all of the money; that she is aware that the County has pledged \$1.4 million to the State Police; that since the Blackwater development is being allowed to move forward without the Town of Delmar being able to secure an agreement with the developer regarding the impacts on the Town, they hope the County Council is prepared when the Town has to come back to the County regarding the impacts that the Town incurs as a result of the county Council’s decision; and that they hope the County Council, in its preparation of the Comprehensive Land Use Plan Update, considers greatly

the effect the County's plans for growth and zonings will have on small towns, such as Delmar.

**Additional
Business/
Comments/
Town
of Delmar
Regarding
Blackwater
Creek
(continued)**

Mr. Phillips responded that he was surprised at Councilperson Buckley's comments regarding his lack of concern. He stated that serious conditions have been placed on the applications; that the project will probably take over twelve years to build-out, especially because of the current market conditions; that he invited Delmar's School Superintendent to bring in other school superintendents to County Council as a result of the concerns expressed by the school district; that they did and they made a good presentation; that he put forth an option that could help the impact on schools; that long term solutions need to be found to cover the capital costs of new school buildings; that, due to the Town's concerns, he requested the County Administrator to place on the Agenda on this date the Local Law Enforcement Grant Program; that he hopes as the County proceeds with the budget process, more funds will go to the local municipalities and police forces that need to address emergencies outside of the town's boundaries; and that he is always available to listen.

**M 080 07
Recess
Regular
Session/
Go into
Executive
Session**

At 12:32 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session to discuss land acquisition.

Motion Adopted: 5 Yea.

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

**Executive
Session**

At 12:33 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing land acquisition.

**M 081 07
Come
out of
Executive
Session/
Reconvene
Regular
Session**

At 12:48 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 Yea.

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

**M 082 07
Adjourn**

At 12:49 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith

Clerk of the Council