



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 31, 2006**

#### **Call to Order**

The regular meeting of the Sussex County Council was held Tuesday, January 31, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

#### **M 089 06 Approve Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda of January 31, 2006 by deleting "University of Delaware Sea Grant Proposal – "Our Town" Land Use Conference – Request for Funding" 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, Absent; Mr. Jones, Yea;  
Mr. Rogers, Yea**

#### **Corre- spondence**

**Mr. Griffin read the following correspondence:**

**CITY OF REHOBOTH, REHOBOTH BEACH, DELAWARE.**

**RE: Letter in appreciation of donation for the Silver Lake Playground Project.**

**PAT JONES, MARTIN LUTHER KING CELEBRATION COMMITTEE,  
SEAFORD, DELAWARE.**

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

**KIM TEPHABOCK, SENIOR PASTOR, CELEBRATION OF OUR NATION, DAGSBORO, DELAWARE.**

**RE: Letter in appreciation of the Council's past support of their 4th of July Celebration.**

**Mr. Dukes joined the meeting.**

**Caroling  
on The  
Circle  
Caroling  
on The  
Circle  
Food  
Drive  
Recognition  
(continued)**

**Mr. Stickels announced that on Monday, December 12, 2005, the 23rd Annual Caroling on The Circle took place. Over 21,000 items of food were contributed for the food pantries in Sussex County.**

**The Council recognized several schools for their participation in the food drive: North Georgetown Elementary School (Indian River School District) for their donation of 1,709 items; Georgetown Elementary School (Indian River School District) for their donation of 2,000 items, and Beacon Middle School (Cape Henlopen School District) for their donation of 1,200 items.**

**The Council also recognized the Punkin Chunkin Association and Harley Davidson of Rehoboth for their donation of over 2,000 items and Ruth Briggs King and Steve Class of the First State Manufactured Housing Association and Ed Sprawl of the Sussex County Manufactured Home Tenants Association for their organizations' donation of over 5,000 items.**

**SCAT  
Award**

**The County Council presented the 2005 Sussex County Association of Towns (SCAT) Public Service Award to Samuel Cooper, Mayor of the City of Rehoboth Beach.**

**Wellhead  
Protection  
and  
Ground-  
water  
Resources  
Contract**

**The County discussed the Proposed Agreement with Duffield Associates for the review and preparation of ordinances relating to Wellhead and Groundwater Resource Protection, at a cost not to exceed \$24,650.00. The State has mandated that counties and municipalities with populations of 2,000 persons or more, with the assistance of DNREC, adopt as part of their 2007 Comprehensive Land Use Plans and Ordinances, maps and ordinances referencing water resource protection areas, wellhead protection areas, and recharge areas. The Planning and Zoning Department and Mr. Stickels have made a recommendation that the Council accept the contract.**

**Mr. Stickels reminded the Councilmembers that they have been asked to provide two names from each Councilmanic District to participate in a Committee and work with Duffield Associates for the review and preparation of ordinances relating to the mandate. He noted that the purpose of appointing a Committee is for public awareness and participation. Mr. Stickels asked that Council submit Committee members' names by February 7, 2006.**

**Mr. Phillips expressed concern about the cost of the proposed contract and stated that there are "able citizens" in the County who can serve on the Committee and who can gather the resources necessary to "put a blueprint on the table" for compliance with the law. He noted that the Moderately Priced Housing Units (MPHU) Ordinance was developed in this manner.**

Mr. Dukes stated that, considering the complexity of the issue, the County needs geologists who are qualified to draft a plan and to provide guidance to the Committee. Mr. Dukes emphasized that he is concerned with property rights and allowing development to continue in wellhead protection areas, water resource protection areas, and recharge areas. He also emphasized that Duffield Associates must remain aware that they are working for the County and not the State. Mr. Dukes suggested that the Committee should be afforded the opportunity of meeting without representatives from Duffield Associates.

**M 090 06  
Approve  
Contract  
Agreement  
with  
Duffield  
Associates**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council authorizes the Sussex County Council President to execute a Contract Agreement with Duffield Associates for the development of an ordinance referencing wellhead protection areas, water resource protection areas, and recharge areas and further, stipulates that the contract shall not exceed \$24,650.00.

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

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

**MOA  
with  
DelDOT**

Monroe Hite, Project Manager for the Western Parkway Project, Delaware Department of Transportation (DelDOT), was present to discuss the Proposed Memorandum of Agreement (MOA) between DelDOT and Sussex County Council, which was first presented to the Council on January 17, 2006.

Mr. Hite distributed a revised MOA that addressed the Council's concerns about the open-endedness of the Agreement. The revised MOA included the following draft language as No. 9 on Page 4:

**“To review the provisions outlined within this Memorandum of Agreement in five years from the date affixed by the signatures below.”**

Mr. Stickels noted that the Council could propose an amendment to the number of years suggested by DelDOT.

It was the consensus of the Council that No. 9, as proposed by DelDOT, be amended by striking “five” and inserting “two”.

Mr. Stickels presented a video of a new road that has been built in Rehoboth to the entrance of The Glade. He noted that the road was constructed by and paid for by the developers. He further noted that the road will provide relief for the permanent residents of Rehoboth by providing an alternate route of access.

Tom Shafer of Whitman, Requardt & Associates stated that the Western Parkway Project is going to be a great benefit to the County and to the property owners and developers. He noted that the purpose of the MOA is for the County and DelDOT to work in cooperation with each other in selecting the alignment.

- M 091 06**  
**Approve**  
**MOA**
- M 091 06**  
**Approve**  
**MOA**  
**with**  
**DelDOT**  
**(continued)**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;**  
**Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Mr. Rogers, Yea**
- Wastewater**  
**Agreement**
- Mr. Stickels presented a wastewater agreement for the Council's consideration.**
- M 092 06**  
**Execute**  
**Agreement/**  
**Gallo**  
**Medical**  
**Offices**
- A Motion was made by Mr. Jones, seconded by Mr. Dukes, that based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 404, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and "Prudential Gallo Realtors" for wastewater facilities to be constructed in Gallo Medical Offices, located in the West Rehoboth Expansion of the Dewey 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**
- Appoint-**  
**ment**
- Mr. Stickels announced that a vacancy exists on the Assessment Review Board due to the death of Gerald Webb.**
- M 093 06**  
**Approve**  
**Appoint-**  
**ment to**  
**Assessment**  
**Review**  
**Board**
- A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to appoint Nancy Webb to the Assessment Review Board for a term of five years.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;**  
**Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Mr. Rogers, Yea**

**Administrator's  
Report**

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

**1. James H. Cronic, Sr.**

It is with deep regret that I inform Council of the passing of James H. Cronic, Sr., on February 1, 2006. Mr. Cronic had been employed with the County since March 29, 1999, primarily providing evening lobby security at the County Administrative Office Building. Mr. Cronic was known by thousands who attended public hearings in the evenings, Planning and Zoning and Board of Adjustment, and he always had a kind word for everyone who attended those hearings, many times into the wee hours of the morning. He is survived by his wife and five sons.

**Administrator's  
Report  
(continued)**

**2. Paramedic Rechassising Bids**

Sussex County paramedics opened bids on Monday, January 30, 2006, for the rechassising of two vehicles. The following bids were received:

<u>Vendor</u>	<u>Cost per Vehicle</u>	<u>Contract Total</u>
J&J Emergency Vehicle Sales (Custom Body Works Bid)	\$33,499.00	\$ 66,999.00
Singer Associates	\$35,355.00	\$ 70,710.00
J&J Emergency Vehicle Sales (McCoy Miller Bid)	\$36,533.00	\$ 73,066.00
DPC Emergency Equipment	\$39,813.47	\$ 79,626.94
Odyssey Automotive Specialty, Inc.	\$54,945.00	\$109,890.00

Bids are currently under review and the Paramedic Department will make a recommendation within 30 days of opening the bids.

**Consultant  
Contract/  
Stearns &  
Wheler/  
Dagsboro-  
Frankford,  
Blades,  
and  
Western  
Sussex  
Planning**

Mr. Izzo, County Engineer, presented a Consultant Contract with Stearns & Wheler, LLC for the Dagsboro-Frankford Planning Area, the Blades Planning Area, and the Western Sussex Planning Area. He noted that the Dagsboro-Frankford Sewer District and the Blades Sewer District already exist; however, the way in which these districts were designed and constructed, they are set up to serve the existing town boundaries only. He referred to Town Centers and noted that there is a lot of pressure to extend sewer service into potential annexation areas. Mr. Izzo reported that there is a shortage of capacity in the collection and transmission system and treatment and disposal plants.

Area	<p>Mr. Izzo stated that the Council previously asked the Engineering Department to look at a Western Sussex Planning Area. For this reason, when the study is performed for the Blades Planning Area, it is proposed that the scope of the study be extended to determine the feasibility of a future regional wastewater treatment and disposal facility to serve one or more of the following communities: Greenwood, Bridgeville, Bethel, Laurel and Delmar, along with unincorporated areas designated by the County. Mr. Izzo reported that the Engineering Department has already initiated contact with the towns and that they have received varying degrees of interest.</p>
Consultant Contract/ Stearns & Wheler/ Dagsboro- Frankford, Blades, and Western Sussex Planning Area (continued)	<p>Mr. Izzo introduced Thor Young of Stearns &amp; Wheler and Dennis Hasson of Whitman Requardt &amp; Associates. He noted that Whitman Requardt &amp; Associates would act as a sub-consultant to Stearns &amp; Wheler, primarily for the work performed for the Blades Planning Area and the Western Sussex Planning Area.</p> <p>Thor Young summarized the project and the Proposed Contract Agreement. He reported that the Dagsboro-Frankford Planning Area would include the Town Centers of Dagsboro and Frankford and the County's Environmentally Sensitive Developing Area. The Blades Planning Area would include the Town of Blades and the surrounding planning area. Mr. Young referred to the Town of Blades' wastewater treatment. He noted that Blades does not have a treatment plant and that wastewater is conveyed to the City of Seaford for treatment. The current agreement between the City of Seaford and the County is for 120,000 gallons per day; a new agreement will raise that to 440,000 gallons per day. Mr. Young stated that although there is some capacity left at the City of Seaford, there is not enough capacity to ultimately handle the volume and therefore a plan needs to be made for a separate treatment facility in Blades.</p> <p>Mr. Young reported that the project is to provide a plan to manage the growth of the collection, conveyance, treatment, and disposal systems that serves both the Dagsboro-Frankford Planning Area (DFPA) and Western Sussex Planning Area (WSPA). The goal is to find a system that is flexible and cost-effective and coordinated with growth and development.</p> <p>Mr. Young reported that there would be three phases to the Feasibility Study:</p> <ul style="list-style-type: none"><li>• Contact towns and arrange meetings to review current facilities, flows, and growth projections, discuss probable cost range, and gauge interest.</li><li>• Request and review planning data, develop detailed flow projections, identify regional treatment scenarios.</li><li>• Determine land requirements, evaluate and select site, develop conceptual pumping and treatment approach, develop cost estimates.</li></ul> <p>Mr. Izzo stated that the Engineering Department is recommending the award of a \$1.5 million consulting contract to Stearns &amp; Wheler to begin</p>

planning for the expansion of the sewer service areas. The timeline for the study is 18 months for the overall project.

The following is a breakdown of the cost of the Contract Agreement Proposal:

Consultant Contract/ Stearns & Wheler/ Dagsboro- Frankford, Blades, and Western Sussex Planning Area (continued)	Dagsboro-Frankford Facility Plan	\$352,300.42
	Blades/Western Sussex Facility Plan	252,125.14
	Piney Neck Hydrogeological Study	267,517.54
	Piney Neck Preliminary Engineering Report	176,989.69
	Western Sussex Regional Feasibility Study	
	Phase I	79,081.00
	Phase II	249,250.00
	Phase III	170,495.00
	Priority Projects	50,000.00
	TOTAL	\$1,597,759.53

The Council entertained public comments. Steve Class spoke in support of the study. He advised that he owns property on the east side of Route 13 that is to be annexed into the Town of Blades. He noted that there is no regional sewer service south of the Nanticoke River and that the study is important for the area.

There were no additional public comments.

M 094 06  
Approve  
Contract  
Agreement  
with  
Stearns &  
Wheler

A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes the Sussex County Council President to execute an Agreement with Stearns & Wheler, LLC of Bowie, Maryland to provide consulting services for the Dagsboro-Frankford and Western Sussex Planning Areas including but not limited to facility plans, preliminary Engineering Reports and Hydrogeologic Studies, not to exceed a cost of \$1,597,759.53 (time and materials).

Motion Adopted: 5 Yea.

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

Wastewater  
Planning  
Grants

Adi Maneckshaw of the Sussex County Engineering Department reviewed Proposed Resolutions for the Council's consideration; approval of the Resolutions would authorize the County to pursue grant funding to assist with the costs of the projects.

M 095 06  
Approve  
R 010 06/

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 010 06 entitled "TO SUBMIT A REGIONAL WASTEWATER FACILITIES PLANNING GRANT TO THE

<b>Planning Grant/Dagsboro-Frankford Planning Area</b>	<b>WASTEWATER FACILITIES ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE DAGSBORO-FRANKFORD PLANNING AREA”.</b>  <b>Motion Adopted: 5 Yea.</b>  <b>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea</b>
<b>M 096 06 Adopt R 011 06/ Planning Grant/ Western Sussex (Blades) Planning Area</b>	<b>A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Resolution No. R 011 06 entitled “TO SUBMIT A WASTEWATER FACILITIES PLANNING GRANT TO THE WASTEWATER FACILITIES ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE WESTERN SUSSEX (BLADES) PLANNING AREA”.</b>  <b>Motion Adopted: 5 Yea.</b>  <b>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea</b>
<b>M 097 06 Adopt R 012 06/ Planning Grant/ Western Sussex Regional Wastewater Facility Feasibility Study</b>	<b>A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 012 06 entitled “TO SUBMIT A REGIONAL WASTEWATER FACILITIES PLANNING GRANT TO THE WASTEWATER FACILITIES ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE WESTERN SUSSEX REGIONAL WASTEWATER FACILITY FEASIBILITY STUDY”.</b>  <b>Motion Adopted: 5 Yea.</b>  <b>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea</b>
<b>Old Business/ Proposed Ordinance/ Cluster Develop-ments</b>	<b>The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 SECTION 25 OF THE CODE OF SUSSEX COUNTY, TO ADD A REQUIREMENT THAT ALL AR-1 CLUSTER DEVELOPMENTS BE LOCATED WITHIN A DEVELOPMENT DISTRICT AS SHOWN ON THE ADOPTED COMPREHENSIVE PLAN FOR SUSSEX COUNTY”.</b>  <b>Mr. Lank, Director of Planning and Zoning, reported that, on January 12, 2006, the Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance. At that time, action was deferred. On January 26, 2006, the Planning and Zoning Commission recommended approval of the Proposed Ordinance to amend Chapter 115, Section 25 of the Code of</b>



Sussex County, to add a requirement that all AR-1 Cluster Developments be located within the Development District as shown on the adopted Comprehensive Plan for Sussex County, with the following additional recommendations:

1. Reference to the Environmentally Sensitive Developing Area be eliminated from Section 3 of the Proposed Ordinance.
2. That an additional sentence be added at the end of Section 3 as follows: “Or, that the proposed cluster development lies within a low density area (1) as described within the land use element and (2) as shown on the future land use plan of the adopted Sussex County Comprehensive Plan and the total number of lots shown thereon has been determined by first reducing the gross area of the proposed development by twenty-five percent (25%).”

Old  
Business/  
Proposed  
Ordinance/  
Cluster  
Develop-  
ments  
(continued)

The County Council held a Public Hearing on the Proposed Ordinance on January 17, 2006 at which time action was deferred.

It was noted that the Proposed Ordinance would give the Developer the option of either putting the cluster within the Development District or, if it is in a low density area, they would comply with the 25 percent reduction in the gross land area.

M 098 06  
Adopt  
Ordinance  
No. 1824

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to adopt Ordinance No. 1824 entitled “AN ORDINANCE TO AMEND CHAPTER 115 SECTION 25 OF THE CODE OF SUSSEX COUNTY, TO ADD A REQUIREMENT THAT ALL AR-1 CLUSTER DEVELOPMENTS BE LOCATED WITHIN A DEVELOPMENT DISTRICT AS SHOWN ON THE ADOPTED COMPREHENSIVE PLAN FOR SUSSEX COUNTY”, with the amendments recommended by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Confirm  
Acceptance  
of Appli-  
cations  
for Cluster  
Develop-  
ments

Mr. Stickels announced that it was not necessary to vote on the Resolution entitled “A RESOLUTION DIRECTING THE PLANNING AND ZONING OFFICE AND PLANNING AND ZONING COMMISSION NOT TO ACCEPT FURTHER APPLICATIONS FOR PRELIMINARY SUBDIVISION PLAN APPROVAL UNDER COUNTY COUNCIL ORDINANCE 1709, APPEARING IN THE COUNTY ORDINANCES IN SECTION 115-25, COMMONLY REFERRED, TO AS THE “CLUSTER ORDINANCE” due to the fact that the Cluster Ordinance was adopted and the County would now be accepting applications for cluster development.

**Draft  
Ordinance/  
New CR-1  
District**

**The Council discussed the Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ZONING, ARTICLE XI, PART ONE, RELATING TO PERMITTED USES AND TO CLOSE THE EXISTING C-1 DISTRICT; PART TWO, SECTION 3, TO CREATE A NEW CR-1 DISTRICT; PART THREE, ARTICLE X, TO AMEND THE B-1 DISTRICT RELATING TO CONDITIONAL USES; AND PART FOUR, ARTICLE XX TO AMEND THE HEIGHT, AREA, AND BULK REQUIREMENTS”.**

**Draft  
Ordinance/  
New CR-1  
District  
(continued)**

**The Council previously discussed the Draft Ordinance on January 17, 2006, at which time it was the consensus of the Council that the draft 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.**

**Mr. Kautz reviewed the draft ordinance with the proposed amendments, including what would be grandfathered under the distinction of C-1 and what would be required under the new CR-1.**

**Mr. Cole referred to § 115-83.2. Permitted uses. A. (8) Business and commercial radio and television stations and studios or recording studios [, but not towers more than 150 feet in height, except as provided in Article XXVII.] He stated that the reference to towers should be moved to Special Exceptions so that applications for towers would go to the Board of Adjustment.**

**It was the consensus of the Council that § 115-83.2. Permitted uses. A. (8) should read: “Business and commercial radio and television stations and studios or recording studios.” It was also the consensus of the Council that the approval of towers would go to the Board of Adjustment.**

**Mr. Cole expressed concern about the impact that the twenty (20) units maximum density would have on the Engineering Department’s planning process.**

**It was the consensus of the Council that the draft ordinance should include a maximum density of twenty (20) units, as previously decided. It was noted that this does not necessarily reflect an endorsement by the Council of that amount and that it is only a number established by the Council for Public Hearing purposes.**

**Mr. Kautz clarified that if the Draft Ordinance is adopted, as proposed, (1) the existing C-1 limitation of 12 units per acre would not change and (2) there would be no CR-1 Districts until after the Council approves zoning changes.**

**It was noted that the draft ordinance would have to be amended to reflect the recommended changes prior to it being introduced by the Council.**

**Old  
Business/  
C/Z  
No. 1577  
and  
No. 1578**

**The Council discussed the Proposed Ordinances 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.49 ACRES, MORE OR LESS” (Change of Zone No. 1577) and “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.68 ACRES, MORE OR LESS” (Change of Zone No. 1578) filed on behalf of PGS Properties.**

**Old  
Business/  
C/Z  
No. 1577  
and  
No. 1578  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on these applications on July 28, 2005 at which time action was deferred. On January 4, 2006, the Commission recommended that the applications be approved.**

**The County Council held a Public Hearing on the applications on August 16, 2005, at which time action was deferred.**

**Mr. Lank read the comments received from the County Engineering Department in July 2005 into the record: that the System Design Assumption for the site was established as 4.0 units per acre; that the site is located in the Fenwick Island Sanitary Sewer District; that wastewater capacity is not available for the project; that the total EDU allocation as stated in the South Coastal Area Planning Study Update 2004 is 73.27 EDUs; that this allocation is based on the current zoning of AR-1; that recent upgrades at Pump Station 30 are complete; that increased allocation was not provided for during the upgrades; that it is unknown if Ordinance No. 38 construction will be required; that wastewater capacity needs are not specified, that the current System Connection Charge Rate is \$3,640.00 per EDU; that there is currently no service to these parcels; that the County Engineering will identify a connection point; that the Swann Cove Development will provide the connection point for Parcel 76.00; that conformity to the South Coastal Area Planning Study Update 2004 will be required; and that a concept plan will be required.**

**Mr. Lank, Director of Planning and Zoning, stated that the Commission cannot grant final approval of any project without approval from the agencies.**

**Mr. Cole expressed concern that since the applications are for a change of zone, no conditions can be placed on an approval, including any reference to deed restrictions.**

**Mr. Griffin noted that in the applicant’s presentation before the Planning**

and Zoning Commission, they stated that they proposed to record voluntary deed restrictions to limit the uses in the C-1 portion to B-1 uses. Mr. Lank advised that he is not aware of any deed restrictions being recorded.

Mr. Cole noted that deed restrictions are not binding.

(continued) Mr. Stickels questioned if DelDOT has granted the applicant access on Route 54. Mr. Griffin responded that the developer stated in his presentation before the Commission and the County Council that the primary entrance would be from Route 54 and that they propose an interconnection to Road 381. Mr. Lank responded that he would have to research the file for any comments submitted by DelDOT.

Mr. Phillips requested that action be deferred on both applications to allow time for him to meet with the Engineering Department.

**M 099 06**  
**Defer**  
**Action**  
**on C/Z**  
**No. 1577**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to defer action on Change of Zone No. 1577, filed on behalf of PGS Properties.

**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**

**M 100 06**  
**Defer**  
**Action**  
**on C/Z**  
**No. 1578**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to defer action on Change of Zone No. 1578, filed on behalf of PGS Properties.

**Motion Adopted: 5 Yea.**

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

**Requests** Mr. Stickels presented grant requests for the Council's consideration.

**M 101 06**  
**County**  
**Council**  
**Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$900.00 from County Council Grants to Sussex Central High School for the Minority Leadership Alliance Basketball Fundraiser.

**Motion Adopted: 5 Yea.**

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

**M 102 06**  
**Council-**  
**manic**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Kent Sussex Industries for sponsorship of the 2007 calendar.

**Grant**

**Motion Adopted: 5 Yea.**

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

**M 103 06 Grant** A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$3,000.00 (\$600.00 from each Councilmanic Grant Account) to the Sussex County Fire Chief's Association for conference expenses.

**M 103 06 (continued)** **Motion Adopted: 5 Yea.**

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

**M 104 06 Councilmanic Grant** A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$200.00 from Mr. Jones' Councilmanic Grant Account to the Woodbridge School District for the School Uniform Economic Assistance Program.

**Motion Adopted: 5 Yea.**

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

**M 105 06 Councilmanic Grant** A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 from Mr. Dukes' Councilmanic Grant Account to the Nanticoke Riverfest for the 2006 event.

**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 EXPANSION OF EXISTING MANUFACTURED HOME COMMUNITY (82 ADDITIONAL LOTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20.79 ACRES, MORE OR LESS" (Conditional Use No. 1675) filed on behalf of Colonial East, Ltd. The Proposed Ordinance will be advertised for Public Hearing.

**Introduction of Proposed** Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN

**Ordinance**      **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL CRAFTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.1469 ACRES, MORE OR LESS” (Conditional Use No. 1676) filed on behalf of Peter J. Goebel. The Proposed Ordinance will be advertised for Public Hearing.**

**M 106 06**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at**  
**Adjourn**      **1:05 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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