



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 5, 2008

**Call to
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 5, 2008 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 100 08
Approve
Agenda**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to delete the following items from the Agenda and to approve the agenda, as amended.

Under David Baker: **Board of Assessment Review Appointment**

Under Jim Hickin: **Georgetown Air Services – Lease Amendment**

Under Michael Izzo: **Angola Sanitary Sewer District – Temporary
Wastewater Treatment and Disposal Bid Award**

**Delete Windstone Development Temporary
Wastewater Treatment – to be rescheduled**

Motion Adopted: **5 Yeas.**

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

Mr. Griffin read the following correspondence:

**Corre-
spondence**

**FOOD BANK OF DELAWARE, MILFORD, DELAWARE.
RE: Letter thanking the Council for its contribution to the Milford Food
Bank.**

THE NATURE CONSERVANCY OFFICE, ARLINGTON, VIRGINIA.

RE: Letter thanking the Council for partnering with them in supporting the Burton Farm conservation easement purchase.

**Corre-
spondence
(continued)**

DELMARVA CHRISTIAN HIGH SCHOOL, GEORGETOWN, DELAWARE.

RE: Letter thanking the Council for the contribution to their capital and operational expenses.

FENWICK ISLAND BEACH COMMITTEE, FENWICK ISLAND, DELAWARE.

RE: Letter, along with a check for \$100.00, thanking the Sussex County EMS for being present at the Polar Bear Plunge.

**Source
Water
Protection
Ordinance**

Mr. Baker reported on the status of the Source Water Protection Ordinance. He stated that on November 27, 2007, the Source Water Protection Ordinance, as drafted by the Source Water Protection Citizen and Technical and Advisory Committee, was introduced to the County Council. A Public Hearing on the Proposed Ordinance was held on December 18, 2007 at which time the Council deferred action and left the record open until the State's Land Use Plan PLUS report was received, as well as written comments from the City of Lewes. Mr. Baker reported that a letter from the City of Lewes, along with their proposal, and comments from PLUS regarding the Proposed Ordinance have now been received. He stated that one of the certification issues raised by the State is that "the County provide an acceptable Ordinance that protects the resources, as required in Delaware Code". County staff met with DNREC and State Planning Office officials to discuss the State's concerns regarding the Proposed Ordinance. DNREC has requested two specific changes, which they have indicated are necessary for certification of the Land Use Plan by the State. Mr. Baker explained the requested changes as follows:

1. Impervious Cover

The impervious coverage requirements in the Excellent Recharge Areas already contained in the Proposed Ordinance should be duplicated in the Wellhead Protection Areas.

Mr. Baker stated that when impervious cover is less than 35% in a project, there would be no additional requirements. He explained that if the impervious cover is more than 35%, but less than 60%, the applicant must prepare an Environmental Assessment Report stating that post-development recharge quantity would meet or exceed the existing recharge quantity. If the impervious coverage exceeds 60%, structures would be required to discharge roof drains into underground recharge systems or permeable surfaces to allow the discharges to infiltrate into the ground.

2. Changes in Excellent Recharge or Wellhead Protection Area Maps

If the County modifies an Excellent Recharge or Wellhead Area map, based on a request from a developer, the change must be approved by DNREC and the State geologist.

**Source
Water
Protection
Ordinance
(continued)**

Mr. Baker explained that if there is a proposed change in the map for wellhead and recharge boundary determinations, the State is requesting concurrence of the State geologist and the Program Manager of the Division of Water Resources Source Water Protection and Assessment Program.

Mr. Baker noted that the changes requested by the State would have minimal impact on most housing developments with the greater impact being in commercial projects with large amounts of impervious surfaces.

Mr. Kautz presented a Power Point to the Council showing impervious surfaces and the location of excellent recharge areas and wellhead protection areas in three commercial properties in Sussex County. Mr. Kautz explained that excellent recharge areas are those areas where the soils are excellent for recharge back into the soil and the wellhead protection areas are the areas around public water supplies, such as daycare centers, hotels, restaurants, etc., that must be protected. He noted that the Ordinance requires measures be taken to assure that once a site is developed, the water continues to recharge into the underground aquifer at the same rate it did prior to development.

Mr. Baker stated that after reviewing the Ordinance, Mr. Griffin and County staff have suggested the additional following changes: the variance process should come before the County Council instead of the Board of Adjustment; how and when the Ordinance would go into effect should be more clearly defined. Mr. Griffin stated that if Council agrees to the suggested changes, a second Public Hearing should be considered, as the requests by DNREC are more restrictive. Mr. Baker noted that the first Public Hearing remains open.

Mr. Griffin explained that if the Council wishes to allow the public to consider the proposed changes by DNREC, which are more restrictive, a second Public Hearing would be necessary. He explained that a new Ordinance would be introduced, which would include the changes by DNREC, and a second Public Hearing would be held before the Council's decision to adopt the new Ordinance. Mr. Griffin stressed that a decision should be made as soon as possible, as the Source Water Protection Ordinance is part of the Comprehensive Land Use Plan.

Mr. Dukes stated that the new Ordinance should be returned to the Advisory Committee for their review and comments. Mr. Cole voiced his opposition to the Ordinance being returned to the Committee.

Mr. Griffin stated that the Source Water Protection Technical Advisory Committee had also suggested that the Committee include the existing 17-

	<p>member TAC for Planning and Zoning, plus one additional person to be appointed by each Council member, but also that if there was going to be a Technical Advisory Committee just for Source Water, it should be comprised only of members appointed by each Council member, and should be separate from Planning and Zoning.</p>
Source Water Protection Ordinance (continued)	<p>Mr. Phillips stated that he felt that the Public Hearing should be closed and the Council should vote on the original Ordinance drafted by the Committee.</p> <p>Mr. Dukes stated that he would like to hear the Committee's thoughts on the changes requested by DNREC.</p> <p>Mr. Rogers stated that DNREC has requested certain changes be made to the Ordinance; therefore, the Committee should review the Ordinance with the changes, as requested by DNREC, and a second Public Hearing should be held.</p>
M 101 08 Authorize New Draft of Source Water Protection Ordinance	<p>A Motion was made by Mr. Cole, seconded by Mr. Rogers, to rewrite the Source Water Protection Ordinance to include the changes requested by the Department of Natural Resources and Environmental Control and make necessary housekeeping changes; advertise for a Public Hearing; send new Ordinance back to the Source Water Protection Citizen and Technical and Advisory Committee for comments; close Public Hearing on the original Ordinance.</p> <p>Motion Adopted: 4 Yeas; 1 Nay.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Nay; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Adminis- trator's Report	<p>Mr. Baker read the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><p><u>Sussex County Call Board Committee – January 31st Meeting</u></p><p>As per the attached press release, the Sussex County Call Board Committee met on January 31, 2008 and approved a new dispatching procedure that will send the nearest ambulance on high priority medical calls, regardless of fire district boundaries. This change will be implemented as a pilot program effective February 15, 2008. As noted, the nearest available ambulance will be dispatched on high priority (Echo) medical calls including those for cardiac arrest, choking or non-breathing subjects. As noted, emergency service units responded to 21,265 calls last year.</p><p><u>January 23, 2008 - Emergency Operations Dispatchers</u></p><p>On the morning of January 23, 2008 there were numerous motor vehicle accidents occurring as a result of icy roads. Two-hundred</p>

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

sixty-two calls were received that morning between 5:00 a.m. – 11:00 a.m. Fortunately, the accidents did not result in life-threatening injuries. We would like to congratulate the A-Shift, who was on call that morning. The A-Shift includes Sussex County dispatchers Chris Moore, Steve Deery, Jason Boyce, and Charles Stevenson. They have been commended by the Suscom Shift Supervisor, also, for the outstanding job they did.

3. Delaware Department of Transportation Workshop – February 11, 2008

As per the attached announcement, a workshop will be held at the Cape Henlopen High School from 4:00 – 7:00 p.m. on Monday, February 11, 2008 regarding the proposed Western Parkway Project and Options for the Five Points Intersection. As noted, the workshop will be an update on what has been accomplished since the previous workshop in January 2007.

**Public
Hearing/
Assessment
Rolls/
Miller
Creek
SSD**

A Public Hearing was held on the Assessment Roll for the Miller Creek Sanitary Sewer District.

Mrs. Webb stated that the Assessment Rolls for the Miller Creek Sanitary Sewer District has been completed and filed in the Sussex County Utility Division. She explained that the Assessment Roll is a listing of properties from which the sewer assessment fees are billed based on front footage.

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

**M 102 08
Adopt
Assessment
Rolls/
Miller
Creek
SSD**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that based on the recommendation of the County Engineer and the County Finance Director and for the reasons stated during the Public Hearing, the Sussex County Council hereby adopts the Assessment Roll for the Miller Creek Sanitary Sewer District, as presented on February 5, 2008 for the period February 5, 2008 to June 30, 2008.

Motion Adopted: 4 Yeas; 1 Absent.

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

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

**Public
Hearing/
Assessment
Rates/
Miller
Creek**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE MILLER CREEK SANITARY SEWER DISTRICT".

Mrs. Webb reviewed the proposed assessment rates for the Miller Creek Sanitary Sewer District.

SSD

- Annual Service Charge - \$230.00 per EDU- billed quarterly
- Collection - \$6.09 per front foot -billed annually
- Transmission Fee - \$.85 per front foot -billed annually
- Total Assessment Rate - \$6.94 per front foot

**Public
Hearing/
Assessment
Rates/
Miller
Creek
SSD
(continued)**

Mrs. Webb stated that for an average front footage of 75 feet the proposed new rate will be \$520.50 with a service charge of \$230.00, making the average annual bill estimated to be \$750.50. She reported that, due to a savings in the construction costs and better financing terms, the cost is lower than the original estimated cost of \$820.50 per year, which is a decrease of \$70.00.

Mr. Baker commended the County Engineering and Finance Departments for their work on this project. He stated that, as well as the decrease in the annual rate, the proposed connection fee of \$1,559.00 per EDU at the time of hook-up will not be required, as it is being financed by a grant.

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

**M 103 08
Adopt
Ordinance
Establishing
Assessment
Rates/
Miller
Creek
SSD**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adopt the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE MILLER CREEK SANITARY SEWER DISTRICT”.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Banks Plaza
Annexation/
Dagsboro-
Frankford
SSD**

A Public Hearing was held on the Dagsboro-Frankford Sanitary Sewer District Banks Plaza Annexation. John Ashman, Director of Utility Planning, stated that on December 18, 2007, a request was made to prepare and post notices for the Banks Plaza Expansion of the Dagsboro-Frankford Sanitary Sewer District. Mr. Ashman stated that the proposed expansion includes the old Banks Hardware Building outside of Frankford, the adjacent cemetery, and two parcels located north of Frankford Avenue. The total to be annexed is 6.75 acres and is contiguous to the Dagsboro-Frankford Sanitary Sewer District.

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

Councilman Phillips stated that he had received a letter from the Mayor of the Town of Dagsboro questioning what effect providing sewer would have on the Town annexing property into the city limits of Dagsboro. The letter will be made a part of the record.

**M 104 08
Adopt**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to adopt Resolution No. R 011 08 entitled “A RESOLUTION TO EXTEND THE

R 011 08 **BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER**
Banks Plaza **DISTRICT (DFSSD) TO INCLUDE ALL THOSE CERTAIN LOTS,**
Expansion/ **PIECES OR PARCELS OF LAND, SITUATED EAST OF STATE ROUTE**
DFSSD **113, NORTH AND SOUTH OF FRANKFORD AVENUE, LOCATED IN**
 THE DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE”.

M 104 08 **Motion Adopted: 4 Yeas; 1 Absent**

Adopt

R 011 08 **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**
(continued) **Mr. Rogers ,Yea; Mr. Jones, Yea;**
 Mr. Dukes, Absent

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

Local Law **Mr. Godwin presented the following request for funding through the**
Enforce- **Revenue Sharing for Local Law Enforcement Grant Program:**
ment Grant

Request	Georgetown	\$25,000.00	Lease payments on their police vehicles
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M 105 08 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve a**
Approve **Local Law Enforcement Grant in the amount of \$25,000 to the Town of**
Local Law **Georgetown.**
Enforce-

ment **Motion Adopted: 5 Yeas.**
Grant

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

George- **Jim Hickin, Director of Airport and Industrial Park Operations, stated that**
town **at the time of the proposal of the sale of Georgetown Air Services to Mr.**
Air **Garrett Dernoga, Mr. Dernoga had requested the five leases of Georgetown**
Services/ **Air Services be consolidated; however, after considerable review of the**
Manage- **leases, Mr. Hickin stated that consolidation did not seem to be a workable**
ment **solution. He reported that the leases have been amended and will be**
Agree- **presented to the Council for consideration in a few weeks.**
ment

Mr. Hickin stated that the County leases a parcel of land at the airport to the Patrick Family Foundation, which allows them to collect a nominal set fee for tie-downs, 10% of which the County was to receive as additional rent. Mr. Hickin stated that over the last ten years managing the tie-downs of the one parcel by the Patrick Family Foundation has evolved into managing all tie-downs at the Airport and giving the County 10% of the total, which was not the original intent of the lease.

Mr. Hickin stated that it is in the County’s best interest to allow Georgetown Air Services to manage all the County’s 39 tie-downs, thereby relieving the County of managing the leases and the billing process. The Council was given a copy of the one-year Agreement between the County

**M 106 08
Execute
Agree-
ment/
George-
town
Air
Services**

and Georgetown Air Services, which either party may cancel with 30 days' notice. Georgetown Air Services will pay the County \$500.00 a month for a period of one year. Mr. Hickin reported that under the original Agreement the County had received \$935.00 for one year; under the new Agreement Georgetown Air Services will pay the County \$6,000.00 a year.

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes the County Administrator to execute the Tie-Down Management Agreement with Georgetown Air Services as presented by Jim Hickin, Director, Airport and Industrial Park Operations, on February 5, 2008 contingent on the County Finance Director's approval of the final document.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Bayard
Expansion/
Miller Creek
Sanitary
Sewer
District**

A Public Hearing was held on the Bayard Annexation of the Miller Creek Sanitary Sewer District.

Mr. Ashman stated that on December 18, 2007 the Council authorized notices to be prepared and posted for the Bayard Expansion of the Miller Creek Sanitary Sewer District. Mr. Ashman stated that at the request of the Council, the original proposed annexation has been reduced to include only the projects of the Woodlands and the Estuary and a contiguous path to the Miller Creek Sanitary Sewer District has been maintained.

Mr. Ashman reported that due to the reduction in the expansion area to include only the Woodlands and the Estuary, the off-site Public Hearing previously scheduled for January 17, 2008 was cancelled. It was decided that the Public Hearing could be held during today's Council meeting and notices and advertisements were corrected to reflect the change. Mr. Ashman stated that the area was posted on January 14, 2008. The developers will be subject to total system connection charges of \$3,235.00 per EDU based on July 1, 2007 – June 30, 2008 rates.

Public comments were heard.

Christina Criswell of Frankford stated that the established development of Tanglewood was to be included in the sewer district expansion and due to the changes in the areas to be included, Tanglewood has now been excluded. On behalf of the residents of Tanglewood, Ms. Criswell requested that the development be included in the proposed Bayard Expansion of the Miller Creek Sanitary Sewer District. She provided Mr. Ashman with signatures of full-time residents of Tanglewood who wish to be included in the expansion.

Salvatore Grasso of Frankford stated that the established development of

Oak Acres was to be included in the original expansion and has also now been excluded. Mr. Grasso spoke on behalf of some of the residents of Oak Acres and requested that they be included in the Bayard Expansion.

Public Hearing/ Bayard Expansion/ Miller Creek SSD
Mr. Ashman stated that the Council had directed the Engineering Department to reduce the size of the area originally proposed to be included in the Bayard Expansion of the Miller Creek SSD. Mr. Ashman stated that the County could provide connections to the developments requesting to be included.

(continued)
Mr. Izzo stated that once the developer has put in the regional infrastructure, the County could build a sewer project to serve the two communities.

M 107 08
Defer
Action/
Miller
Creek
SSD/
Bayard
Expansion
A Motion was made by Mr. Dukes, seconded by Mr. Cole, to defer action on the Bayard Annexation of the Miller Creek Sanitary Sewer District for one week to allow the Engineering Department sufficient time to contact residents of Tanglewood and Oak Acres to determine if they wish to be included in the annexation and to amend the sewer district, if necessary, and to leave the Public Hearing record open.

Motion Adopted: 5 Yeas.

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

Old Business (C/U No. 1707)
The Council discussed the application for a Conditional Use entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE AND MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 9.47 ACRES, MORE OR LESS” (Conditional Use No. 1707) filed on behalf of The Keith Corporation.

The Planning and Zoning Commission held a Public Hearing on this application on November 8, 2007 at which time action was deferred. On January 24, 2008 the Planning and Zoning Commission discussed this application under Old Business, at which time they recommended approval of Conditional Use No. 1707 with eleven conditions.

The Sussex County Council held a Public Hearing on November 27, 2007 at which time they deferred action.

M 108 08
Adopt
Ordinance
No. 1951
A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1951 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE AND MINI-

(C/U
No. 1707)

STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 9.47 ACRES, MORE OR LESS” (Conditional Use No. 1707) filed on behalf of The Keith Corporation, with the following 11 conditions, as amended:

**M 108 08
Adopt
Ordinance
No. 1951
(C/U
No. 1707)
(continued)**

- 1. The proposed retail and self-storage facility shall substantially conform with the preliminary site plan submitted with the application.**
- 2. On-site water wells and wastewater systems shall comply with all County and DNREC requirements.**
- 3. The Applicant shall comply with all DelDOT requirements concerning the project and maintenance easements will be established by the applicant for the maintenance of the service road easement areas until the service road is constructed by DelDOT.**
- 4. Stormwater management shall meet or exceed all County and State requirements.**
- 5. Security and parking lot lighting shall be screened with downward illumination to avoid shining on neighboring properties.**
- 6. The self-storage facility shall be surrounded by a security fence and arrangements shall be made with the Seaford Fire Department to coordinate emergency access to the site.**
- 7. Access to the self-storage facility by tenants shall be only between 7:00 a.m. and 9:00 p.m. and no outside storage, including vehicles and boats, shall be permitted at the self-storage facility.**
- 8. A landscape plan shall be submitted as part of the Final Site Plan review, showing all buffers, including the existing buffer along the westerly property line.**
- 9. The Applicant shall be allowed to erect signage as permitted in the CR-1 Zoning District of the County Zoning Code.**
- 10. The areas to be used for outside storage or display associated with the retail facility shall be clearly designated on the Final Site Plan.**
- 11. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

Stearns & Wheler Contract Amendment Stearns & Wheler Contract Amend ment/ Piney Neck Regional Wastewater Facility (continued)

Mike Izzo, County Engineer, presented a Contract Amendment to the Agreement with Stearns and Wheler for a hydro-geologic study which was done for the purpose of re-rating the existing spray fields at the Piney Neck Regional Wastewater Facility. Mr. Izzo reported that a Planning Area Study for the Dagsboro-Frankford Planning Area was performed, which included an analysis of the Piney Neck Regional Wastewater Facility. He stated that the review determined that the plant has been permitted for treating 200,000 gallons per day and 250,000 gallons per day for wastewater disposal. Mr. Izzo reported that the analysis also determined that the plant has the capability of treating 325,000 gallons per day and a wastewater disposal capacity of 577,000 gallons per day on the existing sites. Mr. Izzo explained that DNREC's permit process to re-rate the treatment and disposal capacities requires hydro-geologic studies consisting of the installation and monitoring of wells. The total cost of the studies is \$263,254.00

M 109 08 Approve Stearns & Wheler Contract Amend- ment

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department that Amendment I to the Agreement with Stearns and Wheler, LLC for the Dagsboro-Frankford Planning Area be approved to perform hydro-geologic studies at the Piney Neck Regional Wastewater Facility.

Motion Adopted: 5 Yeas.

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

Proposed Golf Village Sanitary Sewer District/ Adoption of Boundaries

Mr. Ashman, Director of Utility Planning, reported that since September 2007 the Sussex County Engineering Department has received 63 executed petitions in regards to organizing a sanitary sewer system in Golf Village. Mr. Ashman stated that on January 30, 2008 the Engineering Department conducted a Public Hearing in the Sussex County Council Chambers on the proposed boundaries with 38 persons in attendance representing 24 of the 54 parcels.

Mr. Cole questioned why Golf Village is not requesting sewer system installation from the Town of Georgetown. Mr. Archut stated that they are not located within the town limits and the Town is not interested in taking on additional debt for areas outside the town limits. He stated that, administratively, the project is too large for them to handle. For these reasons, the Town has requested that the County take over this project. Mr. Archut advised that funding for the project is in place. He stated that the engineering has already been done by the Town and the County Engineering Department would make some changes to conform to County standards.

M 110 08

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adopt

**Adopt
R 012 08
Golf
Village
SSD
M 110 08
(continued)** **Resolution No. R 012 08 entitled “DISTRICT BOUNDARIES FOR THE PROPOSED GOLF VILLAGE SANITARY SEWER DISTRICT”.**

Motion Adopted: 5 Yeas.

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

Mr. Ashman announced that a referendum will be held on May 1, 2008 at a location yet to be determined.

**Grant
Request** **Mrs. Webb presented the following grant request for the Council’s consideration:**

**M 111 08
Council-
manic
Grant** **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Phillips’ and Mr. Jones’ Councilmanic Grant Accounts) to the Sussex Central High School Football Boosters for operating expenses.**

Motion Adopted: 5 Yeas.

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

**Additional
Business** **Mr. Vincent Odo stated that he had requested a variance to subdivide four lots on Curly Drive in Brandywine Hundred, but since he did not have a 150’ front footage for each lot, his request was denied by Planning and Zoning. Mr. Odo requested a Public Hearing with the Board of Adjustment and was again denied. He stated that he had been advised by Councilman Phillips to present his case to the County Council. Mr. Griffin informed Mr. Odo that the Council has no authority in this matter and that he could file an appeal with Superior Court. Mr. Odo was advised by the Council to amend his application to subdivide into three lots, instead of four, in order to comply with County Ordinance requirement of 150’ front footage. Mr. Griffin explained to Mr. Odo that the Planning and Zoning Commission would make the final decision and that he would have five days to ask for re-argument.**

Dan Kramer made comments regarding the Source Water Protection Ordinance. He questioned what would happen if the Source Water Protection Citizen and Technical and Advisory Committee made no additional changes to the Ordinance. Mr. Griffin advised that the Committee’s decision not to make changes would be taken into consideration by the Council. Mr. Kramer questioned if the Committee could make any other changes to the Ordinance other than those requested by DNREC. Mr. Griffin noted that a new Ordinance will be prepared, which will include the changes requested by DNREC, and any comments

the Committee may have can be presented at the Public Hearing.

Mr. Kramer spoke in favor of the Gills Neck Project in Lewes, Delaware.

M 112 08
Go Into
Executive
Session

At 12:05 p.m. a Motion was made by Mr. Rogers, seconded by Mr. Dukes, to go into Executive Session for the purpose of discussing land acquisition.

Motion Adopted: 5 Yeas.

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

Executive
Session

At 12:06 p.m., the Sussex County Council held an Executive Session in the Caucus Room of the Council Chambers for the purpose of discussing land acquisition.

M 113 08
Reconvene
Regular
Session

At 12:22 p.m. a Motion was made by Mr. Dukes, seconded by Mr. Cole, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

M 114 08
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn the meeting at 12:22 p.m. Motion adopted by Voice Vote.

Respectfully submitted,

Gaye King
Administrative Secretary