



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 24, 2009

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 24, 2009 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
George B. Cole	Vice President
Joan R. Deaver	Member
Michael H. Vincent	Member
Samuel Wilson	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy County Administrator
James D. Griffin	County Attorney

The meeting was called to order by Mr. Phillips.

The invocation and Pledge of Allegiance were led by Mr. Phillips.

M 114 09 A Motion was made by Mr. Cole, seconded by Mr. Vincent, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;
 Mr. Wilson, Yea; Mr. Cole; Yea;
 Mr. Phillips, Yea

Corre- Mr. Griffin read the following correspondence:
Spondence

TOWN OF ELLENDALE.
Letter thanking the Council for recent grant.

RETIRED AND SENIOR VOLUNTEER PROGRAM ADVISORY COMMITTEE.
Letter thanking the Council for the recent grant.

DEBORAH SCHULTZ.

Letter read by Mrs. Deaver regarding public input to four possible ordinances discussed at the February 18, 2009 Planning and Zoning Commission meeting relating to conditional use approval, subdivision approval, staff approved subdivisions and street design standards.

**Comprehensive
Annual
Financial
Report/
FY 2008**

Susan Webb presented Sussex County's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008; copies of the Annual Report were previously mailed to the Council.

Mrs. Webb recognized Jean Schmidt and Elaine Graves from Jefferson, Urian, Doane & Sterner, P.A., the County's auditing firm.

Mrs. Webb stated that the County has received the Certificate of Achievement for Excellence in Financial Reporting (CAFR) annually from Fiscal Year 2002 – Fiscal Year 2007. She noted that this program recognizes state and local governments that prepare and issue an annual comprehensive financial report of the highest quality.

Mrs. Webb stated that the Independent Auditor's Report is based on the cumulation of the audit process from the auditors and is based on the health of Sussex County finances.

Mrs. Webb stated that the Governmental Funds consist of a General Fund and a Capital Projects Fund. She reported that for Fiscal Year 2008, the total Governmental Fund balance was \$101 million, a decrease of \$4 million from Fiscal Year 2007, and that the Realty Transfer Tax Fund balance was \$67 million. Mrs. Webb reported that the General Fund had a total revenue of \$56 million, total expenditures of \$52 million and other financial uses of \$6.6 million; and that the Capital Project Fund had total expenditures of \$9.5 million. She stated that after revenue, expenditures and financing sources, the County had an excess of expenditures over revenues of \$3.3 million. Mrs. Webb reviewed the revenue sources, with the Realty Transfer Tax being the largest governmental revenue, comprising 35% (\$21 million) of the total General Fund revenue, a transfer tax decrease of \$6 million from 2007. There was a decrease of \$2 million in revenues from services, such as Recorder of Deeds, building permits and building inspections resulting from the downturn of both the local and national real estate markets. Mrs. Webb reviewed a comparison between the 2007 and 2008 General Fund expenditures and reported on the Grant-in-aid Programs for the fire companies, sewer grants, state and local police, open space program, community grants and library. She reported a shortfall of \$3.3 million for FY 2008, as a result of the decline in revenues from the realty transfer tax. Expenditures for capital projects were \$9.5 million, which included land purchases, library expansions and airport and industrial park improvements.

**Comprehensive
Annual
Financial
Report/
FY 2008
(con't)**

Mrs. Webb reported sewer district assets of \$326 million. She stated that the County had no General Fund bonded debt; that the only debt is for water and sewer in the amount \$162 million. Major capital sewer projects for 2008 included \$8 million sewer infrastructure paid by developers, environmental studies and sewer boundary extensions, SCRWF expansion. Angola Neck, Johnson's Corner, Oak Orchard Expansion and Golf Village are in preliminary sewer planning and design phases. Mrs. Webb noted that the County will take full advantage of the Federal Stimulus Package, which will contribute significantly to sewer infrastructure.

Mrs. Webb stated that the Pension Fund was 97.8% funded; that the Post-retirement Employee Benefit Fund was 38% funded; that total contributions into both funds were \$9.6 million; that beneficiary payments to pensioners were \$1.5 million; and that as of June 30, 2008 the value was \$59 million.

She reported that Water and Sewer Funds have a total of \$162 million in outstanding bonds payable and that the County has no General Fund bonded debt.

Mrs. Webb reported that the total expenditures of awards from federal programs totaled \$14 million.

Mrs. Webb concluded the presentation by commenting that the County is approaching the 2010 budget realistically and did implement budget cuts in 2009. She stated that the County has a firm financial foundation from which to work and with the cooperation of all departments, our resources will be used wisely.

Mr. Baker commended the Financial Department and the auditors for their work on the Financial Report. He stated that expenditures for the Fiscal Year 2010 budget will be viewed closely and that many steps have already been taken to reduce costs, such as re-training employees to fill positions of retiring employees and/or those that leave County employment for other reasons; reducing the use of County vehicles; turning off lights; voluntary furlough; and purchasing less supplies.

Mr. Cole stated that as the economy continues to decline, it may become necessary for the County to rely on property and capitation taxes as a guaranteed source of revenue. He suggested the possible consideration of a homestead exemption, which allows a reduced property tax rate on the primary residence. He stated that although the Sussex County's low property taxes are attractive for retirees or those who have second homes here, it may become necessary to review our tax rate, with the possibility of increasing it and allowing a homestead exemption. He noted that this practice common in many states.

Mr. Vincent was in agreement with Mr. Cole's suggestion and requested that this be looked into and information be presented to the Council.

Mr. Phillips commended the Financial Department on a thorough financial report. He stated that combined deficits over the last four years could total \$22 million, resulting in the use of the County's reserve funds in order to balance the budget. He stated that it may be necessary to look at structural elements and consider staffing needs. Mr. Phillips stated that he prefers to examine expenditures, rather than increase property taxes.

M 115 09
Approve
Compre-
hensive
Annual
Financial

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, that the Sussex County Council accepts the June 30, 2008 audited financial statement as presented.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea

Laurel
Paramedic
Station

Mr. Baker presented a proposal to Council for the new Laurel Paramedic Station 102, which is currently located in the Laurel Fire Hall. The Fire Department is now in need of this space for its ambulance attendants. Mr. Baker stated that Glenn Luedtke, Bob Stuart and Bobby Schoonover, of the Emergency Medical Services Department, and Gene Kelly from the Engineering Department, have been pricing the cost of construction of a new paramedic station on the 9/10 acre site, which the County owns, near Laurel. Mr. Baker advised that the current estimated cost is approximately \$250,000 for an 1,100 square foot paramedic quarters and a 1,400 square foot two-bed garage. At Mrs. Deaver's request last week, additional addendums have been added to the proposed contract to include such "Green" items as a tankless hot water heater, geothermal heat and solar panels. Mr. Baker reported that the net cost to the County before any available grants and the State of Delaware contribution, is approximately \$19,000, a savings to the County of \$2,700, with a seven-year payback. Mr. Baker stated that if the project is completed during the current fiscal year, it would be eligible for 40% funding from the State Paramedic Office, which would decrease the final cost to the County to an estimated \$170,000.

Mr. Cole questioned the certainty of the State funding and was advised by Mr. Luedtke that he had received a letter from the State Paramedic Administrator indicating the eligibility of the 40% funding. Mr. Luedtke stated that future funding would be reduced to 30% or lower.

Mrs. Deaver thanked Mr. Luedtke and his staff for obtaining the "Green" costs for the paramedic project, stating that the County should set an example for the citizenry in this effort.

M 116 09
Motion to

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, that the Sussex County Council authorizes developing an RFP for a replacement

**Authorize
Request for
Proposal**

paramedic station near Laurel.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea**

**Adminis-
trator's
Report**

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

1. Sussex County Board of Assessment Review

The Board of Assessment Review will commence hearings on March 2, 2009, at 9:00 a.m. in the South Conference Room of the County Administrative Building on The Circle in Georgetown. The Board of Assessment Review will hear appeals through March 20, 2009. Appeals are heard regarding property assessments and sewer and water front footage assessments.

2. Economic Development – Mid Atlantic Real Estate Journal

Attached is a copy of an article in a recent edition of the Mid Atlantic Real Estate Journal pertaining to Sussex County. We would like to thank Mr. Chip Guy and Ms. Julie Wheatley for their help in assembling this information.

3. Governor's Energy Advisory Council – Public Input Session

On March 2, 2009, from 5:00 to 7:00 p.m., the Governor's Energy Advisory Council will hold a Public Input Session at the Delaware Department of Natural Resources and Environmental Control facility at 901 Pilottown Road, Lewes, Delaware. Attached are copies of the notice and a summary of recommendations that are being considered.

4. Economic Development Stimulus Loan Committee Meeting

Attached is a copy of the agenda for the February 27, 2009, Economic Development Stimulus Loan Committee meeting to be held in the Sussex

County Council Chambers at 9:00 a.m. An application from the Town of Georgetown will be considered at that time.

5. Emergency Operations Center, Fire and Ambulance 9-1-1 Center Call Volumes

Attached is a memorandum received from Mr. Joseph L. Thomas, Director of the Sussex County Emergency Operations Center, regarding call volumes. As noted, 101,498 9-1-1 calls were received

during 2008 by the Center. Sixty-two (62) percent of those calls were from cellular phones. Over 26,000 incidents were dispatched by the Center, 17 percent of which were fire incidents and 83 percent for Emergency Medical Services incidents. Over the last five years, 9-1-1 call volumes have increased 15.9 percent.

Adminis-
trator's
Report
(con't)

6. Beneficial Acceptance

The Engineering Department granted Beneficial Acceptance to Fenwick Plaza, Parcel A2, Agreement No. 322-1, on February 19, 2009. The developer is West Fenwick Plaza, L.L.C., and the project is located on Route 54, ¼ mile east of County Road 381, in the Fenwick Island Sanitary Sewer District, consisting of one commercial building. Included with this report is a fact sheet on the project.

7. County Council Schedule

The County Council will not be meeting on March 3, 2009, for a mid-winter break. Also, the County Council will not meet on March 10, 2009, due to participation in the National Association of Counties Annual Legislative Conference in Washington. The next regularly scheduled meeting is March 17, 2009, at 10:00 a.m.

8. Center for the Inland Bays – Marsh Enhancement/Restoration Project

The Center for the Inland Bays, with funding supplied by Connectiv, has commenced a marsh enhancement project at the County-owned James Farm.

Attached is information regarding this program that will enhance approximately 20 acres of salt marsh that was ditched for mosquito control purposes many years ago. A more natural flow of water in this marsh will enhance habitat.

Comments:

Mrs. Deaver noted that there has been an outbreak of robberies and assaults on Plantation Road in Rehoboth Beach, and stated that this should be taken into consideration when allocating police salaries.

Mr. Vincent noted that a 911 tax is charged on all land-line phones, a percentage of which helps to fund the County Emergency Operations Center; however, no such tax is billed on cellular phones. Mr. Vincent stated that many people are discontinuing their land-line phones and switching to cellular phones only, thereby decreasing County revenues for

EOC assistance. He suggested that the County contact state legislators to address this issue so the County can receive a percentage of the 911 tax which the state also charges on cellular phones. Mr. Baker stated that the County receives 50 cents of the 60 cent 911 tax charged on all land-line phones. He said that the state also charges a 60 cent 911 tax on cellular phones, none of which is directed to the County.

Laurel Paramedic Station 102 Lease Renewal Mr. Luedtke presented the Renewal Lease Agreement between the Laurel Fire Company and Sussex County for the Laurel Paramedic Station 102. He stated the new lease includes a 3% rent increase bringing the amount to \$1045.00 per month, with the ability to mutually agree to break the lease once the new station is ready for occupancy.

M 117 09 Approve Lease Renewal A Motion was made by Mr. Vincent, seconded by Mr. Cole, that the Sussex County approve the lease agreement between the Laurel Fire Company, Inc. and Sussex County, Delaware, for the use of a portion of their building in the Town of Laurel as described therein by Sussex County EMS as Paramedic Station 102.

Mrs. Deaver raised the question of the new station not being completed within one year and was advised by Mr. Luedtke that, in that case, the lease would have to be renewed.

Mr. Wilson asked if the paramedic vehicles were kept outside most of the time and was advised by Mr. Luedtke that they are garage kept to preserve the life of the vehicle and that the drugs kept on board must be maintained at a certain temperature.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea

Office Needs Space Analysis Review Russell Archut, County Engineer, was present today to provide the Council with an update on the Needs Assessment and to offer suggestions for further consideration. Mr. Archut noted that the project began in 2007 with the Wilmington engineering firm of Studio Jaed. Mr. Archut noted that Studio Jaed began by conducting a physical survey of existing space currently used by the County in all buildings and facilities. Each department was interviewed to assess such information as

- anticipated growth over the next two years
- type of services provided
- number of daily visitors/customers
- adjacency of each department to other departments

Mr. Archut reported that parking was also assessed, based on the requirements of the Town of Georgetown, which is one space per 200

**Office Needs
Space
Analysis
Review
(Con't)**

square feet of office space and two spaces for loading. Other considerations for parking assessment were visitor load and staffing requirements. Mr. Archut stated that the existing County Administration Building is approximately 60,000 square feet, requiring 302 parking spaces. The County currently has a total of 180 defined spaces, which are located on East Pine Street, behind Domino's and adjacent to the Georgetown Family Restaurant. Mr. Archut stated that the County owns a large lot behind the Georgetown Family Restaurant with a projected potential for 92 parking spaces. He noted another area located behind the East Pine Street lot with approximately 34 parking spaces.

Mr. Archut stated that constructing a new 50,000 square foot building would require at least another 100 parking spaces. The total project would require 560 parking spaces per Georgetown's requirements with 450 spaces needed based on visitors and staff. Mr. Archut noted that some of the downtown areas are currently available for future development and stated that two properties located on East Pine Street were purchased for either potential building sites or additional parking, but the town wants the historic structures on the properties preserved. For that reason, these properties were not included in possible parking projections. He stated that at the time of the needs assessment study, there were another four properties previously thought to be available for purchase; however, two of them have been sold since that time.

The study determined that 130,000 square feet of office space were needed to accommodate the growing needs of the County at that time, consisting of an additional 45,000 square feet beyond the current available space in the Administrative Office Building, the West Complex and other satellite locations. The following four options were considered :

- 1 & 2. New 50,000 square foot annex building at one of two downtown locations - Cost \$26 million (difference in Option 1 and 2 is who would be located in the building)
3. New 85,000 square foot Administration Building next to the West Complex – Cost \$36 million
4. New 100,000 square foot Administration Building – Cost \$40 million

Mr. Archut stated that Options 3 and 4 required that the Recorder of Deeds, Register of Wills and Clerk of the Peace would remain on the Circle in the current Administration Building.

Mr. Archut noted that the study also cited the need for a central records storage building. The County has since converted the old EOC building into a Records Center.

Mr. Archut stated that 8,612 square feet of space in the West Complex would become available when the current lease with Delaware National Bank expires in March of 2011.

Mr. Archut presented the following considerations for possible relocation of space in 2011:

**Office Needs
Space
Analysis
Review
(Con't)**

- **Entire Engineering Department relocated to West Complex**
- **Register of Wills relocated to current Administrative Office Building on the Circle**
- **Sheriff's Office remain at West Complex with additional space**
- **Community Development relocated to the Circle**

Mr. Archut stated that the above scenario does not accommodate growth but fulfills needs at this point. He noted that the Engineering Department is an integral part of issuing building permits in sewer districts and coordination of permit approval and collection of impact fees would be required in order to not inconvenience the public. The Clerk of the Peace would remain in an independent downtown building. The offices that have the most interaction with the public would be located on the Circle.

Mrs. Deaver stated she was satisfied with the Needs Assessment study.

Mr. Cole stated that he feels it is important for the County government to remain in town. He stated that the vision of the County should be focused on the three locations currently owned by the County. He is not in favor of purchasing additional property outside of town and questioned the possibility of building on top of the West Complex. He stated that land at the Industrial Airpark should be used. He stated that with the use of technology, the Engineering Department and Planning and Zoning services could be coordinated and suggested using the services of a consulting firm, such as Studio JAED, in this effort.

Mr. Vincent was in agreement with Mr. Cole and stated that downtown parking is an issue that needs to be addressed.

Mr. Wilson questioned the availability of parking at the West Complex if another story is added to the building to accommodate additional County offices.

Mr. Cole stated that the County could still purchase a parcel of land for parking instead of land to accommodate a building and parking. He stated that there is a County ordinance that encourages developers to share parking with a neighboring business and suggested that parking could be shared with either Wilmington Trust Bank or the medical facility that owns the adjoining parcel.

Mr. Wilson further commented that the County should acquire land near the current facilities when it is available.

Mrs. Deaver questioned the availability of handicapped parking for the Administrative Office Building. Mr. Archut noted that handicapped

parking is available in front of the building and also behind the Courthouse.

Mr. Phillips was in agreement with Mr. Cole's vision to utilize the current facilities and requested that the Council consider the potential consolidation of the Recorder of Deeds, Register of Wills and Clerk of the Peace under one umbrella.

**Discretionary
Grant Policy**

Mr. Phillips stated that due to the current economic situation, it is the general consensus of the Council to carefully review all areas of spending. One such item to be considered is the County's current discretionary grant policy. Mr. Phillips noted that one councilmember has proposed that grant funding be reduced to \$10,000 per councilperson, which was the annual allotted amount in 2000-2001. Mr. Phillips requested that the Council set a level of discretionary grant spending to be allotted for the 2010 budget.

Mrs. Deaver expressed that she is not in favor of any discretionary grant funding by the Council and had suggested in the past that the grant funding should, at least, be reduced to \$10,000 for each councilperson. She feels the process is not good government and is a way for councilpersons to get votes.

Mr. Vincent agrees that the allotted amount to each Councilperson should be reduced; however, disagrees that it is a way to gain votes. He stated that with the downturn of the economy, contributions from the general public to organizations, such as Little League baseball and historical societies, will decrease and does not feel that \$10,000 is enough to help the community.

Mr. Wilson spoke in favor of continuing the discretionary grant funding and stated that the projects to which the funding is given are worthwhile.

Mr. Cole stated that, since the County does not offer a recreation program, as do many other counties, he supports the discretionary funding as a means to help support organizations, such as Little League, Pop Warner, church teams and other similar recreational programs. He pointed out that the reason the discretionary funding was evenly divided among the councilpersons was to guarantee that the monies were not directed towards one district more than another. Mr. Cole stated that any remaining balances from the prior year should be carried over to the next fiscal year and, although he is in favor of reducing the amount, he does not feel that \$10,000 would go far in assisting programs in the community.

Mrs. Deaver stated that, although many groups requesting funding are worthwhile, any financing should come from the County budget.

**M 118 09
Authorize
Amount for
Council-**

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, that the councilmanic grant accounts be set at \$30,000 for each district.

manic Grant Funding **Motion Adopted:** **4 Yeas, 1 Nay.**

Vote by Roll Call: **Mrs. Deaver, Nay; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea**

**Council-
manic Grant
Account
Roll-over** **Mr. Phillips asked for a motion to clarify whether or not to continue with
the current policy of rolling over any remaining balances in the
councilmanic grant accounts to the next fiscal year.**

**Mr. Cole stated that he did not feel that a motion to that effect was
necessary, as the Council voted to reduce the amount of each councilmanic
funding account and that everything else would remain the same.**

**M 119 09
Authorize
Limit of Dis-
cretionary
Funding** **A Motion was made by Mr. Cole, seconded by Mr. Vincent, that the Sussex
County Council limits the discretionary account funds to organizations
located in Sussex County and that this policy be put into writing, and that
organizations located outside of Sussex County will be directed to another
grant category.**

**Mrs. Deaver questioned Mr. Griffin, County Attorney, as to the legality of
the motion. In response, Mr. Griffin stated that the motion does not
designate specific recipients to receive County funding, but at the request
of three members of the Council, he will review the policy for any issues
brought to his attention.**

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

Vote by Roll Call: **Mrs. Deaver, Nay; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea**

**Grant
Requests** **Mrs. Webb presented the following grant requests for the Council's
consideration:**

**M 120 09
Community
Grant** **A Motion was made by Mr. Vincent, seconded by Mr. Vincent, seconded
by Mr. Cole, to give \$5,000 from Mr. Vincent's Community Grant Account
to the Seaford District Library for construction of new Seaford Library
and Cultural Center.**

Motion Adopted: **4 Yeas, 1 Abstention.**

Vote by Roll Call: **Mrs. Deaver, Abstained; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea**

**M 121 09
Community** **A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$2,500**

Grant from Mr. Vincent's Community Grant Account to the Nanticoke Little League for construction of new ball fields.

Motion Adopted: 4 Yeas, 1 Abstention.

Vote by Roll Call: Mrs. Deaver, Abstained; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips Yea

M 122 09

Community Grant A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to give \$500 from Mr. Vincent's Community Grant Account to the Blades Volunteer Fire Company for the 2009 Open House.

Motion Adopted: 4 Yeas, 1 Abstention.

Vote by Roll Call: Mrs. Deaver, Abstained; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea

M 123 09

Community Grant A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to give \$300 (\$200 from Mr. Wilson's account and \$100 from Mr. Phillips' account) to the Sussex Central Softball Boosters for championship rings for the girls' high school softball team.

Motion Adopted: 4 Yeas; 1 Abstained.

Vote by Roll Call: Mrs. Deaver, Abstained; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea

**Introduction
of Proposed
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL RETAIL GUN SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 1831) filed on behalf of Mark Derrickson. The Proposed Ordinance will be advertised for Public Hearing.

**Introduction
of Proposed
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP AND CONTRACTORS' STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.404 ACRES, MORE OR LESS" (Conditional Use No. 1832) filed on behalf of Hazzard Auto Repair. The Proposed Ordinance will be advertised for Public Hearing.

**Introduction
of Proposed**

Mrs. Deaver introduced the Proposed Ordinance entitled "AN

- Ordinance** **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ASSEMBLY PLANT FOR UNDERWATER TURBINES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 15.38 ACRES, MORE OR LESS” (Conditional Use No. 1833) filed on behalf of David O. Rickards. The Proposed Ordinance will be advertised for Public**
- Introduction of Proposed Ordinance** **Hearing.**
Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR SEASONAL STORAGE OF UMBRELLA STANDS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9,625 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1834) filed on behalf of Richard F. Lynam. The Proposed Ordinance will be advertised for Public Hearing.
- Additional Business** **Ms. Deborah Schultz of Lewes stated that on January 6, 2009 the new Council had requested that the Planning and Zoning Commission submit a memo to them outlining conflicts between the Council and the Commission. She stated that there have been appeals by applicants and that the prior Council had supported the applicant’s position. She stated that the Council was concerned with the current County ordinance and/or with the seventeen provisions of the Subdivision Code, which give the Commission a basis for consideration. Mrs. Schultz stated that at the Commission’s February 18, 2009 meeting the following four possible ordinances were discussed for 1) conditional use approval 2) preliminary subdivision approval 3) staff-approved subdivisions and 4) street design standards. She noted that the minutes of that meeting did not include the discussion of those ordinances. She noted that Mr. Robertson, County Attorney for the Commission, was directed to make revisions to the proposed ordinances based upon the discussion. Mrs. Schultz is requesting to see the proposed draft languages for these ordinances and stated that they are being drafted without input or review from the public. She suggested that the Council consider public input early in the process of creating ordinances and that there should be an ordinance to that effect.**
- Mr. Phillips stated that the County Administrator and the County Attorney will be asked to review the status of the ordinances discussed at the February 18, 2009 meeting of the Planning and Zoning Commission.**
- Michael Zasic of Lewes asked that zoning meetings be scheduled on a day that better suits the public, such as Friday evening or Saturday morning, when people are not working and part-time residents are here for the weekend. This would allow for more public access and participation.**
- Mr. Phillips noted that beginning April 1, 2009, public hearings will begin at 6:00 p.m. on Tuesday evenings.**

(con't) Ms. Valerie Cloutier of Rehoboth Beach commended the Council in its effort to reduce the deficit by allowing employees to opt out of the County health insurance plan if the employee had another source for health care. She also noted that the Council's decision to reduce the discretionary grant funding by half was a "good start", but would like to see the policy in writing. Mrs. Cloutier stated that the County could save additional money by dismissing the lawsuit against the State of Delaware. She stated that residents are paying for the lawsuit with both their state taxes and their county taxes.

M 124 09
Recess
Regular
Session/Go
Into Execu-
tive Session.

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to recess the Regular Session and to go into Executive Session for the purpose of discussing land acquisition, personnel, and pending/potential litigation.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea

Executive
Session

At 11:55 a.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, Personnel, and Pending/Potential Litigation.

M 125 09
Reconvene
Regular
Session

At 12:29 p.m., a Motion was made by Mr. Vincent, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

Motion adopted by Voice Vote.

M 126 09
Adjourn

At 12:30 p.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to adjourn.

Motion Adopted by Voice Vote.

Respectfully submitted,

Gaye King
Administrative Secretary