



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 21, 2006

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 21, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 201 06 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to amend the
Amend Agenda by deleting "Approval of Minutes" and to approve the Agenda, as
and amended.

Approve
Agenda

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Griffin read the following correspondence:

AMY WALLS AND TRISHA BOOTH, NANTICOKE RIVERFEST 2006,
SEAFORD, DELAWARE.

RE: Letter in appreciation of the Council's recent contribution.

M 202 06
Execute
Wastewater
Agreement/
North
Beach
Community

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 434, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Beazer Homes Corp., for wastewater facilities to be constructed in North Beach Community, located in the Cedar Neck Expansion of the Bethany Beach

Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**Local Law
Enforce-
ment
Funding
Requests**

Mr. Stickels presented requests for funding through the Revenue Sharing for Local Law Enforcement Program, as follows:

Milford \$25,000.00 2006 Dodge Sprinter Crime Scene Van

Ellendale \$25,000.00 Crown Victoria, Mobile Data Terminals

**M 203 06
Approve
Local
Law
Enforce-
ment
Grants**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Local Law Enforcement Grants for the City of Milford and the Town of Ellendale, as presented.

Motion Adopted: 5 Yea.

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

**Adminis-
trator's
Report**

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

1. Delaware Department of Transportation Public Workshop

The Delaware Department of Transportation is holding a Public Workshop to present preliminary design plans and solicit public comment regarding improvements on Route 26. The workshop will be held on Monday, March 27, 2006, at the Roxana Fire Hall on Route 20 in Roxana. The public is invited to attend any time between 4:00 and 7:00 p.m.

The proposed improvements include widening Route 26 to provide 11-foot travel lanes, 5-foot paved shoulders, a 12-foot shared center left turn lane, the rehabilitation and/or addition of curb and sidewalks for approximately two-thirds of the project, delineation and channelization of access points, the addition of right turn lanes, and the realignment of the intersections on Route 26 at Clarksville and at Central Avenue.

2. Beneficial Acceptance

The Engineering Department has granted Beneficial Acceptance to the following projects:

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

- **Peninsula – Lakeside Village, Agreement No. 397, was granted Beneficial Acceptance on March 9, 2006. The developer is Peninsula At Long Neck, L.L.C., and the project is located on Bay Farm Road in the Long Neck Sanitary Sewer District, consisting of three commercial buildings.**
- **Peninsula – Phase 1B-3, Agreement No. 351, was granted Beneficial Acceptance on March 9, 2006. The developer is Peninsula At Long Neck, L.L.C., and the project is located at the south end of Bay Farm Road in the Long Neck Sanitary Sewer District, consisting of 127 single-family lots.**

Included with this report was a fact sheet on each of the projects.

**Building
Code
Appeal
Process**

Hal Godwin, Administrative Assistant, reported that it has come to the staff's attention that a potential problem exists with the County's Building Code Appeals process as it relates to the County's cash flow. Between March 2005 and February 2006, eight appeals were heard by the Appeals Board. The current fee for an Appeal Hearing is \$100.00 per applicant, per hearing. In accordance with the County's current fee structure, Sussex County collected \$800.00 for that 12-month period. During that same period, the cost incurred by the County for the eight appeal hearings was \$2,900.00; \$100.00 was paid to each Board member per meeting for compensation to attend the meetings. This resulted in a \$2,100.00 deficit, which does not even consider costs associated with advertising and legal representation.

In an effort to correct this discrepancy, Mr. Godwin reported that staff is recommending the following amendment to Chapter 52, Section 21, of the Sussex County Code pertaining to building construction:

"A fee of \$600.00 shall accompany such notice of appeal, except when two appeals or more are scheduled to be heard at the same hearing, in which case the fee shall be \$300.00 per applicant."

In response to questions from the Council, Andy Wright of the Sussex County Building Code Department reported that 90 percent of appeals heard are granted by the Appeals Board.

Mr. Phillips expressed concern regarding the proposed fee increase and stated that many people may not be able to afford the \$600.00 fee. He stated that the appeals are mostly for minor code violations and that perhaps there is a problem with the County's regulations and the Council should first consider changing the Code so that the majority of the appeal requests would not be necessary.

Mr. Stickels responded that it is usually a builder that is seeking an appeal, not a homeowner. He stated that appeal requests are mainly a result of builder error and that the Code does not need to be changed. He noted,

however; that when the County receives repeated similar appeal requests, the Code should be reviewed for possible amendment.

It was the consensus of the Council to proceed with an ordinance amendment to the Sussex County Code, Chapter 52, Section 21, to increase the fee for (Building Construction) appeals to require that a fee of \$600.00 shall accompany a notice of appeal.

**Building
Permit
Violations**

Hal Godwin, Administrative Assistant, reported that it has come to the staff's attention that in 2006, sixty homes were constructed in the County without a building permit. Fifty of the homes were built within the city limits of Milford under their permit only. Eventually, the County identifies and assesses these homes; however, tax revenue is lost because these structures are not promptly placed on the County's tax rolls. In accordance with the Sussex County Code, Chapter 62, a building permit fee for a single family home averages \$900.00 and any violation results in the imposition of a late charge of \$100.00. Mr. Godwin stated that staff has suggested that the violation fee of \$100.00 is not a strong enough deterrent and that the Council should consider a policy similar to that of the other two counties, which is to double the permit fees for violations. It was noted that this issue is also a problem with builders and not individuals, and that if there were a larger penalty, builders would more likely comply with the County's regulations. Mr. Stickels noted that there has always been a resistance in the City of Milford since Kent County does not require a county permit in the incorporated area. Mr. Stickels suggested that Mr. Godwin could meet with the City's building officials.

It was the consensus of the Council to proceed with an ordinance amendment to the Sussex County Code, Chapter 62, to increase the late charge fee for building permit violations.

**Airport
Rotating
Beacon
Project/
Change
Order**

Mr. Hickin, Project Engineer, discussed the Airport Rotating Beacon Project. He reported that a high intensity beacon was installed and operational on November 2nd and that on November 3rd, complaints were received that the light was too bright. In November 2005, the Engineering Department considered two options to correct the problem: one was a \$4,000 option to block the light from going below two degrees above the horizon and the other option was at a cost of \$8,000. At that time, the Engineering Department recommended and the County Council approved the \$4,000 option (Change Order No. 1). Mr. Hickin advised that the part was installed; however, complaints are still being received from the same people. As a result, Mr. Hickin submitted Change Order No. 2 for the installation of a piece of sheet metal to directly block the light from the neighborhood at a cost of \$8,117.00. Mr. Hickin advised that the project is grant eligible and therefore, the County's share of Change Order No. 2 would be \$203.00.

**M 204 06
Approve**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Engineering Consultants, Delta Airport

Change Order/ Airport Rotating Beacon Project **Consultants, Inc. and the County Engineering Department, that the Sussex County Council grants Substantial Completion, effective February 21, 2006, to Carr & Duff, Inc., for Sussex County Project Number 04-12, “Design and Install Airport Rotating Beacon” and further, that Change Order No. 2 with Carr & Duff, Inc. be approved in the amount of \$8,117.00, which increases the contract total to \$81,197.00 and increases the contract time by 58 days, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**

M 204 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**

SCRWF Treatment Upgrade No. 2/ Change Order **Doug Stewart, Project Engineer, presented Change Order No. 1 for the South Coastal Regional Wastewater Treatment Facility – Treatment Upgrade No. 2. Mr. Stewart reviewed each of the six items contained in the Change Order: increased size of piping for blowers, certifications from professional engineers, fiberglass doors, additional transformer and generator enclosure, sludge lines to tie in to existing facilities, and additional handrail. The change order totaled \$20,879.24.**

M 205 06
Approve Change Order/ SCRWF Treatment Upgrade No. 2 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the County’s Consulting Engineer, Stearns & Wheler, LLC, and the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Contract No. 02-12-B, SCRWF Treatment Upgrade No. 2 with C. O. Falter Construction Corporation be approved in the amount of \$20,879.24, which increases the contract total from \$15,201,101.00 to \$15,221,980.24, contingent upon the approval of the U.S. Department of Agriculture, Rural Development, and the Financial Assistance Branch, Division of Water Resources, Delaware Department of Natural Resources and Environmental Control.**

Motion Adopted: 5 Yea.

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

C/U No. 1631 **The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (120 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 11.86 ACRES, MORE OR LESS” (Conditional Use No. 1631) filed on behalf of Design Consultants Group, L.L.C.**

The Planning and Zoning Commission held a Public Hearing on this

application on December 8, 2005 at which time they deferred action and left the record open for input from the County Engineering Department on the number of EDUs anticipated for the project. On January 26, 2006, the Commission recommended that the application be approved with conditions.

C/U
No. 1631
(continued)

The County Council held a Public Hearing on the application on January 3, 2006 at which time the record remained open for comments from the Engineering Department and for the submittal of proposed conditions by the Applicant.

The Council was reminded that the Applicant's propose to develop the site with 120 condominium units; that Phase I of the project proposes 72 units served by on-site septic; that Phase II of the project proposes an additional 48 units when County sewer becomes available; that the Commission deferred action on this application and left the record open for input from County Engineering on the number of EDUs anticipated for this site; that the site is presently a recorded undeveloped 24-lot subdivision zoned B-1 Neighborhood Business; that County Engineering responded by Memorandum that the North Coastal Area Planning Study allocates 6.67 EDUs per acre for B-1 zoned lands, which equals 79 EDUs; and that capacity will be available for 79.0 EDUs.

M 206 06
Adopt
Ordinance
No. 1834
(C/U
No. 1631)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1834 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (120 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 11.86 ACRES, MORE OR LESS" (Conditional Use No. 1631) filed on behalf of Design Consultants Group, L.L.C., with the following conditions:

1. The maximum number of residential units shall not exceed 79 units which is the correct number of EDUs allocated to the project by the County Engineering Department.
2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
3. The swimming pool shall be constructed and open to use by residents within two years of issuance of the first building permit for the project.
4. The development shall be initially served by a private on-site central wastewater system, until the project can be connected to a County operated sewer district. The private system shall be built to County Ordinance No. 38 Standards, and the Applicant shall work towards connection into the County Sewer District and shall install all sewer infrastructure at its own expense to connect to the existing sewer according to all Engineering Department standards.

**M 206 06
(continued)**

5. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.
7. The Final Site Plan for the development shall be subject to the approval of the Planning and Zoning Commission.
8. The interior street design shall be in accordance with or exceed Sussex County street design requirements. Sidewalks shall be installed along at least one side of all streets, and streetlights shall be installed and shown on the Final Site Plan.
9. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
10. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 am. and 6:00 p.m. Monday through Saturday.
11. Landscape and lawn maintenance shall be the responsibility of the Condominium Association. Best Management Practices shall be utilized to minimize any environmental impact.
12. Addressing shall be subject to review and approval by the Sussex County Addressing Department.

Motion Adopted: 5 Yea.

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

**C/U
No. 1642**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (30 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.51 ACRES, MORE OR LESS” (Conditional Use No. 1642) filed on behalf of Sunrise Ventures, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on November 3, 2005 at which time they recommended that the application be approved with the following conditions:

1. Any security lighting shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring residential properties. The lights shall be downward illuminated.
2. The maximum number of residential units shall not exceed 30 units.

C/U
No. 1642
(continued)

3. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
4. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
5. Construction, site work, grading and deliveries of construction materials, etc. to the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
7. Addressing shall be subject to review and approval by the Sussex County Addressing Department.

The County Council held a Public Hearing on this application on November 29, 2006 at which time the record was left open until the close of business on December 6, 2005 for additional comments from the Engineering Department and thereafter, until December 13, 2005 for written comments on the Engineering Department's comments.

Mr. Lank, Director of Planning and Zoning, reported that on December 5, 2005, a memo was received from the County Engineer and distributed to the County Council. Mr. Lank highlighted the comments in the memo: the Engineering Department stands by its previous comments on November 29th, which strongly recommended that this conditional use not be approved in its current form; that the 1999 George, Miles & Buhr capacity study and the current North Coastal Planning Area Study both allocate the maximum density to affected parcels to 4 units per acre; given the 4.5 acres of gross acreage, this allows wastewater capacity of 18 EDUs to be developed, not the proposed 30 EDUs; this is critical as the West Rehoboth Sewer District has significant capacity related problems; capacity deficiencies exist in both the pipeline and the pump stations of the transmission system while the ongoing North Coastal Planning Study is finding treatment and disposal deficiencies at the Wolfe Neck Regional Wastewater Facility; the Engineering Department believes that it can manage the wastewater system in accordance with current growth patterns but it is imperative that development occur in accordance with the adopted planning study that in this case allows for a density of 4 EDUs per acre. Mr. Izzo wrote that, at the public hearing he attended on November 30, 2005, the developer compared this application to the Blue Point Villas I Project, however there is a fundamental difference between the two projects. Blue Point Villas I had C-1 zoning in place while Blue Point Villas II is zoned AR-1, which dictates 4 units per acre in accordance with the adopted Planning Study and a maximum of 18 EDUs for the project total.

In response to questions, Mr. Lank confirmed that a revised site plan relocated the parking to the center of the project and relocated the buildings back closer to the perimeter.

Mr. Lank stated that, if Council acts favorably on the application, a landscape plan should be made a part of the conditions.

**M 207 06
Amend
Condition
(Motion
Died)**

A Motion was made by Mr. Cole to amend the Proposed Condition No. 2 to read that “The maximum number of residential units shall not exceed 18 units. The Motion died for the lack of a Second.

**M 208 06
Adopt
Ordinance
No. 1835
(C/U
No. 1642)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1835 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (30 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.51 ACRES, MORE OR LESS” (Conditional Use No. 1642) filed on behalf of Sunrise Ventures, L.L.C., with the following conditions:

- 1. Any security lighting shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring residential properties. The lights shall be downward illuminated.**
- 2. The maximum number of residential units shall not exceed 30 units.**
- 3. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT’s determination.**
- 4. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.**
- 5. Construction, site work, grading and deliveries of construction materials, etc. to the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday.**
- 6. The site plan shall be subject to review and approval by the Planning and Zoning Commission and shall include a landscaping plan.**
- 7. Addressing shall be subject to the review and approval of the Sussex County Addressing Department.**

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**

**Proposed
Ordinance
Relating to
Increased
Density**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 SECTION 25 OF THE CODE OF SUSSEX COUNTY ALLOWING FOR AN INCREASE OF DENSITY IN AR-1 DISTRICTS WITHIN COMPREHENSIVE PLAN GROWTH AREAS, PROVIDING FOR SPECIFIC CIRCUMSTANCES, FEES AND/OR CONDITIONS FOR OBTAINING SUCH AN INCREASE IN DENSITY AND PROVIDING AN INCENTIVE FOR THE PRESERVATION OF

OPEN SPACE IN SUSSEX COUNTY”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on January 26, 2006 at which time they deferred action. On March 9, 2006, the Commission recommended approval of the Proposed Ordinance subject to the following recommendations:

**Proposed
Ordinance
Relating to
Increased
Density
(continued)**

- 1. The Proposed Ordinance should be revised to eliminate reference to any recipient of funds other than Sussex County. The County should be completely in charge of the receipt of any funds, and how they may ultimately be spent to acquire open space.**
- 2. The method of determining the amount of the fee should be clarified. Since the fee amounts are to be reviewed annually by County Council, there should be clarification as to whether the fee is the amount in effect at the time a development may be approved, or the amount at the time the fee is to be paid when the final site plan is recorded. It is possible that the fees may change between those two events.**
- 3. The County Council should consider changing the proposed revision to Section 115-25B (3)(2) to state that “...the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet...” This way, there is no uncertainty as to whether any additional lots are “by-right” just because a fee was promised at the time an application was filed.**

Mr. Lank, Director of Planning and Zoning, distributed an amended version of the Proposed Ordinance, based on the recommendations of the Commission and as prepared by Mr. Griffin, County Attorney, and Mr. Robertson, Assistant County Attorney.

Mr. Kautz, Land Use Planner, distributed a revised copy of the Proposed Ordinance with an amendment on Page 2 to No. 5, that “it is understood that the county shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.” It was noted that this was the only change made to the amended Proposed Ordinance as recommended by the Commission.

Mr. Phillips noted that the Proposed Ordinance is not an attempt for a TDR Ordinance; it is an attempt to get developers to pay for added density and to trade density from one area to another.

Mr. Cole recommended that all reference to the Sussex County Land Trust should be taken out of the Proposed Ordinance since there are other groups and organizations that the monies could be directed to.

Mr. Phillips responded that the Land Trust is the only organization dedicated solely to the preservation of open space and that the Land Trust

has demonstrated a great track record.

Mr. Phillips noted that the Proposed Ordinance does not include a by-right provision; increased density is something that has to be applied for, heard in public forum, and then decided on by the Planning and Zoning Commission. The Commission is under no obligation to give the additional density just because someone proffers the money.

Proposed Ordinance Relating to Increased Density (continued)

Mr. Phillips noted that he would like for the Proposed Ordinance to be voted on, as recommended by the Commission and with the amendment to No. 5 on Page 2, as previously noted.

Mr. Phillips referred to the Cluster Fee and stated that the Council should have the ability to change the fee structure on an annual basis; however, the fee would be based on when an application is filed.

Mr. Stickels suggested that the Cluster Fee be set during the annual budget process.

Mr. Jones asked that the Council defer action on the Proposed Ordinance to await more information on the State's TDR legislation. He suggested that the County should request a letter from the State regarding the status of a TDR Program.

It was the consensus of the Council to defer action and to bring the Proposed Ordinance back to Council in final form, with the recommendations of the Commission and the amendment proposed by Mr. Phillips.

Requests

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

M 209 06 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Delaware Senior Olympics for the Senior Women's Volleyball 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 210 06 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to the Town of Bethany Beach for the construction of a small park/sitting area.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea

M 211 06
Community
Improve-
ment
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$10,000.00 from Mr. Phillips' Community Improvement Grant Account to the Town of Fenwick Island for uniforms and equipment for the beach patrol.

M 211 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 212 06
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the American Cancer Society for the Relay for Life 2006 – Seaford Event.

Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

M 213 06
Youth
Activity
Grant
Account

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 from Mr. Rogers' Youth Activity Grant Account to the People to People Ambassador Program in sponsorship of Jerry Roberts, a student at Cape Henlopen High School.

Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

The grant request from the Indian River Baseball Boosters was tabled.

M 214 06
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$50.00 from Mr. Jones' Councilmanic Grant Account to the Bridgeville Lions Foundation, Inc. for their Annual Show fundraiser.

Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

The grant request from the Bridgeville Historical Society was tabled.

M 215 06
Council-

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$250.00 from Mr. Dukes' Councilmanic Grant Account to the Delaware Quarter

**manic
Grant**

Horse Association for Futurities Programs Sponsorship.

Motion Adopted: 5 Yea.

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

**M 216 06
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$200.00 (\$100.00 each from Mr. Jones' and Mr. Phillips' Councilmanic Grant Accounts) to Sussex Central High School for the Charity Golf Tournament.

Motion Adopted: 5 Yea.

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

**M 217 06
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$750.00 from Mr. Jones' Youth Activity Grant Account to the Woodbridge Little League for field maintenance costs.

Motion Adopted: 5 Yea.

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

**Additional
Business/
Petition/
Residents
of Ocean
Farms**

Nancy Jordan, a resident on Neptune Drive in Frankford, stated that she was in attendance at the request of her community, Ocean Farm, which is located on Double Bridges Road. She submitted petitions on behalf of the homeowners in the Ocean Farm subdivision requesting the Council's support and immediate assistance in matters that they have been unable to have resolved by the developer, Country Life Homes, as follows:

- **Assistance in having the developer, at his expense, repair damages to Neptune Drive, the major roadway in the subdivision.**
- **Facilitate with the Sussex Conservation District and the developer in making certain the dry Storm Water Management (SWM) Pond in Section 4 is in compliance and functioning. That the SWM Pond in Section 3 is designed, constructed and cleaned according to accepted practices approved by DNREC.**
- **Assurance that the Developer, at no expense to the homeowners, completes these items before he turns the development over to the homeowners.**
- **Determine what can be done about swales retaining storm water rather than conveying storm water to Little Bay Tax Ditch as they were designed to do.**

Ms. Jordan stated that the major roadway through Ocean Farm – Neptune Road – has been heavily damaged by years of ongoing construction traffic and that the developer refuses to pay for correcting the road damage.

Ms. Jordan stated that they firmly believe that the developer should assume all costs of correcting the road damage in the development before the roads are turned over to the Homeowners Association.

**Petition/
Residents
of Ocean
Farm
(continued)** **Mr. Pruitt, a resident of Ocean Farms on Neptune Drive, stated that the developer elected not to use the construction entrance due to the location of an underground power line; that it takes approximately sixty 10-wheel trucks to build one house; and he questioned why the houses haven't sold out in the subdivision over a 12-year period.**

Mr. Stickels stated that it is a legal issue; that he was not prepared to comment on it; and that the Engineering Department and the County Attorney will investigate the complaint since it is a legal issue.

**Additional
Business/
Assessment
Values** **Dan Kramer of Greenwood posed a question to the Council. In other states, when someone sells their property or they build a new house, their assessment goes up to the full value, why doesn't Sussex County do the same thing?**

Mr. Griffin responded that the County has a uniform assessment rate and that other states have different authorizing legislation.

Mr. Phillips asked Mr. Griffin to look into the issue.

**Introduction
of Proposed
Ordinance** **Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTOMATIC CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.091 ACRES, MORE OR LESS" (Conditional Use No. 1687) filed on behalf of Robert L. Buehler.**

**Introduction
of Proposed
Ordinance** **Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 115.29 ACRES, MORE OR LESS" (Change of Zone No. 1609) filed on behalf of Oak Creek, LLC.**

**Introduction
of Proposed
Ordinance** **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**

DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 56.85 ACRES, MORE OR LESS” (Change of Zone No. 1608) filed on behalf of Massey’s Landing Properties, LLC.

**M 218 06
Adjourn**

The Proposed Ordinances will be advertised for Public Hearing.

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adjourn at 12:33 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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

**Luncheon
Meeting**

Following the meeting, the County Council attended a joint luncheon meeting with the Sussex Conservation District, District Board of Supervisors. The luncheon meeting was held at the Sussex County Administrative Offices, West Complex Building.