



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 4, 2006**

**Call to Order**            A regular meeting of the Sussex County Council was held on Tuesday, April 4, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 249 06**            A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to amend the  
**Amend and**            Agenda by deleting Approval of Minutes and to approve the Agenda, as  
**Approve**            amended.  
**Agenda**

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

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

**Mr. Cole joined the meeting.**

**Corre-**            Mr. Griffin read the following correspondence:  
**spondence**

**BAYHEALTH MEDICAL CENTER, MILFORD MEMORIAL**  
**HOSPITAL AUXILIARY, MILFORD, DELAWARE.**  
**RE: Letter in appreciation of Council's donation to the Milford Hospital**  
**Fair.**

**INDIAN RIVER SCHOOL DISTRICT, MINORITY LEADERSHIP**  
**ALLIANCE ORGANIZATION, MILLSBORO, DELAWARE.**  
**RE: Letter in appreciation of Council's donation for scholarship funding.**

**M 250 06**      **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to authorize an**  
**Authorize**      **Executive Session to be held at the conclusion of the Regular Session for the**  
**Executive**      **purpose of discussing Personnel and Pending Litigation.**  
**Session**

**Motion Adopted:      5 Yea.**

**M 250 06**      **Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**(continued)**      **Mr. Dukes, Yea; Mr. Jones, Yea;**  
                      **Mr. Rogers, Yea**

**Wastewater**      **Mr. Stickels presented wastewater agreements for the Council's**  
**Agreements**      **consideration.**

**M 251 06**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the**  
**Execute**      **recommendation of the Sussex County Engineering Department, for Sussex**  
**Agreements/**      **County Project No. 81-04, Agreement No. 328-2, that the Sussex County**  
**The**      **Council execute a Construction Administration and Construction**  
**Retreat**      **Inspection Agreement between Sussex County Council and S & B Land,**  
                      **LLC, for wastewater facilities to be constructed in The Retreat – Phase 2,**  
                      **located in the North Coastal Planning Area.**

**Motion Adopted:      5 Yea.**

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

**M 252 06**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon**  
**Execute**      **the recommendation of the Sussex County Engineering Department, for**  
**Agreements/**      **Sussex County Project No. 81-04, Agreement No. 586, that the Sussex**  
**Topside**      **County Council execute a Construction Administration and Construction**  
**Condo-**      **Inspection Agreement between Sussex County Council and ACRI**  
**miniums**      **Construction, LLC, for wastewater facilities to be constructed in Topside**  
                      **Condominiums, 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**

**M 253 06**      **A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the**  
**Execute**      **recommendation of the Sussex County Engineering Department, for Sussex**  
**Agreements/**      **County Project No. 81-04, Agreement No. 521, that the Sussex County**  
**Vincent**      **Council execute a Construction Administration and Construction**  
**Overlook**      **Inspection Agreement between Sussex County Council and Vincent**

**Property LLC, for wastewater facilities to be constructed in Vincent Overlook – Phase 1.1, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Motion Adopted: 5 Yea.**

**M 253 06  
(continued)**

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, 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. Beneficial Acceptance**

**The Engineering Department granted Beneficial Acceptance on March 23, 2006, to Victoria's Landing at the Long Neck Back Bay Center, Agreement No. 299 1. The developer is Touse Homes, Inc., and the project is located on Route 24 and Bay Farm Road in the Long Neck Sanitary Sewer District, consisting of 96 townhouses and a commercial site.**

**2. Comprehensive Land Use Plan Workshop**

**The Planning and Zoning Commission and the Sussex County Council will be conducting a public workshop on April 12, 2006, regarding the 2007 Comprehensive Land Use Plan Update. The workshop will take place at the Sussex County West Complex. There will be a dinner at 5:30 p.m., with the workshop starting at 6:15 p.m. Connie Holland, State Planning Coordinator, will discuss the understanding of developing and the regulatory requirements of the 2007 Land Use Plan. There will be open dialogue between the County Council and the Planning and Zoning Commission over the requirements of the Plan. The media as well as the general public will be allowed to attend, but there will not be open discussion from the public.**

**Building  
Code  
Require-  
ments/  
Certified  
Seal  
Require-  
ment**

**At the request of the Council at the March 28th meeting, Van Milligan was present to discuss the County's certified seal requirement on any house over 5,000 square feet. At that meeting, Mr. Dukes expressed concern that the County needs to more clearly define the calculation since some inconsistencies are taking place. He suggested that the County should either raise the 5,000 square foot minimum or more clearly define what is to be included.**

**Mr. Milligan explained the basic calculation of 5,000 square feet of house.**

**Areas calculated when figuring square footage for houses requiring an**

**Architect's or Engineer's Seal:**

- Basements with ceiling height of 7 feet or greater.
- Garage structurally attached to house.
- Garage with living space above.
- Second floor with 9/12 pitch or greater that meets the required ceiling height and room size.

**Building  
Code  
Require-  
ments/  
Certified  
Seal  
Require-  
ment  
(continued)**

- Any living space that meets the required ceiling height and room size.

**Areas not calculated when figuring square footage for houses requiring Architect or Engineer Seal:**

- Open decks.
- Screen porches.
- Garages not structurally attached to house.
- Breezeways between house and garage.
- Attic space with pull down stairs.

Mr. Milligan also referred to Section 52-18 (C) of the Sussex County Code, Drawings and Specifications for Building Construction – “All drawings, specifications and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E- Educational, Group I - Institutional, and Group A – Assembly Occupancy, as defined by and regulated by the IBC (International Building Code), and in the case of all buildings or structures of 5,000 square feet or more in area, such designer shall be an architect or engineer legally registered under the laws of any state in the United States regulating the practice of architecture and/or engineering and shall affix his official seal to said drawings, specifications and accompanying data.”

In response to questions, Mr. Milligan explained that the benefit of requiring a seal is (1) the submission of a good set of plans, (2) the square footage already being calculated, (3) the County's review time being considerably reduced (since all that would need to be done is a life safety review), and (4) the County and the consumer are protected.

John Warfel stated that he draws house plans for Kent and Sussex Counties and that Sussex County's requirement is out of sync with the rest of the counties and municipalities. He noted that Kent County does reserve the right to selectively require a seal and he suggested that the Sussex County incorporate the same practice instead of having a “blanket” amount requirement.

The Council discussed amending the Code and Mr. Milligan's recommendation that he or Andy Wright of the Building Code Department be given the authority to selectively require a seal. He told Council that he

and his staff are qualified and capable to make that decision and that all of his staff, with the exception of one person, is certified. It was the consensus of the Council to take the matter under advisement.

Old  
Business/  
Proposed  
Ordinance

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”

Old  
Business/  
Proposed  
Ordinance  
Relating  
to Increased  
Density  
(continued)

On January 26, 2006 the Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance at which time they deferred action for further consideration. At that time, the record was left open for written comments until February 24, 2006. Mr. Kautz, the County’s Land Use Planner, was asked to provide revenue estimates and information on similar programs in other jurisdictions and Mr. Robertson, Assistant County Attorney, was asked to provide an opinion addressing the legal issues. On March 9, 2006, the Commission recommended that the Ordinance be approved, subject to the following recommendations:

- The 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.
- 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.
- 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 areas 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. Kautz noted that the copy of the Proposed Ordinance which was distributed to Council included the recommendations of the Commission.

In response to questions raised by Mr. Cole, Mr. Kautz stated that the Proposed Ordinance applies to cluster subdivisions in an AR District and that the Planning and Zoning Commission would be the approving body.

Mr. Dukes stated that he would like to see the Ordinance include a clause that Cluster Fees would be set aside in an escrow account and that the funds would be used, with a super majority vote of approval, for open space, land preservation, public safety, and infrastructure.

It was noted that the Proposed Ordinance, as written and advertised, stipulates that the Cluster Fees would be used for open space acquisition and preservation and to purchase active and passive recreation areas.

Building  
Code  
Require-  
ments  
(continued)

Mr. Griffin stated his opinion that, if the Council wishes to incorporate Mr. Dukes' recommendation, an ordinance amendment could be drafted that would set up a program to determine the amount of Cluster Fee revenues to be used for infrastructure and to determine which infrastructure projects the Council would participate in.

M 254 06  
Adopt  
Ordinance  
No. 1842

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1842 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".

Motion Adopted: 4 Yea, 1 Nay.

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

Lease  
Termination  
-Terminal  
Building

Mr. Masten, Director of Economic Development, stated that the Southern Delaware Restaurant Associates, Inc. (Jimmy's Fly-In Grille), tenants at the Sussex County Airport Terminal Building, have indicated that they wish to terminate their three (3) leases and sell their improvements.

M 255 06  
Terminate  
Leases  
with  
Southern  
Delaware  
Restaurant  
Associates

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to terminate the three (3) leases with Southern Delaware Restaurant Associates, Inc. at the Sussex County Airport Terminal Building, effective April 4, 2006.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Cole was out of the room during the discussion and the vote.)

Prospective  
Lease/

Mr. Masten stated that the County wishes to continue the operation of the restaurant and he reported that prospective new owners have been found.

**Terminal Building/ Restaurant Prospective**      He reported that Lisa Brown and Lori Thomson have expressed interest in leasing the restaurant facility at the Airport Terminal Building and that they wish to open the *Flight Deck Restaurant*. They stated that the restaurant would be an aviation/family oriented restaurant.

**Lease (continued)**      Mr. Masten recommended that, in lieu of an assignment of the existing lease, the County should enter into a new lease with the prospective tenants for a total lease amount of \$2,348.00 per month for the restaurant facility, conference room, and banquet room with annual CPI adjustments. The initial lease would be for a term of five years with one five year option. No subletting of the lease would be allowed.

**M 256 06 Execute Lease/ Airport Restaurant Corporation**      A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council authorizes its President to execute a five-year Lease Agreement, with one additional five-year lease option, with Airport Restaurant Corporation, t/a the Flight Deck Restaurant, for the lease of the restaurant, conference room and banquet room at the Sussex County Airport Terminal Building.

**Motion Adopted:**      3 Yea, 1 Abstention, 1 Absent.

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

(Mr. Cole was out of the room during the discussion and therefore, abstained from voting. Mr. Phillips was out of the room during the discussion and the vote.)

**Lease Termination /Hangar**      Mr. Masten reported that Hertrich Aviation, Inc. wishes to terminate their lease at the Sussex County Airport and to sell their hangar improvements.

Mr. Masten recommended, in lieu of an assignment of the existing lease, that the County should enter into a new 30-year lease with Hudson Thompson Aviation, LLC for a total lease amount of \$900.00 per month with annual CPI adjustments. Hudson Thompson Group is a current tenant at the Sussex County Industrial Airpark.

**M 257 06 Terminate Lease/ Hertrich Aviation**      A Motion was made by Mr. Cole, seconded by Mr. Jones, to terminate the lease with Hertrich Aviation, Inc. (Lot D) at the Sussex County Airport.

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

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

(Mr. Phillips was out of the room during the discussion and the vote.)

**M 258 06**  
**Execute**  
**Lease/**  
**Hudson**  
**Thompson**  
**Aviation**

**A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council authorizes its President to execute a Lease Agreement with Hudson Thompson Aviation, LLC for Lot D at the Sussex County Airport for a term of thirty years.**

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

**M 258 06**  
**Execute**  
**Lease**  
**(continued)**

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**Airport**  
**Perimeter**  
**Fence**  
**Project**

**Jim Hickin, Project Engineer, presented Balancing Change Order No. 3 to the Airport Perimeter Fence Project. He noted that one final item regarding warranty had been negotiated with the contractor, Abel Fence Company; thereby, enabling the County to close out the contract.**

**M 259 06**  
**Approve**  
**Balancing**  
**Change**  
**Order/**  
**Airport**  
**Perimeter**  
**Fence**  
**Project**

**A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Engineering Consultants, Delta Airport Consultants, Inc., and the County Engineering Department, that Balancing Change Order No. 3 for Sussex County Project No. 04-09, Perimeter Fence at Sussex County Airport, with Abel Fence, Inc., be approved in the credit amount of \$3,100.25, which decreases the final contract total to \$906,312.25 and extends the contract time by 221 days.**

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

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**Requests**

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

**M 260 06**  
**Community**  
**Investment**  
**Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$5,000.00 from Mr. Rogers' Community Investment Grant Account to the Lewes Public Library for the purchase of computers.**

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

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**



**M 261 06 Councilmanic Grant**      **A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to First State Community Action Agency for the National Kick-Butts Campaign.**

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

**M 261 06 (continued)**      **Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Absent;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**M 262 06 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 (\$250.00 each from Mr. Rogers' and Mr. Cole's Councilmanic Grant Accounts) to Cape Henlopen Odyssey of the Mind for World Finals' travel expenses.**

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

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**M 263 06 Councilmanic 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 Relay for Life 2006 (Milford Event).**

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

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**M 264 06 Youth Activity Grant**      **A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$750.00 (\$250.00 from Mr. Phillips' Youth Activity Grant Account, \$200.00 from Mr. Dukes' Youth Activity Grant Account and \$300.00 from Mr. Jones' Youth Activity Grant Account) to Sussex Central Pop Warner for the 2006 season operating expenses.**

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

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

**Mr. Rogers, Yea**

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**M 265 06**      **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00**  
**Council-**      **from Mr. Cole’s Councilmanic Grant Account to the Rehoboth Beach –**  
**manic**      **Dewey Beach Chamber of Commerce for the reopening of the Railroad**  
**Grant**      **Station Visitors Center.**

**M 265 06**      **Motion Adopted:      4 Yea, 1 Absent.**

**Council-**      **Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Absent;**  
**manic**      **Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Grant**      **Mr. Rogers, Yea**  
**(continued)**

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**M 266 06**      **A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$500.00**  
**Council-**      **(\$100.00 from each Councilmanic Grant Account) to AFRAM for the**  
**manic**      **Eastern Shore Festival.**  
**Grant**

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

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**M 267 06**      **A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$450.00**  
**Council-**      **from Mr. Dukes’ Councilmanic Grant Account to the Seaford Mutual**  
**manic**      **Assistance Group for training equipment.**  
**Grant**

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

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

**(Mr. Phillips was out of the room during the discussion and the vote.)**

**Introduction**      **Mr. Rogers introduced the Proposed Ordinance entitled “AN**  
**of Proposed**      **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**Ordinance**      **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE,**  
**STORAGE BUILDING, AND STORAGE YARD FOR A CONTRACTING**  
**BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND**  
**LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX**  
**COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” (Conditional**  
**Use No. 1688) filed on behalf of Richard Bell III. The Proposed Ordinance**  
**will be advertised for Public Hearing.**

**Introduction of Proposed Ordinance**     **Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 30,288 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1689) filed on behalf of Michael and Nancy Chorman. The Proposed Ordinance will be advertised for Public Hearing.**

**(continued)**

**Introduction of Proposed Ordinance**     **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLUMBING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.5655 ACRES, MORE OR LESS” (Conditional Use No. 1690) filed on behalf of Delmar Plumbing, Inc. The Proposed Ordinance will be advertised for Public Hearing.**

**Additional Business/Public Comments**     **Dan Kramer referred to a question he asked the Council on March 21, 2006 – Why don’t assessments go up to full value when someone sells their property or builds a new home? Mr. Kramer questioned if there were any answers to his question.**

**Mr. Stickels directed Mr. Kramer to put his questions in writing and submit them to the Council.**

**Mr. Stickels reported that Mr. Baker has checked with the International Assessment Officers Association and they were unaware of any governments that raise the assessments, as suggested by Mr. Kramer. He stated that this is due to concerns about equity and reassessing directly from sales as they occur.**

**Mr. Kramer stated that there was a consensus of the Council at the March 21st meeting that Mr. Griffin would research the law in regards to this matter.**

**Mr. Stickels responded that no such agreement was made.**

**Mr. Griffin stated that it is an "equal protection of the law" argument and that all properties within the County have to have an equal assessment.**

**Mr. Kramer asked where that “argument” is stated in the law.**

**Mr. Stickels stated that he has made an administrative decision that money would not be spent for legal staff to research the issue, unless the Council directs him to do so. He stated that he based his decision on the fact that staff has already contacted a national firm and obtained information on the matter, which was presented on this date.**

**M 268 06**      **At 11:35 a.m. a Motion was made by Mr. Dukes, seconded by Mr. Cole, to**  
**Recess**           **recess the Regular Session and go into Executive Session.**

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

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

**(Mr. Phillips was out of the room during the vote.)**

**Executive Session**      **An Executive Session of the Sussex County Council was held on April 4, 2006 in the Caucus Room adjacent to the Sussex County Council Chambers beginning at 11:37 a.m. The purpose of the Executive Session was to discuss personnel and land acquisition issues. The Executive Session concluded at 11:55 a.m.**

**M 269 06**      **At 11:57 a.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips,**  
**Adjourn/**      **to adjourn the Executive Session and reconvene the Regular Session.**  
**Reconvene**      **Motion Adopted by Voice Vote.**

**M 270 06**      **At 11:58 a.m., a Motion was made by Mr. Cole, seconded by Mr. Dukes, to**  
**Adjourn**        **adjourn the meeting. Motion Adopted by Voice Vote.**

**Luncheon**      The Sussex County Council attended a luncheon at the University of Delaware's Elbert N. and Ann V. Carvel Research and Education Center in celebration of the opening of the new facility.

**Respectfully submitted,**

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