



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 22, 2008

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 22, 2008 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 300 08
Amend
and
Approve
Agenda**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the Agenda by deleting "Possible Rental MPHU Program" listed under William Lecates, Director of Community Development & Housing, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**M 301 08
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the minutes of April 1, 2008.

Motion Adopted: 5 Yeas.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

LAUREL PUBLIC LIBRARY, LAUREL, DELAWARE.

RE: Letter thanking Councilman Dukes and Councilman Phillips for

funding for a new sign.

County Website Upgrade

Mr. Baker announced that, on April 22nd, the County launched its newly designed website, featuring a more user friendly and accessible design and making Sussex County Government more accessible to the public.

Upgrade (continued)

Eddie Sparpaglione, Director of Information Systems, presented an overview of the new Website and he recognized Patricia Laurion, Network and Applications Support Specialist, who designed the site.

Administrator's Report

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

1. South Coastal Regional Wastewater Facility Award Nomination

We are pleased to announce that the South Coastal Regional Wastewater Facility has been nominated for the USEPA Operations and Maintenance Excellence Award. The State of Delaware Department of Natural Resources and Environmental Control, Delaware Technical and Community College's Environmental Training Center and Gold & Associates sent letters of recommendation to the USEPA on behalf of the facility. On May 1, 2008, recognition for the nomination will be awarded to the County at the 2007 Operator of the Year Awards Ceremony.

We would particularly like to thank the County employees at the South Coastal Wastewater Facility for their outstanding efforts that have resulted in recognition for this important award.

2. Constable Mobile Home Demolition Program

As part of the Constable's activities, thirteen manufactured homes have been demolished and properties cleaned up as a result of active intervention by the County Constables. Property owners who are unable to afford the clean up of their properties have been enlisted to make monthly payments to reimburse the County for costs incurred. We would like to congratulate the County Constable's Office for their attention to this matter.

3. County Council Land Use Plan Update Public Hearing

Tonight, April 22nd, at 6:00 p.m. a public hearing will be held by the Sussex County Council regarding the Draft Land Use Plan Update. The hearing will be held at the Cheer Center located at 20520 Sand Hill Road, Georgetown.

Wastewater Agreement

Mr. Godwin presented a Wastewater Agreement for the Council's consideration.

M 302 08

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon

**Execute
Wastewater
Agreement/
Estates of
Fairway
Village
M 302 08
(continued)**

the recommendation of the County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 844-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Estates of Fairway Village, LLC, for wastewater facilities to be constructed in Fairway Village – Phase 2, located in Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Airport
Lease
Assignment**

Jim Hickin, Director of Airport and Industrial Park, presented a Lease Assignment request from Sean Carroll to assign his Lease for Lot C5 on the Corporate Hangar Taxi Lane to the M & C Group Inc. (David Morales and Sean Carroll). The Land Lease is a 30-year lease with two 10-year options; the lot rent is \$9,000 per year starting the 25th month of the Lease, which is May 2008; starting with Year 6, there is a CPI increase. Mr. Hickin noted that the insurance certificates required by the Lease will be obtained and that the use of the property is limited to active aviation purposes only.

Sean Carroll told the Council that when he initially signed the Lease he informed the County that he would eventually be establishing a Corporation name for liability protection purposes.

**M 303 08
Authorize
Airport
Lease
Assignment**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council authorizes the assignment of the Agreement of Lease for Lot C5 at the Sussex County Airport with Sean Carroll, dated May 16, 2006, to M & C Group, Inc.

Motion Adopted: 5 Yeas.

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

**Miller
Creek
SSD**

Brad Hawkes, Director of Utility Engineering, presented a Balancing Change Order (credit) for the Miller Creek Sanitary Sewer District Project, Phase B. Mr. Hawkes reported that construction was completed in December 2007 and connections began in January 2008.

**M 304 08
Approve
Change
Order/
Miller
Creek**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department and its Consultant, Whitman, Requardt and Associates, LLP, that Change Order No. 1 for Sussex County Contract No. 06-01B, Miller Creek Sanitary Sewer District, with American Paving Corporation be approved, which decreases the Contract by the amount of \$57,690.44 for a new contract total of

SSD **\$2,971,290.76, contingent upon the receipt of approval from the funding agencies.**

Motion Adopted: 5 Yeas.

M 304 08 **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**
(continued) **Mr. Dukes, Yea; Mr. Rogers, Yea;**
 Mr. Jones, Yea

Old Business/ Proposed Ordinance Relating to Forested and/or Landscaped Buffers **The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV AND VI OF THE CODE OF SUSSEX COUNTY RELATING TO FORESTED AND/OR LANDSCAPED BUFFERS, SITE PLANS AND BONDING REQUIREMENTS AND TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE III TO ADD A PROVISION ALLOWING COUNCIL TO REQUIRE A FORESTED AND/OR LANDSCAPED BUFFER FOR CONDITIONAL USES AND RESIDENTIAL PLANNED COMMUNITIES OF SINGLE-FAMILY OR MULTI-FAMILY DWELLINGS”.**

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission recommended that the Proposed Ordinance be approved, as presented.

Mr. Griffin noted that this version of the Proposed Ordinance is the same as the one considered on April 1st.

Mr. Griffin advised that Councilman Rogers suggested that language be added to the Proposed Ordinance that a forested buffer would not be required along any part of a subdivision perimeter that abuts a river, bay, ocean or marsh. This would be added at the end of Subsection I on Page 4.

Mr. Cole expressed concern about Mr. Rogers’ suggestion since it would decrease protection and increase infiltration of storm water. Mr. Griffin responded that the language could be amended to read that a forested buffer would not be required along any part of a subdivision perimeter that abuts a river, bay, ocean or marsh, where none presently exists and any existing trees would remain in areas that abut a river, bay, ocean or marsh.

Mr. Phillips expressed concern that a forested buffer requirement would affect the cost of housing and the process tremendously.

Mr. Dukes and Mr. Phillips expressed concern that the original intent of the Proposed Ordinance was to provide buffers between developments and agriculture lands and that it has now evolved into requiring a 30 foot buffer along a perimeter where a 30 foot buffer already exists which would equal a 60 foot buffer. He stated that requiring a buffer next to a buffer is not necessary and it is a waste of land.

Several members of the Council discussed the need for a cost analysis in regards to the requirements of the Proposed Ordinance.

Old
Business/
Proposed
Ordinance
Relating
to Forested
and/or
Landscaped
Buffers
(continued)

Mr. Dukes referred to the fact that the Proposed Ordinance would pertain to the entire outer perimeter of any portion of a major subdivision of land into four or more lots and he suggested that the minimum number of homes be increased.

Mr. Phillips referenced the type of tree plantings required (“a mix of 70% deciduous shade trees and 30% evergreen trees”) and he expressed concern that some existing buffers may be dense evergreens and he would not agree to require replanting of different trees.

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV AND VI OF THE CODE OF SUSSEX COUNTY RELATING TO FORESTED AND/OR LANDSCAPED BUFFERS, SITE PLANS AND BONDING REQUIREMENTS AND TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE III TO ADD A PROVISION ALLOWING COUNCIL TO REQUIRE A FORESTED AND/OR LANDSCAPED BUFFER FOR CONDITIONAL USES AND RESIDENTIAL PLANNED COMMUNITIES OF SINGLE-FAMILY OR MULTI-FAMILY DWELLINGS”.

Following additional discussion, Mr. Phillips withdrew his Second to the Motion and Mr. Dukes withdrew his Motion.

Mr. Rogers expressed concern that, if the Proposed Ordinance fails, the County would have to start the process over and he asked for dialog to continue regarding the Proposed Ordinance on the table.

Mr. Rogers stated that the main concern is the larger projects and that guidelines and requirements are needed.

The Council members discussed (1) obtaining an economic analysis, (2) holding a workshop on the Proposed Ordinance and (3) to allow public comments at the workshop.

M 305 08
Hold a
Workshop
on the
Proposed
Ordinance
Relating
to Forested
and/or
Landscaped

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to hold a workshop on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV AND VI OF THE CODE OF SUSSEX COUNTY RELATING TO FORESTED AND/OR LANDSCAPED BUFFERS, SITE PLANS AND BONDING REQUIREMENTS AND TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE III TO ADD A PROVISION ALLOWING COUNCIL TO REQUIRE A FORESTED AND/OR LANDSCAPED BUFFER FOR CONDITIONAL USES AND RESIDENTIAL PLANNED COMMUNITIES OF SINGLE-FAMILY OR MULTI-FAMILY

Buffers/ DWELLINGS”.

Second Mr. Rogers withdrew his Second to the Motion.
Withdrawn

M 306 08 A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend the
Reopen Motion made by Mr. Dukes, to reopen the record and to hold a Workshop
the Record on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND
and CHAPTER 99, ARTICLES I, III, IV AND VI OF THE CODE OF SUSSEX
Hold a COUNTY RELATING TO FORESTED AND/OR LANDSCAPED
Workshop BUFFERS, SITE PLANS AND BONDING REQUIREMENTS AND TO
on the AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY,
Proposed ARTICLE III TO ADD A PROVISION ALLOWING COUNCIL TO
Ordinance REQUIRE A FORESTED AND/OR LANDSCAPED BUFFER FOR
Relating CONDITIONAL USES AND RESIDENTIAL PLANNED COMMUNITIES
to Forested OF SINGLE-FAMILY OR MULTI-FAMILY DWELLINGS” and further,
and/or to allow public input at the Workshop.
Landscaped

Buffers Motion Adopted: 5 Yeas.

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

Old The Council discussed the Proposed Ordinance entitled “AN ORDINANCE
Business/ TO REPEAL CHAPTER 80, RELATING TO LOT MAINTENANCE AND
Proposed TO AMEND CHAPTER 115, ZONING, ARTICLE XXV, SECTION 115-
Ordinance 191 RELATING TO THE PARKING, STORING AND MAINTENANCE
Relating OF VEHICLES AND BOATS AND PROHIBITED GROWTHS AND
to Lot ACCUMULATIONS ON NON-AGRICULTURAL LANDS, WASTE
Main- MATERIALS OUTSIDE COMMERCIAL PREMISES, ENFORCEMENT
tenance METHODS AND THE VIOLATIONS AND PENALTIES RESULTING
THERE FROM”

Lawrence Lank, Director of Planning and Zoning, reported that the
Planning and Zoning Commission recommended that the Proposed
Ordinance be denied based on the following: “while the purpose of the
proposed ordinance makes sense, how it is currently drafted is of concern
and lot maintenance and prohibited growths should be addressed in an
ordinance separate from issues regarding the parking, storing and
maintenance of vehicles, boats and trailers.

Mr. Griffin advised that the version of the Proposed Ordinance before the
Council on this date includes (1) a new subsection “5” beginning on Page 5
which was added due to concerns expressed by the Council that some
citizens may be financially and/or physically incapable of fully complying
with the terms and time limits of the plan; the new subsection provides an
appeal process, (2) an exemption of antique cars as defined by Title 21,

Proposed Ordinance (continued)

Delaware Code, Subsection 2196, (3) an exemption for dwellings which are part of and located on a tract of land of 5 acres or more that is primarily used for bona fide agricultural purposes, (4) an exemption of vehicles, boats or other watercraft which are not required to be licensed and registered pursuant to Delaware Law, (4) language further defining weeds and grasses, and (5) an exception that the section on growth would not apply to any parcel or portion thereof on which agricultural crops are being grown or to any parcel of land which is subject to a County or DNREC approval plan such as a landscape plan, record plan, reforestation plan, natural resources or management plan.

M 307 08 Amend Proposed Ordinance Relating to Lot Maintenance

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that in regards to the Proposed Ordinance entitled “AN ORDINANCE TO REPEAL CHAPTER 80, RELATING TO LOT MAINTENANCE AND TO AMEND CHAPTER 115, ZONING, ARTICLE XXV, SECTION 115-191 RELATING TO THE PARKING, STORING AND MAINTENANCE OF VEHICLES AND BOATS AND PROHIBITED GROWTHS AND ACCUMULATIONS ON NON-AGRICULTURAL LANDS, WASTE MATERIALS OUTSIDE COMMERCIAL PREMISES, ENFORCEMENT METHODS AND THE VIOLATIONS AND PENALTIES RESULTING THERE FROM”, that the Sussex County Council removes the proposed deletions as to Section 80-3 related to prohibited growths and accumulations and removes the proposed insertions included in Subsection 191-D relating to prohibited growths and accumulations and removes from the proposed Section 191-E, Subsection A, any reference to weeds and grasses.

Motion Adopted: 3 Yeas, 2 Nays.

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

Old Business/ Proposed Ordinance Relating to Source Water Protection

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 89, SOURCE WATER PROTECTION, TO PROTECT CRITICAL AREAS FROM ACTIVITIES AND SUBSTANCES THAT MAY HARM WATER QUALITY OR SUBTRACT FROM OVERALL WATER QUANTITY”.

Mr. Baker advised that the version of the Proposed Ordinance before the Council on this date includes: a definition of “Safe Zone”, the deletion of the 60 day/ 5-year time of travel, and an effective date of the 91st day from the date of adoption.

Mr. Phillips stated that the Proposed Ordinance provides for an “overlay” and that the Court of Chancery has recently ruled that overlays require public notice to all affected property owners.

It was noted that the State has advised the County that the current language

of the Proposed Ordinance is acceptable and that it will not impede acceptance of the Land Use Plan Update.

M 308 08 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 89, SOURCE WATER PROTECTION, TO PROTECT CRITICAL AREAS FROM ACTIVITIES AND SUBSTANCES THAT MAY HARM WATER QUALITY OR SUBTRACT FROM OVERALL WATER QUANTITY”.

**M 308 08
Adopt
Proposed
Ordinance
Relating
to Source
Water
Protection**

Motion Failed: 2 Yeas, 2 Nays, 1 Abstention.

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

Requests Mrs. Webb presented grant requests for the Council’s consideration.

M 309 08 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$10,000.00 (\$5,000.00 from Human Service Grants and \$5,000.00 from Mr. Phillips’ Community Investment Grant Account) to the American Red Cross for their emergency campaign to raise funding.

**M 309 08
Community
Investment
Grant**

Motion Adopted: 5 Yeas.

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

M 310 08 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole’s Councilmanic Grant Account to Beach and Bay Cottage Tour to benefit the Friends of the South Coastal Library.

**M 310 08
Council-
manic
Grant**

Motion Adopted: 5 Yeas.

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

M 311 08 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Cole’s Councilmanic Grant Account to The Bethany Beach 4th of July Committee for the 2008 parade.

**M 311 08
Council-
manic
Grant**

Motion Adopted: 5 Yeas.

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

M 312 08 Councilmanic Grant **A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$540.00 from Mr. Rogers' Councilmanic Grant Account to the Town of Milton for portable restrooms for the Town's park area.**

Motion Adopted: 5 Yeas.

M 312 08 (continued) **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

M 313 08 Councilmanic Grant **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$1,000.00 (\$200.00 each from Mr. Rogers', Mr. Cole's, and Mr. Phillips' Councilmanic Grant Accounts and \$400.00 from Mr. Dukes' Councilmanic Grant Account) for a Community Outreach Program on Foreclosures sponsored by the State of Delaware (funds to be allocated by Sussex County Community Development & Housing Department).**

Motion Adopted: 4 Yeas, 1 Abstention.

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

M 314 08 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$250.00 from Mr. Phillips' Councilmanic Grant Account to Sussex Central Middle School Band Boosters for Arizona Prinkey's participation in American Music Bands Abroad.**

Motion Adopted: 5 Yeas.

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

**Additional Business/
Public Comments** **Under Additional Business, Dan Kramer questioned "since when does a tie vote not kill an ordinance" and he stated that a tie vote means that a Motion died.**

Under Additional Business, Roy Swords of Millsboro questioned a lot drawing and he told the Council about problems he has had because of an incorrect lot drawing. He also questioned who (in the County) authorizes changes in lot drawings. Mr. Phillips stated that he submitted Mr. Swords' request to the County Attorney as a Freedom of Information Act request. Mr. Griffin stated that the request will be responded to.

M 315 08 Go Into Executive Session **At 12:53 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess the Regular Session and to go into Executive Session for the purpose of discussing land acquisition and personnel.**

Motion Adopted: 5 Yeas.

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

Executive Session At 12:54 a.m., the Sussex County Council held an Executive Session in the Caucus Room of the Council Chambers for the purpose of discussing land acquisition and personnel. The Executive Session concluded at 1:28 p.m.

M 316 08 Reconvene Regular Session At 1:30 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

M 317 08 Recess At 1:30 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Cole, to recess until 6:00 p.m. Motion Adopted by Voice Vote.

Reconvene At 6:00 p.m., Mr. Jones called the Council back into session at the CHEER Community Center in Georgetown, Delaware.

Public Hearing/ 2007 Land Use Plan Update/ Proposed Ordinance Adopting the 2007 Update of the Land Use Plan A Public Hearing was held on the 2007 Land Use Plan Update and the Proposed Ordinance entitled “AN ORDINANCE ADOPTING THE 2007 UPDATE OF THE COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1574, THE COMPREHENSIVE PLAN UPDATE, ADOPTED DECEMBER 10, 2002”.

The Planning and Zoning Commission held a Public Hearing on the Land Use Plan Update on April 3, 2008, at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated April 3, 2008 for additional information, including correspondence received and the Public Hearing before the Commission.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

Mr. Lank reported that four letters were received during the Public Hearing before the Planning and Zoning Commission. The letters were from Sussex Housing Group, Citizens Coalition, Inc., Tidewater Utilities, Inc., Tidewater Environmental Services, Inc., and Hudson Management. The letters were made a part of the record.

Mr. Lank reported that a 7-page report was received by fax from Richard

Anthony on behalf of Plan Delaware, Save Our Coastal Communities, and the Sierra Club’s Southern Delaware Group. The report was made a part of the record.

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the 2007
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of the
Land Use
Plan
(continued)**

Mr. Lank reported that there have been 21 requests made for inclusion into Development Areas since the review process began.

Mr. Griffin reported on State Resource Areas (SRAs), which were to be a part of the County’s Land Use Plan Update.

The State Legislature adopted the Delaware Land Protection Act, which directed DNREC to designate open space areas that contained natural and scenic resources, important recreational areas, wildlife habitat or significant cultural, historical or archaeological sites.

The Act created the Open Space Council and directed it to adopt the standards and criteria to be used by DNREC in evaluating and selecting the areas to be designated as State Resource Areas.

Since the Open Space Council was required to create the standards and criteria to be used in designating the SRAs and since the Court of Chancery found in its Draft Report that the Open Space Council failed to perform the necessary act of creating the standards and criteria, the Court held that DNREC exceeded the authority granted to it by the Legislation.

In effect, the Court has stated that DNREC prepared the SRA maps in 1990 and updated them in 2006 without the benefit of any standards and criteria from the Open Space Council. After that, the maps were sent to the three Counties and the Towns for adoption into the Conservation Elements of their respective Comprehensive Plan Updates.

Because the Open Space Council failed to adopt the standards and criteria for selecting the SRAs, the Court’s draft opinion invalidates the SRA maps and relieves the County of the obligation to include the maps or to adopt ordinances to control the use of SRA land in the 2007 Comprehensive Plan Update. In effect, the Court is telling DNREC and the Open Space Council that the Open Space Council should begin the process anew before it sends the map to the counties and the municipalities for inclusion in their Comprehensive Plans.

Paul Driscoll of Urban Research and Development Corporation (URDC), the County’s Land Use Consultant, presented a Power Point presentation and stated that the Elements of the Comprehensive Plan include: Land Use, Community Design, Conservation, Recreation and Open Space, Water and Wastewater, Housing, Economic Development, Historic Preservation, Intergovernmental Coordination, and Mobility.

Mr. Driscoll stated that, in reference to implementation of the Plan, Zoning Ordinances should be adopted immediately; that the County has issued a PLUS response to the State for comments; that the Staff appeared before

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(continued)**

the Governor’s Advisory Council on February 29th on Planning Coordination and generally had a favorable reception from the State; that some members praised the County’s response; that the Draft Comprehensive Plan Update has been revised to include more detail, tighter language and highlights of various concepts and initiatives, including voluntary agriculture preservation and Agri-Business Districts, an affordable rental housing program, a voluntary TDR program and deletion of wetlands from lot size calculations; that currently, the County is in the public input process; that the Commission will render a recommendation and the County Council will render a decision; that the plan is scheduled for adoption within the next 30 to 60 days, after which time it will move on to the Governor for certification; and that County staff and the County’s Consultant will draft and bring forth ordinances necessary to implement the Plan.

Public comments were heard.

Daniel Kramer of Greenwood spoke in opposition to the State requiring the County to adopt a Land Use Plan and to the State’s caveat regarding funding in Level 4 Areas. He stated that there is not a traffic problem in the County and that increased density should be allowed.

Ed Lewandowski, Ron Wuslich, and Richard Eakle of the Delaware Center for the Inland Bays (CIB), reported on the CIB Citizens Advisory Committee’s recommendations regarding the Land Use Plan Update and they expressed why it is essential for the County Council to adopt, codify, and enforce the associated ordinances and the proposed Update of the Land Use Plan in a timely manner - so that “we can begin to afford our estuary the necessary protections to preserve and enhance its ecological stability”. Mr. Wuslich presented facts on the Inland Bays that are included in their CIB Land Use Element Evaluation. He stated that it has been 36 years since the enactment of the Federal Clean Water Act; DNREC has yet to promulgate a pollution control strategy; at the end of 2006, there were over 26,000 approved residential building lots in Sussex County that had been recorded and approved but not developed; that the majority of these lots are located in four assessment districts, each located within the Inland Bays Environmentally Sensitive Development Area; and that there is a lot to be done before the Inland Bays are in compliance with the Clean Water Act.

A Joint Statement with an Attachment was submitted into the record by the Center for the Inland Bays:

“It is the recommendation of the CAC Management Committee that the CIB Board approves and forwards the following recommendations to the Sussex County Council for implementation:

- 1. That Sussex County Council specifies in the SCCP 2007 Update a mandate for ordinances and enforceable code defining new zoning districts explicit to development with the Environmentally Sensitive**

Development District (ESDA) at a minimum, but desirably the entire Inland Bays Watershed, that accomplish the following:

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(continued)**

- **Requires a minimum of 100 feet effective buffers for tidal wetlands within the ESDA.**
- **Requires functional, effective buffers for ESDA non-tidal wetlands.**
- **Utilizes public sewer and water for all land uses in all ESDA zoning districts.**
- **Mandates implementation of the State Pollution Control Strategy (PCS) when legislated, and archives established TMDL's utilizing DNREC's Nutrient Loading Protocol as part of the approval process.**
- **Creates and codifies an overlay of the State Resource Area/Natural Areas Maps that delineates protection areas, requires Environmental Impact Assessments (EIA's) and supporting mitigation for those critical areas impacted within and/or adjacent to ESDA.**
- **Codifies "Open Space" definition; categorizes types of Open Space by the habitat quality, sensitivity, and protective value; requires the calculation of housing density and Open Space for all development on the protective value of the Open Space, not just area; and codifies and enforces recommended wetland and other critical habitat removal from density calculation.**
- **Codifies a TDR program in conjunction with Density Ordinance No. 1920 and Open Space acquisition that creates interconnecting habitat corridors, restores/protects contiguous habitat, and requires the limit for sending tracts and receiving tracts in ESDA to be within the Inland Bays Watershed."**

The representatives of the Center for the Inland Bays submitted their written comments into the record.

Dave Hillegas of Bethel, a member of the Bethel Planning Commission, presented three suggestions for the Council's consideration that relate to Western Sussex County:

(1) Make the Chesapeake Bay drainage area a major part of the Conservation Chapter, as was done for the Inland Bays drainage area.

(2) Make the Nanticoke River and Broad Creek watersheds part of the Environmentally Sensitive Developing Area so they have equal emphasis just like that which has been designated for the Inland Bays Preservation areas.

(3) Relating to the good concept of Transfer of Development Rights and assuming there may be a distance limit on Transfer of Development Rights,

consider a transfer distance of at least 30 miles.

Mr. Hillegas submitted his written comments into the record.

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Joan Deaver of Lewes and President of Citizens for a Better Sussex stated that they are requesting: (1) that the Western Parkway be removed from the Land Use Plan Update, (2) a clear and concise definition of Open Space be included in the Draft Plan since with no definition, development can be unpredictable and chaotic and that the State's definition could be adopted, (3) a comprehensive rezoning of land and down-zoning of land lying in the State's Level 4 areas, (4) the protection of all waterways (including tax ditches) with vegetated buffers, (5) the adoption of the definition of "takings", and (6) abolish clear cutting. Mrs. Deaver submitted her statements in writing, with the following attachments: (1) an excerpt from "Downzoning and Rural Land Markets", (2) a copy of an excerpt from a Report entitled "Downzoning: Does it Protect Working Landscapes and Maintain Equity for the Landowner?", (3) a copy of an article in the Cape Gazette on March 28, 2008 entitled "Chandler: Growth Threatens Sussex Lifestyle", and (4) a copy of a title page of a Booklet entitled "Straight Talk About Takings" sponsored by the Delaware League of Local Governments, the University of Delaware Institute for Public Administration and the State of Delaware.

Mrs. Deaver stated that, if Sussex County is going to continue its support to the Sussex County Land Trust "with millions of taxpayers' dollars", the group should have public notices of any meetings held and there should be members of the public serving on the Board.

Mrs. Deaver concluded by stating that they do not support the Special Tax Districts and that developers should pay fees for infrastructure.

Mrs. Deaver submitted her written comments into the record.

Betty Deacon of Lewes was present representing the No Build Coalition and the Plantation Road Coalition. She spoke in opposition to (1) the Western Parkway and requested that it be removed from the Land Use Plan, the Mobility Plan, the Capital Transportation Program Request under Route 1 Improvements, and the Memorandum of Understanding with the State, (2) a Park-n-Ride on Route 24, and (3) the 2 house per acre zoning that is throughout the entire County since the Land Use Plan in 1974. Ms. Deacon requested that the Council: (1) adopt a definition in regards to "takings", (2) consider a moratorium for a minimum of one year, and (3) undertake a thorough study of what is going on in other beach communities adjacent to Delaware.

Mrs. Deacon submitted her written comments into the record.

Michael Houlihan, Vice Mayor of the Town of Delmar and Chairman of the Planning and Zoning Commission, stated there they are concerned about

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the Developing Areas on the outside boundaries of their corporate limits. He commented on the Draft Plan, and in regards to bonus density, he questioned if the funds could be directed to the municipality to help with any impacts and if there is a mechanism that would trigger notification to the municipality so that a meeting could be scheduled with the developer to discuss impacts on the municipality, e.g. traffic, EMS services, schools, library, etc.

Bob Maegerle, a Registered Professional Engineer, a resident of Pinewater Farm and a Board Member of the Citizens Coalition, stated that the water quality of the Inland Bays is steadily decreasing; that insufficient curbs on residential over-population and pollution have not been mandated; that the original intent of the Environmentally Sensitive Overlay Zone was to protect the Inland Bays but along the way, the name was changed to the Environmentally Sensitive Developing Zone; that increased density ordinances continue to be passed; that re-zonings have been approved for increases in building occupancy; conversion of existing homes to public sewers has been far outnumbered by the number of new homes being built with on-site community waste disposal systems; on-site community systems should not be allowed adjacent to the Inland Bays since these systems fail and are not maintained properly; spray irrigation and rapid infiltration systems are discharging treated effluent, with many dissolved chemicals, directly into the Inland Bays. Mr. Maegerle stated that the position of the Citizens Coalition is that the following steps should be taken to protect the Inland Bays in the Environmentally Sensitive Overlay Zone: (1) no density bonuses in the Environmentally Sensitive Overlay Zone, (2) public sewers and public water should be in place before developments over 50 units are reviewed, (3) buffers should be 100 feet, unless authorized to be less by DNREC; and (4) no rezoning for increased density.

Theresa Lund of Lewes stated that, in Sussex County, the number of students per classroom is too high; that the availability of medical services is decreasing; that affordable housing is needed for teachers, police offices, firemen, etc.; and that the quality of life and the quality of the environment in Sussex County is deteriorating.

Ms. Lund recommended that the Council include in the Economic Development portion of the Plan, a Materials Recovery Facility (MRF), where recyclable materials are processed for further use. She stated that having a MRF in Sussex County would provide additional jobs; would make it no longer necessary for valuable recyclable materials to be shipped out of the State for processing at a great and increasing expense, thus the resources would be Sussex County's to sell; that a local MRF would raise the state of recycling in Sussex County to an effective level; and it would relieve pressure at the landfills.

Philip "Sky" Brady spoke on the need for "real" affordable housing; the increase in crime in Sussex County due to an increased population; the need for a development moratorium; the need for more infrastructure before

development; and the need for more lanes on Routes 24 and 26.

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Michael Tyler, a resident of Lewes and President of the Citizens Coalition, Inc., offered the following recommendations: (1) produce a Plan that has the force of law, (2) remove the designation “Developing” from the Environmentally Sensitive District; the two units per acre build-out represents an unmanageable density to preserve this District and the watersheds it encompasses, (3) eliminate density bonuses in the ESD and (4) the density in the ESD must be one EDU per five acres and then only where public sewer is available. Mr. Tyler stated that the ESD must be treated differently by mandating less density and more open space to protect and preserve its precious resources and that they propose that:

- On-site septic systems shall be prohibited in the ESD.
- If the goal of the ESD is to mitigate development impacts on the Inland Bays, applying the current cluster development impacts on the Inland Bays, applying the current cluster development approach, “dollars for density” and density bonuses in this District negate any ability to manage and safeguard this important sensitive resource. Density bonuses must not be used in the ESD.
- Create a minimum buffer ordinance of 100 feet from wetlands, riparian lands and the Inland Bays and waterways. Such a delineation will substantially improve and preserve essential water quality and prevent encroaching development from further deteriorating the estuary.

Mr. Tyler stated that Source Water Protection must be a top priority, that a glossary needs to be created in the Plan that defines key terms; that the Plan needs to look at density not based on dwelling units but on actual population projections and site location; that cluster developments must not receive density bonuses and that clustering must allow only the density in the zone where it is sited and that expedited reviews should continue as an incentive; that a carrying capacity study must include an overall view of all infrastructure including but not limited to roads, schools, hospitals, water, education, environment, fire protection and EMS and a host of other elements that are key to managing growth; that to aid the planning process in determining carrying capacity, the Plan must bear a provision for an Adequate Public Facilities Ordinance; that the Plan must require that an applicant direct growth where the State and the County view growth to be appropriate and that all investment levels must be examined for adequacy for infrastructure; that Levels 3 and 4 must be examined to preserve the goals of maintaining low density development and preserving agriculture; that the County must be more objective and receptive to the recommendations of the State Planning Office; that Level 4 should be off limits to major subdivisions; that all aspects of major impacts on a town must be evaluated including traffic, transportation, quality of life concerns, source water and well head protection, police, emergency response, schools medical facilities and many other elements; that municipalities must coordinate their concerns with the County and a Memorandum of

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Understanding must be created to suit each municipality; that every public hearing must display for public review, maps indicating the position of an application as it relates to adjacent or nearby developments; that a key concern is the advertising of public hearings – roadside signs posted by the County are virtually “invisible” due to their small size; that developers should pay for signs which are larger and made of better materials; that advertisements should refer to road names instead of road numbers; that residential development should be prohibited in a dedicated commercial zone such as Route One; that they recommend that no existing commercial land be grandfathered for residential use at 12 units per acre in the Route One corridor; that any land zoned commercial along Route One should be limited to commercial use and this should also apply to other major Sussex County arterial roadways in a commercial zone; that Community Open Space is an essential element that must be included in every development; that too often, stormwater ponds, golf courses, and back yards are included in the calculation for density; that Community Open Space should be natural lands not artificially created by a development but determined as a key design element of the site; that open space must be mandatory in all new applications; and that stormwater ponds, golf courses, parking lots, wastewater facilities, streets, recreational amenities and walking trails must not be included in open space calculations; that open space should be a minimum of 30 percent for all developments and 50 percent for cluster developments; that the science and technology of stormwater management in Sussex County must be brought into the 21st Century; that stormwater ponds must be the last resort in new developments; and that “Green Technology” such as bio-swale and bio-retention facilities must be the Best Management Practice used for stormwater management; and that no-growth zones are needed.

Mr. Tyler submitted a written statement from Richard Anthony on behalf of Plan Delaware, Save Our Coastal Communities, and the Sierra Club’s Southern Delaware Group. Mr. Tyler summarized Mr. Anthony’s comments regarding intergovernmental coordination and TDRs: that private wastewater systems drive sprawl; that he believes abolishing TDRs supports the Plan; that Special Tax Districts are also a vehicle to drive sprawl; and that the Draft Plan fails to promote the tenets of Livable Delaware and remains inadequate to the following tasks: guiding growth to areas that are most prepared to accept it in terms of infrastructure and thoughtful planning; preserving farmland and open space; promoting infill and redevelopment; facilitating attractive, affordable housing; and protecting our quality of life while slowing sprawl and promoting the economy of government spending.

Holly Conaway of Seaford spoke in regards to property rights and she told the Council about her “agonizing” experience with the State and DNREC regarding her family’s farm and State Resource Area maps and Natural Area maps; that she spoke with others and they created a Bill and took it to Legislative Hall; that they asked that it be required that property owners in the State Resource Areas and Natural Areas be notified of their inclusion;

and that the Bill passed in the House and the Senate and then the Governor vetoed it.

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Rich Collins of Millsboro and Executive Director of the Positive Growth Alliance stated that “two per acre” does not mean “two per acre” because of streets and other required elements; that one unit per acre is the current development average density; that there are tremendous benefits of density; that the County has relatively light traffic in comparison to other resort areas; that the Council should do away with the term “Environmentally Sensitive Development District” since all areas deserve protection and get protection; that by aerial view, there are small pinpricks of development in Sussex County and everything else is still wooded; that he thanks the Council for its tradition of small government and for not raising taxes.

Sandra Ware of Lewes commended the County on how well it has handled growth and stated that Sussex County is affordable and beautiful; that she supports the CIB’s comments about protecting the Inland Bays and waterways; that she supports Dave Hillegas’ comments about protecting the western waterways; that the people of Sussex County are depending on the Council to help grow jobs and for a positive economic future; and that she opposes 1 unit to 5 acres/10 acres.

Mark Baker of Lewes stated that it is critically important that the base density in the AR-1 Zoning District (2 dwelling units per acre) be preserved throughout Sussex County and that he is glad that the Council is protecting property owners’ rights by leaving this unchanged; that regulations such as buffers, SRAs, and Source Water Protection areas are a part of a coordinated strategy by the State to take land control away from the Council; that in reference to Title 9 of the Delaware Code regarding notification standards, you cannot apply different standards and different regulations to the same zoning district in different parts of the County and citizens must be notified when you elect to make changes, whether through a change to the Zoning Code or through regulations that affect the zoning of their property; that a regulation that limits the use of someone’s land, as defined by the State Code, is in fact, zoning; that due to these issues, he has serious doubts as to whether or not the Plan, as written, will satisfy legal requirements; that there is no actual law that requires this Plan to be certified by the State; that the Law clearly states that “the Governor shall certify the Comprehensive Plan or return the Comprehensive Plan to the municipality or county for revision and the municipality or county shall have the right to accept or reject any or all of the recommendations and that the final decision on the Comprehensive Plan is that of the municipality or county”; that, with the use of money, the State is making a further attempt to bribe the County to hand over controls; and that the Council should not adopt this Plan, as presented.

Mable Granke of Rehoboth Beach recommended cooperation and coordination with the State and she stated that the County does not pay for a lot of transportation and environmental costs; that the County has the

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land use planning power; that TDRs can work – it has to be County-wide and not restricted; that density is a planning tool; that an Open Space definition is needed; that she questions including golf courses as open space; that Special Planning Districts can work but they cannot only be aimed at transportation; that our infrastructure is not just transportation; that affordable housing is a problem in Sussex County and especially in Coastal Sussex County; that Special Tax Development Districts are aimed at permitting transportation improvements but not at the total picture of what is needed when a development is brought on line; and that an adequate public facilities ordinance is needed.

Debbie Pfiel of URS Corporation was present representing the Town of Milton. She commended the County on their municipal outreach efforts on the development of this Plan and she stated that, at one of the previous Land Use Plan meetings, the Town of Milton presented a map change to Hal Godwin and that the changes are not reflected in the Draft Plan and that they are requesting that the submitted changes to the potential municipal annexation area map and Future Land Use Map for the Town of Milton be included.

George Bendler of Lewes stated that Sussex County needs to develop a Parks and Recreation Department and to incorporate a strategy to do this in the Comprehensive Plan.

Barbara Vaughn of Lewes and Councilperson for the City of Lewes, requested that the letter to Sussex County Council, written by Mayor Jim Ford, dated April 17, 2008, be made a part of the record. Ms. Vaughn suggested that there should be a Table of Contents for the many maps that are in the Land Use Plan. Mayor Ford's letter was made a part of the record.

Gerard Esposito of Milford and President of Tidewater Utilities, Inc. stated that he was in attendance testifying as President of Tidewater Environmental Services, Inc. (wastewater utility affiliate). He stated that the Draft Plan is much improved over previous Plans; that they serve over 30,000 homes in Sussex County; that on Pages 6-1, 6-2, and 6-5 and the Water Providers Map on Page 6-7, there are references that are outdated - Public Water Supply Company and the Sea Colony Water Company - both of these companies do not now exist as they are a part of Tidewater Utilities; that there are some inconsistencies in the wastewater management element; that they believed they had reached an agreement in previous drafts that private, bonafide, regulated wastewater utilities can co-exist with the County Engineering Department and work in some parts of the County; that there is certain language that remains that "will damage our Utility's rights to do business in Sussex County – the language would limit our statutory business rights and seeks to eliminate our rights to exist as a wastewater utility while competing with the County sewer districts outside of legally defined districts that have been created by the County"; that they testified to this point on April 3rd and on April 7th, the News Journal

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editorial board agreed. A copy of the newspaper article entitled “Sussex County should allow private sewer systems to meet goal” was submitted into the record. Mr. Esposito handed out excerpts from the Draft Plan that demonstrate the inconsistencies: Strategies for dealing with growth impacts and Wastewater Treatment Strategies, and Wastewater Treatment Overview. This document was made a part of the record. Mr. Esposito stated that Tidewater requests the changes of these three words:

- In “Existing Sewer Districts” – Private wastewater service providers are (prohibited) limited in these areas.
- In “Primary Service Areas” – Private wastewater service providers are (prohibited) limited in Primary Service Areas.
- In “Secondary Service Areas” – Areas where septic systems shall be (eliminated) reduced, growth is expected and special environmental needs may exist, but service is not expected within the next 5 years.

Mr. Esposito requested that the Council “allow us to do our jobs and work cooperatively with the County Engineering Department to provide needed central sewer service”.

Ed Jestice spoke on behalf of the Delaware Farm Bureau, Inc. He commended the County for hiring an outside Consultant for the Land Use Plan Update. Mr. Jestice read the Bureau’s Policy No. 51 on Land Use: “We oppose any efforts by government agencies that would reduce the fair market value of private property or limit landowner’s ability to sell to the highest bidder. Delaware Farm Bureau supports Home Rule and is opposed to any law or regulation that takes away the decision-making ability from the governing bodies of any county. Delaware Farm Bureau supports and requests that all land use regulations be reviewed and rewritten with the intent that each parcel to be developed shall yield the maximum densities feasible to minimize use of land for development.

Mr. Jestice reported that the Bureau is working with the Nature Conservancy to bring reclaimed water to “our farmers here in Sussex County”. Mr. Jestice submitted into the record a letter from Roger Jones and Andrew Manus of The Nature Conservancy, dated April 15, 2008, and addressed to Hal Godwin of Sussex County. He read portions of the letter into the record regarding farmland acreage, irrigation systems and the application of treated wastewater to farmland.

Rosalyn T. Allen Echols, a property owner in Lewes on Jimtown Road, spoke in opposition to the Western Parkway and she read a portion of a Study entitled “Inequitable Effects of Transportation Policies on Minorities”. She stated that some of the suggestions for dealing with this problem are increased funding for public transportation; increased funding for research that examines transportation equity and improves data collection; and that there needs to be a greater recognition of the interaction between transportation, land use, social inequity, and the support programs that address these effects.

Ms. Echols stated that “the citizens of Jimtown oppose having water and sewer” and she stated that people’s freedom should not be infringed upon”.

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Wayne Baker, a resident of Lewes, stated that the County’s Land Use Plan has no chance of getting a good evaluation in Dover unless it is what the State wants; that the State dominates the Liveable Delaware meetings, especially Lt. Governor John Carney and Connie Holland of the State Planning Office; that no one in Sussex County who has a house or developed property is affected by the Land Use Plan; that everything is grandfathered; that farmland needs to be protected and one way to do this is to do away with the inheritance tax; that the towns are the ones that are overdeveloped, not the rural areas; that in the Conservation Element of the Plan, it states that that 21 percent of Sussex County is permanently protected against development; that the Council should determine how much land should be protected and then the matter should be put to a referendum so the public can decide how much the County should spend; that the money could be better spent for other services in the County; and that he questions the credibility of the maps drawn by DNREC.

Jules Jackson, an Indigenous Rights Activist, spoke in regards to the Historic Preservation Element and she explained why she objects to the language, content, context, exclusion of certain people and their contributions in the Plan. She stated that, currently, historic African and indigenous communities are being destroyed on a daily basis; that the County needs more than one Historic Planner; that less than one page exists in the 13 pages of Historic Preservation on archaeological sites and their contents; that their “contents” would be unmarked human remains; that the State’s Unmarked Human Remains Committee has not met since the early 1990’s and that there hasn’t been any oversight by the County; she questioned “what about the unmarked material and human remains on private property, such as the Townsend sites” which are now up for development/destruction; that the National Register of Historic Places should have been put in the Plan as a link; and that the County should start their own Unmarked Human Remains Committee.

Lucius Webb of Milford stated that the County needs more parks and more businesses.

Christian Hudson of Milton spoke on the lack of affordable housing and he stated that Hudson Management believes they have a solution - to provide attractive, high quality, centrally located affordable housing on Route 20 near Millsboro; that due to an oversight, they are not able to offer this solution because the property is currently zoned Level 4, a No Growth Area according to the State; that this property is contiguous to the municipal boundaries of the Town of Millsboro and contiguous to the County’s Town Center Zone on the proposed Plan and is contiguous to C-1 Commercial property; that they are formally requesting that the properties known as the White Farm on Route 20 near Millsboro be included in the Growth

Zone in the 2007 Comprehensive Plan; and that they are interested in pursuing the MPHU Program and they have submitted several letters of interest to the County's MPHU Program. Mr. Hudson submitted his written comments into the record.

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Douglas Simpson stated that he supports two units per acre since it is critical to the value of farmland and woodland. He stated that there is a need for affordable housing in the County and that he is currently involved in a MPHU project.

Betsey Farlow talked about the growth in the County and individual choice and she talked about the need to use other ethical principles, e.g. the public good, fairness, and kindness.

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

Adjourn

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

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