



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 24, 2011

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 24, 2011, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
David Rutt	Assistant County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

Mr. Vincent called the meeting to order.

M 295 11 Amend and Approve Agenda A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to amend the Agenda by moving Item #3 (Update on Conditional Use No. 1801 – Chase T. Brockstedt) under David Baker to immediately follow the Executive Session; by deleting “Emergency Operations Center, HVAC/Geothermal System Improvements” under Steve Hudson; by deleting “Job Applicants’ Qualifications”, “Personnel”, and “Land Acquisition” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes The minutes of May 10, 2011 were approved by consent.

Correspondence Mr. Rutt read the following correspondence:

ELEANOR H. BENNETT (wife of the late Robert Bennett),

BRIDGEVILLE, DELAWARE.

RE: Card in appreciation of being asked to present her husband's book entitled Sussex County Delaware 301 Years Later to David Baker, County Administrator.

BOY SCOUT TROOP 281, OCEAN VIEW, DELAWARE.

RE: Card in appreciation of grant.

**Recognition
of Food
Drive
Participants**

Mr. Baker reported on the 2010 Caroling on The Circle Food Drive. A total of 20,471 items were collected and distributed to nine different food pantries in the County. The Council thanked all that donated and recognized those that were in attendance:

Delaware Manufactured Home Owners Association (2,207 items)

North Georgetown Elementary School (1,180 items)

Georgetown Elementary School (700 items)

PATS Aircraft Services (317 items)

Fuqua, Yori and Willard, P.A. (900 items)

Georgetown Middle School (1,655 items)

Sussex County Employees Benefit Committee (1,579 items)

First State Manufactured Housing Association (3,000 items)

Mr. Baker thanked the County employees who helped with this effort.

**Western
Sussex
Byways
Report**

Dan Parsons, Historic Planner, thanked the Council for sponsoring the Western Sussex Byway. He stated that grant funding has been received through DelDOT from the Federal Highway Administration to hire consultants to aid in the development of the Corridor Management Plan (CMP) for the Western Sussex Byway. The CMP is a 14-point plan required by the Federal Highway Administration to maintain the Byway designation. Mr. Parsons stated that a Committee will be formed to oversee the implementation plans created and he noted that this is a grass-roots effort and a litany of public hearings will be held to complete the CMP.

**Adminis-
trator's
Report**

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

1. Bookmobile Schedule

Enclosed is a copy of the summer Bookmobile schedule for June through August 2011. As noted on the schedule, there are various stops throughout Sussex County, including daycare centers, Boys & Girls Clubs, assisted living facilities, etc.

2. Sussex County's 34th Annual Prayer Breakfast

The 34th Annual Sussex County Prayer Breakfast will be held on Tuesday, June 14, 2011. Breakfast will begin at 6:45 a.m. at Crossroad Community Church and the program will begin promptly at 7:30 a.m. As per the attached press release for this inspirational

program, tickets are available at 855-7743 or 875-7551.

3. Substantial Completion

Adminis-
trator's
Report
(continued)

The Engineering Department granted Substantial Completion on May 19, 2011 to the Sussex West Sewer Project, Agreement No. 952. The developer is Mr. Steven Class and the project is located on Route 9 and County Route 265, Minos Conaway Road and Kings Crossing. It is in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and consists of 37 lots in the expansion of the Sussex West leased manufactured home community. Enclosed is a fact sheet on this project.

[Attachments to the Administrator's Report are not attachments to the minutes.]

Legislative
Update

Hal Godwin, Deputy County Administrator, presented the following legislative update:

House Bill 31 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES.

This legislation aligns when Sussex County's taxes are due and payable with the County's budget year, from May 1 to July 1.

This Bill was signed into law on April 15, 2011.

Bill not yet introduced – This legislation would change the current requirement that requires counties and municipalities to train and certify their tax assessors as real estate appraisers.

The Bill has received some support and should be introduced when the General Assembly reconvenes.

House Bill. 60 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS.

This Bill amends the minimum standards of the Delaware Code with respect to the primary enclosures and tethering of dogs.

This Bill was tabled by the Agriculture Committee on May 11.

House Substitute 1 for House Bill. 101 – AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO AGREEMENTS THE DEPARTMENT OF TRANSPORTATION MAKES WITH LOCAL JURISDICTIONS FOR TRAFFIC STUDIES RELATED TO DEVELOPMENT.

Memorandums of Understanding (MOAs) exist between DelDOT and local

governments to guide their interaction on land use development.

This Bill requires DelDOT and local jurisdictions to rework their MOUs which may be in conflict with the authority of DelDOT as set forth in this Bill.

New Castle County and Kent County have opposed this Bill.

**Legislative
Update
(continued)**

Mr. Godwin asked the Council to review the legislation and to advise him as to whether they support or oppose it.

Senate Bill No. 26 – AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO NUTRIENT MANAGEMENT

This legislation clarifies that the Department of Agriculture and DNREC are authorized to continue and expand the CAFO NDPEs Program in Delaware to meet changing conditions and to be consistent with recent federal directives and authorities.

Secretary of Agriculture Ed Kee, the Farm Bureau, the Delmarva Poultry Association and the Delaware Nutrient Management Commission support this Bill.

This Bill passed the House and is awaiting the Governor's Signature.

Senate Bill No. 64 – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FLOODPLAIN AND DRAINAGE STANDARDS, WETLANDS AND SUBAQUEOUS LANDS

This legislation authorizes DNREC to adopt guidance and minimum standards to minimize risk from flooding with the input from a stakeholder advisory group. Such standards or equivalent standards shall subsequently be adopted by local governments to the extent that existing requirements do not meet the minimum standards established under this legislation. The legislation also authorizes the DNREC Secretary to waive regulatory requirements of the Wetlands and Subaqueous Lands Regulations to protect public health and safety and to prevent catastrophic damage to property.

The primary sponsor of the Bill, Senator David McBride, has stated that he wishes to assemble a group of stakeholders to work on this.

Mr. Godwin asked the Council to review the legislation and to advise him as to whether they support or oppose it.

**Wastewater
Agreement**

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

**M 296 11
Execute**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the

**Wastewater Agreement/
Americana Bayside,
Phase 11**

recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 601-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Carl M. Freeman Communities, for wastewater facilities to be constructed in Americana Bayside, Phase 11, located in the Fenwick Island Sanitary Sewer District.

**M 296 11
(continued)**

Motion Adopted: 5 Yeas.

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

**Legislative Update
(continued)**

As an add-on to the Legislative Update, Mrs. Deaver stated that the eastern side of the County is experiencing increasing burglaries and additional troopers are needed in Sussex County. Mr. Vincent responded that County officials will meet with Colonel Coupe of the Delaware State Police to discuss Mrs. Deaver's concerns.

**Old Business
(C/Z
No. 1699
and C/U
No. 1868)**

Under Old Business, the Council discussed Change of Zone No. 1699 and Conditional Use No. 1868 filed on behalf of Olde Towne Point, LLC. The County Council held a Public Hearing on these applications on February 15, 2011 at which time action was deferred. The Council discussed these applications on May 10th and May 17th; on May 17th, action was deferred pending a legal opinion from the Applicant's attorney (providing verification that they have standing to present the application and to make changes to the parcel). Mr. Rutt stated that he has received a response from the Applicant and he is satisfied with their response.

The Planning and Zoning Commission held a Public Hearing on these applications on January 27, 2011 at which time action was deferred. On February 10, 2011, action was deferred again. On February 24, 2011, the Commission recommended that both applications be denied.

Mr. Lank stated that, per the Council's request, suggested conditions and Findings of Fact were prepared and were previously distributed to the Council for review. Mr. Lank read the Proposed Conditions and Proposed Findings of Fact into the record.

**M 297 11
Adopt Ordinance
No. 2195
(C/Z
No. 1699)**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2195 entitled "AN ORDINANCE TO MODIFY CONDITION NO. 21 IMPOSED ON ORDINANCE NO. 1377 FOR CHANGE OF ZONE NO. 1400, THE APPLICATION OF OLDE TOWNE POINT, L.L.C. FOR "THE VILLAGES AT FIVE POINTS", A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY, SO THAT THE LIMITATION WITH REGARD TO COMMUNITY USE IS ONLY IMPOSED ON 2.52 ACRES, THEREBY ENABLING OLDE TOWNE POINT, L.L.C. TO USE THE

REMAINING PORTION OF THE PROPERTY, 1.52 ACRES, FOR A PROPOSED PHARMACY OR RELATED USE” (Change of Zone No. 1699) filed on behalf of Olde Towne Pointe, LLC, with the following Findings of Fact:

**M 297 11
Adopt
Ordinance
No. 2195
(C/Z
No. 1699)
(continued)**

- 1. The application of Olde Towne Pointe, LLC identified as Change of Zone No. 1699, seeks an Ordinance amendment to modify Condition No. 21 imposed on Ordinance No. 1377 for Change of Zone No. 1400, the application of Olde Towne Pointe, LLC for “The Villages of Five Points”, a MR-RPC Medium Density Residential District – Residential Planned Community, so that the limitation with regard to community use is only imposed on 2.52 acres, thereby enabling the Applicant to use the remaining portion of the property, 1.52 acres, for a proposed pharmacy or related use.**
- 2. The property consists of approximately 4.04 acres. The Applicant has exercised reasonable efforts to satisfy Condition No. 21 of Ordinance No. 1377 and to generate interest from various organizations to utilize the property for community service use. Despite the Applicant’s efforts, there has been no economically viable interest by any community service organization to utilize the entirety of the property for such use.**
- 3. The Applicant proposes to develop 1.52 acres for a pharmacy or related use and proposes to reserve 2.52 acres for a community service facility.**
- 4. The Property is currently owned by the Applicant; however, 1.52 acres of the subject property is under contract to be purchased by JEM X, LLC for the purpose of constructing and maintaining a CVS pharmacy.**
- 5. It is necessary to adopt an Ordinance to modify Condition No. 21 imposed on Ordinance No. 1377 for Change of Zone No. 1400, the application of Olde Towne Point, LLC for “The Villages of Five Points”, a MR-RPC Medium Density Residential District – Residential Planned Community, so that the limitation with regard to community use is only imposed on 2.52 acres, thereby enabling the Applicant to use the remaining portion of the property, 1.52 acres, for a proposed pharmacy or related use.**
- 6. The proposed modification of Condition No. 21 of Ordinance No. 1377 for Change of Zone No. 1400 will have no adverse or detrimental impact on neighboring areas or uses.**

Further, based upon the record and the stated findings, the Sussex County Council found that approval of the modification of Condition No. 21 of Ordinance No. 1377 for Change of Zone No. 1400 is appropriate legislative action as it is for the purpose of promoting the health, safety, moral, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air, preventing on the one hand, excessive concentration of population and on the other hand,

excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.

Motion Adopted: 5 Yeas.

**M 297 11
(continued)**

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

**M 298 11
Adopt
Ordinance
No. 2197
(C/U
No. 1868)**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2196 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PHARMACY AND COMMUNITY SERVICE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.04 ACRES, MORE OR LESS” (Conditional Use No. 1868) filed on behalf of Olde Towne Pointe, LLC, with the following Findings of Fact and Conditions:

- 1. The application of Olde Towne Pointe, LLC, identified as Conditional Use No. 1868, seeks a Conditional Use of land for a pharmacy and community service facility on 4.04 acres.**
- 2. The Applicant proposes to develop 1.52 acres for a pharmacy or related use and proposes to reserve 2.52 acres for a community service facility.**
- 3. The property is currently owned by the Applicant; however, 1.52 acres of the subject property is under contract to be purchased by JEM X, LLC for the purpose of constructing and maintaining a CVS pharmacy.**
- 4. The Applicant has offered to gift 2.52 acres of the property to the Lewes Public Library (the “Library”) in the event that both Conditional Use No. 1868 and Change of Zone No. 1699 are approved by the County Council and settlement occurs with JEM X, LLC for the remaining 1.52 acres. As a condition of approval, the County Council requires that the Applicant complete its offer to deed the 2.52 acres restricted to community use granted to the Library as a gift. Recording such deed is conditioned upon no successful collateral attack on the granting of Conditional Use No. 1868 and Change of Zone No. 1699 overruling or setting aside such legislative action and the settlement of the sale of the 1.52 acres by the Applicant to JEM X, LLC or its assigns. The Applicant has submitted a Conditional Gift Agreement for the Library’s consideration based upon its interest in the 2.52 acres and their publicly announced need to relocate. However, to date, the Library’s internal review process has precluded it from entering into the Conditional Gift Agreement until it has considered other**

**M 298 11
Adopt
Ordinance
No. 2197
(C/U
No. 1868)
(continued)**

properties for the relocation site based upon its public interest protocols. Although the Library use is the preferred use as it is a natural fit to existing uses in the Villages of Five Points, in the event that the applications are approved and settlement occurs with JEM X, LLC for a pharmacy, and the Library elects not to accept the gift of property from the Applicant or fails to construct a library facility within ten (10) years from the date of recording of the Deed, for the 2.52 acres, then in that event, title to the 2.52 acres will automatically be transferred to The Villages of Five Points Property Owners Association, Inc. restricted to community use or as open space at the election of The Villages of Five Points Property Owners Association, Inc. The form of the deed shall be required to be approved by Counsel for the Applicant and the County Attorney before recording.

- 5. The Conditional Use is compatible and consistent with neighboring uses along Route 9, Savannah Road.**
- 6. The Conditional Use will have no adverse or detrimental impact on neighboring areas or uses.**
- 7. The Conditional Use will have no significant impact upon traffic in the area. DelDOT did not require a Traffic Impact Study.**
- 8. The proposed project is in a Highway Commercial Area with the Environmentally Sensitive Developing Area overlay as established by the Comprehensive Plan Update of 2008. Thus, the project meets the purpose of the Plan Update.**
- 9. Any building signage for the proposed pharmacy use shall face Savannah Road and/or North Villages Main Boulevard. Only minor directional signs shall be permitted in rear of the pharmacy. Signage configuration shall comply with the Sussex County Code.**
- 10. Deflectors shall be utilized on the proposed pharmacy building lights to ensure that light from the pharmacy does not encroach on the adjacent residential properties.**
- 11. The hours of operation of the pharmacy shall be normal operating hours. However, the pharmacy shall have the right to operate 24 hours per day if the pharmacy user determines that the needs of the community require it.**
- 12. The pharmacy user shall be solely responsible for security on its site.**
- 13. Any garbage dumpsters located at the pharmacy site shall be enclosed.**
- 14. Sufficient landscape screening and buffering shall be placed to screen the pharmacy from the residential development at the Villages of Five Points until a community use is placed. A landscaping plan shall be submitted for review and approval by the Planning and Zoning Commission.**
- 15. The user of the pharmacy portion of the property shall make feasible and commercially reasonable efforts to limit late night and early morning deliveries and to minimize idling delivery vehicles at the pharmacy site.**
- 16. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

M 298 11
Adopt
Ordinance
No. 2197
(C/U
No. 1868)
(continued)

Further, based upon the record and the stated findings, the Sussex County Council found that approval of the requested Conditional Use of land is appropriate legislative action as it is for the purpose of promoting the health, safety, moral, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air, preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattng of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.

Motion Adopted: 5 Yeas.

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

Old
Business
(C/U
No. 1862)

The Council discussed Conditional Use No. 1862 filed on behalf of Nanticoke Shore Associates, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 24, 2011 at which time action was deferred. On March 24, 2011, the Commission recommended that the application be denied.

M 299 11
Defer
Action on
C/U
No. 1862

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer action on Conditional Use No. 1862 filed on behalf of Nanticoke Shore Associates, LLC to give staff time to write suggested conditions for the Council's consideration.

Motion Adopted: 3 Yeas, 2 Nays.

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

Angola
Neck SSD
Contract
09-16

Michael Izzo, County Engineer, requested that Substantial Completion be granted for Contract 09-16 for the Angola Neck Sanitary Sewer District (Angola Neck Park, The Cove on Herring Creek, Pump Station 320 and 321. The contractor was A. P. Croll & Son and the contract amount was \$3,725,482.

M 300 11
Grant
Substantial
Completion/
Angola

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Consultants and the County Engineering Department, that Sussex County Council grants Substantial Completion effective March 11, 2011 for Sussex County Contract 09-16 for

**Neck SSD/
Contract
09-16** **the Angola Neck Sanitary Sewer District to A.P. Croll & Son and that the final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**

Motion Adopted: 5 Yeas.

**M 300 11
(continued)**

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

**Angola
Neck SSD
Contract
09-08**

Michael Izzo, County Engineer, requested that Substantial Completion be granted for Contract 09-08 for the Angola Neck Sanitary Sewer District (Angola Road, Camp Arrowhead Road, Pump Station 315 and 316). The contractor was American Paving Corporation and the contract amount was \$4,377,901.60.

**M 301 11
Grant
Substantial
Completion/
Angola
Neck SSD/
Contract
09-08**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Consultants and the County Engineering Department, that Sussex County Council grants Substantial Completion effective March 5, 2011 for Sussex County Contract 09-08, Angola Neck Sanitary Sewer District, to American Paving Corporation and that the final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 5 Yeas.

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

**Oak
Orchard
SSD/
Contract
09-13**

Michael Izzo, County Engineer, requested that Substantial Completion be granted for Contract 09-13 for the Oak Orchard Sanitary Sewer District, Expansion Area No. 1. The contractor was Teal Construction Company and the contract amount was \$2,907,987.

**M 302 11
Grant
Substantial
Completion/
Oak
Orchard
SSD
Expansion
Area No. 1/
Contract
09-13**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Consultants and the County Engineering Department, that the Sussex County Council grants Substantial Completion effective April 25, 2011 for Sussex County Contract 09-13, Oak Orchard Sanitary Sewer District, Expansion No. 1, to Teal Construction Inc. and that the final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 5 Yeas.

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

**Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Greenwood
Library
Feasibility
Study
Update
Greenwood
Library
Feasibility
Study
Update
(continued)**

Michael Izzo, County Engineer, and Mike Wigley of Davis, Bowen & Friedel provided an update on the Greenwood Library Feasibility Study. The results of the study and the options were presented to the Council on April 19th. On that date, the Engineering Department and Davis, Bowen & Friedel were asked to evaluate various building technologies that would reduce on-site labor. The Council asked for this information since there were concerns about the use of wage rates, which is a stipulation attached to the funding for the project from the State of Delaware.

Mr. Izzo and Mr. Wigley presented information on modular buildings, structural insulated panels and pre-engineered steel buildings and they stated that all three options represent opportunities for cost savings.

The Council discussed the three options and considered proceeding with the design of the building and the bid process. It was noted that possibly the project could be bid several different ways to allow bidding for stick built, modular, and pre-engineered steel buildings.

**M 303 11
Negotiate
Contract
Amendment
with DB&F
to Design
Expansion
of the
Greenwood
Public
Library**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the County Engineering Department, that the Engineering Department be authorized to negotiate a Contract Amendment with Davis Bowen & Friedel of Salisbury, Maryland, to design the expansion of the Greenwood Public Library with an evaluation of alternative building methods to be completed as an initial phase.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Proposed
Deerbrook
Annexation
of the
Long Neck
Sanitary
Sewer
District**

Rob Davis, Utility Planning Division, reported that the Engineering Department is requesting permission to prepare and post public hearing notices for the annexation of several parcels of land to the Long Neck Sanitary Sewer District. The area proposed for annexation includes the proposed development of Deerbrook. A written request for annexation was received from the owner of the proposed project. The area proposed for annexation adjoins the existing sewer district. The Deerbrook project is proposed for development into a 128 lot subdivision; the area is within the future service area of the Long Neck Sanitary Sewer District. Additional parcels along Branch and Autumn Roads are included in the proposed annexation area and will be served by the Deerbrook developer during construction of their project.

**M 304 11
Authorize
Notices**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Engineering Department to prepare and

**for the
Extension
of the
Long Neck
SSD/
Deerbrook
Project
(continued)**

post notices for the extension of the Long Neck Sanitary Sewer District to include an area of land (Deerbrook Project and additional parcels), as presented on May 24, 2011.

Motion Adopted: 5 Yeas.

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

Requests

Mrs. Webb presented grant requests for the Council's consideration.

**M 305 11
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Cole, to give \$1,000.00 (\$200.00 from each Community Grant Account) to the Delaware SPCA for their spay-neuter clinic.

Motion Adopted: 5 Yeas.

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

**M 306 11
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Community Grant Account) to Wildlife Habitat for community events.

Motion Adopted: 5 Yeas.

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

**M 307 11
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$250.00 (\$50.00 from each Community Grant Account) to CHEER for a car show to benefit the Meals-on-Wheels Program.

Motion Adopted: 5 Yeas.

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

**M 308 11
Community
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$300.00 (\$100.00 each from Mr. Wilson's, Mr. Phillips' and Mr. Vincent's Community Grant Accounts) to the American Cancer Society for the Relay for Life of West Sussex.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.03 ACRES, MORE OR LESS” (Change of Zone No. 1705) filed on behalf of Joel Farr.

Mr. Wilson 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS” (Change of Zone No. 1706) filed on behalf of Joseph Balsamo.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE SERVICE AND REPAIR GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 14,613 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1901) filed on behalf of Christopher Lopez.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,161 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1902) filed on behalf of Dorothy Garvey.

The Proposed Ordinances will be advertised for Public Hearing.

**Additional
Business**

Under Additional Business, Bobbie Hemmerich questioned when the County is going to hire a Land Use Planner.

Mr. Cole asked Ms. Hemmerich to address the Council regarding recent correspondence from the President of Sea Air Communities asking for clarification about the County Code pertaining to manufactured housing

communities. Ms. Hemmerich stated that she did not come prepared to discuss this and she stated that the letter was sent to the Council. Mr. Cole stated that he provided a copy of the email to David Baker.

**M 309 11
Go Into
Executive
Session
Executive
Session**

At 12:09 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation. Motion Adopted by Voice Vote.

At 12:11 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to pending/potential litigation. The Executive Session concluded at 12:43 p.m.

**M 310 11
Reconvene
Regular
Session**

At 12:45 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted by Voice Vote.

**Executive
Session
Items**

Mr. Rutt announced that potential/pending litigation matters were discussed during Executive Session and that Vince Robertson, Assistant County Attorney, would report on one of the matters.

Vince Robertson, Assistant County Attorney, stated that the Federal District Court for the District of Delaware recently issued a decision granting Mr. and Mrs. Brockstedt's Conditional Use application on Savannah Road. The Court has instructed Sussex County to approve the Conditional Use in accordance with the recommendations of the Planning and Zoning Commission. To carry out the Court's direction, legal staff is preparing a form of Ordinance to approve the Conditional Use. It is our intention to place that Ordinance back on the Agenda for Council's consideration and vote during the June 7 Council meeting.

**M 311 11
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to adjourn at 12:47 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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