



## *Sussex County Council Agendas & Minutes*

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 5, 2007**

**Call to  
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 5, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

**M 325 07  
Approve  
Agenda**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the Agenda by deleting "Discussion of Proposed Amendment to Section 115-210 (C) of the Sussex County Code relating to Special Height Exceptions" and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

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

**M 326 07  
Approve  
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of May 1, 2007.

**Motion Adopted: 5 Yeas.**

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

**M 327 07  
Approve  
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of May 15, 2007.

**Motion Adopted: 5 Yeas.**

**M 327 07  
(continued)**

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

**Corre-  
spondence**

**Mr. Griffin read the following correspondence:**

**NORTH LAUREL ELEMENTARY SCHOOL, LAUREL, DELAWARE.  
RE: Letter of thanks for supporting The Stacking Bulldogs Team.**

**DELAWARE HUMANE ASSOCIATION, WILMINGTON, DELAWARE.  
RE: Letter in appreciation of grant to provide a free wellness clinic in the  
Georgetown Area.**

**M 328 07  
Adopt  
Procla-  
mation**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the  
Proclamation entitled “PROCLAIMING THE MONTH OF JUNE AS  
*HOME OWNERSHIP MONTH IN SUSSEX COUNTY*”.**

**Motion Adopted: 5 Yeas.**

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

**Present  
Procla-  
mation**

**Mr. Dukes presented the Proclamation to the following representatives of  
the Sussex County Association of Realtors: Rob Harman, Ruth Briggs-  
King, Trisha Joyner and Donna Neithardt.**

**Adminis-  
trator’s  
Report**

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

**1. NASCAR Event**

**During the NASCAR weekend from June 1 through June 4,  
NASCAR drivers including the winning driver Martin Truex, Jr.,  
Dale Earnhardt, Jr., Mike Bliss, Ken Schrader, and the Morgan-  
McClure Motor Sports Team flew to and from the Sussex County  
Airport in Georgetown. The last driver to leave was the winner,  
Martin Truex, Jr. Positive comments were received from various  
team members regarding the County’s hospitality at the Airport.**

**We would like to personally thank County employees including  
Debbie Jones, Susan Wise, Jim Hickin, Susan Webb, Bobby Rogers,  
Chris Moore, Richard King, and others who helped with the  
hospitality for this weekend.**

**2. Millville Sewer – White’s Creek Manor Sewer Connections**

**As per the attached letter, White’s Creek Manor properties included  
in the Millville Sewer Project will be able to connect to the County’s  
wastewater system effective June 18, 2007. Additional connections**

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

will be made in other Millville areas as the project is completed.

**3. Department of Natural Resources and Environmental Control  
Public Hearings Regarding Proposed Inland Bays Pollution Control  
Strategy**

As per the attachment, public hearings on Wednesday, June 13, at 6:00 p.m. at the Millsboro Senior Center and at 6:00 p.m. on Thursday, June 14, at the Georgetown CHEER Community Center will be held by the Delaware Department of Natural Resources and Environmental Control. The subject of the hearings again will be the proposed Inland Bays Pollution Control Strategy.

**4. Goodyear Blimp**

The Goodyear Blimp has been stationed at the Sussex County Airport since Wednesday, May 30, 2007, for the NASCAR race. Because the blimp requires a 400-foot-wide docking area, the crosswind runway has been temporarily closed. The blimp is scheduled to be here until Friday, June 8. It is stationed near the Universal Forest Products building where blimps were made during the 1960's.

**Grant  
Request**

Mr. Godwin presented the following request for funding through the Revenue Sharing for Local Law Enforcement Grant Program:

Ocean View	\$ 5, 370.98	Taser Cartridges and Copier
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**M 329 07  
Approve  
Local Law  
Enforce-  
ment  
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to approve the Local Law Enforcement Grant to the Town of Ocean View, as presented.

**Motion Adopted: 5 Yeas.**

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

**Housing  
Preservation  
Grant  
Program**

Mr. Lecates, Director of Community Development and Housing, discussed a pre-application to the United States Department of Agriculture, Rural Development, for a Housing Preservation Grant to assist ten very low and two low income homeowner occupants in the preservation of their homes in the eligible areas of the County. The pre-application will be submitted in cooperation with Kent County Levy Court. The primary objective of the HPG Program is the development of viable communities, including decent housing and a comfortable living environment, principally for persons of low and very low income. Mr. Lecates reviewed the eligibility criteria for the program and reported that the following projects would be included in the pre-application:

**Housing  
Preservation  
Grant  
Program  
(continued)**

**Target Areas**

**Sussex**

**Kent**

**Housing Rehabilitation Grants**

**\$20,000**

**\$20,000**

**Administration**

**\$ 5,000**

**\$ 5,000**

**Total Funding Request - \$50,000**

Mr. Lecates reported that, once approval has been received, an advertisement would announce the availability of funds and acceptance of applications.

**M 330 07  
Adopt  
Resolution  
No.  
R 015 07**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council Adopts Resolution R 015 07 entitled “ENDORISING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING SERVICES, FOR FUNDING AND AUTHORIZING DAVID B. BAKER, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION”.

**Motion Adopted: 5 Yeas.**

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

**Sussex  
County  
Airport  
Project/  
Rehabilitate  
Runway/  
Bid  
Results**

Michael Izzo, County Engineer, presented the bid results for Sussex County Airport Contract 05-02, Rehabilitate Runway 10-28, as follows:

**Contractor**

**Base Bid**

**Bid Alternate**

**Dixie Construction, Inc.**

**\$4,224,990.60**

**\$3,768,427.05**

**George & Lynch, Inc.**

**\$4,542,200.00**

**\$4,210,655.00**

**Sargent Corporation**

**\$4,825,675.75**

**\$4,168,069.50**

**David A. Bramble**

**\$6,419,147.00**

**\$5,979,762.00**

**JJID, Inc.**

**\$7,457,955.00**

**\$6,825,930.00**

**Engineer’s Estimate**

**\$3,839,110.00**

**\$3,385,590.00**

Mr. Izzo explained that (1) the Base Bid is for the construction of the entire runway including a small taxiway, which runs almost perpendicular to the main runway, and (2) the Bid Alternate is for the removal of a section of pavement, which would require aircraft landing on Runway 10-28 to use

**Sussex  
County  
Airport  
Project/  
Rehabilitate  
Runway/  
Bid  
Results  
(continued)**

**the main runway as a taxiway.**

**Mr. Izzo advised that this is a grant-funded project; 95 percent would be funded by the FAA and the remaining 5 percent would be split and funded by the State and the County. Mr. Izzo reported that, if the Base Bid of \$4,224,990.60 is awarded to Dixie Construction, the County's portion to fund would be approximately \$122,000.00. Mr. Izzo advised that the Engineering Department recommends that the Bid be awarded for the Base Bid amount to the low bidder. He noted that, if the FAA is unable to meet their full portion of the grant funding, discussions would be initiated on the Alternate Bid Proposal. Mr. Izzo concluded by stating that the availability of FAA funds will determine the progress of the entire project.**

**M 331 07  
Award  
Bid/  
Sussex  
County  
Airport  
Project/  
Rehabilitate  
Runway**

**A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department and its Airport Consultants, Delta Airport Consultants, Inc., that Sussex County Project No. 05-02, Reconstruct Runway 10-28, Phase IV Construction, be awarded to the lowest responsive bidder, Dixie Construction Company, Inc., at the Base Bid amount of \$4,224,990.60, pending the approval of the corresponding grant application by the FAA.**

**Motion Adopted: 5 Yeas.**

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

**Space  
Needs  
Assessment  
Study**

**Russell Archut, Assistant County Engineer, presented the results of the County's Space Needs Assessment Study, which was prepared by Studio JAED. In December 2006, the Council approved the contract with Studio JAED for a Space Needs Assessment Study. Mr. Archut advised that the Study addresses the following items: existing space needs, the relationship between the different departments, parking and records storage.**

**Jim Hutchinson and Jim Nelson of Studio JAED, were present to discuss the results of the Study. They stated that Studio JAED conducted an assessment of the needs for Sussex County to construct new building space and renovate existing space to provide sufficient facilities for its projected Administrative operations for the near-term future. The assessment consisted primarily of interviews with Sussex County Administrative operations departmental staff, a physical survey of the buildings and subsequent analysis of the surveys to develop recommendations. Space occupied at five separate facilities was analyzed: the County's Administration Building, the West Complex Building, the Register of Wills Office (currently located in the Court of Chancery), the Economic Development Office, and the Emergency Operations Center. Mr. Hutchinson advised that they considered both the existing and projected staff level; existing space and space required for planned growth; and actual departmental space use to facilitate future rearrangement of**

**Space  
Needs  
Assessment  
Study  
(continued)**

departments within buildings. Mr. Hutchinson reported that, based on their findings, it was determined that 130,942 square feet of space is needed. He presented the following information regarding the total space construction requirement:

<b>Total Building Square Footage Needed</b>	<b>\$ 130,942 SF</b>
<b>Less: Existing County Administration Building Space</b>	<b>(60,000) SF</b>
<b>Less: Existing West Complex Space</b>	<b>(21,000) SF</b>
<b>Less: Existing EOC Space</b>	<b><u>(5,240) SF</u></b>
<b>Total Space Construction Requirement</b>	<b>\$ 44,702 SF</b>

It was determined that, of critical importance is the need for records management and construction of storage space; virtually all departments are utilizing space within their working boundaries inappropriately for storage of archival-level documents.

Mr. Hutchinson stated that parking and shipping and receiving needs were also considered. He stated that they looked at parking utilization and how many vehicles are generated by each department and where people park. He noted that they focused on two key issues: (1) what is the needed number of parking spaces for staff and visitors and (2) what are the regulatory requirements of the Town of Georgetown. Mr. Hutchinson stated that there is not enough parking to satisfy either item. Projected parking needs obtained from interviews with staff and off-street parking code requirements from the City of Georgetown are close in value to each other at 591 and 666 parking spaces, respectively. The results of the Study show that current off-street available parking is 331 spaces; on-street parking is heavily utilized as well and estimated at nearly 100 spaces within an acceptable walking distance of Circle-area property.

Mr. Hutchinson advised that the study projections are based on a two-year time period.

**Piney Neck  
Expansion  
of the  
DFSSD/  
Request  
to Prepare  
and Post  
Notices**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the Piney Neck Expansion of the Dagsboro – Frankford Sanitary Sewer District. The proposed expansion area encompasses approximately 850 acres; is situated along Piney Neck Road, south of Pepper Creek; and is contiguous to the Dagsboro – Frankford Sanitary Sewer District. The proposed expansion area includes a large area of County-owned lands, including the Piney Neck Treatment Facility and existing and future spray sites. The area also contains several proposed projects that consist of approximately 800 EDUs and some outlying parcels. Mr. Ashman reported that some of the proposed projects have gone through with proposals with private wastewater providers and that the County's Piney Neck Treatment Plant is already located on the peninsula. He also reported that there has been opposition to some of the proposed projects due to the idea of multiple treatment plants on the peninsula. Mr.

<b>Piney Neck Expansion of the DFSSD/ Request to Prepare and Post Notices (continued)</b>	<p>Ashman advised that the Engineering Department has instructed Consulting Engineers to perform a study of this area as part of the ongoing Dagsboro- Frankford Sanitary Sewer District. During the study, engineers from Whitman, Requardt &amp; Associates and Stearns &amp; Wheler identified a potential for additional capacity at the Piney Neck Treatment Plant. Mr. Ashman stated that they consider the capacity to be adequate for the proposed expansion and they are currently in the permitting process. The developers of the proposed projects would be subject to system connection charges per EDU; the current system connection charge for the District is \$5,517.00 (through FY 2007).</p>
<b>M 332 07 Authorize Notices/ Piney Neck Expansion of the DFSSD</b>	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare and post notices for the extension of the Dagsboro – Frankford Sanitary Sewer District boundary to include areas along Piney Neck Road and Pepper Creek.</p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call:</b> Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</p>
<b>Proposed Johnson’s Corner SSD Update</b>	<p>John Ashman, Director of Utility Planning, provided an update on the Proposed Johnson’s Corner Sanitary Sewer District. On Thursday, June 21, 2007 the Engineering Department will conduct an informational meeting; on Saturday, July 21, 2007, a referendum will be held on establishing the Proposed District.</p>
<b>Old Business/ C/U No. 1680</b>	<p>The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.2905 ACRES, MORE OR LESS” (Conditional Use No. 1680) filed on behalf of Samir Ghabra.</p> <p>The Planning and Zoning Commission held a Public Hearing on this application on March 22, 2007 at which time they recommended that the application be denied since the conceptual plan for 32,650 square feet of office space far exceeds the 3,000 square feet of office space referenced by the County Engineering Department; since the design of the parking lot is not in compliance with Codes and has been underestimated; and since there are too many buildings on too small of a parcel.</p> <p>The Sussex County Council held a Public Hearing on this application on April 17, 2007 at which time they deferred action. At that meeting, the Applicant submitted a revised site plan and amended proposed conditions.</p>

**Old  
Business  
C/U  
1680  
(continued)**

The Council was advised that the project was originally designed to consider contractor tenants with warehousing or professional offices and that the revised proposal is for a Business Park with eleven potential rental sites (in four buildings) for contractors or service businesses. In response to questions raised by the Council during the Public Hearing, the Applicant stated that the revised site plan had not been reviewed by the County's Engineering Department.

Mr. Lank, Director of Planning and Zoning, reported that a Memorandum dated May 16, 2007 was received from the Sussex County Engineering Department. In the Memorandum, John Ashman, Director of Utility Planning, stated that the revised site plan results in a significant reduction of EDUs, but the total remains above sewer design assumptions and that the developer could incorporate additional design changes (referenced in the Memorandum) that would result in the project being within sewer system design assumptions. Mr. Ashman recommended the following conditions if the conditional use application is approved: (1) the maximum EDUs shall not exceed three, (2) the units shall not be individually owned, and (3) required approvals are to include the Sussex County Engineering Department.

Mr. Lank advised that a letter has been received from the Attorney for the Applicant stating that the Applicant has no objection to working with the Engineering Department.

The Council stated that there were no conceptual drawings of the proposal; that there are too many unknowns regarding the proposal; and that the conceptual plan still exceeds the Engineering Department's recommendations.

**M 333 07  
Adopt  
Proposed  
Ordinance  
(C/U  
No. 1680)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.2905 ACRES, MORE OR LESS" (Conditional Use No. 1680) filed on behalf of Samir Ghabra.

**Motion Denied:** 5 Nays.

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

**Old  
Business/  
C/U  
No. 1681**

The Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND WITH AREA FOR BOAT AND RV STORAGE TO BE LOCATED ON A



**Old  
Business/  
C/U  
No. 1681  
(continued)**

**CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 59.866 ACRES, MORE OR LESS” (Conditional Use No. 1681) filed on behalf of W. Edward Metz.**

**The Planning and Zoning Commission held a Public Hearing on this application on March 22, 2007 at which time they deferred action; on April 19, 2007, the Commission recommended that the application be approved with conditions.**

**The Council considered the fifteen (15) conditions proposed by the Commission. It was noted that the reference in the proposed conditions to the word “campsites” should be changed to “campground”, where applicable.**

**The Sussex County Council held a Public Hearing on April 17, 2007 at which time they deferred action. Mr. Jones commented that, during the Public Hearing, Mr. Cole questioned if any percentage of the site would be set aside for transient campers. It was then recommended that a reference to transient campers be included in the conditions, if the application is approved.**

**M 334 07  
Adopt  
Ordinance  
No. 1903  
(C/U  
No. 1681)**

**A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1903 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND WITH AREA FOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 59.866 ACRES, MORE OR LESS” (Conditional Use No. 1681) filed on behalf of W. Edward Metz, with the following conditions:**

- 1. The campground shall occupy approximately 40 acres and have 172 designated campsites and 21 designated cabin sites consistent with the site plan submitted with the conditional use application.**
- 2. The campground and amenities shall be served by central on-site sewer and water as approved by DNREC, the Division of Water Resources and the Sussex County Engineering Department, as applicable.**
- 3. The campground shall be occupied seasonally only from April 1st to November 1st. A note confirming this shall be included on the Final Site Plan.**
- 4. All campers and trailers occupying the campsites must be removable, must be camping capable and must have camping features.**
- 5. All roads shall be gravel and meet Sussex County standards for campgrounds.**
- 6. The cabins shall be portable and on skids which shall be anchored and/or strapped to the ground. The cabins shall contain no more than 400 square feet and shall be 30 feet apart. The cabins shall be**

**M 334 07**  
**Adopt**  
**Ordinance**  
**No. 1903**  
**(C/U**  
**No. 1681)**  
**(continued)**

- for sleeping only and may contain electric, a window air conditioning unit, a small refrigerator, and a microwave.
7. All campsites shall be a minimum of 2,400 square feet.
  8. The campground shall include a temporary portable office as located on the site plan.
  9. Amenities shall include a management center, small laundry, game room, bathhouse, playground, four pavilions, in-ground swimming pool and a recreational field for a tennis and basketball court.
  10. A pond with a vegetated buffer shall be located and maintained with DNREC's approval on the campground.
  11. The site shall include security lighting throughout the facility.
  12. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements
  13. One sign shall be located near the entrance of the campground identifying the campground. Sites shall be marked by numbers. In addition, the amenities shall be identified with signs on or near the facility.
  14. The campground shall be served by one entrance onto County Road 249, Shingle Point Road, and the entrance shall be subject to an entrance permit approved by DelDOT.
  15. The site plan shall be subject to the approval of the Planning and Zoning Commission. The RV and boat storage area shall be depicted on the site plan. The thirty (30) future campsites shall be subject to a future site plan revision subject to the review and approval of the Planning and Zoning Commission.
  16. No more than sixty (60) percent of the site shall be for seasonal campers.

**Motion Adopted: 5 Yeas.**

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

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

**M 335 07**  
**Community**  
**Investment**  
**Grant**

**A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$8,000.00 from Mr. Rogers' Community Investment Grant Account to the Lewes Senior Center, Inc. for operating expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 336 07 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$250.00 from Mr. Cole's Councilmanic Grant Account to the Sussex County AIDS Council, Inc. for the "Celebrating National HIV Testing Day" Event.**  
**Motion Adopted:      5 Yeas.**

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

**M 337 07 Councilmanic Grant**      **A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$500.00 from Mr. Jones' Councilmanic Grant Account to the Georgetown Lions Club for a program that provides glasses to those in need.**

**Motion Adopted:      5 Yeas.**

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

**M 338 07 Councilmanic Grant**      **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00 (\$250.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Grant Accounts) to the Laurel Chamber of Commerce for the Independence Day Celebration.**

**Motion Adopted:      5 Yeas.**

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

**M 339 07 Councilmanic Grant**      **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$350.00 (\$100.00 from Mr. Phillips' Councilmanic Grant Account and \$250.00 from Mr. Dukes' Councilmanic Grant Account) to the North Laurel Elementary School for trip expenses for students attending Space Camp.**

**Motion Adopted:      5 Yeas.**

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

**M 340 07 Youth Activity Grant**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$300.00 (\$100.00 each from Mr. Dukes', Mr. Jones' and Mr. Phillips' Youth Activity Grant Accounts) to the Delaware Storm Baseball Team for tournament/travel expenses.**

**Motion Adopted:      5 Yeas.**

**M 340 07**

(continued)

**Vote by Roll Call:**

**Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Rogers, Yea; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

<b>M 341 07</b>	<b>A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$750.00 from Mr. Dukes' Councilmanic Grant Account to the Woodland Ferry Association for Fall Festival expenses.</b>
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**Motion Adopted: 5 Yeas.**

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

<b>M 342 07</b> <b>Community</b> <b>Invest-</b> <b>ment</b> <b>Grant</b>	<b>A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$1,500.00 from Mr. Jones' Community Investment Grant Account to Sussex County Habitat for Humanity to partially cover permitting fees for an office building to be constructed in Georgetown.</b>
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**Motion Adopted: 5 Yeas.**

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

<p><b>Introduction of Proposed Ordinance</b></p>	<p>Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO MANUFACTURE, INSTALL AND RETAIL BOAT TOPS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.612 ACRES, MORE OR LESS” (Conditional Use No. 1755) filed on behalf of T-Tops, Etc. The Proposed Ordinance will be advertised for Public Hearing.</p>
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<p><b>Introduction of Proposed Ordinance</b></p>	<p><b>Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.39 ACRES, MORE OR LESS” (Conditional Use No. 1754) filed on behalf of John J. Stryholuk and James G. Stryholuk. The Proposed Ordinance will be advertised for Public Hearing.</b></p>
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**M 343 07**      **At 11:30 a.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips,**  
**Go Into**        **to go into Executive Session for the purpose of discussing pending litigation**  
**Executive**       **and for the purpose of holding a preliminary discussion on a site**  
**Session**        **acquisition.**

**Motion Adopted: 5 Yeas.**

**M 343 07**

(continued)

**Vote by Roll Call:**

**Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

Executive Session	At 11:31 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Sussex County Council Chambers for the purpose of discussing pending litigation and for the purpose of holding a preliminary discussion on a site acquisition. The Executive Session concluded at 12:07 p.m.
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**M 344 07**      **At 12:08 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to**  
**Reconvene**      **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. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 345 07**      **At 12:09 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to**  
**Recess**           **recess until 1:30 p.m. Motion Adopted by Voice Vote.**

**Reconvene** At 1:35 p.m., Mr. Dukes called the Council back into session.

Public Hearing (C/U No. 1687)	A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTOMATIC CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.091 ACRES, MORE OR LESS” (Conditional Use No. 1687) filed on behalf of Robert L. Buehler.
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**The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2007 at which time they recommended that the application be denied for the lack of a record of support since no one was present on behalf of the application.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated May 10, 2007 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)**

**Mr. Lank read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.**

**The Council found that Charles Morton was present and spoke in opposition to the application.**

**The Public Hearing was closed.**

**M 346 07  
Adopt  
Proposed  
Ordinance  
(C/U  
No. 1687)**

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

**Motion Denied: 4 Nays, 1 Abstention.**

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

**Mr. Cole abstained from voting since he was out of the room during the Public Hearing.**

**Reasons  
for Denial**

**The Council denied the application due to the lack of a record of support and since no one was present on behalf of the application.**

**Public  
Hearing  
(C/Z  
No. 1612)**

**A Public Hearing was held on 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.9183 ACRE, MORE OR LESS” (Change of Zone No. 1612) filed on behalf of Doreen Lucas.**

**The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2007 at which time they recommended that the application be approved.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated May 10, 2007 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)**

**Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.**

**Heidi Balliet, Attorney, was present on behalf of Three Brothers Real Estate Corporation; the property owner, James Ferraro, President of the Corporation, was also present. Ms. Balliet stated that Doreen Lucas has dropped the contract on the property and that James Ferraro is the owner of the property. She stated that, currently, the property has two conditional uses where were previously issued; that most recently, the property was the site of an interior design business with a showroom and an office located on the site; that the property has a 10-year history of business uses; that the predominant use of properties in the general area are B-1, C-1 and**

**Public  
Hearing  
(C/Z  
No. 1612)  
(continued)**

conditional uses; that they are seeking a change of zone to permit general business and professional offices; that their proposal is for real estate offices/medical-type offices; that they are considering renting a portion of the property for use as a chiropractic office; that the existing buildings would be used and no additional construction is proposed; that any development of the site would have to go through site plan approval; that adequate parking is available; and that the hours of operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m. with some limited evening hours to 7:00 p.m.

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

**M 347 07  
Adopt  
Ordinance  
No. 1904**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1904 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.9183 ACRE, MORE OR LESS" (Change of Zone No. 1612) filed on behalf of Doreen Lucas.

**Motion Adopted: 5 Yeas.**

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

**M 348 07  
Adjourn**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 1:58 p.m. Motion Adopted by Voice Vote.

**Respectfully submitted,**

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