



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 19, 2007

**Call to
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 19, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 366 07
Approve
Agenda**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 5 Yeas.

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

**M 367 07
Approve
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of May 22, 2007.

Motion Adopted: 5 Yeas.

**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:

**FREDERICK A. CUBLER, SR., OAK ORCHARD, DELAWARE.
RE: Letter of thanks to the Constables Office.**

**Adminis-
trator's
Report**

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

1. Woodland Ferry Closing

Attached is a copy of a Traffic Alert from the Delaware Department of Transportation regarding the closing of the Woodland Ferry during weekdays from June 18 through July 3, 2007. The ferry will

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

continue to be operational on Saturdays and Sundays from dawn to dusk.

2. Radio Club Field Day

The Sussex Amateur Radio Association and Nanticoke Amateur Radio Club will hold a Field Day at the County Airport on June 22, 23, and 24, 2007. Field Day is a way for ham operators to prepare for emergency communications during emergency situations. Governor Ruth Ann Minner is scheduled to attend at 2:00 p.m. on June 23 and make remarks regarding the event.

3. Johnson's Corner Sanitary Sewer District Public Meeting

The Sussex County Engineering Department will hold a public meeting on Thursday, June 21, 2007, at 6:00 p.m. at the Roxana Fire Hall, Route 20, Roxana, Delaware. The purpose of the meeting is to answer questions regarding the proposed sewer system and rates prior to the referendum and explain the voting rules. All property owners and residents affected by the proposal are encouraged to attend. For more information, please call the Sussex County Engineering Department at 855-7719.

**Legislative
Update**

Hal Godwin presented the following legislative update:

House Bill No. 30

Mr. Godwin stated that he, along with Mike Izzo, County Engineer, would be testifying in opposition to the Bill on the House Floor in Dover on this date. The County does not want this Bill to pass, since in its "raw form" the Bill would possibly require the County to turn off the West Rehoboth Sewer Plant.

There are six amendments proposed with this Bill; two of the amendments would allow the County to continue its operations at Wolfe Neck; one amendment would allow the County to expand the spray area at Wolfe Neck.

House Bill No. 111 and No. 186

The Transportation/Land Use and Infrastructure Committee will meet on June 20th to discuss House Bill No. 111 and House Bill No. 186.

House Bill No. 111 would take away the County's Realty Transfer Tax in Level 4 areas. House Bill No. 186 takes away not only Realty Transfer Tax, but also the County Council's authority to make land use decisions in Level 4 areas.

**Legislative
Update
(continued)**

Mr. Godwin stated that one version of House Bill No. 111 was drafted by the County.

Mr. Godwin encouraged Councilmembers to attend the Committee meeting on these Bills.

House Bill No. 30

This Bill would affect the County's ability to spray wastewater on State-owned lands. The County leased some of J.G. Townsend's farmland in 1996 for twenty years with three – twenty year renewals; therefore, the County should be in control of that property until the Year 2076. Three years after the County initiated the lease, the State purchased the farm. Mr. Godwin stated that the County's performance speaks for itself; the County has removed over 17,000 septic systems through the Wolfe Neck Treatment Plant.

Mr. Godwin encouraged the Councilmen to contact their legislators regarding House Bill No. 30.

Miscellaneous

Mr. Godwin reported that a piece of legislation may be introduced on this date in the General Assembly that would address the decision made in court by Chancellor Chandler overturning Kent County's overlay districts.

Mr. Griffin referred to the proposed (un-numbered) legislation which purpose is to act as a cure to the decision of the Court of Chancery in the Farmers for Fairness case. Kent County had imposed an overlay zone that allowed one house per every 5 acres between Route 113 and Route 1 and one house per every 10 acres between Route 9 and the Coast. This was overturned and the basis for the ruling was that Kent County did not have permission under State Law to adopt an overlay zone. Mr. Griffin stated that the proposed legislation contains a section for each county which allows overlay zones and overlay districts.

Mr. Godwin also reported that another TDR Bill may be introduced on this date. A summary of the proposed TDR Bill, which came from the State Planning Office, was distributed.

**Lochwood
Suburban
Community
Improvements**

Patricia Deptula, Assistant Director of Public Works, discussed the Proposed Lochwood Suburban Community Improvements Project. She reported that the last phase of the subdivision was not included in the Suburban Community Improvements Project. On January 30, 2007, the County Council accepted the Lochwood Subdivision into the Suburban Community Improvements Program. Since that date, a final cost estimate for the requested improvements was completed by the County Engineering Department. The improvements include a hot mix overlay on all streets, minor drainage improvements, removal and replacement of existing speed

**Lochwood
Suburban
Community
Improvements
(continued)**

bumps, and the installation of paved driveway aprons within the subdivision. This work, including the County's administrative cost and bond and interest costs, is estimated to be \$732,179.07. This cost estimate was mailed to all property owners along with a notice that a public meeting would be held on May 12, 2007; at that meeting, the association members present voted to proceed with the project, as proposed, with a ten year repayment period for project financing. Mrs. Deptula stated that the next step is to set a date, time and place to hold an election for the proposed project; an election date of Saturday, July 14, 2007 from 9:00 a.m. to 6:00 p.m. at Sussex County's Inland Bays Regional Wastewater Facility is proposed.

**M 368 07
Authorize
Election/
Proposed
Suburban
Community
Improvement
Project**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes an election to be held at the Inland Bays Regional Wastewater Treatment Facility, located at 29445 Inland Bay Road, Long Neck, Delaware, between the hours of 9:00 a.m. and 6:00 p.m. on Saturday, July 14, 2007, for the purpose of allowing property owners and residents of Lochwood Subdivision, Indian River Hundred, to consider the financing of Suburban Community Improvements, as regulated under Title 9, Chapter 5, of the Delaware Code, and having an estimated total project cost of \$732,179.07 to be financed over a ten year period with an estimated annual cost of \$4.83 per front foot.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Annual
Operating
Budget**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2008".

David Baker, Susan Webb, Gina Jennings (Director of Accounting) and Kathy Roth (Budget & Cost Manager) presented the Proposed Fiscal 2008 Budget.

Mr. Baker stated that the Proposed Budget totals \$142 million; up 1.4 percent compared to the Fiscal 2007 Budget. The General Fund is up 1.4 percent; the Capital Improvement Fund (non-sewer and water district capital improvements) is down from \$19.7 million in 2007 to \$10.5 million. Sewer and water operations are up 3.4 percent to \$33.1 million for operating and maintaining the sewer districts; capital projects (primarily sewer and water projects) are up \$9.1 million. Mr. Baker reported that, as part of the General Fund, there is a Rainy Day Fund; the County's goal has been to keep that at 25 percent of budget level. As of June 30, 2006, the time of the last completed audit, there was \$13.3 million in that fund for emergencies and unexpected needs (23 percent of the budget).

**Public
Hearing/
Annual
Operating
Budget
(continued)**

Mr. Baker reported that the General Fund's total revenues of \$57,941,357 reflect a total increase of only 1.45 percent versus the Fiscal 2007 Budget. The small increase of \$826,727 reflects less revenue as a result of the slowing of the real estate market. The largest revenue is the Realty Transfer Tax; the proposed budget includes a total of \$22.4 million in Realty Transfer Tax revenue; \$18,211,628 of this revenue is included in the General Fund Budget and \$4,188,372 is included in the Capital Improvements Budget. The Fiscal 2007 Budget included \$28.7 million in Realty Transfer Tax. Mr. Baker advised that the challenge and goal in developing this budget was to maintain and supplement existing County services while facing a major decrease in Realty Transfer Tax revenue which reflects a major decline in the housing and construction industries. Mr. Baker noted that the budget estimate is based on the major assumption that there will be no change in the allocation of Realty Transfer Tax revenue between the State and the County as is currently proposed in the General Assembly.

Mr. Baker reported that the recommended Budget also includes less than half of the funding as in the Fiscal 2007 Budget from Appropriated Reserves; Appropriated Reserves are down \$5.6 million from \$11.8 million in Fiscal 2007. Proposed uses for Appropriated Reserves in Fiscal 2008 are: a County Administrative Building, Open Space – Land Trust & Agriculture Preservation Funding, and Pension Fund Contributions.

Mr. Baker stated that many projects are funded by the Appropriated Reserve Budget (excess of revenues over expenditures); however, in the Proposed Budget, the Budget Committee is recommending the use of only 51 percent of the total amount (\$10.9 million).

Mrs. Webb reviewed revenues, expenditures, Grant-in-Aid Programs, and the Open Space Program. The total recommended budget for Grant-in-Aid Programs is \$11.9 million, which is up 2.51 percent versus the Fiscal 2007 Budget. The proposed budget includes funding for the following:

- **University of Delaware Agricultural Extension Service**
- **Sussex Conservation District**
- **Sussex County Volunteer Fire and Ambulance Companies**
- **CHEER Transportation and Meal Programs**
- **Greenwood CHEER Capital Campaign**
- **First State Community Action Agency**
- **Small Business Development Center**
- **Human Service Grants**
- **Delaware State Police**
- **Georgetown Payment in Lieu of Taxes**
- **Town Grants**
- **County Sewer and Water Contribution**
- **County Wastewater 100 Front Feet Assessment Cap**
- **County Wastewater Relief Fund**

**Public
Hearing/
Annual
Operating
Budget
(continued)**

- **Housing Assistance Programs**
- **Open Space Land Program**
- **State of Delaware Dog control**
- **Local Law Enforcement Grants**

Mrs. Webb reported that funding is also included to supplement the Community Development Block Grant Program with \$100,000 for housing rehabilitations.

Mrs. Roth stated that funding for Public Safety is \$23 million of the Fiscal 2008 Budget, up 10 percent from Fiscal 2007. This budget includes funding for the fire service, paramedics, State Police subsidy, ambulance service, emergency preparedness, and the continuation of the Local Law Enforcement Program (\$25,000 for each municipality for capital or operating expenditures).

Mrs. Jennings advised that the Budget Committee is recommending (1) a 3 percent cost of living adjustment for employees, effective July 1st, (2) a defined pension contribution of 10 percent (\$2.3 million), (3) a Defined Pension Benefits Contribution of 20 percent (\$4.5 million), and (4) no change in employee contributions or health benefits.

Mr. Baker reported that one change in the Proposed Budget is funding for the eleven independent local libraries. The County provides the bulk of the funding for these libraries; the Manufactured Home Placement Fee is divided between each of the eleven libraries. With the change in the economy, there has been a 40 percent reduction in that fee. The Budget Committee is recommending that this reduction in revenue be offset by property tax revenues. The total funding for local libraries would remain at \$1,957,000.00.

Mr. Baker noted that the property tax rate is proposed to remain the same at \$.4450 per \$100.00 of taxable assessed valuation.

Mr. Baker reported that a \$25,000 grant for Habitat for Humanity is included in the proposed budget, as well as grants for the West Rehoboth Land Trust for \$5,000, Interfaith Mission for \$10,000, and First State Community Action Agency for \$10,000. Funding will also include \$325,000 in County funds to administer the CDBG Program.

Mr. Baker presented the following budget highlights:

- **No property tax increase.**
- **Decrease in anticipated Realty Transfer Tax and Housing Industry related revenues.**
- **Land Use Plan Update completion and ordinances.**
- **New Emergency Operations Center completion.**
- **Records Storage Program.**

**Public
Hearing/
Annual
Operating
Budget
(continued)**

- **Funding for 36 additional State Police.**
- **Sussex County Volunteer Firemen's Association - \$3.7 Million.**
- **MPHU Program Administration.**
- **Dog Control - \$276,000 Grant.**
- **South Ocean View Sewer – Connections will begin.**
- **Five-year Capital Plan - \$298,426,539.**
- **Capital Plan including library expansion projects, Administrative Office building design, Airport Industrial Park improvements, Treatment Plant expansion design, Miller Creek and Millville under construction, utility rate study, and water and sewer – communication improvements.**
- **1.4 percent budget increase.**

Mr. Cole expressed concern that funding to the fire service is on an equal basis and that it should be based on need; companies under financial pressure should get more of the money from the permit revenues received in their respective areas. He recommended that, instead of increasing the equal allocation, lower it so that the more needy companies receive more funding.

Mr. Rogers and Mr. Jones stated that the funding is allocated based on the recommendation of the Fire Service.

Mr. Phillips suggested that the Fire Service may not be providing an equitable formula and that there may be a need for the County Council to exercise oversight of the funds to allow the funding to go to the districts where more growth is occurring.

Mr. Rogers stated that are growing demands on organizations that support seniors, particularly Senior Centers and CHEER Centers. The State of Delaware has not increased funding to these agencies in over five years. Mr. Rogers suggested an increase in Human Service Grants up to \$156,000, a \$46,000 increase, which would be used to increase CHEER Center funding from \$1,000 to \$5,000 and to provide funding to the Indian River Senior Center and the Lewes Senior Center (\$25,000 each) for capital improvements (building construction/renovations).

Mr. Dukes responded that other senior centers should be considered also. Mr. Dukes stated that, if Mr. Rogers' recommendation is approved, funding should also be included for the Nanticoke Senior Center for construction funds.

Mr. Griffin reported that letters have been received from the following organizations asking that consideration be given to their funding needs:

- **Sussex Conservation District**
- **CHEER Center**
- **Town of Henlopen Acres**

**Public
Hearing/
Annual
Operating
Budget
(continued)**

- Lewes Senior Center
- Indian River Senior Center
- Rehoboth Art League

The letters were made a part of the record.

Public comments were heard:

- Daniel Kramer – questioning the proposal to hire two part-time deputies for the Sheriff's Department; the Department providing security during Council meetings since it is not needed and it is an unnecessary expense; and whether or not they are going to have police powers.
- John Brady, Recorder of Deeds – commented that there is no security in the County Administration Building during the day to respond to an altercation/event and for this reason, he would like to see a Deputy in the building during office hours; that the fees in the Recorder of Deeds Office have not been revisited since 2002; that there should be a consistent fee chart within all three counties; and that Sussex County has the lowest fees.
- Dawn Poczynek-Holdridge, Senior Deputy Director, Fannie Mae, representing the Moderately Priced Housing Units Working Group – commented that the County's MPHU Program is going to require sustained, stable administration, i.e. for recruiting, education, certifying home buyers, coordinating closings, and monitoring resale and occupancy restrictions – requested that the Council fully fund the administration of the MPHU Program.
- Van Temple, Diamond State Community Land Trust – requested an annual budget cost of approximately \$105,000 for their MPHU projects, to include one full-time staff person.
- Gina Miserendino, Delaware Housing Coalition and Sussex Housing Group – supported Diamond State CLT's request for collaboration with the County; acknowledged \$40,000 that has been proposed in the Budget; stated that without full funding, they will not be able to get started on time to fully prepare for the 500 units currently in the pipeline; stated that they want to be ready in Spring 2008 and requested that the Council revisit the funding amount.
- Roxie Sturgis and Mabel Granke, West Rehoboth Community Land Trust – stated that they had hoped to be under construction by early Fall 2007; that they still need more funding to lower the housing costs; that road improvements and street lighting are still needed in the area; that they appreciate the \$5,000 that is proposed in the Budget and they are asking the Council to consider increasing that amount of funding.
- Ed Funk, Indian River Senior Center – stated that additional funding is needed for services for senior citizens.

**Public
Hearing/
Annual
Operating
Budget
(continued)**

- **Matthew Duncan of the Indian River Senior Center – stated that they are planning to build a new Senior Center in Millsboro and that he hopes the Council agrees to the \$25,000 grant, as proposed by Councilman Rogers.**
- **George Parish, Clerk of the Peace – stated that the County needs to consider the fees in the Clerk of the Peace Office; he suggested that a fee be charged to perform marriages and he stated that these fees would be revenue for the County.**
- **Kevin Gilmore, Habitat for Humanity – updated the Council on their housing projects.**
- **Ralph Peters, Habitat for Humanity and Interfaith Community Housing Delaware – stated that the counties that provide funding receive a return on the funds granted as a result of taxes, economic activity, fees, etc. and that it can be a good investment for the County to promote affordable housing.**
- **Joe Myer, NCALL (National Council on Agricultural Life and Labor) Research – stated that they have submitted a letter requesting funding; asked Council to consider NCALL as a grant recipient under “Other Housing Programs”; stated that they have greater need this year since they plan to purchase their office building; and stated that their organization provides home ownership counseling and education.**
- **Steven Tolbert of Nehemiah Gateway Community Development Corporation – stated that they have submitted a letter requesting funding to help with a Sussex County program that provides free tax preparation services for low income families**
- **Mike Lowe, Sussex County Volunteer Firemen’s Association – thanked the Council and County staff for their continued support.**

Mr. Baker distributed a Grant Request Summary. The list was made a part of the record. Mr. Baker stated that the Budget Committee had to consider the change in the economy in considering the proposed allocations.

Mr. Cole questioned why the Town of Henlopen Acres could not be included in the Local Law Enforcement Grant Program. He stated that they are a town and they do have a “private security police force” that is paid by the taxpayers.

Mr. Baker explained that program policy is that funding is for capital purposes for municipalities with police forces.

**M 369 07
Motion
Failed**

A Motion was made by Mr. Cole to include the Town of Henlopen Acres in the Revenue Sharing for Local Law Enforcement Program. The Motion died for the lack of a Second.

The Public Hearing was closed.

**Public
Hearing/
Assessment
Rolls for
Sanitary
Sewer and
Water
Districts**

A Public Hearing was held on the Assessment Rolls for all Sussex County Sewer and Water Districts. Mrs. Webb explained that the Assessment Rolls reflect the County's billing records for EDUs and billable front footage for each sewer and water district account. These records have been made available for public inspection in the Utility Billing Office for review and they are subject to individual appeals via the Assessment Review Board.

Public comments were heard.

Ed Schimler of Dagsboro asked the Council to consider making the 100 foot cap limitation permanent rather than an annual consideration.

It was noted that the 100 foot cap is included in the Proposed Budget and that it would require the adoption of an ordinance to make it permanent.

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

**Public
Hearing/
Proposed
Ordinance
for Sanitary
Sewer and
Water
District
Rates**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

Mr. Griffin reported that correspondence was received from Ed Schimler; the letter was made a part of the record.

Mr. Baker distributed and reviewed several charts and handouts, including a summary of costs to be recovered through annual utility charges; a summary of annual service charges and assessment charges; a summary of system connection charges; a summary of average sewer and water bills by district; and water and sewer district relief programs. He explained that the proposed \$33 million sewer and water budget reflects an increase of 3.4 percent over Fiscal 2007. He explained that this budget is for the operations and maintenance of the sewer and water districts as well for the debt service.

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

**M 370 07
Amend
Proposed
Budget**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that \$96,000 from the Proposed Fiscal Year 2008 Budget be transferred from the Contingency Account, as follows: \$46,000 to the Human Service Grant line item and \$50,000 to CHEER and Senior Center Programs line item (the line item "CHEER Programs" is to be changed to "CHEER and Senior Center Programs").

(Mrs. Webb explained that funding for the Greenwood Senior Center and the Indian River Senior Center was included in the Budget, as proposed,

M 370 07 **and that the \$50,000 increase is for the Lewes Senior Center and the**
(continued) **Nanticoke Senior Center.)**

Motion Adopted: 5 Yeas.

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

M 371 07 **A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt**
Adopt **Ordinance No. 1910 entitled “AN ORDINANCE ESTABLISHING THE**
Ordinance **ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2008”, as**
No. 1910/ **amended, increasing Grant-In-Aid by \$96,000 and decreasing Contingencies**
Annual **by \$96,000.**

Motion Adopted: 5 Yeas.

Operating **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**
Budget for **Mr. Rogers, Yea; Mr. Jones, Yea;**
Fiscal **Mr. Dukes, Yea**
Year 2008

M 372 07 **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based on the**
Adopt **recommendations of the County Engineer and the County Finance Director**
Assessment **and for the reasons stated during the Public Hearing, that the Sussex**
Rolls **County Council hereby adopts the Assessment Rolls for all Sussex County**
 Sanitary Sewer and Water Districts for the period July 1, 2007 through
 June 30, 2008.

Motion Adopted: 5 Yeas.

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

M 373 07 **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt**
Adopt **Ordinance No. 1911 entitled “AN ORDINANCE ESTABLISHING**
Ordinance **ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR**
No. 1911/ **COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND**
Sanitary **CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND**
Sewer and **SANITARY SEWER DISTRICTS”.**
Water

Motion Adopted: 5 Yeas.

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

- Introduction of Proposed Ordinance** **Mr. Rogers 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.96 ACRES, MORE OR LESS” (Change of Zone No. 1623) filed on behalf of W and J Jones Family, L.P. The Proposed Ordinance will be advertised for Public Hearing.**
- Introduction of Proposed Ordinance** **Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 44.49 ACRES, MORE OR LESS “ (Change of Zone No. 1634) filed on behalf of W and J Jones Family, L.P. The Proposed Ordinance will be advertised for Public Hearing.**
- Introduction of Proposed Ordinance** **Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REGIONAL WATER UTILITY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.49 ACRES, MORE OR LESS” (Conditional Use No. 1756) filed on behalf of Artesian Water Company, Inc. The Proposed Ordinance will be advertised for Public Hearing.**
- Introduction of Proposed Ordinance** **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REGIONAL WATER UTILITY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS” (Conditional Use No. 1757) filed on behalf of Artesian Water Company, Inc. The Proposed Ordinance will be advertised for Public Hearing.**
- M 374 07** **At 12:13 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Jones, to go into Executive Session for the purpose of discussing land acquisition.**
- Go Into Executive Session** **Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea**

**Executive
Session**

At 12:14 p.m., an Executive Session of the Sussex County Council was held on July 19, 2007 in the Caucus Room of the Sussex County Council Chambers for the purpose of discussing land acquisition. The Executive Session concluded at 12:23 p.m.

**M 375 07
Come
out of
Executive
Session**

At 12:24 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, 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. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**M 376 07
Adjourn**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 12:25 p.m. Adopted by Voice Vote.

Respectfully submitted,

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