



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 27, 2006

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 27, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 445 06 Amend and Approve Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the Agenda by deleting "Approval of Minutes" and "1. Dagsboro – Frankford Sanitary Sewer District, A. Pepper Creek Crossing Annexation and 2. Village of Pepper Creek Annexation", and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

Corre- spondence

Mr. Griffin read the following correspondence:

SANDY COULBOURNE, MILFORD, DELAWARE.

RE: Letter to Sussex County Community Development and Housing in appreciation of the repairs made to her home.

SHERIFF ROBERT L. REED, SUSSEX COUNTY SHERIFF'S OFFICE, GEORGETOWN, DELAWARE.

RE: Letter in response to a letter sent by William S. Topping, Georgetown

Chief of Police, to Sussex County Administrator Robert Stickels and read into the record at the June 13, 2006 Sussex County Council meeting, outlining the qualifications and training of the Sheriff and his deputies.

**Adminis-
trator's
Report**

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

1. **Cancellation of the Nanticoke River Meeting**

The Sussex County Economic Development Office had scheduled a meeting with the Delmarva Water Transport Committee for Thursday, June 29, 2006, to discuss the proposed Nanticoke River Project at the Blades Fire Department. However, because of the 13+ inches of rain that was received on Sunday, June 25, the meeting has been canceled. I will inform Council when the meeting has been rescheduled.

2. **Airport Meeting**

The next regularly scheduled meeting of the Sussex County Airport Committee will be held on Wednesday, July 19, 2006, at the Sussex County West Complex, North DuPont Highway, Georgetown, Delaware, at 10:00 a.m. The media as well as the public is welcome to attend the meeting.

3. **Beneficial Acceptance**

The Engineering Department granted Beneficial Acceptance on June 20, 2006, to Warrington Creek – Phase I, Agreement No. 378. The developer is M/I Homes of DC, L.L.C., and the project is located on the southeast side of Old Landing Road in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of 41 single-family lots.

Beneficial Acceptance was also granted on June 21, 2006, to Bethany Preserve, Agreement No. 426. The developer is Hickman Road, L.L.C., and the project is located on Hickman Road (County Road 359) in the Ocean View Sanitary Sewer District, consisting of 36 lots with a pool and clubhouse.

**M 446 06
Adopt
Procla-
mation**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING JUNE 25 – JUNE 30, 2006 AS *HOME OWNERSHIP AWARENESS WEEK IN SUSSEX COUNTY*".

Motion Adopted: 5 Yea.

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

M 447 06 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the**
Adopt **Tribute honoring Indian River School District Students (Morgan Trythall,**
Tribute **Jessica Gude, Raven Berner, Holly Kaufman, Jack Naylor, Kara Sue**
 Bethke and Becca Syphard) for capturing the World Championship of the
 Odyssey of the Mind World Finals held May 24 – May 27, 2006 at Iowa
 State University.

Motion Adopted: 5 Yea.

M 447 06 **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**
(continued) **Mr. Dukes, Yea; Mr. Jones, Yea;**
 Mr. Rogers, Yea

Agreements **Mr. Godwin, Administrative Assistant, presented wastewater agreements**
 for the Council's consideration.

M 448 06 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon**
Execute **the recommendation of the Sussex County Engineering Department, for**
Wastewater **Sussex County Project No. 81-04, Agreement No. 478, that the Sussex**
Agreements/ **County Council execute a Construction Administration and Construction**
Bay Forest **Inspection Agreement between Sussex County Council and Bay Forest,**
Club **LLC, for wastewater facilities to be constructed in Bay Forest Club Pump**
 Station Site, located in the Millville Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 449 06 **A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the**
Execute **recommendation of the Sussex County Engineering Department, for Sussex**
Wastewater **County Project No. 81-04, Agreement No. 502, that the Sussex County**
Agreements/ **Council execute a Construction Administration and Construction**
Seagrass **Inspection Agreement between Sussex County Council and Centex Homes,**
Plantation **for wastewater facilities to be constructed in Seagrass Plantation, located in**
 the Holts Landing Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Local Law **Mr. Godwin presented a request for funding through the Revenue Sharing**
Enforce- **for Local Law Enforcement Program, as follows:**
ment

Requests **Town of Fenwick Island \$3,134.27 Crown Victoria Lease**

- M 450 06**
Approve
Local Law
Enforce-
ment
Grant
- A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve a Local Law Enforcement Grant in the amount of \$3,134.27 for the Town of Fenwick Island, as presented.
- Motion Adopted: 4 Yea, 1 Absent.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Absent;
Mr. Rogers, Yea
- (absent) (Mr. Jones was out of the room during the vote.)
- Grant**
Requests
Deadline
- It was noted that all Local Law Enforcement Grant requests must be submitted to the County by no later than June 30th for Fiscal Year 2006 funds. Keith Moore (Sussex County Finance Administration) will contact the municipalities to make them aware of this deadline.
- Public**
Hearing/
Appeals
Fee/
Board of
Adjustments
and Appeals
- A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I §52-31 RELATED TO THE FEE FOR FILING APPEALS FROM THE ACTION OF THE BUILDING OFFICIAL TO THE BOARD OF ADJUSTMENTS AND APPEALS”.
- This amendment revises the fee for filing appeals from the action of a Building Official to the Board of Adjustments and Appeals by increasing the fee from \$100 to \$600, to rectify a shortfall in building code administration revenues, since the fee paid to the members of the Board is \$100 for each member in attendance each time the Board is convened. Between March 2005 and February 2006, eight appeals were filed on which the County collected \$800 in appeal fees but paid out \$2,900 in compensation to the members of the Building Code Appeal Board.
- Public comments were heard.
- Dan Kramer of Greenwood questioned the fairness of the County’s inspection process and questioned why an appeals process is needed.
- Mr. Griffin asked Mr. Kramer if there is any evidence that an inspector has intentionally failed an inspection for the sole purpose of forcing that person to go to the Board of Appeals. He stated that if evidence is provided, the County would investigate.
- Mr. Stickels clarified that the proposed fee increases are to cover costs, not to generate income or surplus for the County.
- The Public Hearing was closed.
- M 451 06**
Adopt
Ordinance
- A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1855 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY AMENDING I ARTICLE §52-31 RELATED

No. 1855 TO THE FEE FOR FILING APPEALS FROM THE ACTION OF THE BUILDING OFFICIAL TO THE BOARD OF ADJUSTMENTS AND APPEALS”.

Motion Adopted: 4 Yea, 1 Nay.

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

**Public A Public Hearing was held on the Proposed Ordinance entitled “AN
Hearing/ ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY
Building AMENDING ARTICLE III, §62-10 TO INCREASE THE LATE CHARGE
Permits/ FOR BEGINNING CONSTRUCTION PRIOR TO OBTAINING A
Late COUNTY BUILDING PERMIT”.**
Charge

Mr. Godwin stated that earlier in the year, it was determined that there were a number of homes being built without a building permit from the County. The proposed amendment is a response to the fact that the County experienced sixty violations between January 1 and March 15, 2006, which represents a substantial loss of revenue to the County because of the delay in placing the value of the improvements on the County tax rolls. This amendment increases the penalty for failing to obtain a building permit prior to beginning or completing construction by setting the late charge at an amount equal to the amount of the building permit fee. This amendment is intended to make it less likely that builders and/or homeowners will begin construction without a County building permit.

Eddy Parker, Sussex County’s Director of Assessments, reported that Kent and New Castle Counties double the permit fees as a violation. He noted that normally it is a developer/contractor who has failed to get a permit, not a homeowner. He explained that this is an assessment process and that the Planning and Zoning Department and Building Code Department are not involved in the process. Mr. Parker stated that his primary concern is assessments and that timing is important so that proper bills are mailed out; every time there is a delay in getting a property on the tax rolls, it is in essence a tax break for that property owner.

Mr. Parker stated that the County receives a monthly report from all the municipalities (with the exception of the City of Milford) indicating what permits they have issued and what the permits were issued for.

It was noted that this would not apply to the Fire Enhancement Fee, only the Building Permit fee.

Mr. Parker explained that when someone receives a violation, they are given thirty days to respond before a fee is assessed.

Mr. Parker stated that the intent of the Proposed Ordinance is to get people to comply with the County’s law.

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

M 452 06
Adopt
Ordinance
No. 1856

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1856 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE III, §62-10 TO INCREASE THE LATE CHARGE FOR BEGINNING CONSTRUCTION PRIOR TO OBTAINING A COUNTY BUILDING PERMIT”.

M 452 06
(continued)

Motion Adopted: 5 Yea.

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

Old
Business/
Proposed
Ordinance
Relating to
Off-Street
Parking

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 SECTION 162, RELATING TO THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR MULTI-FAMILY DWELLINGS AND TOWNHOUSES”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on March 23, 2006 at which time they deferred action. On May 25, 2006, the Commission recommended that the Proposed Ordinance be adopted with the following recommendations:

- The words “bedroom” and “efficiency units” should be specifically defined in the Ordinance or some other method of calculating additional parking spaces above the two spaces per unit shall be used.
- The method of reducing parking spaces for projects that have more than 50 or 200 units should be clarified.
- Any space on a project recovered as a result of a reduced number of parking spaces should be utilized as open space only and should not increase the number of residential uses within a project or the commercial space within a project.

M 453 06
Defer
Action on
Proposed
Ordinance
Relating to
Off-Street
Parking

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 SECTION 162, RELATING TO THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR MULTI-FAMILY DWELLINGS AND TOWNHOUSES” for the purpose of allowing staff to further research the three recommendations made by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Nay.

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

**Old Business/
C/U
No. 1653** **The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PLUMBING BUSINESS WITH PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.56 ACRES, MORE OR LESS (Conditional Use No. 1653) filed on behalf of Robert Rahn.**

**Old Business/
C/U
No. 1653
(continued)** **The Planning and Zoning Commission held a Public Hearing on this application on May 11, 2006 at which time they deferred action. On May 25, 2006, the Commission recommended that the application be denied.**
(See the minutes of the meeting of the Planning and Zoning Commission dated May 11 and 25, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission’s recommendation of denial.)

The County Council held a Public Hearing on this application on June 6, 2006 at which time they deferred action and left the record open for the submission of proposed conditions.

Mr. Lank, Director of Planning and Zoning, stated that in accordance with the Council’s directive, he prepared suggested conditions and findings and distributed them to the Councilmen on June 13, 2006. Mr. Lank read the suggested eleven (11) conditions and findings into the record.

**M 454 06
Adopt
Proposed
Ordinance
(C/U
No. 1653)** **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 A GR GENERAL RESIDENTIAL DISTRICT FOR A PLUMBING BUSINESS WITH PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.56 ACRES, MORE OR LESS (Conditional Use No. 1653) filed on behalf of Robert Rahn, with conditions.**

Motion Denied: 3 Nay, 2 Yea.

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

**Old Business/
C/Z
No. 1607
and
C/U
No. 1678** **The Council discussed the Proposed Ordinances entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AN AR-1-RPC AGRICULTURAL RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH**

HUNDRED, SUSSEX COUNTY, CONTAINING 19.84 ACRES, MORE OR LESS” (C/Z No. 1607) and “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1-RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A RECREATIONAL/THERAPEUTIC EQUESTRIAN FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.84 ACRES, MORE OR LESS” (C/U No. 1678) filed on behalf of Marine Farm, LLC.

**Old
Business/
C/Z
No. 1607
and
C/U
No. 1678
(continued)**

The Planning and Zoning Commission held Public Hearings on the applications on May 11, 2006 at which time they deferred action. On June 8, 2006, the Commission recommended that the applications be approved, with conditions attached to the Conditional Use approval.

(See the minutes of the meeting of the Planning and Zoning Commission dated May 11 and June 8, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission’s recommendation of approval.)

**M 455 06
Adopt
Ordinance
No. 1857
(C/Z
No. 1607)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1857 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AN AR-1-RPC AGRICULTURAL RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.84 ACRES, MORE OR LESS” (Change of Zone No. 1607) filed on behalf of Marine Farm, LLC.

Motion Adopted: 5 Yea.

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

**M 456 06
Adopt
Ordinance
No. 1858
(C/U
No. 1678)**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1858 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1-RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A RECREATIONAL/THERAPEUTIC EQUESTRIAN FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.84 ACRES, MORE OR LESS” (Conditional Use No. 1678) filed on behalf of Marine Farm, LLC., with the following fourteen (14) conditions, as amended:

- 1. All entrance and roadway improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT’s**

M 456 06
Adopt
Ordinance
No. 1858
(C/U
No. 1678)
(continued)

- determination.
2. The development shall be served as part of the Marine Farm RPC Central Sanitary Sewer System.
 3. The development shall be served by public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 4. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.
 5. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill, on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
 6. Addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 7. The conditional use shall be for the operation of a therapeutic and recreational horseback riding facility, which includes three special events per year. The events shall be related to the permitted use and shall not last longer than 2 days each.
 8. Hours of operation for clients and the public shall be 9:00 a.m. to 9:00 p.m. These hours of operation shall also apply to all special events.
 9. Lighting for the area, parking lot and any similar outside areas shall be turned off by 10:00 p.m. All lighting shall be screened so it does not shine onto Jimtown Road or neighboring properties.
 10. One unlighted identification sign at the site entrance shall be permitted.
 11. Horse manure shall be stored and removed in accordance with applicable regulations.
 12. The maximum number of horses boarded at the facility shall be fifteen (15).
 13. There shall be no vehicular interconnection between this site and the Marine Farm MR-RPC.
 14. A 50 foot buffer of existing and planted trees shall be established along County Road 285A and any adjoining Jimtown properties.

Motion Adopted: 5 Yea.

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

M 457 06
Approve
Amend-
ment to
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to re-amend the Agenda by placing John Ashman, Director of Utility Planning, back on the agenda for "Dagsboro-Frankford Sanitary Sewer District, Pepper Creek Crossing Annexation".

Motion Adopted: 4 Yea, 1 Absent.

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

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

**DFSSD/
Pepper
Creek
DFSSD/
Pepper
Creek
Crossing
Annexation
Proposal**

John Ashman, Director of Utility Planning, reported that the Sussex County Engineering Department received a request for the annexation of a parcel of land into the Dagsboro-Frankford Sanitary Sewer District, an area to be known as Pepper Creek Crossing, consisting of 8.4 acres. The parcel was annexed into the Town of Dagsboro on September 21, 2004; the parcel was zoned for cluster development by the Town for 15 single family dwellings. Mr. Ashman reported that 6.0 acres of the parcel are located within the Dagsboro – Frankford Sanitary Sewer District. The Engineering Department is requesting permission to post notices to annex the additional 2.32 acres. He noted that the parcels are located within the Dagsboro-Frankford Planning Study, which is currently underway with an expected completion date of September 2007.

**M 458 06
Authorize
Posting of
Notices for
Pepper
Creek
Crossing
Annexation/
DFSSD**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District boundary to include the remainder of the parcel owned by BZ Builders, LLC to be known as Pepper Creek Crossing.

Motion Adopted: 4 Yea, 1 Absent.

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

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

**Wolfe Neck
Treatment
Plant
Irrigation
Upgrade
Project/
Bid
Award**

Steve Hudson, Director of Maintenance/Engineering, presented the bid results for materials for the Wolfe Neck Treatment Plant Irrigation Maintenance and Equipment Upgrade (Sussex County Project No. 06-03):

United Electric Supply Co.	\$292,105.63
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He reported that the purpose of the project is to improve the current spray irrigation system, maximizing the spray capacity at the plant by upgrading the control system; to make changes to the way the system operates; and to improve the data collection and reporting capabilities of the system. He noted that the upgrade is necessary in order to accommodate the additional spray areas that are projected to be added.

**M 459 06
Award
Bid for**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 06-03, Wolfe Neck Treatment Plant Irrigation

- Wolfe Neck Treatment Plant Irrigation Upgrade Project** **Materials and Equipment Upgrade, be awarded to United Electric Supply of Wilmington, Delaware, at a cost of \$292,105.63.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- Requests** **Mr. Baker presented grant requests for the Council's consideration.**
- M 460 06 Councilmanic Grant** **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$1,000.00 (\$400.00 from Mr. Dukes' Councilmanic Grant Account, \$300.00 from Mr. Rogers' Councilmanic Grant Account, and \$300.00 from Mr. Phillips' Councilmanic Grant Account) to Delmarva Christian High School for their golf tournament fundraiser (community service project).**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- M 461 06 Youth Activity Grant** **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Youth Activity Grant Account) to the Delaware Heritage Commission for the Hands on Delaware Heritage Camp (ages 11-13).**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- M 462 06 Community Investment Grant** **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$2,000.00 (\$1,000.00 each from Mr. Jones' and Mr. Rogers' Community Investment Account) to the Milford Senior Center, Inc. for operating expenses.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**
- M 463 06 Youth Activity Grant** **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$1,000.00 (\$200.00 from each Youth Activity Grant Account) to Women Networking in Southern Delaware, Inc. for their Leadership Program (13-18 year olds).**
- Motion Adopted: 5 Yea.**

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

M 464 06 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$400.00
Youth (\$200.00 each from Mr. Jones' and Mr. Dukes' Youth Activity Grant
Activity Accounts) to the People to People Student Ambassador Program for David
Grant Betts' tuition costs.

M 464 06 Motion Adopted: 5 Yea.

(continued)

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

M 465 06 A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00
Youth (\$100.00 from each Youth Activity Grant Account) to the University of
Activity Delaware for the Sussex County Safe Kids Day event.
Grant

Motion Adopted: 5 Yea.

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

M 466 06 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$1,500.00
Community from Mr. Jones' Community Investment Grant Account to the City of
Investment Rehoboth Beach for fireworks.
Grant

Motion Adopted: 5 Yea.

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

Introduction Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE
of Proposed TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
Ordinance AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-UNIT
WAREHOUSE FOR SMALL CONTRACTORS TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST
FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.74 ACRES,
MORE OR LESS" (Conditional Use No. 1693) filed on behalf of H & L
Land Company, LLC. The Proposed Ordinance will be advertised for
Public Hearing.

Introduction Mr. Rogers introduced the Proposed Ordinance entitled "AN
of Proposed ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR-
Ordinance RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED
COMMUNITY FOR AN ELEVATED WATER STORAGE

TANK/PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 18,234 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1694) filed on behalf of Tidewater Utilities, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance
Introduction of Proposed Ordinance (continued)

Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AGRICULTURAL MACHINERY AND TRUCK REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.79 ACRES, MORE OR LESS” (Conditional Use No. 1695) filed on behalf of Donald and Kimberly Jefferson. The Proposed Ordinance will be advertised for Public Hearing.

Introduced of Proposed Ordinance

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 REGIONAL WASTEWATER TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.11 ACRES, MORE OR LESS” (Conditional Use No. 1696) filed on behalf of Tidewater Utilities. The Proposed Ordinance will be advertised for Public Hearing.

Sheriff’s Office/ Letter Requesting Donations

Mr. Dukes commented on a letter he received at his business from the Sussex County Sheriff’s Office asking for donations to the Officer Friendly Program for bicycle safety, drug awareness, etc.) Mr. Dukes questioned (1) if the Sheriff needed authorization from the County Council to do this and (2) is there an audit of the funds.

Susan Webb, Director of Accounting, stated that she spoke with the Sheriff and that he advised her that he is working with a representative from the National Safety Council (NSC); that it is an annual fundraising campaign of the NSC; and that the NSC does the mailing and pays for the mailing costs. Mrs. Webb also stated that she spoke with a representative of NSC to clarify some of the details. She noted that the checks are made payable to and forwarded to the NSC. The NSC does the banking and record-keeping. In return, the Sheriff is permitted to spend the amount of money he collects in donations on the purchase of printed materials for safety awareness through the NSC.

Flash Flooding Report

Eddie Sparpaglione was present and stated he, along with David Baker, Joe Thomas and Chip Guy spent time in the Seaford/Blades area on Monday, June 24th to take pictures of the flash flooding that took place on Sunday, June 25th. A presentation was given and handouts distributed of pictures showing damages in the area.

Mr. Baker advised that a meeting will be held on Thursday evening (June

27th) at the Seaford Fire Hall for any residents or businesses owners that suffered damage due to the flash flooding. At that meeting, representatives from FEMA and DEMA will explain the process of submitting requests for federal funding. Mr. Thomas noted that there have been discussions with counties in Maryland in regards to submitting a regional application for federal funding, if the areas are not separately eligible for funding.

**Additional
Business
M 467 06
Go Into
Executive
Session**

Dan Kramer stated that if the budget was read correctly, it would be found out that Sheriff Reed isn't as far over the budget as he makes out to be.

At 12:55 p.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips, to go into Executive Session for the purpose of discussing pending litigation, land acquisition, and personnel.

Motion Adopted: 4 Yea, 1 Absent.

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

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

**Executive
Session**

An Executive Session of the Sussex County Council was held at 12:56 p.m. in the Caucus Room of the Sussex County Council for the purpose of discussing pending litigation, land acquisition, and personnel.

**M 468 06
Reconvene
Regular
Session**

At 1:46 p.m., a Motion was made by Mr. Cole, seconded by Mr. Jones, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yea.

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

**M 469 06
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 1:47 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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