



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 12, 2008

**Call to
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 12, 2008 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 557 08
Approve
Agenda**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the Agenda by deleting "Milton Library Project, Second Floor Completion, Contract Award" under Russell Archut, Assistant County Engineer, and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 558 08
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of July 29, 2008.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

**GEORGE KRUPANSKI, PRESIDENT & CEO, BOYS & GIRLS CLUBS
OF DELAWARE, WILMINGTON, DELAWARE.**

RE: Letter in appreciation of a donation from the Council.

DELAWARE QUARTER HORSE ASSOCIATION, GREENWOOD, DELAWARE.

RE: Letter In appreciation of a donation from the Council.

Mr. Rogers joined the meeting.

**Delaware
Transit
Corporation's
Reim-
bursable
Transportation
Budget**

Mr. Baker presented the Fiscal Year 2009 Delaware Transit Corporation's Reimbursable Transportation Budget; each year, the County Council is required by the State of Delaware to approve the budget allocations for Sussex County Senior Services transportation.

For Fiscal Year 2009, a budget appropriation in the amount of \$796,862.00 was approved by the General Assembly, the same amount as the last six years, as follows:

| <u>Agency</u> | <u>Fiscal 2008</u> | <u>2009 Funding Request</u> | <u>Shortfall</u> | <u>Shortfall Percentage</u> |
|-----------------------------|------------------------|-------------------------------------|------------------|---------------------------------|
| Cape Henlopen Senior Center | \$ 41,600 | \$ 48,775 | \$ 7,175 | 15% |
| CHEER | \$549,235 | \$649,787 | \$100,552 | 15% |
| Easter Seals | \$ 47,279 | \$ 78,700 | \$ 31,421 | 40% |
| Indian River Senior Center | \$ 2,100 | \$ 2,100 | - | 0% |
| Laurel Senior Center | \$ 92,653 | \$115,776 | \$ 23,123 | 20% |
| Lewes Senior Center | \$ 24,000 | \$ 72,300 | \$ 48,300 | 67% |
| Nanticoke Senior Center | \$ 39,995 | \$ 52,735 | \$ 12,740 | 24% |

Mr. Baker recommended that the Council approve the funding allocation at the same level for each agency as was approved in Fiscal 2008.

**M 559 08
Authorize
Allocation
of Delaware
Transit
Corporation's
Transportation
Budget**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council authorizes the allocation of the Delaware Transit Corporation's Reimbursable Transportation Budget for Fiscal Year 2009, for a total of \$796,862.00, based on the same individual Senior Center amounts, as approved for Fiscal Year 2008.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

- Sussex County EMS Invited to International Competition**

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

The Paramedic Competition Team from Sussex County EMS has been invited to participate in the Second International EMS Competition in Israel. The event is part of an international EMS symposium sponsored by Magen David Adom Israel, which is the national EMS system of that country. Competitors will include teams from the Czech Republic, Poland, Canada, Turkey, Ireland, Great Britain, Netherlands, Norway, France and Germany, in addition to those from Israel. As of this moment, Sussex County will be the only team representing the United States.

Three members of the SCEMS Paramedic Competition Team will compete in the event, which will be held September 7th through the 9th. A fourth member, Operations Manager, Robbie Murray, will also attend and will serve as an alternate, if necessary. Mr. Murray is also delivering a lecture at the conference.

All expenses, with the exception of air fare, are being covered by Magen David Adom Israel.

2. Roland L. Derrickson –Former Planning & Zoning Director

We regret to announce the passing of Roland L. Derrickson, of Dagsboro, Delaware, who died on August 9, 2008. Mr. Derrickson worked for Sussex County Council during the period of 1969 to 1984, and served as the first Director of Planning & Zoning from 1971 to 1984. He was active in the community with a variety of different agencies. He also served as Deputy Secretary of Delaware Department of Agriculture and Acting Secretary of Agriculture. We wish to express our condolences to Mr. Derrickson's family.

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

M 560 08 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the
Execute recommendation of the Sussex County Engineering Department, for Sussex
Wastewater County Project No. 81-04, Agreement No. 912, that the Sussex County
Agreements/ 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, Section
B, Phase 1.6, Twelve (12) Condominium Units, located in the Millville
Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

M 561 08 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon

Execute Wastewater Agreements/ Bay Forest the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 913, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bay Forest, LLC, for wastewater facilities to be constructed in Bay Forest, Phase 1.5A, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

M 561 08 (continued)

Motion Adopted: 5 Years.

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

Report on Agency Comments/ C/U Lawrence Lank, Director of Planning and Zoning, reported on the Proposed Ordinance denominated Conditional Use No. 1741, filed on behalf of David G. Horsey & Sons, Inc.

No. 1741 On June 3, 2008, the Council held a Public Hearing on the application of David G. Horsey & Sons, Inc. for a borrow pit on the northerly site of Route 20. At that time, the Council heard comments in opposition to the application. Due to some concerns of the Council and concerns expressed by the residents in the area of the proposed borrow pit, the Council deferred action and left the record open for comments from the Department of Natural Resources and Environmental Control (DNREC) and the Department of Agriculture. The record was left open for 60 days for written comments from DNREC regarding water quality and quantity and other issues associated with the proposed activity and written comments from the Department of Agriculture on the possible impact of waterfowl impacting the water quality and nearby poultry operations. Thereafter, the record was to be left open for 30 days for any written comments in response to DNREC's and the Department of Agriculture's comments. On June 3, 2008, Mr. Lank was instructed by the Council to notify the Applicant and the spokesperson for the opposition, Stephanie Smith, once submissions were received from the two agencies. Mr. Lank noted that the letters to both agencies requested that responses be provided by August 1, 2008.

Mr. Lank reported that a response was received from Kevin F. Coyle, AICP, Principal Planner for DNREC, dated July 29, 2008 and thereafter, was distributed to the Council. Mr. Lank also reported that no response was received from the Department of Agriculture.

Mr. Jones announced that the public may view the DNREC Report in the Office of Planning and Zoning. Mr. Lank advised that the introduction of this Report into the record starts the 30-day response period.

Old Business/ C/U The Council discussed the Proposed Ordinance denominated Conditional Use No. 1777 filed on behalf of Beebe Medical Center, Inc.

No. 1777 **The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2008 at which time they deferred action; on February 14, 2008 the Commission recommended that the application be approved with conditions.**

(continued) **The County Council held a Public Hearing on this application on February 12, 2008 at which time they deferred action.**

M 562 08 **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt**
Adopt **Ordinance No. 1990 entitled “AN ORDINANCE TO GRANT A**
Ordinance **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**
No. 1990 **RESIDENTIAL DISTRICT FOR A MEDICAL CENTER TO BE**
(C/U **LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN**
No. 1777) **BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23.471**
 ACRES, MORE OR LESS” (Conditional Use No. 1777) filed on behalf of
 Beebe Medical Center, Inc., with the following conditions:

- 1. All applicable buffers and setbacks shall be complied with and shown on the Final Site Plan.**
- 2. Signage on the site shall be as permitted in the CR-1 District.**
- 3. No parking shall be permitted in the front setback.**
- 4. Any security lights shall be screened so that they do not shine on neighboring properties or toward Route 26.**
- 5. The Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

Old **The Council discussed the Proposed Ordinances denominated Conditional**
Business/ **Use No. 1788 and Conditional Use No. 1789 filed on behalf of Artesian**
C/U **Water Company, Inc.**

No. 1788 **The Planning and Zoning Commission held a Public Hearing on these**
and **applications on May 22, 2008 at which time they deferred action; on June**
C/U 1789 **12, 2008 the Commission recommended that the applications be approved**
 with conditions.

The County Council held a Public Hearing on these applications on June 10, 2008 at which time they deferred action.

M 563 08 **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt**
Adopt **Ordinance No. 1991 entitled “AN ORDINANCE TO GRANT A**
Ordinance **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**
No. 1991 **RESIDENTIAL DISTRICT FOR A REGIONAL WATER FACILITY TO**
(C/U **BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND**

No. 1788) BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.688 ACRES, MORE OR LESS” (Conditional Use No. 1788) filed on behalf of Artesian Water Company, Inc., with the following conditions:

- M 563 08
Adopt
Ordinance
No. 1991
(C/U
No. 1788)
(continued)**
- 1. The treatment plant buildings shall appear to be agricultural buildings.**
 - 2. One unlighted sign shall be permitted on the site to identify the operation of the system.**
 - 3. With the exception of emergency generators that may be located on the site, all of the equipment needed in the operation of the facility shall be located indoors. The generators shall be housed in enclosures to reduce noise.**
 - 4. Any security lighting shall be screened so that it does not shine onto neighboring properties or County roads.**
 - 5. No elevated water towers shall be constructed on the site.**
 - 6. The Final Site Plan shall be subject to review and approval by the Planning and Zoning Commission. The Final Site Plan shall contain a landscape plan showing all vegetation and buffers for the project.**

Motion Adopted: 5 Yeas.

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

**M 564 08
Adopt
Ordinance
No. 1992
(C/U
No. 1789)**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1992 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REGIONAL WASTEWATER FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS” (Conditional Use No. 1789) filed on behalf of Artesian Water Company, Inc., with the following conditions:

- 1. The proposed regional wastewater facility and its disposal systems shall be reviewed and approved by DNREC and shall be designed and constructed in accordance with all applicable Federal, State and County requirements, including those mandated by DNREC and other agencies having jurisdiction over same.**
- 2. The treatment plant buildings shall appear to be agricultural buildings.**
- 3. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the requirements, if any, of the Engineering Department, DNREC, and any other governmental agency with jurisdiction over the use of the site, or any modification thereto.**
- 4. There shall be forested buffers of at least 30 feet from all property**

M 564 08
Adopt
Ordinance
No. 1992
(C/U
No. 1789)
(continued)

- lines. Any lagoons, rapid infiltration basins or similar structures shall be located at least 100-feet from any dwellings.
5. One unlighted sign shall be permitted on the site to identify the operator of the system.
 6. With the exception of emergency generators that may be located on the site, all of the equipment needed in the operation of the facility shall be located indoors. The generators, if any, shall be housed in enclosures to reduce noise.
 7. Any security lighting shall be screened so that it does not shine onto neighboring properties or County roads.
 8. A regional plan shall be submitted to the Engineering Department that shows all of the areas and/or subdivisions that will be served by the facility. This shall be updated on an annual basis as additional properties or subdivisions are added. The Plan and its updates shall include a list of EDUs planned to be served to ensure that adequate capacity exists.
 9. The facility shall not receive wastewater from any property or parcel that is located within a Sussex County Sewer Planning Area or Sewer District, unless approval is given by the Engineering Department.
 10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall contain a landscape plan showing all vegetation and buffers for the project.

Motion Adopted: 5 Years.

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

Requests

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

M 565 08
Human
Service
Grant
and
Community
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$7,000.00 (\$3,000.00 from Human Service Grants, \$2,000.00 from Mr. Phillips' Community Grant Account, and \$500.00 each from Mr. Cole's, Mr. Dukes', Mr. Jones' and Mr. Rogers' Community Grant Accounts) to the Delaware Branch of the Quality Deer Management Association for the purchase and placement of a cooler in Sussex County to be used as a drop-off point for hunters to donate extra deer to organizations that help feed the less fortunate.

Motion Adopted: 5 Years.

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

M 566 08
Community

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$1,500.00 (\$1,000.00 from Mr. Jones' and \$500.00 from Mr. Phillips'

Grant Community Grant Accounts) to Communities in Schools of Delaware for Operation Playground in Georgetown

Motion Adopted: 5 Yeas.

M 566 08 **Vote by Roll Call:** **Mr. Cole, Yea; Mr. Phillips, Yea;**
(continued) **Mr. Dukes, Yea; Mr. Rogers, Yea;**
 Mr. Jones, Yea

| | |
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| M 567 08 | A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give |
| Community | \$300.00 (\$150.00 each from Mr. Jones' and Mr. Phillips' Community Grant |
| Grant | Accounts) to the Georgetown – Millsboro Rotary Club for a Golf |
| | Fundraiser. |

Motion Adopted: 5 Yeas.

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

| | |
|-----------------|---|
| M 568 08 | A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$5,000.00 from Mr. Jones' Community Grant Account to the Town of Greenwood for the Historical Society for miscellaneous improvements within the Town. |
|-----------------|---|

Motion Adopted: 5 Yeas.

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

| | |
|--------------------------------|--|
| M 569 08 Community Grant | A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$150.00 from Mr. Dukes' Community Grant Account to Morning Star Publications for the <i>Newspapers in Education Program</i> . |
|--------------------------------|--|

Motion Adopted: 5 Yeas.

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

| | |
|------------------|---|
| M 570 08 | A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give |
| Community | \$6,000.00 from Mr. Jones' Community Grant Account to the Woodbridge |
| Grant | Little League for land acquisition and operating expenses. |

Motion Adopted: 5 Yeas.

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

Mr. Jones, Yea

M 571 08 **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give**
Community **\$10,000.00 from Mr. Dukes' Community Grant Account to Mission of Hope**
Grant **for operating expenses.**

M 571 08 **Motion Adopted: 5 Yeas.**

(continued)

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

M 572 08 **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give**
Community **\$2,000.00 from Mr. Dukes' Community Grant Account to the City of**
Grant **Seaford for the Fire Museum.**

Motion Adopted: 5 Yeas.

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

M 573 08 **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give**
Community **\$6,000.00 from Mr. Dukes' Community Grant Account to the Laurel Police**
Grant **Department for a K-9 Program.**

Motion Adopted: 5 Yeas.

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

Additional **Under Additional Business, Daniel Kramer questioned if the County gives**
Business/ **funding to the local SPCA. Mr. Kramer stated that they should not get any**
Daniel **funding because they don't provide any services. Mr. Kramer also stated**
Kramer **that, if the County is funding the State's Dog Control Program with Kent**
(comments) **County SPCA, then the County should have control of the program.**

Mr. Baker responded that a grant was given to the local SPCA in memory
of a County employee. Mrs. Webb stated that they also receive Human
Service Grant funding.

Additional **Under Additional Business, Stephanie Smith commented on Conditional**
Business/ **Use No. 1741 filed on behalf of David G. Horsey & Sons, Inc. She**
Stephanie **referenced that the record was left open for written comments from the**
Smith **Department of Agriculture and DNREC and she questioned the fact that no**
(comments) **response has been received from the Department of Agriculture. Mr. Jones**
 responded that the County can only ask for comments from outside
 agencies and that those agencies cannot be forced to respond.

**Additional Business/
Ken Bock
(comments)

(continued)** Under Additional Business, Ken Bock, Deputy Director of CHEER, commented on the Reimbursable Transportation Program funding which was previously acted on by the Council on this date. He emphasized that this is the sixth straight year that there has been no increase in transportation funding for the agencies in Sussex County. He referenced the increased cost of fuel and the fact that they continue to provide more and more transportation to an ever increasing senior citizen population. Mr. Bock stated that they provide transportation at one-third the cost per trip compared to the State-operated Para Transit System. He noted that the State has granted itself increases for fuel costs, insurance, utilities, etc. Mr. Bock asked that (1) the Council provide additional funds to CHEER and to the other agencies providing this transportation service and (2) that the State reconsider the funding in the next Fiscal Year so that the agencies do not continue to face flat-line budgets in future years.

Mr. Bock also asked for the Council's support of the Sussex County Mobility Consortium, a program in its second year of operation. This program coordinates existing resources from profit and non-profit organizations and volunteers to provide transportation services. The program currently provides transportation for over 1,000 people per month. Mr. Bock noted that the State did not continue its funding for this program and he asked the Council to provide funding to help support the continued operation of the Mobility Consortium.

**Additional Business/
Corrina McAllister
(comments)** Under Additional Business, Corrina McAllister referenced Conditional Use No. 1741 filed on behalf of David G. Horsey & Sons, Inc. and a letter from Stephanie Smith, dated July 3, 2008, that was mailed to the Council asking for a response concerning House Concurrent Resolution No. 73 entitled "A TASK FORCE TO REVIEW BORROW PIT RULES AND REGUALTIONS IN THE STATE OF DELAWARE", which was passed by the House on July 1, 2008. Ms. McAllister questioned what effect the Council believes this will have and whether or not Council would be willing to wait on making a decision on Conditional Use No. 1741 until action is taken on HCR No. 73. Ms. McAllister stated that no response has been received from the Council. Mr. Griffin responded that the Council may choose not to comment until the Public Hearing record has been closed.

**M 574 08
Amend
Agenda** A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda by moving "Executive Session – Land Acquisition" and "Land Acquisition" under David Baker, County Administrator, to the end of the meeting, following the 7:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas.

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

Public A Public Hearing was held on the Proposed Ordinance entitled "AN

**Hearing
(C/U
No. 1798)**

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CREMATORY AS AN ADDITION TO AN EXISTING CEMETERY(WOODLAWN MEMORIAL PARK) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22.16 ACRES, MORE OR LESS” (Conditional Use No. 1798) filed on behalf of First State Cremation Center, Inc.

**Public
Hearing
(C/U
No. 1798)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on July 24, 2008 at which time the Commission recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 24, 2008.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.

The Council found that C. Kenneth Carter, Land Surveyor and Planner, was present on behalf of First State Cremation Center, Inc. He stated that when a family chooses cremation, most of the member funeral homes must utilize the services of crematory locations in Lewes, Frankford, or Delmar in Sussex County; that the Zoning Ordinance provides that a Conditional Use is required for a crematory associated with a cemetery and requires certain setbacks from property lines; that the proposed building is 240-feet from the southerly property line and 370-feet from the chapel on site; that the closest building to the site is a chicken house approximately $\frac{3}{4}$ mile away and that the closest dwelling is approximately 1 mile away; that the site is surrounded by other lands of the Melvin Joseph Estate; that the cremation rate in Delaware has grown by over 20%; that a need exists to serve the residents of the County with cremation services; that the use will not create any demand on County services; that pet cremation services would also be offered which would be separate from the human crematory; that the only additional traffic will be hearses; that the building will be in character with the buildings already existing in the cemetery; and that they have obtained the necessary DNREC permits for the crematorium.

John A. Cranston, a Funeral Director in Seaford; Dave Salmon, a Funeral Director in Dover, and George Short, a Funeral Director in Milton, were present in support of the application.

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

**M 575 08
Adopt
Ordinance
No. 1993
(C/U
No. 1798)**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1993 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CREMATORY AS AN ADDITION TO AN EXISTING CEMETERY(WOODLAWN MEMORIAL PARK) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND

BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22.16 ACRES, MORE OR LESS” (Conditional Use No. 1798) filed on behalf of First State Cremation Center, Inc., with the following condition:

**M 575 08
(continued)**

- 1. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
(C/U
No. 1799)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A HEALTH, DEVELOPMENT AND CRISIS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32,905 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1799) filed on behalf of Delmarva Clergy United in Social Action, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on July 24, 2008 at which time the Commission recommended that the application be denied due to the lack of a record of support for the application.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 24, 2008.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.

Mr. Lank noted that there was no one present at the Public Hearing before the Commission on behalf of the application and for this reason, the Commission denied the application.

Bishop Major Foster of Ellendale was present on behalf of the application. He stated that the application is for a Health Development and Crisis Center; that they have an existing shelter that house women for substance abuse, etc.; that the new site would be for young women who are pregnant; that pre-natal care would be provided; that they propose to provide a home for the young mothers and their babies for approximately 12 months after which time they propose to help them find a place to stay and raise their family; and that there is a need for this service in Sussex County as no similar facility currently exists.

Public comments were heard.

Elizabeth Williams, a resident of Georgetown, and David Kennedy of Oasis Homes and Development spoke in support of the application.

The Public Hearing was closed.

**M 576 08
Adopt
Ordinance
No. 1994
(C/U
No. 1799)**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1994 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A HEALTH, DEVELOPMENT AND CRISIS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32,905 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1799) filed on behalf of Delmarva Clergy United in Social Action, Inc., with the following condition:

- 1. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**M 577 08
Go Into
Executive
Session**

At 7:53 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session to discuss land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 7:54 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing land acquisition. The Executive Session concluded at 8:40 p.m.

**M 578 08
Reconvene
Regular
Session**

At 8:41 p.m., a Motion was made by Mr. Cole, seconded by Mr. Dukes, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

**Land
Acquisition
Proposal/
Georgetown
Land
Acquisition
Proposal/
New
County
Adminis-
tration
Building
(continued)**

Mr. Baker presented a land acquisition proposal. He reported that the proposal is part of the County's plan to seek additional space for County offices. Mr. Baker reported that County offices are cramped and that the County recently leased space at the Tunnell & Raysor Building in Georgetown for the Clerk of the Peace Office and offices for some Engineering staff. Mr. Baker reported that Studio JAED completed a Space Needs Analysis in May 2007 and they recommended the construction of a 50,000 to 100,000 square foot building. Mr. Baker advised that the first step is to acquire property and he reported that a 29.6 acre parcel is available on the outskirts of Georgetown at the E. Trap Pond Road and Route 113 intersection.

Mr. Baker stated that the benefits of the site are: easy access to the site for the public and employees, sufficient parking, room for future expansions, and that most services could be available at this one location. It is proposed that the County would maintain a presence on The Circle in Georgetown, e.g. Clerk of the Peace and Register of Wills offices.

Mr. Cole expressed concern about the current economic environment and the fact that some of the County's income sources are down. He stated that he feels the County should tighten its belt and address this land acquisition proposal another time. He stated that three members of the Council have announced that they will not be seeking another term and therefore, will be leaving in January. He stated that he does not support shackling a new Council with this land purchase since a new Council may choose not to construct a new building and then, the County would be left with vacant land. He noted that this is a very large purchase and the County may have other financial needs in the future. Mr. Cole emphasized that he does not support the acquisition at this time.

In response to questions raised by Mr. Cole, Mr. Baker advised that the County has set aside \$14 million in the Capital Improvement Fund for this project.

Mr. Phillips referenced the County's \$2.7 million deficit in 2007 and its current \$3.8 million deficit; that when the County has a deficit, it has to utilize its reserves; that we are currently in a recession; that he is not convinced this is something the County needs; and that additional office space was recently leased to help relieve the County's space needs.

Mr. Dukes stated that the County's Administrative Office Building was opened in 1996 and that the County has already outgrown the building; that parking is a problem; that departments are spread throughout Georgetown; that the County needs to start planning now; that the County needs to get control of some land now; that the original price of the property was \$4.2 million and that the price is now down to \$2.4 million; that the location is prime; and that the purchase of this property would be an investment for the future of Sussex County.

Mr. Rogers stated that the Council and staff have been discussing land acquisition for a new Administrative Office Building for over a year; that there has been a substantial drop in the price of the property; and that it is time to make the purchase for the future of Sussex County.

M 579 08
Approve
Property
Purchase/
Georgetown
Villas, LLC

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that the Sussex County Council approves the purchase of approximately 29.68 acres of property (Tax Map and Parcel No. 1-35 19.00 63.00) from Georgetown Villas, LLC for the amount of \$2,400,000.00 subject to County review and approval of a survey, legal documents, environmental review, wetlands delineation, etc.

Motion Adopted: 3 Yeas, 2 Nays.

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

M 580 08
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 8:58 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council