



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 25, 2007**

**Call to  
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 25, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 579 07  
Approve  
Agenda**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the Agenda by deleting (1) "Approval of Minutes"; (2) "Appeal Hearing Request – Subdivision Application No. 2006-25, NES Properties, LLC, Hickory Run"; (3) "Introduction of Proposed Zoning Ordinances"; and (4) Grant Request from the "Historic Lewes Cat Society for land to establish shelter for homeless cats and dogs in Sussex County"; and to approve the Agenda, as amended.

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**Corre-  
spondence**

Mr. Griffin read the following correspondence:

**DELAWARE NATIONAL GUARD YOUTH CAMP,  
RE: Thank you card.**

Mr. Cole joined the meeting.

**Draft  
Ordinance  
Relating  
to Lot**

Mr. Baker explained that on September 18, 2007, the Council discussed a draft ordinance entitled "AN ORDINANCE TO REPEAL CHAPTER 80, RELATING TO LOT MAINTENANCE AND TO AMEND CHAPTER 115, ZONING, ARTICLE XXV, SECTION 115-191 RELATING TO THE

<b>Main- tenance</b>	<b>PARKING, STORING AND MAINTENANCE OF VEHICLES AND BOATS AND PROHIBITED GROWTHS AND ACCUMULATIONS ON NON-AGRICULTURAL LANDS, WASTE MATERIALS OUTSIDE COMMERCIAL PREMISES, ENFORCEMENT METHODS AND THE VIOLATIONS AND PENALTIES RESULTING THEREFROM". Mr. Baker stated that on September 18th, the draft ordinance, as presented,</b>
<b>(continued)</b>	<b>allowed up to two boats and two cars on a lot which are either inoperable, dismantled, wrecked, etc. This has been changed (Page 4, B) to say that "No more than a total of 2 automotive vehicles, boats or other watercraft, which are either inoperable, dismantled, wrecked, or which display registration plates..."</b>
<b>Introduction of Proposed Ordinance</b>	<b>Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO REPEAL CHAPTER 80, RELATING TO LOT MAINTENANCE AND TO AMEND CHAPTER 115, ZONING, ARTICLE XXV, SECTION 115-191 RELATING TO THE PARKING, STORING AND MAINTENANCE OF VEHICLES AND BOATS AND PROHIBITED GROWTHS AND ACCUMULATIONS ON NON-AGRICULTURAL LANDS, WASTE MATERIALS OUTSIDE COMMERCIAL PREMISES, ENFORCEMENT METHODS AND THE VIOLATIONS AND PENALTIES RESULTING THEREFROM". The Proposed Ordinance will be advertised for Public Hearing.</b>
<b>Draft Ordinance/ "Clean Hands"</b>	<b>Mr. Baker explained that on September 18, 2007, the Council discussed a draft ordinance entitled "AN ORDINANCE TO ADOPT CHAPTER 116, ENFORCEMENT OF COUNTY OBLIGATION, TO REQUIRE RESIDENTS AND PROPERTY OWNERS TO BE CURRENT IN THE PAYMENT OF TAXES AND OTHER COUNTY OBLIGATIONS AS A CONDITION PRECEDENT TO MAKING APPLICATION FOR AND RECEIVING COUNTY APPROVALS, SERVICES, AND/OR PERMITS". Mr. Baker stated that there have been no changes to the wording since the draft was presented on September 18th.</b>  <b>Mr. Rogers referred to the last sentence in §116-3 on Page 2 which states that "If the party requesting County approval is current on some, but not all obligations owed to the County, the approval, permit, license and/or County service being applied for shall be denied until such time as all County obligations are current and fully complied with." Mr. Rogers suggested that the word "denied" be changed to "not considered", "withheld" or "not accepted".</b>  <b>Mr. Griffin stated that the Council could make this change during the Public Hearing process.</b>
<b>Introduction of Proposed Ordinance</b>	<b>Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO ADOPT CHAPTER 116, ENFORCEMENT OF COUNTY OBLIGATIONS, TO REQUIRE RESIDENTS AND PROPERTY OWNERS TO BE CURRENT IN THE PAYMENT OF TAXES AND OTHER COUNTY OBLIGATIONS AS A CONDITION PRECEDENT TO</b>

**MAKING APPLICATION FOR AND RECEIVING COUNTY APPROVALS, SERVICES, AND/OR PERMITS". The Proposed Ordinance will be advertised for Public Hearing.**

**Report**

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

**Adminis-  
trator's  
Report**

**1. Sussex County Property Taxes**

The due date for Sussex County property taxes is October 1, 2007. Checks received by mail postmarked after October 1 will be charged a one-and-one-half percent per month penalty. The Sussex County Treasury Division will be open from 8:30 a.m. to 4:30 p.m. throughout this week, Monday through Friday. Payment can also be made on-line at [www.sussexcountypa.gov/e-gov/propertytaxes/](http://www.sussexcountypa.gov/e-gov/propertytaxes/). Attached is a copy of a News Release issued in July regarding property taxes.

**2. Sussex County Airport Committee Meeting**

As per the attached announcement, a meeting of the Sussex County Airport Committee will be held on Wednesday, October 3, 2007, at 6:00 p.m. at the West Complex in Georgetown.

**3. Delaware Department of Transportation – Western Sussex County Improvements**

Attached are Press Releases issued by the Delaware Department of Transportation announcing road improvements to be made in the Seaford and Laurel areas, primarily near various Route 13 intersections. Construction is set to begin in late September and early October for these improvements.

**4. NASCAR Dover Race Weekend**

Approximately 100 race team members flew into the Sussex County Airport at Georgetown during the past weekend of September 20 through September 23, 2007. Racing teams including Mark Martin, Dale Earnhardt, Jr., Martin Truex, Jr., John Andretti, and others flew to and from the Sussex County Airport. Planes carrying up to 50 people arrived and left. Many positive comments were received regarding the hospitality offered at the County Airport.

We would like to thank County staff who helped make the event successful including Joe Thomas, Debbie Jones, Susan Wise, Ira Hitchens, Shirley Hitchens, Susan Perks-Davis, Susan Webb, Hal Godwin, Richard King, Jim Hickin, Harold Crockett, Eddie Sparpaglione, Chip Guy, Buildings and Grounds employees, and County dispatchers. Other community members who helped included Wes Jones, Marshall Reynolds, Ruth Reynolds, Bill

**Tyndall, Susan Hickin, Sandy Baker, Megee Motors, Georgetown Air Services, and Shirley Lancaster.**

<b>Land Use Meeting</b>	<b>Mr. Baker reported that Public Meetings on the Land Use Plan would be held on this date at 6:30 p.m. at the Rehoboth Beach Convention Center and at 6:30 p.m. on September 26th at the Laurel Fire Hall.</b>
<b>Prime Hook/ Payment in Lieu of Taxes</b>	<b>Mrs. Webb reported that a check in the amount of \$62,291.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. The check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2006. The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment, including refuge receipts and supplemental appropriations. Sussex County may use the funds for any governmental purpose.</b>  <b>Mrs. Webb presented for the Council's authorization, the recommended distribution of the Refuge Revenue Sharing Funds, as follows: Milford School District - \$12,227.36; Cape Henlopen School District - \$38,879.48; Sussex Technical High School - \$3,879.08; Library - \$766.62; and Sussex County - \$6,538.46.</b>  <b>Mr. Rogers stated that the fire company spends a lot of time at the Prime Hook National Wildlife Refuge fighting fires and therefore, they should receive some of the funding.</b>
<b>M 580 07 Allot 10% of Refuge Revenue Sharing Funds to Fire Co. (Motion Failed)</b>	<b>A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to allot ten percent of the allocation from the Prime Hook – Refuge Revenue Sharing Funds to the fire company.</b>  <b>Motion Failed: 2 Yeas, 2 Nays, 1 Absent.</b>  <b>Vote by Roll Call: Mr. Cole, Nay; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Absent; Mr. Dukes, Nay</b>
<b>M 581 07 Authorize Distribution of Refuge Revenue Sharing Funds</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes the distribution of the Refuge Revenue Sharing Funds, as presented.</b>  <b>Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.</b>  <b>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Nay; Mr. Jones, Absent; Mr. Dukes, Yea</b>
<b>Wastewater Agreement</b>	<b>Mr. Godwin presented a Wastewater Agreement for the Council's consideration.</b>
<b>M 582 07</b>	<b>A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon</b>

**Authorize Wastewater Agreements/ Long Neck Shores M 582 07 (continued)** the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 820, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and D & M Holdings, Inc. for wastewater facilities to be constructed in Long Neck Shores, Phase 4 (Original was Phase 3 & 4), located in the Long Neck Sanitary Sewer District.

**Motion Adopted:** 4 Yeas, 1 Absent.

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

**Public Hearing/ Piney Neck Expansion of the DFSSD** The Public Hearing was continued from September 18, 2007 on the Piney Neck Expansion of the Dagsboro – Frankford Sanitary Sewer District.

John Ashman, Director of Utility Planning, reported that an area resident spoke at the September 18th Public Hearing concerning being included in the proposed expansion; at that time, the resident was given contact information and was asked to call the County Engineering Department regarding his request. To date, the Engineering Department has not been contacted.

Mr. Ashman reported that they have been in contact with the developers who requested a deferment on September 18th and he stated that he believes they have resolved their differences. Mr. Ashman and Michael Izzo, County Engineer, noted that the major issue was the refunding of oversizing costs and that generally, credits are given for transmission or connection fees. Mr. Izzo stated that they are working with the developers to find other ways to reimburse for oversizing and that they have agreed to work toward this goal.

Mr. Ashman reported that all the parcels, as proposed on September 18th, remain in the Proposed Resolution for inclusion in the District.

Mark Chura of Ocean Atlantic Associates was present representing HKS, LLC. He expressed their thanks to the Council and to the Engineering Department for working through the details of their concerns. He stated that they support the expansion of the sanitary sewer district.

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

**M 583 07 Adopt R 024 07** A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Resolution No. R 024 07 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED NORTHERLY AND SOUTHERLY OF

**COUNTY ROAD 336, PINEY NECK ROAD, AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 4 Yeas, 1 Absent.**

**M 583 07  
(continued)**      **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Absent;  
Mr. Dukes, Yea**

**Mr. Jones joined the meeting.**

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

**M 584 07**      **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give**  
**Council-**      **\$500.00 from Mr. Phillips’ Councilmanic Grant Account to the Northeast**  
**manic**      **Rally Club for their fundraiser to benefit the Millsboro Volunteer Fire**  
**Grant**      **Company.**

**Motion Adopted: 5 Yeas.**

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

**M 585 07**      **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give**  
**Council-**      **\$400.00 (\$100.00 each from Mr. Phillips’, Mr. Jones’, Mr. Dukes’ and Mr.**  
**manic**      **Rogers’ Councilmanic Grant Accounts) to the Delmarva Christian High**  
**Grant**      **School for their physical fitness program which is offered to the general**  
                 **public.**

**Motion Adopted: 5 Yeas.**

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

**M 586 07**      **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$100.00**  
**Council-**      **from Mr. Jones’ Councilmanic Grant Account to Sussex Central High**  
**manic**      **School for travel expenses for Erika Brittingham to participate in Tourney**  
**Grant**      **Sport USA National Softball Championship in Hawaii.**

**Motion Adopted: 5 Yeas.**

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

**M 587 07**      **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give**

**Youth Activity Grant**                    **\$250.00 (\$50.00 from each Youth Activity Grant Account) to the 4-H Sussex County Order of Links for fall activities.**

**Motion Adopted:        5 Yeas.**

**M 587 07 (continued)**            **Vote by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea;  
   Mr. Rogers, Yea; Mr. Jones, Yea;  
   Mr. Dukes, Yea**

**M 588 07 Youth Activity Grant**            **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$200.00 from Mr. Dukes' Youth Activity Grant Account to the Eastern Shore American Youth Football League for uniforms and equipment.**

**Motion Adopted:        5 Yeas.**

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

**M 589 07 Councilmanic Grant**            **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$250.00 (\$150.00 from Mr. Dukes' Councilmanic Grant Account and \$100.00 from Mr. Phillips' Councilmanic Grant Account) to the Laurel Intermediate School for their new reading incentive program.**

**Motion Adopted:        5 Yeas.**

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

**Grant Request**                    **No action was taken on the request from the Ellendale Community Civic Improvement Association, Inc. since a grant has already been approved.**

**M 590 07 Community Improvement Grant**            **A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$3,000.00 from Mr. Jones' Community Improvement Grant Account to the Boy Scouts of America, DelMarVa Council, for their 2007 Friends of Scouting Campaign.**

**Motion Adopted:        5 Yeas.**

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

**M 591 07 Youth Activity Grant**            **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$600.00 (\$400.00 from Mr. Dukes' and \$200.00 from Mr. Phillips' Youth Activity Grant Account) to Central Worship Center for their Teen Challenge Program.**

**Motion Adopted: 5 Yeas.**

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

**Grant Request**      **Action was deferred on the grant request from the Delaware Nature Society since they qualify for the Human Service Grant program.**

**Additional Business**      **Under Additional Business, Helene Guilfoxy stated that she spoke to the Council in May regarding a problem property and she thanked the Council for introducing and considering the Proposed Ordinance on Lot Maintenance. Ms. Guilfoxy raised some questions about the Proposed Ordinance; however, she was instructed by the County Attorney that the Council could not make changes to the Proposed Ordinance since it has been introduced and will be scheduled for Public Hearing.**

**Additional Business**      **Under Additional Business, Daniel Kramer expressed his opinion against giving grant funding to religious organizations.**

**M 592 07 Recess**      **At 10:49 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

**Reconvene/ Workshop**      **Mr. Dukes called the Council back into session at 1:35 p.m., at which time a Workshop was held on alternative options for infrastructure funding, including Special Development Districts, Tax Increment Financing Districts/Impact Fees, and Transportation Districts. Speakers during the Workshop were: Hal Salmons of Potter Anderson & Corroon, Lester Guthorn of Public Advisory Consultants, Ted Bishop of DelDOT, Nate Betnum of Stone & Youngberg LLC, John Stallfort of Miles & Stockbridge and Jack Haese, who represents developers.**

**M 593 07 Adjourn**      **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 3:40 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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