



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 12, 2010

#### Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 12, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
Michael H. Vincent	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Samuel R. Wilson, Jr.	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy Administrator
J. Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Phillips.

Mr. Phillips called the meeting to order.

#### M 540 10 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to amend the Agenda by deleting "Discussion and possible action on an Appeal filed by Keith Properties, Inc. on the Sussex County Planning and Zoning Commission's decision to deny Subdivision Application No. 2009-2 (Marina Cove Estates Subdivision" and by deleting "Land Acquisition" under "Executive Session"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea

#### Minutes

The minutes of September 28, 2010 were approved by consent.

**Employee of Quarter**      **The Council recognized David Wooten, Sussex County Employee of the Fourth Quarter 2010.**

**Health Week**      **Bonnie Wooten, Melissa Massey and Kim Bennett presented information on Sussex County Health Awareness Week.**

**Proposed Hunting Lease/ Sayre Baldwin**      **Mr. Baker presented a proposed Hunting Lease for the property located at the Inland Bays Regional Wastewater Facility. The proposed lease for approximately 568 acres is the same property that Sayre Baldwin, Inc., leases from the County for the privilege of tilling the agricultural lands. In accordance with the proposed Lease:**

- Proposed Hunting Lease/ Sayre Baldwin (continued)**
- **Sayre Baldwin, Inc. agrees to deep plow the irrigation fields in lieu of annual rent, saving the County approximately \$16,000.00**
  - **Insurance, liability coverage, etc. as per County's insurance consultant**
  - **Sayre Baldwin, Inc. limited to four permitted hunters**
  - **No assignment or subletting of lease**
  - **Sayre Baldwin, Inc. must provide 24 hours notice prior to any hunting activity**
  - **County may limit or terminate access to the property with 15 days prior notice**
  - **The lease will terminate December 31, 2013 in conjunction with the Agricultural Lease**

**Mr. Baker advised that Sayre Baldwin, Inc. pays the County \$50,014 per year for an agricultural lease for this same property.**

**Mr. Moore recommended two changes to the proposed Hunting Lease: (1) require hunting insurance and (2) require the individuals that hunt to sign an Assumption of Risk Form.**

**M 541 10 Approve Hunting Lease/ Sayre Baldwin**      **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves a Hunting Lease with Sayre Baldwin, Inc. for approximately 568 acres which represents the same property that Sayre Baldwin, Inc. currently leases from the County for farming, with the amendment requiring an Assumption of Risk and Hunters Insurance.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea**

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

1.      **Delaware Rural Water Association – Storm Water Assistance Program**

Attached is a brochure from the Delaware Rural Water Association regarding a storm water assistance program. Delaware Rural Water Association, in partnership with the Sussex Conservation District, will assist owners of storm water facilities, including homeowners associations, with technical assistance and training to help them oversee maintenance of their storm water infrastructure. Although they cannot perform the work needed, they are offering assistance and advice to help maintain storm water systems. As per the brochure, anyone interested should contact Mr. John Hayes at 302-424-3792.

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

**2. Wastewater System Improvements – Road Work**

Recently there have been some situations of problems with local roads, especially in the Long Neck and Angola areas, as a result of the County's wastewater construction projects. Please be assured that the County Engineering Department is working with our contractors and the Delaware Department of Transportation to ensure that the inconvenience to our residents is reduced as much as possible as a result of placing sewer lines beneath roadways. Attached is a News Release with contact information regarding this matter.

**3. County Emergency Operations Center – Call Statistics**

Attached is information regarding 9-1-1 calls received during 2010 and some previous years. Our call volume is up approximately ten percent compared to this time last year in 2009. Also, the percentage of wireless 9-1-1 calls has increased to 71 percent this year versus 54 percent in 2007.

**4. Habitat for Humanity – Sussex County Build Day**

Sussex County employee volunteers will be working on October 16 on a Habitat for Humanity house project in Laurel, Delaware. We wish to thank our employees for volunteering their time to assist with this important program.

**5. Apple-Scrapple Festival**

We are pleased to announce that Vice President Mike Vincent was the winner of the President's Cup at last Saturday's Apple-Scrapple Festival. He hogged all the points by twice scoring a perfect "5" at the Scrapple Sling as he proudly brought home the bacon for the Sussex County Council. Vice President Vincent is the second Councilperson to win this prestigious, widely sought award.

[Attachments to the Administrator's Report are not attachments to the

minutes.]

**New Bank Account**      **Mrs. Webb presented a proposal to open a new bank account for the County's participation and sponsorship of the Sussex County History Book project.**

**M 542 10**      **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to Adopt**  
**Adopt**      **Resolution No. R 024 10 entitled "AUTHORIZING THE PAYMENT**  
**R 024 10**      **FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT**  
      **WITH THE DELAWARE NATIONAL BANK BEARING THE**  
      **SIGNATURES OF ANY TWO OF VANCE PHILLIPS, PRESIDENT;**  
      **MICHAEL H. VINCENT, VICE PRESIDENT; OR SUSAN M. WEBB,**  
**M 542 10**      **FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE**  
**Adopt**      **PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR**  
**R 024 10**      **WITHDRAWAL".**

**(continued)**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Wilson, Yea;**  
      **Mr. Cole, Yea; Mr. Vincent, Yea;**  
      **Mr. Phillips, Yea**

**Proposed Agreement/**      **Gary Tonge, Director of Utility Permits, presented a Proposed Wastewater**  
**City of**      **Agreement between Sussex County and the City of Seaford to provide**  
**Seaford/**      **wastewater treatment for the Blades Sanitary Sewer District. Mr. Tonge**  
**Blades**      **explained that Sussex County owns and operates the Blades Sanitary Sewer**  
**SSD**      **District and that wastewater from this sewer district is pumped to and**  
      **treated by the City of Seaford. The Proposed Agreement replaces an**  
      **existing Agreement that has expired; the Proposed Agreement is basically**  
      **the same as the existing Agreement with the exception of a small change in**  
      **the sampling requirements and a small increase in the administrative fee**  
      **that the City charges. Mr. Tonge advised that the current boundaries of the**  
      **Blades Sanitary Sewer District are the corporate limits of the Town of**  
      **Blades; however, in the event that it should become necessary or practical,**  
      **the Proposed Agreement allows for expansion outside of this area.**

**M 543 10**      **A Motion was made by Mr. Vincent, seconded by Mr. Cole, that the Sussex**  
**Execute**      **County Council President is authorized to execute the Proposed Public**  
**Agreement/**      **Works Agreement with the City of Seaford in order to provide wastewater**  
**City of**      **treatment for the Blades Sanitary Sewer District.**

**Seaford**  
**for**  
**Blades**  
**SSD**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Wilson, Yea;**  
      **Mr. Cole, Yea; Mr. Vincent, Yea;**  
      **Mr. Phillips, Yea**

**Adminis-**      **Bob Jones, Project Engineer, presented the Balancing Change Order for the**  
**tration**      **Sussex County Administration Building Roof Replacement Project. He**

- Building Roof Replacement/ C/O** reported that the Change Order (1) takes care of nine minor construction changes for a credit total of \$15,000.00, (2) deletes the five contingent items that were not needed for a credit total of \$30,587.00 and (3) increases the time by 61 calendar days due to weather conditions. Mr. Jones reported that Substantial Completion on the project occurred on January 28, 2010.
- M 544 10 Approve C/O for Roof Replacement** A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, based upon the recommendation of the Sussex County Engineering Department and its Consultant, Studio JAED, that the Balancing Change Order for Sussex County Contract No. 07-03, Sussex County Administration Building Roof Replacement, with Quality Exteriors, Inc. be approved, which decreases the contract by the amount of \$45,587.00 for a new contract total of \$450,000.00 and increases the contract time by 61 calendar days; Substantial Completion is granted effective January 28, 2010 and final payment is to be made and any held retainage be released in accordance with the terms and conditions of the contract documents.
- M 544 10 Approve C/O for Administration Building Roof Replacement (continued)** Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea
- Requests** Mrs. Webb presented grant requests for the Council's consideration.
- Defer** Action was deferred on the grant request from Delmarva Forest.
- M 545 10 Community Grant** A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$5,000.00 from Mr. Cole's Community Grant Account to the Ocean View Historical Society for the restoration of a historical house.
- Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea
- M 546 10 Community Grant** A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$500.00 from Mr. Cole's Community Grant Account to the Mid-Atlantic Symphony Orchestra for operating expenses (to be designated for functions in Sussex County).
- Motion Adopted: 5 Yeas.  
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea
- M 547 10** A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$300.00

**Community Grant**      from Mr. Cole's Community Grant Account to Indian River High School for the purchase of flags.

**Motion Adopted:**      5 Yeas.

**Vote by Roll Call:**      Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea

**M 548 10 Community Grant**      A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$2,000.00 (\$400.00 from each Community Grant Account) to the Town of Georgetown for the Mayor's Return Day reception.

**M 548 10 (continued)**      **Motion Adopted:**      5 Yeas.

**Vote by Roll Call:**      Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea

**Introduction of Proposed Ordinances**      Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS" (Conditional Use No. 1878) filed on behalf of Freedom Worship Center.

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.9652 ACRES, MORE OR LESS" (Conditional Use No. 1879) filed on behalf of Laurel Fire Department, Inc.

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.62 ACRES, MORE OR LESS" (Conditional Use No. 1880) filed on behalf of Ellendale Volunteer Fire Company, Inc.

**Additional Business**      Under Additional Business, John Walsh raised questions regarding the scheduling of the proposed ordinances relating to manufactured homes. Mr. Walsh also questioned why the proposed ordinances were not brought before the Manufactured Housing Ad Hoc Committee for review and comment. Mr. Walsh also distributed an opinion written by the Attorney

**General's Office regarding the definition of a manufactured home.**

**M 549 10**  
**Go Into**  
**Executive**  
**Session**      **At 10:47 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess and go into Executive Session for the purpose of discussing issues pertaining to personnel and pending/potential litigation. Motion Adopted by Voice Vote.**

**Executive**  
**Session**      **At 10:49 a.m., an Executive Session of the Sussex County Council was held for the purpose of discussing issues pertaining to personnel and pending/potential litigation. The Executive Session concluded at 11:55 a.m.**

**M 550 10**  
**Reconvene**      **At 11:57 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session. Motion Adopted by Voice Vote.**

**Action**      **Mr. Moore reported that no action was necessary on Executive Session items.**

**M 551 10**  
**Recess**      **At 11:59 a.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

**\*\*\***

**M 552 10**  
**Reconvene**      **A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to reconvene at 1:34 p.m. Motion Adopted by Voice Vote.**

**Public**  
**Hearing/**  
**Manu-**  
**factured**  
**Homes**      **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I RELATING TO DEFINITIONS REGARDING MANUFACTURED HOMES”.**

**Ordinance**  
**Relating to**  
**Definitions**      **The Planning and Zoning Commission held a Public Hearing on this application on September 23, 2010 at which time they recommended that the ordinance amendment be approved, subject to the following revisions:**

- **The definition of “Manufactured Home” that is being deleted in Section 1 is part of Section 115-4 C of the Code, not 115-4 B as the proposed Ordinance currently reads. It should be revised so that the first line of Section 1 states: “Amend Sussex County Code, Chapter 115, Article I, Section 115, Subsection 115-4B and C...”.**
- **Put each of the deleted terms set forth in Section 2 within individual quotation marks, rather than the entire phrase within quotation marks, since each of the individual terms, and not the entire phrase, appear throughout the Code and need to be replaced by the term “Manufactured Home”.**
- **Put each of the deleted terms set forth in Section 3 within individual quotation marks, rather than the entire phrase within quotation marks, since each of the individual terms, and not the entire phrase,**

**appear throughout the Code and need to be replaced by the term “Manufactured Home Park”.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated September 23, 2010.)**

**Mr. Lank read a summary of the Commission’s Public Hearing.**

**Public  
Hearing/  
Manu-  
factured  
Homes  
Ordinance  
Relating to  
Definitions  
(continued)**

**Mr. Lank summarized the Ordinance Amendment which addresses the fact that there are three similar, but different definitions of manufactured home in the current Code and he stated that the new definition of a manufactured home will allow the Code to be consistent throughout; that the new definition of an accessory building clarifies language as to exactly what is considered an accessory building and to specify that an accessory building is a detached structure; that the new title and revised definition of a manufactured home park was done for consistency purposes in the Code; and that all of the definitions contained in this Ordinance Amendment are approved recommendations from the Manufactured Housing Committee.**

**During the Public Hearing before the Commission, Vince Robertson, Assistant County Attorney, advised that Section 1 of this Ordinance Amendment should reference Subsection 115-4 B and C, not just B, and that each of the different terms referenced in Section 2 and Section 3 should be quoted individually and not as a quoted list as written currently.**

**Public comments were heard.**

**Roberta Hemmerich asked that her comments be included in the record of all four Public Hearings on this date.**

**Roberta Hemmerich referenced an email received from Dixie Boucher who served on the Manufactured Housing Ad Hoc Committee. In her email, Ms. Boucher stated that she had requested that the manufactured home ordinances be reviewed by the Committee prior to public hearings being held and that this did not happen. Ms. Boucher asked that the ordinances be held up and reviewed by the Ad Hoc Committee before any approvals or votes are taken. She stated that, in regards to the ordinance addressing the definition of manufactured homes, etc., the word modular has been left out; the Attorney General’s Office has defined modular homes as manufactured homes as defined under Chapter 70 of the State Code and under HUD regulations, modular housing is defined and described as manufactured homes. Ms. Boucher stated that this oversight needs to be corrected before a vote is taken by the Council. Ms. Hemmerich read Ms. Boucher’s email into the record in its entirety.**

**Ms. Hemmerich stated that, since the proposed changes were discussed by the Committee, they should have been brought before the Committee at a Public Hearing and if approved, taken to Public Hearing before the Planning and Zoning Commission and the Sussex County Council.**



John Walsh stated that he supports Roberta Hemmerich's comments. He stated that a question was raised regarding whether or not the ruling by the Attorney General's Office pertains to manufactured or modular housing on individual lots owned by the homeowner and he stated that Chapter 70 would not apply as it only refers to manufactured homes on leased land in manufactured home communities. Mr. Walsh stated that the proposed ordinances were the result of the work of the Manufactured Housing Ad Hoc Committee and that it is a disservice to the people who served on that Committee to not take their further input.

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

**M 553 10  
Adopt  
Ordinance  
No. 2152/  
Manu-  
factured  
Homes  
Ordinance  
Relating to  
Definitions**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2152 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I RELATING TO DEFINITIONS REGARDING MANUFACTURED HOMES", as amended and recommended by the Planning and Zoning Commission, as follows:

- The definition of "Manufactured Home" that is being deleted in Section 1 is part of Section 115-4 C of the Code, not 115-4 B as the proposed Ordinance currently reads. It should be revised so that the first line of Section 1 states: "Amend Sussex County Code, Chapter 115, Article I, Section 115, Subsection 115-4B and C..."
- Put each of the deleted terms set forth in Section 2 within individual quotation marks, rather than the entire phrase within quotation marks, since each of the individual terms, and not the entire phrase, appear throughout the Code and need to be replaced by the term "Manufactured Home".
- Put each of the deleted terms set forth in Section 3 within individual quotation marks, rather than the entire phrase within quotation marks, since each of the individual terms, and not the entire phrase, appear throughout the Code and need to be replaced by the term "Manufactured Home Park".

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea**

**Public  
Hearing/  
Manu-  
factured  
Homes**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-187 C RELATING TO GROSS FLOOR AREA OR MANUFACTURED HOMES".

**Ordinance Relating to Gross Floor Area**      **The Planning and Zoning Commission held a Public Hearing on this application on September 23, 2010 at which time they recommended that this Ordinance Amendment be approved.**

(See the minutes of the meeting of the Planning and Zoning Commission dated September 23, 2010.)

**Mr. Lank read a summary of the Commission's Public Hearing.**

**Public Hearing (continued)**      **Mr. Lank stated that the Ordinance Amendment makes this Subsection of the Code consistent with other portions of the Code which reference 450 square feet and that this Ordinance Amendment was based on an approved recommendation from the Manufactured Housing Committee. The current Code references a minimum gross area of a mobile home as being 400 square feet within a mobile home park.**

**Roberta Hemmerich's and John Walsh's comments during the first Public Hearing were incorporated in the record of this Public Hearing.**

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

**M 554 10 Adopt Ordinance No. 2153/ Manu-factured Homes Ordinance Relating to Gross Floor Area**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2153 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-187 C RELATING TO GROSS FLOOR AREA OF MANUFACTURED HOMES".**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea**

**Public Hearing/ Manu-factured Homes Ordinance Relating to Conditional Uses**      **A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIV 115-172G RELATING TO CONDITIONAL USES REGARDING MANUFACTURED HOMES".**

**The Planning and Zoning Commission held a Public Hearing on this application on September 23, 2010 at which time action was deferred.**

(See the minutes of the meeting of the Planning and Zoning Commission dated September 23, 2010.)

**Mr. Lank read a summary of the Commission's Public Hearing.**

**Mr. Lank stated that this Ordinance Amendment is intended to clarify regulations regarding accessory buildings in manufactured home parks and**

that it also adds to the Code regulations regarding handicap ramps. This Ordinance Amendment was based on an approved recommendation from the Manufactured Housing Committee.

**Public Hearing/ Manufactured Homes Ordinance Relating to Conditional Uses (continued)**

During the Public Hearing before the Commission, Vince Robertson, Assistant County Attorney, advised that, if the Ordinance Amendment is recommended for approval, Subsection (13) should be amended to clarify that the reference to accessory buildings being previously permitted references “by Sussex County” and that Subsection (14) should be amended to clarify in the first line that the handicap ramps are “for emergency purposes”, and that permanent ramps be required to comply with setbacks. Mr. Robertson also stated that this Ordinance Amendment has received a lot of discussion; that clarity may be necessary on some of the issues; and that the Ordinance Amendment may need to address the difference between permanent and temporary handicap ramps.

Roberta Hemmerich’s and John Walsh’s comments during the first Public Hearing were incorporated in the record of this Public Hearing.

Mr. Lank reported that an email was received on this date from Pat Weyl asking that the Commission and the Council accept the explanation of a “shed” to be in the Code as proposed in the Ordinance Amendment relating to Conditional Uses regarding Manufactured Homes. In her email, Ms. Weyl stated that she thinks it is very important to identify a shed as a structure; it takes up the foot print of the leased lot and needs to be recognized as such because of the Code. Mr. Lank read the email in its entirety into the record.

There were no additional public comments.

**M 555 10 Close Public Hearing and Defer Action/ Manufactured Homes Ordinance Relating to Conditional Uses**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to close the Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIV 115-172G RELATING TO CONDITIONAL USES REGARDING MANUFACTURED HOMES” and to leave the record open for (1) the recommendation of the Planning and Zoning Commission and (2) written public comments for ten working days after introduction of the Planning and Zoning Commission’s recommendation to the County Council.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea

**Public Hearing/ Manufactured**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII 115-211 RELATING TO

**factured  
Homes  
Ordinance  
Relating to  
Variances**

**VARIANCES”.**

**The Planning and Zoning Commission held a Public Hearing on this application on September 23, 2010 at which time action was deferred.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated September 23, 2010.)**

**Mr. Lank read a summary of the Commission’s Public Hearing.**

**Public  
Hearing/  
Manu-  
factured  
Homes  
Ordinance  
Relating to  
Variances  
(continued)**

**Mr. Lank summarized the Ordinance Amendment which is intended to clarify that an adjoining property to a property that has received an approved variance in a Manufactured Home Park shall not have to apply for a variance if the adjoining property replaces an accessory building or improvement with one of the same size, as long as setback requirements are met. This Ordinance Amendment was based on an approved recommendation from the Manufactured Housing Committee.**

**During the Public Hearing before the Commission, Mr. Robertson stated that Section 1 of the Proposed Ordinance Amendment should reference Subsection 115-211, not 115-121; that on the second line of Subsection 211 H, it should be noted that the reference to an accessory building should also reference one that was previously permitted by Sussex County; and that there may be some need for clarification on this Ordinance Amendment with the County Attorney that prepared the document. Mr. Robertson requested time to review the Ordinance Amendment and to discuss it with the County Attorney that drafted the document.**

**Public comments were heard.**

**It was noted that the email from Pat Weyl was made a part of the record of this Proposed Ordinance.**

**Roberta Hemmerich’s and John Walsh’s comments during the first Public Hearing were incorporated into the record of this Public Hearing.**

**Sandy Spence stated that she believes the Proposed Ordinances should be reviewed by the Manufactured Housing Ad Hoc Committee, especially this Proposed Ordinance since it is not clear; that many people cannot attend Public Hearings during daytime hours; and that the Council should not act on this Proposed Ordinance at this time.**

**There were no additional public comments.**

**M 556 10  
Close  
Public  
Hearing  
and Defer**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to close the Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII 115-211 RELATING TO VARIANCES”. and to leave the record open for (1) the recommendation of the Planning**

**Action/  
Manu-  
factured  
Homes  
Ordinance  
Relating to  
Variances**      **and Zoning Commission and (2) written public comments for ten working days after introduction of the Planning and Zoning Commission's recommendation to the County Council.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Wilson, Yea;  
Mr. Cole, Yea; Mr. Vincent, Yea;  
Mr. Phillips, Yea**

**M 557 10      A Motion was made by Mr. Vincent, seconded by Mr. Cole, to adjourn at  
Adjourn      2:37 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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