



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 17, 2006**

**Call to Order**            A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 17, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 693 06**            A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the  
**Approve**            Agenda, as distributed.  
**Agenda**

**Motion Adopted:     5 Yea.**

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

**M 694 06**            A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the  
**Approve**            minutes of September 19, 2006.  
**Minutes**

**Motion Adopted:     5 Yea.**

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

**Corre-**            Mr. Griffin read the following correspondence:  
**spondence**

**DELAWARE'S JUNIOR MISS, INC., TOWNSEND, DELAWARE  
RE: Letter in appreciation of the Council's recent donation.**

<b>Southern Delaware Tourism</b>	<p>Karen Faulk, Executive Director of Southern Delaware Tourism, was in attendance. Ms. Faulk presented a plaque to the Sussex County Council and to County Administrator Robert Stickels “in appreciation of your support for co-sponsoring the Beaches Bay &amp; Beyond Eco-Tourism Conference.</p>
<b>Award of Comprehensive Annual Financial Report/ Fiscal Year 2005</b>	<p>Mr. Baker reported that the County has once again been awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for Fiscal Year 2005 for its Annual Comprehensive Financial Report.</p> <p>Mr. Baker reported that only 16 percent of counties received this award in 2004 (486 out of 3,034 counties). This is the fourth year that Sussex County has received this award.</p> <p>The County Council presented plaques to the following individuals for their assistance in achieving excellence in financial reporting: Robert Stickels, David Baker, Susan M. Webb, Keith Moore, William Townsend, Chris Parker, Patricia Faucett, Jeff James, and Mary Matthews.</p> <p>Mr. Baker announced that Mary Matthews, Assistant Director of Accounting, would be retiring at the end of the month with 25 years of service to the County.</p>
<b>Weekly Report to Council</b>	<p>Mr. Baker read the following information in his Weekly Report to Council:</p> <ol style="list-style-type: none"><li><p><u><b>National Incident Management System/Incident Command System (NIMS/ ICS) Training</b></u></p><p>Twenty-three (23) County staff members will be attending training regarding the National Incident Management System on October 16 or October 24, 2006. This training by Mr. Glenn Luedtke will aid the County staff in responding to and managing major emergency incidents and critical events. The course will satisfy State training requirements for incident responders.</p></li><li><p><u><b>Planning and Zoning Commission Meeting</b></u></p><p>On October 27, 2006, at 1:00 p.m. the Sussex County Planning and Zoning Commission will be meeting with the County’s land use consultant, Urban Research &amp; Development Corporation, for a kickoff meeting regarding the Sussex County Land Use Plan Update. The meeting will be held in the County Council Chambers.</p></li><li><p><u><b>Miller Creek Bids</b></u></p><p>On October 10, 2006, the County Engineering Department opened</p></li></ol>

bids for a Miller Creek sewer contract for the Plantation Park area. Bids were received from Underground Utilities and Ed McGinn Contractors. The alternate bids were as follows: Underground Utilities - \$3,533,612 and Ed McGinn Contractors - \$3,515,280. The County Engineering Department is reviewing the bids and expects to make a recommendation to the Sussex County Council within several weeks.

Weekly  
Report  
to Council  
(continued)

4. Beneficial Acceptance

The Engineering Department has granted Beneficial Acceptance to the following projects:

- Bayview Landing – Phase IV, Agreement No. 368, was granted Beneficial Acceptance on October 11, 2006. The developer is Bayview Ventures I, Inc., and the project is located on the north side of Route 54, east of Swann Keys, in the Fenwick Island Sanitary Sewer District, consisting of 28 single-family lots.
- Americana Bayside – Phases 7A and 9A, Agreement No. 566, was granted Beneficial Acceptance on October 12, 2006. The developer is CMF Communities, L.L.C., and the project is located on Wild Rose Circle in the Fenwick Island Sanitary Sewer District, consisting of one multiplex unit, 33 townhouses, and 50 single-family lots.
- Americana Bayside – Phases 7B and 9B, Agreement No. 571, was granted Beneficial Acceptance on October 12, 2006. The developer is CMF Bayside, L.L.C., and the project is located on Signature Boulevard, Blue Indigo Road, in the Fenwick Island Sanitary Sewer District, consisting of 17 single-family lots and nine townhouses.

Included with this report was a fact sheet on each of the projects.

Bank  
Resolutions

Susan Webb, Director of Accounting, presented Bank Resolutions for the Council's consideration. She reported that the new Resolutions are necessary to change the authorized signer on the County's bank accounts to reflect the name of the newly appointed Finance Director (Susan M. Webb), effective November 1, 2006.

M 695 06  
Adopt  
Resolution  
No.  
R 021 06

A Motion was made by Mr. Jones, seconded by Dukes, to Adopt Resolution No. R 021 06 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

**Motion Adopted: 5 Yea.**

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

**M 696 06  
Adopt  
Resolution  
No.  
R 022 06**

**A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 022 06 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR”.**

**Motion Adopted: 5 Yea.**

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

**M 697 06  
Adopt  
Resolution  
No.  
R 023 96**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 023 96 entitled “CASH MANAGEMENT ACCOUNT RESOLUTION”.**

**Motion Adopted: 5 Yea.**

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

**M 698 06  
Adopt  
Resolution  
No.  
R 024 06**

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Resolution No. R 024 06 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE CITIZENS BANK BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted: 5 Yea.**

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

**M 699 06  
Adopt**

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Resolution No. R 025 06 entitled “AUTHORIZING THE PAYMENT**

**Resolution No. R 025 06** FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

**M 699 06** Motion Adopted: 4 Yea, 1 Abstention.  
(continued)

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

**M 700 06** A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt  
**Adopt Resolution No. R 026 06** Resolution No. R 026 06 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR”.

Motion Adopted: 4 Yea, 1 Abstention.

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

**M 701 06** A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt  
**Adopt Resolution No. R 027 06** Resolution No. R 027 06 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MERCANTILE PENINSULA BANK BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

Motion Adopted: 5 Yea.

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

**M 702 06** A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt  
**Adopt Resolution No. R 028 06** Resolution No. R 028 06 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON SAVINGS FUND SOCIETY, FSB BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE

**DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted: 5 Yea.**

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

**M 703 06  
Adopt  
Tribute**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Tribute recognizing and saluting Helen & Bill Williams “for their generous community contributions and their dedication to the fundraising efforts of the Georgetown Public Library.**

**Motion Adopted: 5 Yea.**

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

**Airport  
Expansion  
Project/  
Jean  
Scott  
Property**

**Mr. Izzo, County Engineer, presented a proposal to acquire land for the proposed extension of Runway 4-22 from the existing 5,000 feet to approximately 6,300 feet. This extension would require a realignment of Truck Route 9; it would also extend the runway safety area at the end of the extended runway.**

**Mr. Izzo advised the Council that the selected road realignment would “tie us into Arrow Safety Road”. The property that is being proposed to be acquired belongs to Jean M. Scott. The property is a 16.1 acre parcel and it is part of a larger parcel consisting of approximately 150 acres. The 150 acres is under contract to a land development company (Lacrosse Homes). For this reason, the County has been dealing with Mrs. Scott and Lacrosse Homes and an agreement has recently been reached with both parties. The County has negotiated a purchase price of \$50,000 per acre, pending a survey prior to settlement. The total acquisition price would be \$805,000.**

**Mr. Izzo reiterated that the purchase is needed for the runway extension project and the road realignment project. He noted that it will eventually be grant eligible for reimbursement.**

**M 704 06  
Approve  
Purchase  
of Property  
for Airport  
Expansion  
Project**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the purchase of approximately 16 acres of land (Parcel Nos. 1-35-20-93 and 1-35-20-94) to accommodate the expansion of Runway 4-22 at the Sussex County Airport in accordance with the Contract of Sale executed with Jean M. Scott and Lacrosse Homes.**

**Motion Adopted: 5 Yea.**

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

**Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**Western  
Sussex  
Regional  
Wastewater  
Study  
Western  
Sussex  
Regional  
Wastewater  
Study  
(continued)**

**Mr. Izzo, County Engineer, stated that when the Council approved the Fiscal Year 2005 Budget, funds were allocated to do a Western Sussex Regional Wastewater Study. Mr. Izzo stated that one of the purposes of the Study was to look at a potential Regional Wastewater Facility that would accommodate the municipalities along the Route 13 Corridor (Greenwood, Bridgeville, Seaford, Blades, Bethel, Laurel and Delmar).**

**Mr. Izzo noted that, when he came before the Council in January 2006 to initiate the Planning Study, one of the directives received from Council was to come back to Council after the completion of Phase I of the Study to present the information compiled; to make some recommendations about how to proceed with the final two-thirds of the Study; and to give the Council the opportunity to review and comment on the recommendations.**

**Mr. Izzo reported that one-third (Phase I) of the Study has now been completed. He stated that the purpose of coming before Council on this date was to present the information gathered and to offer recommendations.**

**Thor Young of Stearns & Wheler, LLC; Laurie Terry of Whitman, Requardt & Associates; and Russell Archut, Assistant County Engineer, participated in the presentation.**

**Ms. Terry stated that they have contacted and arranged meetings with the municipalities in the Western Sussex Planning Area to review current facilities, flows, and growth projections and to gauge their interest; that Phase II will request and review detailed planning data from each of the municipalities, develop detailed flow projections, and develop regional treatment scenarios; that Phase III will determine actual land requirements needed for a facility, evaluate and select a site somewhere in the planning area, develop conceptual pumping and treatment scenarios, and develop cost estimates.**

**Mr. Archut reported that letters were sent to each of the municipalities inviting them to meet with the County to discuss the possibility of a Regional Wastewater Treatment Facility. With the exception of Delmar, responses were received from each municipality indicating a willingness to meet to discuss the project in more detail. Delmar recently contacted the County to discuss the proposal and expressed interest in proceeding further with the Study. Bethel did not commit to participate in the regional facility due to the limited size of the town, the lack of existing infrastructure to utilize a regional facility and the potential cost.**

**Mr. Archut explained that the proposal is that the Regional Wastewater Treatment Facility would be owned and operated by Sussex County. Sussex County would plan, design, construct, and permit the facility; the**

municipalities would purchase a share of the capacity; the municipalities would be responsible for infrastructure to convey the wastewater to the facility; the local operations would remain the responsibility of the municipality; and the County would only be responsible for wastewater treatment.

Mr. Archut discussed some of the concerns expressed by the municipalities:

- |                                                                                 |                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Western<br/>Sussex<br/>Regional<br/>Wastewater<br/>Study<br/>(continued)</b> | <ul style="list-style-type: none"><li>➤ Location of regional facility may focus development away from individual municipalities.</li><li>➤ County operated system may take customers from the municipalities resulting in revenue stream loss.</li><li>➤ Cost for treatment and capital improvements required to reach facility.</li></ul> |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Mr. Young presented possible regional treatment and disposal scenarios:

- Blades, Seaford and Laurel
- Blades, Seaford and Greenwood
- Treatment for all or other combination of municipalities in study area.
- Blades only.

Mr. Young explained that Blades is a part of each scenario because the County has already taken over the responsibility for their facility.

Mr. Young recommended that the County proceed with Phase II; to review the municipalities' Comprehensive Land Use Plans, their planning data, their zoning data and to get detailed flow estimates and locations to fully develop the possible scenarios. He noted that Phase III would consist of costing out the infrastructure and treatment plant, which would assist the municipalities in deciding whether or not they wish to participate.

Mr. Conaway, Council President of the Town of Bridgeville, stated that the Town has been in negotiations with the County to provide the site; that they have 1,100 acres under contract; that the Town owns 126 acres; that they are trying to get the land approved for spray irrigation; that up to 2.7 million gallons per day can be put on the land that they have under contract and own, leaving excess capacity if the Town grows out completely under their Plan; that would leave the County with 500,000 gallons of spray; that they would not be opposed to the County taking over the whole facility; that the Town supports "getting out of the rivers" and that he takes exception to some other towns being allowed to discharge into the rivers; and that the Town is willing to cooperate to make the Western Sussex Sewer System a reality.

There were no objections from the County Council members to proceeding with Phase II.



**Mr. Archut, Assistant County Engineer, presented Amendment No. 41 to the County's Contract with Whitman, Requardt and Associates, LLP for Contract Administration and Resident Project Representation for the South Ocean View and Miller Creek Sanitary Sewer District construction projects. The Amendment would provide for the inspection of the construction work.**

**M 705 06  
Execute  
Contract  
Amend-  
ment/  
South  
Ocean  
View &  
Miller  
Creek**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 41, dated September 28, 2006, to its Contract with Whitman, Requardt and Associates, LLP, for Construction Administration and Resident Project Representation for the South Ocean View and Miller Creek Sanitary Sewer Districts, at a cost not to exceed \$791,478.00.**

**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/  
Change  
of Zone  
Nos. 1595,  
1596, &  
1597/  
Black-  
water  
Creek**

**The County Council discussed the Proposed Ordinances filed on behalf of Blackwater Creek, Inc. (Change of Zone Nos. 1595, 1596, and 1597).**

**The County Council held a Public Hearing on these applications on October 3, 2006 at which time they deferred action.**

**Mr. Cole questioned why the applications were placed back on the Agenda. He stated that at the conclusion of the Public Hearing, the Applicant was instructed to give Mr. Brandenberger's school report to the Delmar School District for the school to respond. Mr. Cole questioned if the School Board had responded yet.**

**Mr. Jones stated that the Motion did not state that the School District was to respond.**

**Mr. Lank, Director of Planning and Zoning, reported that on October 3rd, following the Public Hearing, Council deferred action and asked that the Applicant provide the Delmar School District with a copy of Mr. Brandenberger's report.**

**Mr. Lank also reported that a letter dated October 16th, addressed to Councilman Rogers, was received from the Dr. David Ring, Superintendent of the Delmar School District, which stated that he had the opportunity to meet with Mr. Brandenberger to receive and discuss the report he prepared on the impact of the Blackwater Creek projects on the Delmar School District. In the letter, Dr. David Ring also stated that he understands that the developer was asked to have this report delivered to the District and**

that they have done so.

Mr. Lank reported that the Planning and Zoning Commission has not yet made a recommendation on the three applications.

Mr. Cole stated that the intent was to give the School District the opportunity to respond and that the Council should allow some time for them to do so, especially since the report did not come out until the Public Hearing was held. Mr. Cole emphasized the importance of this issue due to the impact on the schools.

Old  
Business/  
Change  
of Zone  
Nos. 1595,  
1596, &  
1597/  
Black-  
water  
Creek  
(continued)

Mr. Cole questioned who placed the applications back on the Agenda.

The Clerk of the Council responded that Councilman Phillips instructed her to place it on the Agenda.

The Clerk clarified the Council's Motion at the conclusion of the Public Hearings on October 3, 2006, as follows:

"to defer action on Change of Zone Nos. 1595, 1596 and 1597, filed on behalf of Blackwater Creek, Inc., to leave the record open, and to require the Applicant to submit the school report to the Delmar School District".

M 706 06  
Motion  
Defeated

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to close the record on Change of Zone Nos. 1595, 1596 and 1597.

Motion Defeated: 2 Yea, 2 Nay, 1 Absent.

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

Mr. Dukes did not participate in the discussion or the vote since he was not present at the Public Hearing on the Blackwater Creek applications.

Old  
Business  
(continued)

Mr. Lank reported that the Planning and Zoning Commission must act on the applications by October 26th.

It was the consensus of the Council that the record remain open for one week for written correspondence from the Delmar School District.

Grant  
Request

Susan Webb, Director of Accounting, presented a grant request for the Council's consideration.

M 707 06  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the Dagsboro Church of God for the Thanksgiving for Thousands program.

Motion Adopted: 5 Yea.

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

**M 708 06** At 11:53 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Cole, to  
**Recess** recess until 1:30 p.m. Motion Adopted by Voice Vote.

**Reconvene** Mr. Rogers called the Council back into session at 1:37 p.m.

The following were in attendance:

<b>Lynn J. Rogers</b>	<b>President</b>
<b>Dale R. Dukes</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Member</b>
<b>Finley B. Jones, Jr.</b>	<b>Member</b>
<b>Vance Phillips</b>	<b>Member</b>
<b>Hal Godwin</b>	<b>Assistant to the Administrator</b>
<b>James D. Griffin</b>	<b>County Attorney</b>

**Public** A Public Hearing was held on the Proposed Ordinance entitled “AN  
**Hearing** **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**  
**(C/Z** **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**  
**No. 1601)** **DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A**  
**CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL**  
**HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR**  
**LESS” (Change of Zone No. 1601) filed on behalf of Regina Struble.**

The Planning and Zoning Commission held a Public Hearing on this application on October 17, 2006 at which time they recommended that the application be denied based on the lack of purpose for the rezoning.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 17, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission’s recommendation of denial.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

Tim Willard, Attorney, was present with Regina Struble on behalf of the application. They stated that Regina Struble and her siblings own the property; that they believe the property is no longer a viable use for residential purposes; that the size of the parcel (1 acre) limits the use of the site; that the site is adjacent to and surrounded by other commercial properties; that they propose to utilize the house for an office/small business, that no Traffic Impact Study was required; and that due to the commercial nature of the area, the location of a power station nearby, and

the high traffic on the road, the property is unsuitable as a residential dwelling.

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

**M 709 06  
Adopt  
Ordinance  
M 709 06  
Adopt  
Ordinance  
No. 1877  
(C/Z  
No. 1601)  
(continued)**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1877 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS” (Change of Zone No. 1601) filed on behalf of Regina Struble.

**Motion Adopted: 5 Yea.**

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

**Public  
Hearing  
(C/Z  
No. 1602)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.77 ACRES, MORE OR LESS” (Change of Zone No. 1602) filed on behalf of Triple D Double J, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on October 17, 2006 at which time they deferred action for further consideration.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 17, 2006 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

Eugene Bayard, Attorney, was present with Jessica Nichols of Meridian Architects and Engineers and Teresa Croll, property owner.

Jessica Nichols described the design of the proposed project. She stated that the plan (The Lakelyns) for the 72 acres proposes 265 dwelling units (a gross density of 3.69 dwelling units per acre); that the 265 units would be diversified as follows: 111 single family lots and 154 duplex units; that they propose sidewalks and streetlights on both sides of the road; that there

**Public  
Hearing  
(C/Z  
No. 1602)  
(continued)**

would be a covered bus stop with parking at the entrance to the development; that there would be a minimum 30 foot forested buffer to all the adjacent properties; that most of the buffers from the adjacent areas are 60 foot minimum; that there is a minimum 50 foot wetlands buffer, although most of the wetlands would be buffered by 100 feet; that there would be a 20 foot landscaped buffer along the entire frontage of the County roads; that 28 acres of open space are proposed; that a 1.7 acre recreational area is proposed; that a traffic circle is proposed per DelDOT's request; that DelDOT also requested a 15 foot easement across the front with a bike path; that a Traffic Impact Study was not required; that the project is consistent with the area developing around it; that the project is less dense than the projects around it (i.e. Bear Trap and Millville By The Sea); that the borrow pit would be improved into a lake by reclamation; and that the Conditional Use for the borrow pit would be terminated.

Mr. Bayard responded to comments in a petition opposing the Change of Zone, which was signed by more than 40 people who live in the area. He stated that the density proposed is less than the amount allocated by the Engineering Department for sewer capacity; that the condition of Blizzard Hill Road would likely be substantially improved because of the project; that the community would not be seasonal – it would be a year-round community; that a blue-tailed lizard used to occupy this site, however it is not a protected species and may no longer occupy the site; and that the large oak tree on the site near the entrance will be preserved as long as it is healthy.

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

**M 710 06  
Defer  
Action on  
C/Z  
No. 1602**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on Change of Zone No. 1602, filed on behalf of Triple D Double J, 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 711 06  
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to adjourn at 2:23 p.m. Motion Adopted by Voice Vote.

**Respectfully submitted,**

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