



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 31, 2006

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 31, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
David Baker	Finance Director
James D. Griffin	County Attorney

M 726 06 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 4 Yeas, 1 Absent.

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

M 727 06 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve the
Approve minutes of October 3, 2006.
Minutes

Motion Adopted: 4 Yeas, 1 Absent.

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

Corre- Mr. Griffin read the following correspondence:
spondence

JOYCE COFIELD, HEBRON, MARYLAND.

RE: Letter in appreciation of Council's Tribute recognizing her service to the Delmarva Water Transport Committee as their Executive Director.

**Weekly
Report
to
Council**

Mr. Baker read the following information in his Weekly Report to Council:

1. Sussex County Election Contest

Sussex County resident students, aged 18 and under in grades K thru 12, are encouraged to participate in the online election contest. All entries must be received by 7:00 a.m. on November 7, 2006. Students may register for the contest online at <http://www.sussexcountype.gov/e-gov/election/>. Winners will receive scholarships for college for \$200 for First Place and \$100 for the top five runners-up.

2. Land Use Plan Update

On October 27, 2006, at 1:00 p.m., the Planning & Zoning Commission met with the County's Land Use Consultant (Urban Research and Development Corporation) and County staff in the County Council Chambers. The consultant and staff received input from the Planning & Zoning Commission regarding the Plan update.

3. Richard L. Timmons

We regret to announce that Mr. Richard L. Timmons, of Ocean View, passed away on Friday, October 27, 2006. Mr. Timmons was elected to the Sussex County Levy Court in 1968 and became the first President of the Sussex County Council in 1970 after the conversion to Home Rule.

4. Holiday Schedule

Sussex County Offices will be closed on November 7, 2006 for Election Day, November 9 for Return Day, and on November 10 for Veteran's Day. The County Council will not meet on November 7, but will meet on November 14, 2006, at 6:30 p.m.

**Human
Service
Grants**

Susan Webb, Director of Accounting, presented a list of proposed Human Service Grants for Fiscal Year 2007 for the Council's consideration. She noted that \$110,000 was budgeted for Human Service Grants in the Fiscal Year 2007 Budget.

Alzheimer's Association	\$ 500.00
American Diabetes Association	\$ 500.00
Hudson Health Services (ANKH, Inc.)	\$ 500.00
Anointed Breadbasket Ministries	\$ 500.00
The Beacon Mission	\$ 500.00

Human Service Grants (continued)	Big Brothers/Big Sisters of Delaware, Inc.	\$1,000.00
	Boys & Girls Club of Dagsboro	\$1,500.00
	Boys & Girls Club of Georgetown	\$1,500.00
	Boys & Girls Club of Oak Orchard/Riverdale	\$1,500.00
	Bridgeville Community Action Agency	\$1,000.00
	Camp Hebron Foundation	\$1,000.00
	Cape Henlopen Food Basket	\$ 500.00
	CHEER Centers	
	A. Georgetown	\$1,000.00
	B. Greenwood	\$1,000.00
	C. Harbour Lights (Lewes)	\$1,000.00
	D. Oak Orchard	\$1,000.00
	E. Roxana	\$1,000.00
	F. Slaughter Neck	\$1,000.00
	G. Coastal Leisure Center	\$1,000.00
	H. Long Neck (Pelican Cove)	\$1,000.00
	Children & Families First	\$1,000.00
	Church of God and Saints of Christ	\$ 900.00
	Community Legal Aid Society, Inc.	\$1,000.00
	Contact Delaware	\$1,000.00
	Dagsboro Church of God	\$1,000.00
	Delaware Agricultural Museum and Village	\$1,000.00
	Delaware Association for Children of Alcoholics	\$ 500.00
	Delaware Community Reinvestment Action Council, Inc.	\$ 500.00
	Delaware Crime Stoppers	\$ 500.00
	Delaware Ecumenical Council on Children & Families	\$ 500.00
	Delaware Foundation Reaching Citizens with Cognitive Disabilities	\$2,500.00
	Delaware Guidance Services	\$2,000.00

	Delaware Housing Coalition	\$2,000.00
	Delaware Humane Association	\$ 500.00
	Delaware Music School	\$ 500.00
	Delaware Nature Society	\$1,000.00
Human Service Grants (continued)	Delaware Police Chiefs' Council	\$2,500.00
	Delaware Society for the Prevention of Cruelty to Animals	\$1,000.00
	Delmarva Clergy United in Social Action, Inc.	\$1,000.00
	Dickerson Chapel – African Methodist Episcopal Church	\$1,000.00
	Easter Seal Rehabilitation Center	\$1,000.00
	El Centro Cultural, Inc.	\$1,000.00
	Everlasting Hope Ministries	\$1,000.00
	Families in Crisis	\$1,000.00
	First Step Primeros Pasos	\$ 500.00
	Food Bank of Delaware	\$ 500.00
	Georgetown Day Care Center, Inc.	\$1,000.00
	Georgetown Parks & Recreation	\$1,000.00
	Greater Milford Boys & Girls Club	\$1,500.00
	The Home of the Brave Foundation, Inc.	\$1,000.00
	Interfaith Mission of Sussex County, Inc.	\$ 500.00
	Junior Achievement of Delaware	\$1,000.00
	Kent-Sussex Industries, Inc.	\$1,000.00
	Kin Folk	\$1,000.00
	Kiwanis Foundation of Rehoboth Beach, DE, Inc.	\$1,000.00
	La Esperanza	\$1,500.00

Human Service Grants (continued)	La Red Health Center	\$ 500.00
	Laurel Community Foundation	\$1,000.00
	Laurel Lions Club	\$1,000.00
	Lewes Historical Society	\$1,000.00
	Meals on Wheels of Lewes & Rehoboth, Inc.	\$6,000.00
	Milton Historical Society	\$1,000.00
	Mt. Zion Church	\$ 500.00
	National Multiple Sclerosis Society	\$1,000.00
	New Coverdale Outreach Mission	\$1,500.00
	People's Place II, Inc.	\$2,000.00
	Pioneer Club of Sussex County Visually Impaired	\$ 250.00
	Possum Point Players	\$ 500.00
	Read-Aloud Delaware	\$1,000.00
	Rehoboth Art League, Inc.	\$ 500.00
	Seaford Historical Society, Inc.	\$1,000.00
	Southern Delaware Choral Society	\$ 500.00
	Sussex County Senior Centers	
	A. Bridgeville	\$3,000.00
	B. Cape Henlopen	\$3,000.00
	C. Indian River	\$3,000.00
	D. Laurel	\$3,000.00
	E. Lewes	\$3,000.00
	F. Milford	\$3,000.00
	G. Nanticoke	\$3,000.00
	Sussex Community Crisis Housing Services, Inc.	\$2,000.00
	Sussex Pregnancy Care Center	\$1,000.00
	Sussex Smiles Dental Care	\$1,000.00
	United Cerebral Palsy of Delaware, Inc.	\$1,000.00

United Way of Delaware	\$2,000.00
The Way Home Program	\$1,000.00
West Side New Beginnings, Inc.	\$ 500.00
Sussex Family YMCA	\$1,000.00

Human Service Grants (continued)	Total	<u>\$105,650.00</u>
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Mrs. Webb advised that, pending approval of the recommended funding, \$4,350.00 would remain available for allocation.

Mrs. Webb reported that she is suggesting that two of the grant requests be moved to a different grant category (Public Allies and Rehoboth Beach Film Society). She advised that she would make a recommendation to Council on these requests at a future meeting. In addition, she noted that she would report back to Council on any additional Human Service Grant Requests that are received.

M 728 06 **A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the payment of Human Service Grants for Fiscal Year 2007, as recommended.**

Human Service Grants for FY 2007

Motion Adopted: 5 Yeas.

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

Proposed Resolution/ Collateral Accounts

Mrs. Webb presented a Proposed Resolution authorizing the following individuals to make withdrawals from collateral accounts, including withdrawals associated with collateral substitutions: Susan M. Webb, Finance Director; Gina M. Jennings, Director of Accounting; William C. Townsend, Finance Coordinator; and Jeffrey E. James, Director of Engineering Accounting.

M 729 06 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 030 06 entitled “AUTHORIZING THE WITHDRAWALS FROM COLLATERAL ACCOUNTS, INCLUDING WITHDRAWALS ASSOCIATED WITH COLLATERAL SUBSTITUTIONS”.**

Adopt Resolution No. R 030 06

Motion Adopted: 5 Yeas.

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

Introduction **Mr. Godwin, Assistant to the County Administrator, introduced Connie**

**of State
Planner
Bryan Hall** **Holland, Director of the Office of State Planning Coordination, who then introduced Bryan Hall. Mr. Hall recently took the position as Circuit-Rider Planner for Sussex County. Mrs. Holland advised that Mr. Hall would be working with the County and the municipalities in Sussex County to provide guidance, resources and coordination for their Comprehensive Land Use Plan Updates.**

**Proposed
Ordinance
Relating to
Foundations
and Tie-
Downs of
Manu-
factured
Homes** **Mr. Godwin presented a Proposed Ordinance which would create a fee for the inspection and approval of foundation footers and tie downs for manufactured homes in order to insure that such housing units are installed on a secure foundation and properly tied down to the foundation in order to make them less likely to be damaged and/or destroyed by the effects of high winds and/or flood waters associated with hurricanes and other violent weather patterns which may occur in the coastal and inland areas of the County.**

Mr. Godwin explained that the Proposed Ordinance would provide for three inspections: one for the footer foundation, one for the tie-down, and a third inspection, if needed. The charge for the three inspections is proposed to be \$125.00; if additional inspections are needed, a \$40.00 fee for each additional inspection is proposed.

Mr. Godwin explained that the Delaware General Assembly enacted legislation requiring all Counties in Delaware to begin conducting inspections of foundation footers and tie downs for manufactured homes effective January 1, 2007 (Senate Bill No. 203).

**Introduction
of Proposed
Ordinance** **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, § 62-8 TO ESTABLISH A FEE FOR THE INSPECTION OF FOUNDATION FOOTERS AND TIE DOWNS FOR THE PLACEMENT OF MANUFACTURED HOMES”. The Proposed Ordinance will be advertised for Public Hearing.**

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

**M 730 06
Execute
Wastewater
Agreements/
Lands of 274
Associates,
LLC** **A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 585, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and 274 Associates, LLC, for wastewater facilities to be constructed in 274 Associates, LLC, located in the West Rehoboth Sanitary Sewer District.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Rogers, Yea

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

M 731 06 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 650, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Jack Corrozi Builders for wastewater installation at The Meadows to be constructed in the Millville Sanitary Sewer District.**

**Execute
Wastewater
Agreements/
M 731 06
Execute
Wastewater
Agreements/
The
Meadows
(continued)**

Motion Adopted: 5 Yeas.

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

M 732 06 **A Motion was made by Mr. Phillips, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 582, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and C. E. Rupert Smith III for wastewater installation at Smithfield to be constructed in the Ocean View Sanitary Sewer District.**

**Execute
Wastewater
Agreements/
Smithfield**

Paramedic Vehicle Bid **Frank Shade, Purchasing Officer and Fleet Manager, presented bid results for two new chassis for Paramedic Response Vehicles:**

I. G. Burton Chevrolet \$38,287.00 per unit

Mr. Shade noted that Winner Ford declined to bid and that, after reviewing the bid submitted by I. G. Burton Chevrolet, it was determined that the bid should be accepted.

M 733 06 **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Council accepts the bid of I. G. Burton in the amount of \$38,287.00 each for the purchase of two Chevrolet Chassis for use as Paramedic Response Units.**

**Accept Bid/
Paramedic
Vehicles**

Motion Adopted: 5 Yeas.

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

Siren Controls and **Joe Thomas, Director of Emergency Operations, reported that on October 2, 2006, bids were opened for the Siren Control and Installation Project to supply and install siren controllers to all of the fire companies in Sussex**

Installation Project/ Bid Results	County. He noted that it is the County's responsibility to provide electronic equipment in order to activate the sirens throughout the County. The current siren controllers are over 20 years old and in some cases, malfunctions are common, particularly in the summer months. Also, the current controllers are obsolete and obtaining repair parts is difficult.
Bid (continued)	Mr. Thomas reported that only one bid was received, which was over the projected budget for the project; a second bid was received late and was not opened. Mr. Thomas recommended that the bids be rejected and the project be rebid at a later date.
M 734 06 Reject Bid/ Siren Controls and Installation	A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council rejects the bid for Project # EOC 2006-01, Siren Controls and Installation, and further, that the project be rebid at a later date. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea
Grant Requests	Susan Webb, Director of Accounting, presented grant requests for the Council's consideration.
M 735 06 Community Investment Grant	A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$5,000.00 (\$2,500.00 each from Mr. Cole's and Mr. Rogers' Community Investment Grant Accounts) to the Rabbit's Ferry Community Center for building repairs. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea
M 736 06 Council- manic Grant	A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$200.00 from Mr. Jones' Councilmanic Grant Account to St. Jude Children's Research Hospital for the "St. Jude Campaign for a Cure". Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea
M 737 06 Council- manic Grant	A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$200.00 from Mr. Jones' Councilmanic Grant Account to the Greater Georgetown Chamber of Commerce for Christmas Parade expenses.

Motion Adopted: 5 Yeas.

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

M 738 06 Grant A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to the Mispillion Rotary Club of Milford for the Kent-Sussex Industries, Inc. Benefit Gala.

M 738 06 Councilmanic Grant

(continued)

Motion Adopted: 5 Yeas.

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

M 739 06 Youth Activity Grant A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$250.00 (\$125.00 each from Mr. Jones' and Mr. Rogers' Youth Activity Grant Accounts) to Delaware Magic Girls Fastpitch' Softball, Inc. for tournament expenses.

Motion Adopted: 5 Yeas.

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

M 740 06 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$600.00 from Mr. Rogers' Councilmanic Grant Account to the Milton Fire Company, Dept., Inc. for Christmas parade expenses.

Motion Adopted: 5 Yeas.

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

M 741 06 Community Investment Grant A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$5,000.00 from Mr. Rogers' Community Investment Grant Account to Dry Dock, Inc. for building maintenance and operating expenses.

Motion Adopted: 5 Yeas.

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

M 742 06 Council- A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$250.00 each from Mr. Phillips' and Mr. Dukes' Councilmanic

manic Grant **Grant Accounts) to the Laurel Alumni Scholarship Foundation, Inc. for their Annual Fundraising Campaign.**

Motion Adopted: 5 Yeas.

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

M 743 06 Youth Activity Grant **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$250.00 each from Mr. Phillips' and Mr. Dukes' Youth Activity Grant Accounts) to Laurel Pop Warner for Zachary Toadvine to compete in the Pop Warner Super Bowl.**

Motion Adopted: 5 Yeas.

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

M 744 06 Youth Activity Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Youth Activity Grant Account) to the Sussex Sting 13U Baseball Team for program expenses.**

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Ordinance **Mr. Rogers introduced the Proposed Ordinance 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 35.70 ACRES, MORE OR LESS" (Change of Zone No. 1615) filed on behalf of North Milton Development Group II. The Proposed Ordinance will be advertised for Public Hearing.**

Introduction of Proposed Ordinance **Mr. Rogers introduced the Proposed Ordinance 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 56.48 ACRES, MORE OR LESS" (Change of Zone No. 1616) filed on behalf of North Milton Development Group II and 1630 Ventures, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.**

Introduction of Proposed Ordinance **Mr. Phillips introduced the Proposed Ordinance entitled AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 435.67 ACRES, MORE OR LESS (Change of Zone No. 1617) filed on behalf of North Milton Development Group I and North Milton Development Group II. The Proposed Ordinance will be advertised for Public Hearing.**

(continued)

Introduction of Proposed Ordinance **Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 226.41 ACRES, MORE OR LESS” (Change of Zone No. 1618) filed on behalf of North Milton Development Group II and 1630 Ventures, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.**

Introduction of Proposed Ordinance **Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEWAGE TREATMENT PLANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 74.61 ACRES, MORE OR LESS” (Conditional Use No. 1724) filed on behalf of North Milton Development Group II. The Proposed Ordinance will be advertised for Public Hearing.**

Introduction of Proposed Ordinance **Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE, TREATED SLUDGE OR ANY MATERIAL CONTAINING THESE MATERIALS BY SPRAY IRRIGATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL AND CEDAR CREEK HUNDREDS, SUSSEX COUNTY, CONTAINING 1,739.779 ACRES, MORE OR LESS” (Conditional Use No. 1725) filed on behalf of Harry Isaacs, Jr. The Proposed Ordinance will be advertised for Public Hearing.**

Additional Business **Under *Additional Business*, Dan Kramer commented on the Council’s donation to St. Jude Children’s Research Hospital. He questioned who the check would be made payable to and if it is known how much of the donation would go to St. Jude and how much would go to the paid professional fundraiser.**

Mr. Kramer told the Council that when Council votes to go into Executive

Session, they are officially in Executive Session and they should go directly into that Session, without talking to anyone.

**Public
Hearing
(C/U
No. 1667)**

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 FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (Conditional Use No. 1667) filed on behalf of Douglas Hitchens.

**Public
Hearing
(C/U
No. 1667)
(continued)**

Richard Kautz, Land Use Planner, reported that the Planning and Zoning Commission held a Public Hearing on the application on October 12, 2006 at which time they deferred action; on October 26, 2006, the Commission recommended that the application be denied.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 12 and 26, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and their recommendation of denial.)

Mr. Kautz, 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.

The Council found that Douglas Hitchens was present on behalf of his application. He stated that he has done some research since the Public Hearing before the Commission and he referred to the other commercial establishments along Route 18 including Elmers Market, a nursery, an auto repair business, Short's Trucking, a produce stand, and a tractor-trailer maintenance building. He stated that he selected the site since he already owns the land and that he lives on the site; that he owns 30+ acres; that he would like to purchase the adjacent 2 acres; and that the landowner is in the process of selling the 2-acre parcel and that she has already contacted him to see if he is interested in purchasing it.

In response to questions raised by the Council, Mr. Hitchens stated that restricting the number of cars to 15 would be acceptable to him; that he would agree to a condition that all of the vehicles would be 1990 models or newer, and that he would agree to landscaping and buffer requirements.

Dan Kramer spoke in support of the application.

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

**M 745 06
Defer
Action on**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to defer action on Conditional Use No. 1667 filed on behalf of Douglas Hitchens and to direct the Planning and Zoning staff to develop proposed conditions for the

**C/U No.
1667**

Council's consideration.

Motion Adopted: 5 Yeas.

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

**M 746 06
Recess
and Go
Into
Executive
Session**

At 11:18 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes, to recess and go into Executive Session for the purpose of discussing land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session/
Land
Acquisition**

At 11:20 a.m., an Executive Session of the Sussex County Council was held in the Office of the County Administrator to discuss land acquisition. The following were present: Lynn J. Rogers, Dale R. Dukes, George B. Cole, Finley B. Jones, Jr., Vance Phillips, David Baker and Jim Griffin. The Executive Session concluded at 11:28 a.m.

**M 747 06
Reconvene
Regular
Session**

At 11:30 a.m., a Motion was made by Mr. Jones, seconded by Mr. Dukes, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

**M 748 06
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 11:31 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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