



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 18, 2008

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 18, 2008 at 6:30 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 784 08 Amend and Approve Agenda

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda by deleting "Discussion and Possible Introduction of a Draft Ordinance to amend the Personnel Code and to reflect current personnel policies."; to delete the Grant Request from the "Laurel Lions Club" and from "Delmarva Clergy United in Social Action, Inc."; and to approve the Agenda, as amended.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 785 08 Approve Minutes

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the minutes of October 21, 2008.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 786 08 Approve

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to approve the minutes of October 28, 2008.

Minutes

Motion Adopted: 3 Yeas, 2 Absent.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

SUSSEX COUNTY HABITAT FOR HUMANITY, GEORGETOWN, DELAWARE.

RE: Letter thanking the Council for its past support of the infrastructure in Concord Village.

KATHY MCGINNESS, ASSESSMENT DEPARTMENT, SUSSEX COUNTY, GEORGETOWN, DELAWARE.

RE: Letter expressing thanks for Sussex County's "Health Awareness Week".

TAMIA MARIE BONVILLE, REHOBOTH, DELAWARE.

RE: Letter in appreciation of the Council's recent donation for her participation in the Walk-A-Thon to the homeless.

MILFORD HOUSING DEVELOPMENT GROUP, MILFORD, DELAWARE.

RE: Letter in appreciation of the Council's recent donation in support of providing affordable housing solutions in southern Delaware.

BOYS AND GIRLS CLUB OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of the Council's recent donation to the Oak Orchard Boys & Girls Club's Annual One Campaign.

CHEER COMMUNITY CENTER, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Council's recent donation to the Sussex County Mobility Consortium.

SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of the Council's recent donation to the Strong Kids Campaign.

SUSSEX CENTRAL SOCCER BOOSTERS, LAUREL, DELAWARE.

RE: Letter in appreciation of the Council's recent donation.

WINGS & WHEELS 2008, A GEORGETOWN FALL FESTIVAL, GREATER GEORGETOWN CHAMBER OF COMMERCE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Council's support of the 2008 Festival.

50th Anniversary of Sussex County Emergency Operations (continued)	Joseph Thomas, Director of Emergency Operations, presented a plaque commemorating the Emergency Operations Center’s 50 years of service to the citizens of Sussex County (1958 – 2008). The plaque includes the following: the Notice of Official Opening of the Sussex County Civil Defense Headquarters and Control Center on November 16, 1958; the Notice of Dedication of the Sussex County Emergency Operations Center on October 18, 1980; and the Notice of Dedication of the new Sussex County Emergency Operations Center on July 15, 2008. The plaque will be displayed in the Sussex County Council Chambers.
Discussion on the Reopening of the Public Hearing on C/U No. 1792	<p>The Council discussed the possible reopening of the Public Hearing on Conditional Use No. 1792 filed on behalf of Tidewater Environmental Services, Inc.</p> <p>On June 26, the Planning and Zoning Commission held a Public Hearing on this application; on August 28, 2008, the Commission recommended that the application be approved, with conditions.</p> <p>On July 22, 2008, the Council held a Public Hearing on this application and voted to close the record and to defer action.</p> <p>Mr. Baker reported that a number of complaints have been received regarding notification of the Public Hearing, although the Planning and Zoning Department sent out approximately 65 Public Hearing notifications to near-by property owners. It was noted that since the Public Hearing was held and the record closed, the Applicant has met with area residents to discuss the proposed project.</p>
M 787 08 Reopen Public Hearing on C/U No. 1792	<p>A Motion was made by Mr. Cole, seconded by Mr. Rogers, to reopen the public record on Conditional Use No. 1792 filed on behalf of Tidewater Environmental Services, Inc., and to admit all of the correspondence and documents that were submitted after the record was closed and further, to hold one additional Public Hearing on December 9, 2008, prior to Council’s decision on the application.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Introduction of Proposed Ordinance/ Wastewater Systems	<p>Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY BY ADDING A NEW PART 7 RELATING TO AN APPROVAL PROCESS FOR PRIVATE COMMUNITY WASTEWATER SYSTEMS IN SUSSEX COUNTY PRIMARY SERVICE AREAS AND SECONDARY SERVICE AREAS”. The Proposed Ordinance will be advertised for Public Hearing.</p>
Adminis-	<p>Mr. Baker read the following information in his Administrator’s Report:</p>

**trator's
Report**

1. Recycle Delaware Amounts

As per the attached letter from Mr. Rich Von Stetten from the Delaware Solid Waste Authority, 20,228 pounds of recycled material was processed from the County's recycling center at the West Complex during the month of October 2008.

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

2. Sussex County Community Development and Housing Public Hearing and Meeting Dates

Attached is a copy of the public hearing and meeting dates schedule for the County's Community Development and Housing Division. County staff handles Community Development Block Grant projects within towns, as requested by specific towns. As you can see, the department will be busy during the upcoming months at these individual meetings. A report back to the County Council and recommendation regarding funding will be made at a later date, after the meetings.

3. Beneficial Acceptance

The Engineering Department granted Beneficial Acceptance to Frankford Retail Center, A/K/A Banks Plaza, Agreement No. 857, on November 3, 2008. The developer is East-Side Developers, Inc., and the project is located on Route 113, 400 feet south of the intersection with Frankford Avenue, in the Dagsboro/Frankford Sanitary Sewer District, consisting of a 19,000-square-foot commercial building renovation. Included with this report is a fact sheet on the project.

4. Needy Family Food Drive

As per the attached correspondence from Mr. Tim Buckmaster, Principal of Beacon Middle School, the Sussex County Council is requesting donations of canned goods to benefit the needy in Sussex County. This annual food drive culminates with the December 8, 2008, Caroling on The Circle program. As per the attached news release, nearly 21,000 food items were donated last year. Please call Mr. Frank Shade at 854-5382 for additional information.

5. Bonnie Lynn Revelle – Former County Employee

We regret to inform you that Ms. Bonnie L. Revelle from Milton, Delaware, who worked for the Sussex County Council from September 16, 1985, to July 1, 2008, passed away on November 8, 2008. Ms. Revelle worked in the Assessment Division, Treasury Division, and most recently Recorder of Deeds office during her employment. She was a friendly employee who will be missed. We wish to express our condolences to her family.

Adminis-
trator's
Report
(continued)

6. United States Environmental Protection Agency (EPA) Region III Award

Attached is a press release issued by the United States EPA announcing an award for environmental excellence for the Sussex County South Coastal Regional Wastewater Facility Treatment Plant. This award notes the upgrades and expansion of the facility, the outstanding job and operations by County staff, and the additional processing improvements that have been made over the years. Only two out of over 3,000 eligible facilities receive this award. We again wish to congratulate our staff for this outstanding accomplishment.

7. Neighborhood Stabilization Program Grant

Attached is a draft Action Plan for the Delaware Neighborhood Stabilization Program request. Out of the \$19.6 Million available for Delaware, the recommended funding for Sussex County is \$2 Million. The Delaware State Housing Authority will receive comments regarding their recommendation for Sussex County and other areas until November 26, 2008.

8. Thanksgiving Holiday

In recognition of Thanksgiving, the Sussex County Council will not meet on November 25, 2008. The next regularly scheduled meeting will be held December 2, 2008, at 10:00 a.m. County offices will be closed on November 27 and November 28, 2008, to celebrate Thanksgiving.

(Attachments are not included with the minutes.)

Mr. Phillips **Mr. Phillips left the meeting at 7:09 p.m. and did not return until 8:57 p.m.**

**Human
Service
Grants** **Mrs. Webb presented the following list of proposed Human Service Grants for Fiscal Year 2009:**

Alzheimer's Association	\$ 500.00
American Diabetes Association	\$ 500.00
The Arc of Delaware	\$1,000.00
The Beacon Mission	\$ 500.00
Big Brothers/Big Sisters of Delaware, Inc.	\$1,000.00
Bridgeville Community Action	\$1,000.00

	Cape Henlopen Food Basket	\$ 500.00
	Calvary Café and Community Clothes Closet	\$ 500.00
	CHEER Centers	
Human Service Grants (continued)	A. Georgetown	\$5,000.00
	B. Greenwood	\$5,000.00
	C. Harbour Lights (Lewes)	\$5,000.00
	D. Roxana	\$5,000.00
	E. Slaughter Neck	\$5,000.00
	F. Coastal Leisure Center	\$5,000.00
	G. Long Neck (Pelican Cove)	\$5,000.00
	Children & Families First	\$1,000.00
	Church of God and Saints of Christ	\$ 900.00
	Contact LifeLine	\$1,000.00
	Dagsboro Church of God	\$1,000.00
	Delaware Adolescent Program, Inc.	\$1,000.00
	Delaware Animal Disaster Services	\$ 500.00
	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 Nature Society	\$1,000.00
	Delaware Police Chiefs' Council	\$2,500.00
	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
	Ellendale United Methodist Church	\$ 500.00
Human Service Grants (continued)	Everlasting Hope Ministries	\$1,000.00
	Families, Individuals and Communities Conference (Families in Crisis)	\$ 500.00
	First State Community Action Agency	\$1,000.00
	Food Bank of Delaware	\$ 500.00
	Georgetown Boys & Girls Club	\$1,500.00
	Georgetown Day Care Center, Inc.	\$1,000.00
	The Home of the Brave Foundation, Inc.	\$1,000.00
	Hudson Health Services, Inc.	\$ 500.00
	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
	Laurel Community Foundation	\$1,000.00
	Laurel Lions Club	\$1,000.00
	Lewes Historical Society	\$1,000.00
	Lower Delaware Autism Foundation	\$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

Human Service Grants (continued)	Oak Orchard/Riverdale Boys and Girls Club	\$1,500.00
	People's Place II, Inc.	\$2,000.00
	Read-Aloud Delaware	\$1,000.00
	The Ronald McDonald House of Delaware	\$1,000.00
	The Salvation Army	\$1,000.00
	Seaford Historical Society, Inc.	\$1,000.00
	Shechinah Empowerment Center	\$ 500.00
	Southern Delaware Choral Society	\$ 500.00
	Sussex County Senior Centers	
	A. Bridgeville	\$5,000.00
	B. Cape Henlopen	\$5,000.00
	C. Indian River	\$5,000.00
	D. Laurel	\$5,000.00
	E. Lewes	\$5,000.00
	F. Milford	\$5,000.00
	G. Nanticoke	\$5,000.00
	Sussex Community Crisis Housing Services, Inc.	\$2,000.00
	Sussex County Retired and Senior Volunteer Program Advisory Committee	\$ 500.00
	Sussex Pregnancy Care Center	\$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
	The Wellness Community	\$ 500.00
	West Side New Beginnings, Inc.	\$ 500.00
	Sussex Family YMCA	\$1,000.00
	Total	<u>\$140,900.00</u>

Mrs. Webb noted that \$156,000 was budgeted for Human Service Grants in the Fiscal Year 2009 Budget. Mrs. Webb advised that, pending approval of

the recommended funding, \$15,100.00 would remain available for allocation.

M 788 08 Human Service Grants A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council authorizes the payment of Human Service Grants for Fiscal Year 2009, as recommended.

M 788 08 (continued) Motion Adopted: 3 Yeas, 2 Absent.

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

Local Law Enforcement Grant Requests Mr. Godwin presented the following Local Law Enforcement Grant requests:

Blades	\$25,000.00	Radar Units, Camera and Accessories, and Other Equipment
Laurel	\$25,000.00	Police Package Vehicle
Milford	\$ 1,764.00	Rapid Light System

M 789 08 Approve Local Law Enforcement Grant Requests A Motion was made by Mr. Rogers, seconded by Mr. Cole, that the Sussex County Council approves the Local Law Enforcement Grants to the Town of Blades, the Town of Laurel and the City of Milford, as presented.

Motion Adopted: 3 Yeas, 2 Absent.

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

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

M 790 08 Approve Wastewater Agreement/ PIO Bethany Lots, L.P. A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 883, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and PIO Bethany Lots, L.P., for wastewater facilities to be constructed in Sunrise (A/K/A Caldera Sunrise & Bethany Court, Revision 1), located in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Jones, Yea

Introduction of Proposed Ordinance/MPHU Rental Program Change Order/Millville Contract C

Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 72 OF THE CODE OF SUSSEX COUNTY RELATING TO MODERATELY PRICED HOUSING UNITS TO ESTABLISH AN AFFORDABLY PRICED RENTAL UNIT PROGRAM”. The Proposed Ordinance will be advertised for Public Hearing. Brad Hawkes, Director of Engineering, presented a Balancing Change Order for the Millville Expansion of the Bethany Beach Sanitary Sewer District, Contract C, Banks Acres, Banksville Park and SR 26 East. Mr. Hawkes reported that the Contract is complete and Substantial Completion has been granted to the project.

M 791 08 Approve Balancing Change Order/Millville Contract C

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Sussex County Contract No. 05-06C, Millville Expansion of the Bethany Beach Sanitary Sewer District, Banks Acres, Banksville Park, and SR 26 East to A. P. Croll & Sons, Inc. be approved, which decreases the Contract by the amount of \$133,336.19 for a new contract total of \$1,958,493.81, contingent upon the receipt of approval from the funding agencies.

Motion Adopted: 3 Yeas, 2 Absent.

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

Golf Village SSD Construction Administration

Brad Hawkes, Director of Engineering, presented a Contract Amendment to the County’s Contract with Whitman, Requardt and Associates, LLP to assist the County with Construction Administration Services for the Golf Village Sanitary Sewer Project. Mr. Hawkes stated that County staff will be performing on-site inspections of the project. WR&A will assist the County in the administration of the project, e.g. surveys, wetlands surveys, funding sources, etc.

M 792 08 Authorize Contract Amendment/Golf Village SSD Construction Administration

A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 47 to its Contract with Whitman, Requardt and Associates, LLP, for Construction Administration Services for the Golf Village Sanitary Sewer Construction Project, at a cost not to exceed \$21,785.00.

Motion Adopted: 3 Yeas, 2 Absent.

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

FISSD/ Pump Station 31 Improve- ments/ Bid Results	Steve Hudson, Director of Technical Engineering, presented the Bid Results for the Fenwick Island Sanitary Sewer District, Pump Station No. 31 Improvements, as follows:	
	Bunting and Murray Construction	\$389,398.00
	George and Lynch	\$499,586.00
	Hopkins Construction	\$296,760.00
FISSD/ Pump Station 31 Improve- ments/ Bid Results (continued)	JJID, Inc.	\$398,960.00
	Lee Foundation Co. Inc.	\$725,813.00
	MGK Industries	\$549,960.00
	Underground Utilities Corp.	\$429,500.00
	Zober Contracting Services	\$406,406.00
	The Engineer's Estimate for the project was \$514,960.00.	

Mr. Hudson advised that the Engineering Department recommends that the bid be awarded to the lowest responsive bidder, Hopkins Construction.

M 793 08 Award Bid/ FISSD Pump Station 31 Improve- ments	A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department and its Consultant, Whitman, Requardt and Associates, that Sussex County Project No. 08-04, Fenwick Island Sanitary Sewer District, Pump Station No. 31 Improvements, be awarded to the lowest responsive bidder, Hopkins Construction, Inc., at the base bid amount of \$296,760.00	
	Motion Adopted:	3 Yeas, 2 Absent.

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

EOC UPS System Report	Steve Hudson, Director of Technical Engineering, and Joe Thomas, Director of Emergency Operations, reported on the Uninterruptible Power Supply (UPS) System at the new Emergency Operations Center. Mr. Hudson stated that a power interruption of the electronics requires that the equipment be restarted and that this process could realistically keep the 911 Center off-line for two to four hours. In July of this year, the 911 Center received a lighting strike and it was determined from this event that the current UPS System Design is not adequate for a facility as critical as a 911 Center. Further research has showed that a UPS System Design for critical operations should have automatic redundancy and that UPS System Designs are categorized into six Tiers with "1" being the lowest. The existing UPS System Design at the Sussex County 911 Center is a Tier 1 or N (Need)-only system. Mr. Thomas advised that the problem has been determined to be a design flaw.	
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Mr. Hudson recommended that the system be upgraded to have full automatic redundancy and so that all units can be serviced as required without interrupting power to the Center. Mr. Hudson proposed a Level 3

Tier System at an estimated cost of over \$250,000.00.

Mr. Thomas advised that this project is a viable project to receive reimbursement from Homeland Security Grant Funding.

**M 794 08
Authorize
Grant
Request**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to authorize the Director of Emergency Operations and/or the County Administrator to request a grant for UPS System Improvements.

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 795 08
Design and
Solicit Bids
for UPS
System
Improve-
ments**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, at the request of the Director of Emergency Operations, that the Sussex County Engineering Department move forward with the design and solicitation of bids for improvements to the UPS System at the new Emergency Operations Center, contingent on financing of the project.

Motion Adopted: 3 Yeas, 2 Absent.

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

**S. Coastal
Library
Project**

Bob Jones, Project Engineer, presented Change Order No. 2 for the South Coastal Library Renovations Project, which consists of six items resulting in a credit of \$7,639.00.

**M 796 08
Approve
Change
Order/
South
Coastal
Library
Project**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department and its Consultant, Studio JAED, to approve Change Order No. 2 for Sussex County Project No. 06-04, South Coastal Library Renovations, which decreases the contract amount by \$7,639.00 for a new total of \$4,190,149.00.

Motion Adopted: 3 Yeas, 2 Absent.

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

**Airpark Fire
Protection
Project**

Julie Cooper, Project Engineer, presented Change Order No. 1 to the Airpark Fire Protection System Upgrade Project (Phase I), which consists of 12 items totaling \$54,563.98.

- M 797 08**
Approve
Change
Order/
Airpark Fire
Protection
(continued)
- A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Project No. 03-07, Airpark Fire Protection System Upgrade – Phase 1, with Southern Builders, Inc. of Salisbury, Maryland, be approved in the amount of \$54,563.98, which increases the contract total to \$2,815,563.98.
- Motion Adopted: 3 Yeas, 2 Absent.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;
Mr. Dukes, Absent; Mr. Rogers, Yea;
Mr. Jones, Yea
- Grant**
Requests
- Mrs. Webb presented grant requests for the Council's consideration.
- M 798 08**
Community
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$2,500.00 from Mr. Cole's Community Grant Account to West Side New Beginnings Coalition for trash collection in the West Rehoboth community.
- Motion Adopted: 3 Yeas, 2 Absent.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;
Mr. Dukes, Absent; Mr. Rogers, Yea;
Mr. Jones, Yea
- M 799 08**
Community
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$2,500.00 (\$500.00 from each Community Grant Account) to Delaware Ducks Unlimited for the 2009 Greenwing Event.
- Motion Adopted: 3 Yeas, 2 Absent.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;
Mr. Dukes, Absent; Mr. Rogers, Yea;
Mr. Jones, Yea
- M 800 08**
Community
Grant
- A Motion was made by Mr. Rogers, seconded by Cole, to give \$5,000.00 from Mr. Rogers' Community Grant Account to Milton Little League for lights on the minor league fields.
- Motion Adopted: 3 Yeas, 2 Absent.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;
Mr. Dukes, Absent; Mr. Rogers, Yea;
Mr. Jones, Yea
- M 801 08**
Community
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$1,500.00 from Mr. Cole's Community Grant Account to the Rehoboth Beach Hometown Christmas Parade for parade expenses.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 802 08 **A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$1,000.00**
Community **(\$200.00 from each Community Grant Account) to Thanksgiving for**
Grant **Thousands for dinner for needy families.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 803 08 **A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$500.00**
Community **from Mr. Rogers' Community Grant Account to Cool Spring Civic**
Grant **Association for Octoberfest.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 804 08 **A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$8,000.00**
Community **(\$1,600.00 from each Community Grant Account) to Sussex County Habitat**
Grant **for Humanity for a phone system.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 805 08 **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$3,000.00**
Community **from Mr. Phillips' Community Grant Account to the Gumboro Community**
Grant **Association for playground equipment.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 806 08 **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$600.00**
Community **(\$400.00 from Mr. Jones' Community Grant Account and \$200.00 from Mr.**

Grant Phillips' Community Grant Account) to The Greater Georgetown Chamber of Commerce for the Christmas Balloon Parade.

Motion Adopted: 3 Yeas, 2 Absent.

M 806 08 Vote by Roll Call:

(continued)

**Mr. Cole, Yea; Mr. Phillips, Absent;
Mr. Dukes, Absent; Mr. Rogers, Yea;
Mr. Jones, Yea**

M 807 08 Community Grant	A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$250.00 (\$50.00 from each Community Grant Account) to Sussex Technical High School for a winter sports advertisement.
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Motion Adopted: 3 Yeas, 2 Absent.

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

M 808 08 Community Grant	A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$2,000.00 from Mr. Jones' Community Grant Account to the Esther House for transitional housing for women.
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Motion Adopted: 3 Yeas, 2 Absent.

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

M 809 08 Community Grant	A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 (\$100.00 from each Community Grant Account) to First State Community Action Agency for their Annual Dinner and Silent Auction Fundraiser.
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Motion Adopted: 3 Yeas, 2 Absent.

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

M 810 08	A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$5,000.00
Community	from Mr. Rogers' Community Grant Account to Southern Delaware
Grant	Therapeutic & Recreational Horseback Riding for program expenses.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Jones, Yea

M 811 08 **A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$5,000.00**
Community **(\$2,500.00 each from Mr. Jones' and Mr. Rogers' Community Grant**
Grant **Accounts) to the City of Milford for the Senior Volunteer Community**
 Police Program.

M 811 08 **Motion Adopted: 3 Yeas, 2 Absent.**
(continued)
Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;
 Mr. Dukes, Absent; Mr. Rogers, Yea;
 Mr. Jones, Yea

Requests **Action was deferred on the grant requests from The Family & Workplace**
Deferred **Connection and Delaware Teen Challenge.**

Additional **Under Additional Business, Richard Miller of Rehoboth (unincorporated)**
Business **talked about noise pollution in the area where he lives, e.g. barking dogs**
 and parties. He asked the Council to establish laws to address the noise
 pollution problem.

M 812 08 **At 8:17 p.m., a Motion was made by Mr. Cole, seconded by Mr. Rogers, to**
Recess **recess the Regular Session and to go into Executive Session for the purpose**
Regular **of discussing issues relating to land acquisition and pending/potential**
Session/ **litigation.**
Go Into

Executive **Motion Adopted: 3 Yeas, 2 Absent.**
Session
Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;
 Mr. Dukes, Absent; Mr. Rogers, Yea;
 Mr. Jones, Yea

Executive **At 8:19 p.m., an Executive Session of the Sussex County Council was held in**
Session **the Administration Office for the purpose of discussing issues relating to**
 land acquisition and pending/potential litigation. The Executive Session
 concluded at 8:57 p.m.

Mr. Phillips **Mr. Phillips rejoined the meeting.**

M 813 08 **At 8:59 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Cole, to**
Come Out **come out of Executive Session and to reconvene the Regular Session.**
of Executive

Session/ **Motion Adopted: 3 Yeas, 2 Absent.**
Reconvene
Regular **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent;**
Session **Mr. Dukes, Absent; Mr. Rogers, Yea;**
 Mr. Jones, Yea

M 814 08 **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to grant**

Participate in Litigation vs. DNREC authority to the County Administrator to participate in litigation against the Department of Natural Resources and Environmental Control (DNREC) in regards to the Pollution Control Strategy Regulations.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

M 814 08 (continued) **Vote by Roll Call:** Mr. Cole, Nay; Mr. Phillips, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea

Mr. Phillips Mr. Phillips left the meeting.

Public Hearing (C/U No. 1751) 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 ONE OR TWO BUSINESS OFFICES OR ONE OR TWO RETAIL SHOPS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 26,330 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1751) filed on behalf of Dartmouth Ventures, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on October 23, 2008 at which time the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 23, 2008.)

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

Mr. Lank distributed copies of an Exhibit Book which were submitted by the Applicant.

Bill Vernon was present with Robert Witsil, Attorney. They stated that the photographs in the Exhibit Book depict the existing structure on the site and a real estate promotional sign on the neighboring property to the north advertising a future commercial retail center; that DelDOT will not permit a commercial use utilizing the existing entrance on Route One and that access will be provided from Wilkins Road; that they are proposing two professional offices within the existing dwelling structure; that they are not proposing any additions to the structure; that the dwelling will be remodeled on the interior; that the use will not be out of character with the proposed uses in the area; that the site is located in a Town Center according to Sussex County’s Comprehensive Plan; that the site is in compliance with the City of Milford’s Comprehensive Plan and Annexation Plan; that small professional office/medical spaces are proposed; that the site is not an appropriate site for residential use due to its close proximity to

Route One; that they anticipate minimal traffic activities; that they would like to have a sign on both road frontages; and that adequate space is available for parking and stormwater management.

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

**M 815 08
Adopt
Ordinance
No. 2005
(C/U
No. 1751)**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 2005 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ONE OR TWO BUSINESS OFFICES OR ONE OR TWO RETAIL SHOPS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 26,330 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1751) filed on behalf of Dartmouth Ventures, L.L.C. , with the following conditions:

- 1. The use shall be limited to business and professional offices. The offices may be used for such services as law offices, accountant offices, doctor offices, engineering offices, real estate offices, or similar uses.**
- 2. The use shall comply with all DelDOT regulations and requirements.**
- 3. Two (2) lighted signs, not to exceed 32 square feet per side, shall be permitted.**
- 4. Hours of operation shall be limited to no earlier than 8:00 a.m. and no later than 8:00 p.m.**
- 5. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Absent.

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

**Public
Hearing/
C/U
No. 1753**

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 OFFICE AND EQUIPMENT STORAGE FOR A SEPTIC AND MASONRY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.28 ACRES, MORE OR LESS” (Conditional Use No. 1753) filed on behalf of R. T. Absher, Jr., General Contracting, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on October 23, 2008 at which time the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission

dated October 23, 2008.)

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

Public
Hearing/
C/U
No. 1753
(continued)

Mr. Lank distributed copies of an Exhibit Book which were submitted by the Applicant.

Raymond T. Absher, Jr. and Lori Absher were present with Tim Willard, Attorney. They stated that the application is for a general contracting business; that the business has existed for 6 years; that the business does septic work, well work, foundations and agricultural buildings; that the site is adjacent to a scrap metal business; that when they purchased the property, it had previously been approved for a Conditional Use for used car sales, camper and mobile home sales, and dismantling of mobile homes and campers; that the intended use is less intense than the previously approved uses; that the south side of the property is already buffered with trees; that adequate space is available on the site for parking for the employees and equipment; that the existing chicken house is being converted for storage of materials; that bins are being established for storage of stone and sand related to the septic and well business; that the site is partially fenced with an 8-foot high solid fence to provide screening from neighboring residential lots and the scrap metal business; that there should be no traffic impact; that the neighboring property owner has submitted a letter of no opposition; that they demolished an old mobile home on site approximately six months ago and they would like to replace it; that they currently have 18 employees; that there is a dumpster on the site; and that the fencing will be maintained.

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

M 816 08
Adopt
Ordinance
No. 2006
(C/U
No. 1753)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 2006 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND EQUIPMENT STORAGE FOR A SEPTIC AND MASONRY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.28 ACRES, MORE OR LESS" (Conditional Use No. 1753) filed on behalf of R. T. Absher, Jr., General Contracting, Inc., with the following conditions:

1. This Conditional Use shall supersede and replace the prior Conditional Uses granted by Ordinance No. 783 and Ordinance No. 1432.
2. The use shall be limited to a general contracting headquarters for a site preparation, septic, well, and masonry business.
3. There shall be no more than 4 employees on the site during business hours and no more than a total of 20 employees employed by the business.

**M 816 08
Adopt
Ordinance
No. 2006
(continued)**

4. All vehicles, equipment, pipe, aggregates, soils, and masonry stored on the site shall be located in designated areas on the site and shall be shown on the Final Site Plan.
5. Business hours shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.
6. One lighted sign shall be permitted at the entrance of the property, not to exceed 32 square feet in size.
7. There shall be no hazardous materials stored on the site.
8. As stated by the Applicant, a fence shall be built and maintained dividing the property from the residential and commercial use and a hedge row shall be maintained between the property and the agricultural use.
9. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 817 08
Defer
Action on
Old
Business**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to defer action on the five Conditional Uses listed under “Old Business” on the Agenda of November 18, 2008.

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 818 08
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 9:29 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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