



Sussex County Council

2 The Circle
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Georgetown, DE 19947
(302) 855-7742

JANUARY 25, 2005

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, January 25, 2005, at 10:00 a.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
Dale R. Dukes	Member
Vance C. Phillips	Member
Robert L. Stickels	County Administrator
David B. Baker	Finance Director
James D. Griffin	County Attorney

**M 076 05
Approve
Agenda**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 077 05
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of January 18, 2005.

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

**BECKY KING, PRINCIPAL, WOODBRIDGE ELEMENTARY SCHOOL,
GREENWOOD, DELAWARE.**

RE: Letter in appreciation of grant for Accelerated Reading Program.

ROSEMARY L. CUMMINGS, TREASURER, KIWANIS FOUNDATION OF REHOBOTH BEACH, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MARVIN B. JESTER, MAJOR (RETIRED), U. S. ARMY, JROTC SENIOR ARMY INSTRUCTOR, SUSSEX TECHNICAL HIGH SCHOOL, GEORGETOWN, DELAWARE.

**Corre-
spondence
(continued)**

RE: Letter in appreciation of grant to Sussex Technical High School JROTC Battalion.

BILL AUXER, BEACHAVEN BOARD PRESIDENT, REHOBOTH BEACH, DELAWARE.

RE: Letter thanking Council for hard work and granting funds to resolve the issue between Beachaven and USI, resulting in hookups to the County's sewer system.

BOBBI PAVLAK, CHAIRPERSON, AWARDS BANQUET, MILFORD POP WARNER, MILFORD, DELAWARE.

RE: Note in appreciation of grant.

DAVID L. RUFF, MAYOR, TOWN OF BLADES, BLADES, DELAWARE.

RE: Letter in support of facility built by Peninsula Mini Storage in the Town of Blades (Conditional Use No. 1590).

JIM PURCELL, MANAGER OF DEVELOPMENT, AND DANIEL VALLE, CHIEF OPERATING OFFICER, AMERICAN RED CROSS OF THE DELMARVA PENINSULA, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Council contribution for tsunami relief effort and thanking Brian Page for his touching and eloquent request on the need for those funds in this massive effort.

HEIDI A. BALLIET, TUNNELL & RAYSOR, P.A., GEORGETOWN, DELAWARE.

RE: Letter to the Planning and Zoning Commission and Sussex County Council requesting the withdrawal of Conditional Use No. 1584, filed on behalf of Jose A. Pando, M.D. (Mr. Stickels advised that the Planning and Zoning Commission voted to allow the withdrawal of this application; therefore, it will not be brought to Council for a Public Hearing.)

**Compre-
hensive
Annual
Financial
Report For**

Mr. Baker and the accounting firm of Jefferson, Urian, Doane & Sterner, P.A., Certified Public Accountants, presented the Comprehensive Annual Financial Report For Fiscal Year Ended June 30, 2004. Mr. Baker introduced Sheldon L. Forney, CPA; Elaine E. Graves, CPA; Jean Schmidt, CPA; and Kerry Rahe, CPA, with Jefferson, Urian, Doane & Sterner.

**Fiscal Year
Ended
June 30,
2004**

A handout containing various pages of the Comprehensive Annual Financial Report (CAFR) was distributed and Mr. Baker proceeded to highlight some of the major items in the report.

**Compre-
hensive
Annual
Financial
Report For
Fiscal Year
Ended
June 30,
2004
(continued)**

- County 'AA' bond rating by Standard & Poor's was maintained, "reflecting consistently strong financial performance and management continuity."
- County non-sewer and water debt maintained at zero level – capital improvements funded on a pay-as-you-go basis.
- Cumulative total of \$1,713,000 was set aside for pensioner post-employment benefits.
- Revenues from real estate transfers and new construction were strong. Per the U.S. Census Bureau, the value of new housing construction in Sussex County exceeded that for the individual states of Rhode Island, North Dakota, the District of Columbia, and Montana for 2004, as of November 30, 2004.
- Sewer and water hookups increased 6.3 percent to 47,788 EDU's.
- \$1.1 Million was contributed toward the cost of a new paramedic station near Bridgeville. The seventh paramedic unit began service.
- Sewer Projects
 - Ellendale Sewer – began operations with 290 hookups.
 - Cedar Neck Sewer – hookups began April 2004, final completion July 2004, approximately 922 customers near the Indian River Bay.
 - Oak Orchard Sewer – construction is underway to serve approximately 890 homes, also near Indian River Bay.
 - Bay View Estates, Sea Country Estates, Millville, South Ocean View, Miller Creek, and Pinetown – in planning and design phases.
 - \$24 Million of bond proceeds from the State of Delaware and the United States Department of Agriculture were received for sewer project funding.
 - \$7,600,000 in developer infrastructure contributions received for sewer expansion.
 - Sewer and water district capital assets increased by a net amount of \$54.5 Million.
 - South Coastal Regional Wastewater Facility – \$20 Million expansion and upgrade underway.
 - The County purchased 2,083 acres of land for \$28.7 Million to expand the Inland Bays Regional Wastewater Facility near Long Neck. This land will be used for sewer spray irrigation for Long Neck, Angola, Oak Orchard, and West Rehoboth sewer customers.
 - \$4.6 Million was spent for land to expand the Piney Neck sewer spray irrigation facility to accommodate growth in the Dagsboro and Frankford areas.
- General Fund revenue exceeded expenditures and other financing sources and uses by \$11,422,090.

Mr. Baker advised that the CAFR includes other information in addition to the audit information, such as statistics and general information about the County, and is an excellent resource for the public to learn more about Sussex County.

During Fiscal Year 2004, Sussex County Council's General Fund experienced an excess of revenues over expenditures and other financing sources and uses of \$11,422,090. It was noted that this is primarily due to the fact that the Realty Transfer Tax was considerably over-budget, in addition to Recorder of Deeds revenues and building related fees, such as building permits and private road inspections. This is the fourteenth consecutive year that the County's General Fund has had a positive financial result. The undesignated fund balance represents a healthy level of 20 percent of General Fund Fiscal 2005 budgeted expenditures.

Compre-
hensive
Annual
Financial
Report For
Fiscal Year
Ended
June 30,
2004
(continued)

Mr. Stickels stated that he believes the \$11.4 Million will be beneficial in allowing the County Council to invest in programs to benefit Sussex County taxpayers. The Budget Committee is recommending 14 projects to receive funding from the FY '05 excess revenue as follows:

- Sewer Project Grants (\$2,597,881)
- Pension Fund Contributions (\$1,850,000)
- Airport Clear Zone Project (\$1,200,000)
- Emergency Operations Center Capital Costs (\$1,200,000)
- Open Space Land Trust Funding (\$1,142,209)
- Capital Improvements (\$1,000,000)
- North Coastal Planning Study (\$682,000)
- Community Improvements (\$500,000)
- Landfill Closure Costs (\$350,000)
- Library Expansion Projects – Greenwood and South Coastal (\$300,000)
- Easter Seals Center (\$250,000)
- Community Development Fund Projects (\$200,000)
- University of Delaware Agriculture Extension Service (\$100,000)
- CHEER Center Capital Programs (\$50,000)

Mr. Stickels emphasized that these projects are recommendations by the Budget Committee and will be subject to public hearing before the Fiscal 2006 budget is finalized. If Council has any suggestions as to adjustments in funding or additional projects to be considered, the Budget Committee requests that information be submitted during the Fiscal 2006 budget process.

Mr. Baker stated that a "Certificate of Achievement for Excellence in Financial Reporting" was presented recently to Sussex County, Delaware, for its Comprehensive Annual Financial Report For Fiscal Year Ended June 30, 2003, by the Government Finance Officers Association (GFOA) of the United States and Canada. In order to be awarded a Certificate of Achievement, a

government must publish an easily readable and efficiently organized comprehensive annual financial report. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

Compre-
hensive
Annual
Financial
Report For
Fiscal Year
Ended
June 30,
2004
(continued)

Mr. Baker took the opportunity to thank the following County staff for their assistance in preparing the CAFR: Susan Webb, CPA, Director of Accounting; Mary Holley-Matthews, Assistant Director of Accounting; Patty Faucett, Accountant III, Accounting Division; Christopher Parker, Accountant III, Accounting Division; William Townsend, Finance Coordinator; and Jeffrey James, Director of Engineering Accounting. Mr. Baker also recognized other departments for their work throughout the year including Joyce Lord, Director of Treasury; Eddy Parker, Director of Assessments; Leon Collins, Director of Utility Billing; and Eddie Sparpaglione, Supervisor of Information Systems. The hard work of the auditors in helping to prepare the report one month earlier than in the previous two years was noted as well.

Representing Jefferson, Urian, Doane & Sterner, Mr. Forney reiterated that as of June 30, 2004, the County had a strong financial position. Mr. Forney also thanked Council for their confidence in allowing Jefferson, Urian, Doane & Sterner to conduct the audit for the Fiscal Year Ending June 30, 2005.

M 078 05
Accept
Compre-
hensive
Annual
Financial
Report For
Fiscal Year
Ended
June 30,
2004

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council accepts the Comprehensive Annual Financial Report For Fiscal Year Ended June 30, 2004, as audited by Jefferson, Urian, Doane & Sterner, P.A., and recommended by the County Administrator and Finance Director.

Motion Adopted: 5 Yea.

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

Recog-
nition

Mr. Jones expressed his appreciation on behalf of Council for the work performed by County staff in preparing the Comprehensive Annual Financial Report. Recognition plaques "For Assistance In Receiving The Certificate Of Achievement For Excellence In Financial Reporting For The Year Ended June 30, 2003" were presented to Jefferson, Urian, Doane & Sterner, P.A., and County staff responsible for preparation of the report.

Morris
Mill Pond,
LLC,
Subdivision
No. 2003-51

Mr. Stickels advised that a letter dated January 13, 2004, has been received from John A. Sergovic, Jr., Sergovic & Ellis, P.A., requesting the withdrawal of the Appeal of Morris Mill Pond, LLC, Subdivision No. 2003-51, on certain conditions of the subdivision approval by the Planning and Zoning Commission. The Appeal is scheduled for a Public Hearing before Council on February 8, 2005, at 7:00 p.m.

**M 079 05
Allow
Withdrawal
of Appeal/
Morris Mill
Pond, LLC,
Subdivision
No. 2003-51
M 079 05
(continued)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to allow the withdrawal of the Appeal of Morris Mill Pond, LLC, Subdivision No. 2003-51, on certain conditions of the subdivision approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

**Appeal of
Springfield
Enterprise,
Subdivision
No. 96-2**

Shane Abbott, Assistant Director of Planning and Zoning, reviewed for the benefit of Council the Appeal of Springfield Enterprise, Subdivision No. 96-2 (Country Grove, LLC). A Public Hearing on the Appeal was held on January 18, 2005, at which time action was deferred.

(See the Sussex County Council minutes dated December 14, 2004, and January 18, 2005, for additional information on the Appeal, correspondence received, and the Public Hearing before the County Council.)

Mr. Griffin advised that Council basically has three options as to the course of action that can be taken on the Appeal, as follows: (1) agree with the decision of the Planning and Zoning Commission to deny reconsideration, (2) grant the Appeal by determining that substantial construction was made toward the subdivision during the five-year period in question, or (3) return the application to the Planning and Zoning Commission for reconsideration.

The item at issue is if substantial effort was made by the applicant toward construction that would set aside the effect of the sunset provision contained in Section 99-40.A. of the Subdivision Ordinance, which provides that the final subdivision plan approval shall be rendered null and void if substantial construction is not commenced within five years of the date of recording the final subdivision plan pursuant to Section 99-11.

It was noted that agency approvals, including the County Engineering Department, were not received in a timely manner, thus delaying the project from moving forward.

Mr. Dukes stated that the County received a check from the developer in full on March 29, 2004, for plan review. The Director of Public Works held the check and did not inform the developer that he wanted it in three separate checks until August 6, 2004. The developer turned in all of the plans in late June 2004. Since the developer was not told until August 6, 2004, that he needed three checks, the County did not have enough time to review and finalize the plans prior to August 17, 2004, the date that the time extension

expired for the subdivision. It is Mr. Dukes' feeling that from June until August 6, 2004, the County could have reviewed the plans or sent them out to the County's subcontractor for review.

Mr. Griffin advised that revisions to the Subdivision Ordinance are needed due to a number of inconsistencies contained therein. Appeals are currently permitted at several different levels of construction. It was the consensus of Council that Mr. Griffin look at revising Sections 99.39 and 99.40 of the Subdivision Ordinance for better clarity and definition.

**M 080 05
Grant
Appeal of
Springfield
Enterprise,
Subdivision
No. 96-2**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to grant the Appeal of Springfield Enterprise, Subdivision No. 96-2 (Country Grove, LLC), and allow a one-year time extension for the purpose of obtaining agency approvals in compliance with State and County regulations, said extension to expire January 25, 2006.

Motion Adopted: 5 Yea.

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

**Wastewater
Agreements**

Mr. Stickels reviewed wastewater agreements for The Refuge at Dirickson Creek – Phase V, The Preserve at Iron's Landing, and Parallel Force Main.

**M 081 05
Execute
Agreements/
The Refuge
at Dirickson
Creek –
Phase V**

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. 412, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bunting-Gray, L.L.C., for wastewater facilities to be constructed in The Refuge at Dirickson Creek – Phase V, located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**M 082 05
Execute
Agreements/
The
Preserve
at Iron's
Landing**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 348, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and The Preserve at Iron's Landing, L.L.C., for wastewater facilities to be constructed in The Preserve at Iron's Landing, located in the Holts Landing Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 083 05 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the
Execute recommendation of the Sussex County Engineering Department, for Sussex
Agreements/ County Project No. 81-04, Agreement No. 360, that the Sussex County Council
Force Main execute a Construction Administration and Construction Inspection Agreement
M 083 05 between Sussex County Council and Ruggiero Development Group, L.L.C., for
(continued) wastewater facilities to be constructed in Parallel Force Main, located in the
Holts Landing Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Adminis- Mr. Stickels submitted the following information in his Administrator's
trator's Report:
Report

1. Beneficial Acceptance

The Sussex County Engineering Department granted Beneficial Acceptance on January 12, 2005, to The Retreat – Phase I, Agreement No. 328. The developer is S & B Land, LLC. The project is located on the southeast corner of County Road 277 and County Road 283 in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and consists of 42 single-family lots. Included with this report is a fact sheet on the project.

Vehicle Frank Shade, Fleet Manager and Purchasing Agent, reviewed bid results for a
for vehicle requested by the Sheriff's Office that were presented to Council on
Sheriff's January 18, 2005. Two bids were received, with Hertrich Fleet Services being
Office the low bidder in the amount of \$27,698.00. The vehicle is a 2005 Chevrolet Tahoe.

Action was tabled on January 18, 2005, to allow Sheriff Reed to be present to answer questions raised by Council regarding the size of the vehicle, fuel consumption, need for four-wheel drive, and number of prisoners transported on a daily basis.

Sheriff Reed stated that prisoner transport varies from day-to-day and can be anywhere from once a week to three or four times in one day. He explained that the S-10 Blazer that the Sheriff's Office is currently using is a discontinued

vehicle. It has an odometer reading of 108,000 miles and has required major repairs recently. The Tahoe offers more room and is needed for gaining access to some of the dirt roads, driveways, and construction sites necessary for the Sheriff's Office to travel. Sheriff Reed also stated that the vehicle is a five-passenger vehicle, has increased safety features, and would be available for emergency transport to local hospitals as needed during inclement weather.

Vehicle
for
Sheriff's
Office
(continued)

Concerns were expressed by Council regarding red and/or blue lights located in the grille, as well as sirens, on two of the Sheriff's current fleet of vehicles; the fact that the Sheriff's Office is showing a deficit of \$153,000 for the first six months of the current fiscal year; and potential liability the County may be facing as the result of an employee of the Sheriff's Office leaving prior employment with the Town of Selbyville within one year after attending the police academy, the expenses for which the Town of Selbyville is requesting reimbursement from the County.

M 084 05
Sheriff's
Vehicle
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to accept the bid of Hertrich Fleet Services in the amount of \$27,698.00 for a 2005 Chevrolet Tahoe, with equipment as specified in the bid package, for the Sussex County Sheriff's Office.

Motion Denied: 3 Nay, 1 Yea, 1 Abstention.

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

Independent
Libraries
Funding
Request

Carol Fitzgerald, Director of County Libraries, advised Council that the Sussex County Independent Libraries Trustee Association has requested an opportunity to discuss future designation of the County's Capitation Tax for the local libraries.

Dennis Forney, Trustee of the Lewes Public Library and spokesman for the Sussex County Independent Libraries Trustee Association, thanked Council for their continued support and for designating the Capitation Tax last year to the libraries, and acknowledged a number of supporters of the independent libraries in Sussex County in the audience. A handout was distributed showing use of the Capitation Tax funding by each library for Fiscal 2005, along with other information regarding Internet access at the libraries. The Sussex County Independent Libraries Trustee Association is requesting that Council designate the Capitation Tax for the next five years to the independent libraries in Sussex County, using the formula presented in 2004 as a means of allocation.

Addressing a concern that was raised by Mr. Phillips last year regarding Internet access protection, Mr. Forney informed Council that a Smart Access Management (SAM) system has been implemented in all libraries in the County

whereby a bar code on the back of each library card determines the level of Internet access available to that individual. There are four levels of access: (1) No access; (2) Tier I – appropriate for kindergarten through grade five; (3) Tier II – appropriate for grades six through 12; and (4) Unrestricted access. A parent or guardian is required to sign a form indicating the level of Internet access they select for their child. This is done at the time the minor (anyone under the age of 18) is issued a library card. Mr. Forney stated that the system seems to be working well in limiting undesirable behavior.

**Funding
Request
(continued)**

Mr. Stickels stated that allocation of the Capitation Tax to the local libraries for the next five years is feasible and will allow for long-range planning by the libraries.

**M 085 05
Authorize
Allocation
of Capita-
tion Tax
to Local
Libraries**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to allocate the Capitation Tax to the local libraries of Sussex County for a five-year period.

Motion Adopted: 5 Yea.

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

**C/Z
No. 1565**

The County Council discussed the Proposed Ordinance entitled, “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.60 ACRES, MORE OR LESS” (Change of Zone No. 1565) filed on behalf of Allen Family Foods, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on November 18, 2004, at which time they deferred action. On January 6, 2005, the Commission discussed the application under Old Business. Vincent Robertson, Assistant County Attorney, advised those present that since the vote was tied, the recommendation to the Sussex County Council would be that the application be denied due to the lack of a majority of affirmative votes.

Mr. Cole questioned if Council has the ability to reduce the zoning to a lesser category, for example from HI-1 to B-1, which would address some of the applicant’s needs and at the same time restrict other uses. Mr. Griffin advised that a procedure has not been implemented in terms of the advertising that would be necessary to give the public, who have a right to be heard at the hearing, notice that the applicant could be granted a less intensive use than was applied for.

Concerns were expressed by Council regarding setback requirements,

depending on combination of the two parcels involved.

M 086 05
Defer
Action
on C/Z
No. 1565

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to defer action on Change of Zone No. 1565, filed on behalf of Allen Family Foods, Inc., for one week to allow Council additional time to consider the application, and to place this item on the Agenda on February 1, 2005.

M 086 05
(continued)

Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Requests

Mr. Stickels presented requests for funding for Council's consideration.

M 087 05
Youth
Activity
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$750.00 from Mr. Jones' Youth Activity Account to Woodbridge Little League for operating expenses.

Motion Adopted: 5 Yea.

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

M 088 05
Youth
Activity
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 from Mr. Phillips' Youth Activity Account to Dagsboro Boys and Girls Club for scholarships and supplies.

Motion Adopted: 5 Yea.

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

M 089 05
Youth
Activity
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$250.00 from Mr. Phillips' Youth Activity Account to Boy Scout Troop 174 for an Eagle Scout project by Michael Parsons.

Motion Adopted: 5 Yea.

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

Grant

A grant request by the Sussex Academy of Arts and Sciences was taken under advisement.

Request

**M 090 05
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Sussex County Science Fair for the 2005 Science Fair.

Motion Adopted: 5 Yea.

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

**M 090 05
(continued)**

**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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 826.84 ACRES, MORE OR LESS" (Change of Zone No. 1576) filed on behalf of Reynolds Pond, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

**Delaware
Solid
Waste
Authority**

Mr. Phillips inquired if the Sussex County Council has any control over the Delaware Solid Waste Authority. Constituents in the Roxana area are upset about a proposed recycling center. Mr. Stickels suggested that concerned citizens contact their State representative and/or senator, since the Delaware General Assembly regulates the Solid Waste Authority which is self-funded and exempt from local jurisdiction.

**Variance
Requests**

Mr. Cole brought to Council's attention a letter addressed to Mr. Dukes from John M. Mills, member of the Sussex County Board of Adjustment, dated January 24, 2005, concerning the number of requests for variances of less than 150 feet of road frontage for the purpose of subdividing a lot with an existing dwelling, typically five acres or less in size, that are being approved. Mr. Cole's concern is that nonconforming lots are being permitted. Mr. Stickels requested an opportunity to speak with Richard Berl, Assistant County Attorney, regarding this matter.

**Public
Comment**

George Truitt advised Council that Neighborhood Watch organizations are working to stop drug activities in and around Sussex County schools, as well as promoting freedom of speech according to the Constitution. In addition, Mr. Truitt requested that Council consider changing the format of the Council Agenda by scheduling public comment immediately after "Approval of Minutes" rather than at the end of the meeting.

M 091 05

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn at 12:14 p.m. Motion Adopted by Voice Vote.

Adjourn

Respectfully submitted,

**Susan W. Webb
Acting Clerk of the Council**