



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 3, 2004**

#### **Call to Order**

The regular meeting of the Sussex County Council was held Tuesday, August 3, 2004, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

#### **M 461 04 Approve Agenda**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the Agenda of August 3, 2004.

**Motion Adopted: 5 Yea.**

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

#### **M 462 04 Approve Minutes**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of July 27, 2004.

**Motion Adopted: 5 Yea.**

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

#### **Corre- spondence**

Mr. Griffin read the following correspondence:

**RICHARD STONE, PRESIDENT, LAUREL HISTORICAL SOCIETY,  
LAUREL, DELAWARE.**

**RE: Letter in appreciation of funding for the Studley House Museum**

**Restoration Project.**

**ISABELLA JACKSON, LEWES, DELAWARE.**

**RE: Letter to Community Development Office expressing thanks for repairs to her home.**

**Corre-  
spondence  
(continued)**

**KAREN ANN SALEVAN, ELLENDALE, DELAWARE.**

**RE: Letter to Community Development Office expressing thanks for repairs to her home.**

**HAROLD TRUXON, PRESIDENT, ELLENDALE COMMUNITY CIVIC IMPROVEMENT ASSOCIATION, INC., ELLENDALE, DELAWARE.**

**RE: Letter in appreciation of funding for clean up and rodent removal.**

**EUGENE K. GRUBER, DIRECTOR, MITIGATION DIVISION, U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA), REGION III, PHILADELPHIA, PENNSYLVANIA.**

**RE: Letter to Mayor Frank Draper, Town of Slaughter Beach, advising that the National Flood Insurance Program (NFIP) probation period for the Town of Slaughter Beach will officially end on August 1, 2004.**

**JOHN S. RILEY AND SANDRA J. TUTTLE, EASTER SEALS, NEW CASTLE, DELAWARE.**

**RE: Letter in appreciation of the funding approved for the construction of the new facility in Sussex County.**

**SENIOR LEAGUE SOFTBALL WORLD SERIES 2004, DELAWARE DISTRICT 3 LITTLE LEAGUE, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of funding approved for the Girls Senior Softball World Series to be held in Georgetown.**

**M 463 04  
Schedule  
Executive  
Session  
(Motion  
Died)**

**A Motion was made by Mr. Cole that an Executive Session be held for the purpose of discussing potential litigation. The Motion died for the lack of a Second.**

**The Executive Session scheduled for 11:45 a.m. was removed from the Agenda.**

**Children  
& Families  
First**

**Carol Williamson of Children & Families First addressed Council and expressed thanks for the \$17,000 grant, which was used to purchase a van to transport families participating in the Strengthening Families Program. She stated that their Sussex County clients will now have greater access to parenting services.**

**Delaware  
Office of  
State**

**Mr. Stickels reviewed proposed amendments to the Memorandum of Understanding between Sussex County and the Delaware Office of State Planning Coordination. Mrs. Connie Holland, Director of the Office of**

**Planning  
Coordina-  
tion**

State Planning Coordination, was present to participate in the discussion.

Mr. Stickels pointed out that Section A outlines land use planning actions that are subject to State review. No. 2 under Section A currently reads “Major residential subdivisions containing more than 50 dwelling units, as defined in Title 29, Section 9203(a)(1).” He noted that RPCs and condominiums do not meet this definition and he recommended that No. 2 be changed to read as follows:

**Delaware  
Office of  
State  
Planning  
Coordina-  
tion/  
Amendment  
to MOU**

2. Major residential subdivisions or land developments containing more than 50 dwelling units or lots, as defined in Title 29, Section 9203(a)(1).

Mr. Stickels referred to Section B, which discusses circumstances by which the Office of State Planning Coordination may waive pre-application requirements of Title 29, Chapter 92 of the Delaware Code. Mr. Stickels proposed that the following circumstance be added to the list: “County and State planning staff mutually agree that the project does not impose a significant impact on State interests or resources.” Mr. Stickels stated that this circumstance could be used if there is not a density change and if the application is for a change of use.

If approved, the last paragraph of the Memorandum of Understanding would read as follows:

B. In special circumstances, the Office of State Planning Coordination may waive the pre-application requirements of Title 29, Chapter 92, of the Delaware Code. Where such waiver is granted, the Office of State Planning Coordination shall provide a written explanation of the causes for the waiver to the relevant local jurisdiction and the applicant. These circumstances may include, but are not limited to, a local government’s imposition of a more stringent review of projects enumerated in §9203(a) than required by Title 29, Chapter 92 of the Delaware Code, ~~and/or~~ projects expected to provide an extraordinary benefit to the State and the local jurisdiction through economic development, job creation, educational opportunities, public services or facilities, agricultural preservation, or protection and enhancement of the natural environment; and/or County and State planning staff mutually agree that the project does not impose a significant impact on State interests or resources.

**M 464 04  
Amendment  
to MOU  
with the  
Delawa re  
Office of  
State  
Planning  
Coordina-  
tion**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend Section A, No 3, to read “Any non-residential subdivision or site plan involving the expansion of an existing structure by 25 percent or more of new construction involving structures or buildings with a total floor area exceeding 75,000 square feet.”

Motion Adopted: 5 Yea.

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

**Mr. Dukes, Yea**

**M 465 04**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex**  
**Execute**      **County Council, having met in public session, authorizes the Sussex County**  
**Amendment**      **Council President to execute an Amendment to the Memorandum of**  
**to MOU**      **Understanding between Sussex County Council and the Delaware Office of**  
                    **State Planning Coordination, as proposed and with the additional**  
                    **amendment (M 464 04).**

**M 465 04**      **Motion Adopted:      5 Yea.**  
**(continued)**

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

**Request**      **Mr. Bob Parsons, Vice Mayor of South Bethany, spoke on behalf of the**  
**for**      **mayors of the coastal towns regarding the restoration of beach**  
**Beach**      **replenishment funds to the Federal budget.**  
**Replenish-**

**ment**      **Mr. Stickels reported that the following projects have received approval**  
**Funding**      **from the United States House of Representatives in the form of passed**  
                    **legislation in the Energy and Water Bill. The U.S. Senate has not yet**  
                    **considered its bill.**

**1. Dewey Beach/Rehoboth Beach - \$3.6 Million in FY '05 House Bill for**  
**Construction**

**Along Rehoboth Beach, the plan calls for construction of a 250-foot-**  
**wide beach and dune. At Dewey Beach, the project would consist of**  
**a 360-foot-wide beach and dune. The plan also calls for features**  
**such as dune grass planting, sand dune fencing, vehicle access**  
**ramps, and dune walkovers. The plan requires initial fill to be**  
**placed from a designated offshore sand bar off of South Bethany and**  
**periodic nourishment every three years for the next 50 years.**

**The following Federal earmarked funds were provided for the**  
**construction of this project: FY '00 - \$325,000; FY '01 - \$3 Million;**  
**FY '02 - \$100,000; FY '03 - \$500,000; FY '04 - \$5.7 Million; and FY**  
**'05 - \$5.76 Million.**

**2. Roosevelt Inlet-Lewes Beach - \$325,000 in FY '05 House Bill for**  
**Construction**

**The selected plan at Lewes Beach consists of a 100-foot-wide beach**  
**and dune. The plan requires initial sand and advanced nourishment**  
**to be placed on Lewes Beach and periodic nourishment every six**  
**years for the next 50 years. Dredged material from the Roosevelt**  
**Inlet will be used for beach sand. The project also includes**  
**replacement of a stone jetty.**

The following Federal funds were provided: FY '02 - \$500,000; FY '03 - \$1.5 Million; FY '04 - \$2.08 Million; and FY '05 - \$352,000. Construction on this project was initiated in September 2003. The jetty reconstruction was completed last month and the beach will be filled with sand this fall, with the completion date set for December.

**Request  
for Beach  
Replenish-  
ment  
Funding  
(continued)**

**3. Fenwick Island - \$2.5 Million in FY '05 House Bill for Construction**

The project for Fenwick Island is a beach replenishment consisting of a dune and beach 200 feet wide. The selected plan includes dune grass, sand fencing, and suitable advance beach fill and periodic nourishment to ensure the integrity of the original design. The plan requires initial fill to be placed from a designated offshore borrow site, with periodic nourishment every four years for the next 50 years.

Federal funds were earmarked in FY '03 of \$500,000 to complete the design phase of this project and to move into the construction phase. The House of Representatives is earmarking \$2.5 Million for FY '05, and it is likely the Army Corps of Engineers will be able to reprogram some FY '04 funding to cover the remaining estimate.

**4. Bethany/South Bethany - \$350,000 in FY '05 House Bill for Construction**

The Army Corps is still completing the necessary reports before it can request permission to move forward with construction. It is my understanding that this will occur next year.

The project calls for beach replenishment similar to the widths of Rehoboth Beach and Dewey Beach (250 to 350 feet). The pre-engineering and design phase was completed in FY '01 and consisted of the completion of detailed plans and specifications. The final Environmental Impact Statement has been filed as well. Funding was secured in the amount of \$500,000 in FY '04 to continue the pre-construction filing efforts.

Mr. Parsons discussed a request made by the Sussex County Association of Towns in April 2004 for funding to contract the services of a consultant/lobbyist to provide additional staff assistance to Delaware's congressional delegation. The lobbyist would work to assure that beach replenishment funds are restored to the present Federal budget and allocated in future budgets.

He emphasized that SCAT acknowledges that Delaware's three members of Congress continue to do an excellent job in Washington in support of beach replenishment; however, he stated that SCAT believes they need help.

**Mr. Parsons pointed out that the congressional delegations of the following states have already used the services of the consultant that SCAT proposes a contract with: Hawaii, New Jersey, North Carolina, Texas, and Florida.**

**Request  
for Beach  
Replenish-  
ment  
Funding  
(continued)**

**Mr. Parsons reviewed the lobbyist's proposal. The one-year agreement, at a cost of \$70,000 per year, would need to be renewed annually; the funding for the remainder of this year would be pro-rated. Mr. Parsons implored the County Council to commit funding for this much needed service that would ultimately provide beach replenishment funding which would benefit not only the coastal towns, but the entire County as well.**

**The County Council discussed possible ways and other funding sources to fund the expense of a lobbyist.**

**Mr. Stickels commented that many years ago it was proposed that one way to obtain funds for beach replenishment would be for the State to enable the County to collect a lodging tax. He noted that this never happened.**

**Mr. Stickels also commented that, if the County Council chooses to fund this expense, the funds could be taken from General Fund Contingency or the Economic Development Stimulus Fund.**

**Mr. Cole referred to the tax rebate that the County recently authorized, stating that the County has the resources to fund this expense.**

**A Motion was made by Mr. Cole to pursue hiring the lobbyist, as proposed by the Sussex County Association of Towns. The Motion died for the lack of a Second.**

**Mr. Phillips stated that he would be more supportive of the proposal if there was a partnering of entities.**

**Mr. Dukes questioned Mr. Parsons as to whether SCAT has looked to the Visitors/Tourism Bureau for funds. He also asked how much the towns are contributing. Mr. Parsons responded that SCAT is asking the County to fund the entire amount. He commented that towns provide the infrastructure for the beaches, i.e. restrooms, sidewalks, roads, parkways, lifeguards, and cleaning the beaches. He noted that the Town of South Bethany's budget for lifeguards is significantly more than \$70,000 annually. Mr. Dukes stated that he believes the towns should participate.**

**It was the consensus of the Council to defer action for one week.**

**Mr. Stickels asked Mr. Parsons for the following additional information: (1) the cost of the proposal for the remainder of 2004 and (2) the cost for calendar year 2005.**

**Adminis-**

**Mr. Stickels read the following information in his Administrator's Report:**

**trator's  
Report**

**1. Woods on Herring Creek**

At the request of the Department of Natural Resources, building permits will not be issued for this subdivision for new construction until the current wastewater system has been corrected. The subdivision consists of 175 homes; currently, there are 142 homes.

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

Wastewater service for this subdivision is applied by Utility Systems, Inc. The system has to be pumped out on a daily basis. They are under the directive of the Department of Natural Resources to bring this system up to standards. Currently, there is litigation pending over the ownership of this system which has delayed the improvements.

**2. Council Schedule**

A reminder that the Council meeting on August 10, 2004, will start at 6:30 p.m. in the Council Chambers of the County Administrative Office Building on The Circle in Georgetown.

**Old  
Business/  
C/U  
No. 1538**

The County Council considered the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CAMPING TRAILERS AND BOATS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.55 ACRES, MORE OR LESS" (Conditional Use No. 1538) filed on behalf of Kevin's Trailer Sales, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on May 6, 2004 at which time they deferred action. On May 27, 2004 the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on May 25, 2004. At that time, they deferred action to await a recommendation from the Planning and Zoning Commission.

Mr. Lank, Director of Planning and Zoning, reviewed proposed findings and conditions submitted by the staff. The County Council discussed amendments to the proposed conditions.

**M 466 04  
Adopt  
Ordinance  
No. 1708  
(C/U  
No. 1538)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1708 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CAMPING TRAILERS AND BOATS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.55 ACRES, MORE OR LESS" (Conditional Use No. 1538) filed on behalf of Kevin's Trailer Sales, Inc., with the following

**conditions:**

**M 466 04  
(continued)**

1. The recreational storage area shall be contained within a 4.7 acre area of the site. The storage of recreational vehicles within this 4.7 acre portion of the site shall be contained within a 3.0 acre area.
2. The Application shall create a 25 foot wide vegetative buffer along the westerly and easterly boundary lines and for a minimum distance of 25 feet across the front from both the easterly and westerly sides consisting of three (3) rows of Leyland Cypress or similar vegetation at least 5 feet in height and as recommended by the State Forester and subject to the approval of the Planning and Zoning Commission. Any plantings lost shall be replaced.
3. The Applicant shall construct fencing around the entire perimeter of the recreational vehicle storage facility and associated stormwater management area with vinyl clad chain-link type fencing with privacy slats at least 6 feet in height.
4. The recreational vehicle storage facility, as indicated on the preliminary site plan, shall shift 25 feet from the westerly property line toward the east to allow for the vegetative buffer to be outside of the fencing required.
5. The Applicant shall install a mechanical gated access to the site. A Knox Box shall be installed on the gated access so that the electrical power company and the local fire company can gain access to or through the site when needed.
6. No storage of recreational vehicles shall occur within 80-feet of the right-of-way of Route 26.
7. The Applicant shall limit the height of all recreational vehicles to those less than 14 feet in height as agreed to between the applicant and the electrical power company.
8. Temporary toilets shall not be placed on the property.
9. Hours of operation shall be limited to the hours of 6:00 a.m. to 8:00 p.m. seven days a week.
10. The entrance to the storage facility shall be paved per DelDOT standards.
11. The storage facility may be maintained in grass.
12. Any lighting installed by the Applicant shall not exceed 12-feet in height and shall be downward illuminated. The lighting shall be arranged and installed to minimize glare on neighboring properties or travelling motorists driving along Route 26.
13. There shall be no sales, service, or other additional business activities conducted on the site.
14. The only structure that shall be placed on the site shall be a small storage building not exceeding 100 square feet for the purpose of storage of maintenance equipment, i.e. lawnmowers and similar equipment.
15. Wetlands on the site shall remain as undisturbed areas.
16. Any expansion of the use of the site shall require a new Conditional Use application.
17. The site plan shall be subject to the review and approval of the



**Planning and Zoning Commission upon receipt of all appropriate agency approvals.**

**Motion Adopted: 3 Yea, 2 Nay.**

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

**Old  
Business  
(C/U  
No. 1540)**

**The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (3 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11,850 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1540) filed on behalf of James R. Gibson.**

**The Planning and Zoning Commission held a Public Hearing on this application on May 13, 2004 at which time they deferred action. On June 24, 2004, the Commission recommended that the application be approved with conditions.**

**The County Council held a Public Hearing on this application on June 1, 2004. At that time, they deferred action to await a recommendation from the Planning and Zoning Commission.**

**Mr. Lank read the Commission’s proposed findings and conditions.**

**M 467 04  
Adopt  
Proposed  
Ordinance  
(C/U  
No. 1540)  
(Denied)**

**A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (3 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11,850 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1540) filed on behalf of James R. Gibson.**

**Motion Denied: 4 Nay, 1 Yea.**

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

**Reasons  
for Denial**

**The County Council denied the application based on the following reasons: the proposed use is out of character with the area; the proposed height of the structure is not compatible with other structures in the area; the proposal is for increased density; and approving the project may set a precedent for other redevelopment projects in the area.**

**Old  
Business/  
Proposed  
Ordinance/  
Cluster  
Develop-  
ment  
Old  
Business/  
Proposed  
Ordinance/  
Cluster  
Develop-  
ment  
(continued)**

**The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE IV “AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS”, TO ALLOW CLUSTER DEVELOPMENT OF RESIDENTIAL STRUCTURES AND TO DEFINE CLUSTER DEVELOPMENT”.**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on February 26, 2004 at which time they deferred action. On April 29th the Commission discussed the Proposed Ordinance under Old Business and deferred action again. No action has been taken by the Commission on the Proposed Ordinance.**

**The County Council held a Public Hearing on the Proposed Ordinance on March 23, 2004. They discussed the Proposed Ordinance under Old Business on July 27, 2004.**

**Mr. Kautz, Land Use Planner, advised the Council that the first draft ordinance did not include a reference to the depth of front yard and rear yard, width of side yard, and minimum lot width for cluster lots. He noted that Section C has now been amended to include this reference.**

**M 468 04  
Adopt  
Ordinance  
No. 1709**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1709 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE IV “AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS”, TO ALLOW CLUSTER DEVELOPMENT OF RESIDENTIAL STRUCTURES AND TO DEFINE CLUSTER DEVELOPMENT”.**

**Motion Adopted: 4 Yea, 1 Nay.**

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

**Old  
Business/  
Proposed  
Ordinance  
Relating to  
Parking  
Spaces and  
Zones for  
Persons  
with  
Disabilities**

**The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO IMPLEMENT HOUSE BILL NO. 172 PASSED BY THE DELAWARE GENERAL ASSEMBLY IN SESSION 2003 AND WHICH REQUIRES THE ADOPTION OF COUNTY ORDINANCE TO ADDRESS THE DUTY OF INDIVIDUALS AND ARTIFICIAL ENTITIES TO ERECT AND MAINTAIN SIGNAGE ON PARKING SPACES AND ZONES FOR THE USE OF PERSONS WITH DISABILITIES”.**

**The County Council held a Public Hearing on the Proposed Ordinance on June 20, 2004. At that time, the County Council deferred action for two weeks to allow time for the preparation of an enforcement policy.**

**Mr. Stickels distributed and reviewed a memo from Mr. Griffin, County**

**Old  
Business  
(continued)**

Attorney, which provides guidance as to the enforcement of the proposed County Code provisions regarding parking for persons with disabilities. Mr. Stickels noted that the date of enforcement would be July 26, 1992; any structures constructed after that date would have to comply with the ordinance. He also noted that compliance would be through the Building Code Department and enforcement would be handled by the Constable's Office. Mr. Kautz, Land Use Planner, clarified that complaints are to be filed with the Building Code Department and that if non-compliance continues after notice to install a sign, then the non-compliance would be handled by the Constable's Office. Mr. Stickels pointed out that the ordinance only pertains to parking.

**M 469 04  
Adopt  
Ordinance  
No. 1710**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1710 entitled "AN ORDINANCE TO IMPLEMENT HOUSE BILL NO. 172 PASSED BY THE DELAWARE GENERAL ASSEMBLY IN SESSION 2003 AND WHICH REQUIRES THE ADOPTION OF COUNTY ORDINANCE TO ADDRESS THE DUTY OF INDIVIDUALS AND ARTIFICIAL ENTITIES TO ERECT AND MAINTAIN SIGNAGE ON PARKING SPACES AND ZONES FOR THE USE OF PERSONS WITH DISABILITIES".

**Motion Adopted: 5 Yea.**

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

**Old  
Business/  
Proposed  
Ordinance  
Relating  
to the  
Combined  
Highway  
Corridor  
Overlay  
Zone**

The County Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO REVISE AND REPLACE SECTION 194.1 WITH A NEW SECTION ENTITLED THE COMBINED HIGHWAY CORRIDOR OVERLAY ZONE".

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on February 26, 2004 at which time they deferred action. On April 29th, the Commission recommended that the Proposed Ordinance be denied.

The County Council held a Public Hearing on the Proposed Ordinance on March 23, 2004. At that time, action was deferred.

Mr. Stickels referred to several areas of concern expressed by the County Council:

- Delineation of the zoning district - ...along the major north south corridors (Routes 1, 13, and 113) from the Maryland line to the Kent County line, only in the areas where the County has jurisdiction.
- Delineation of the zoning district – The East-West Corridors – Route 36,

**16, 9, 404, 26, 24, 20, 54.**

- **Setbacks in AR-1 Agricultural Residential, AR-2 Agricultural Residential, MR Medium-Density Residential, and GR General Residential which is currently 40 feet. The Proposed Ordinance increases the setbacks to 60 feet.**

**Old  
Business/  
Proposed  
Ordinance  
Relating  
to the  
Combined  
Highway  
Corridor  
Overlay  
Zone  
(continued)**

**Mr. Stickels discussed options in regards to the adoption of the Proposed Ordinance:**

- **Leave the 40-foot setbacks.**
- **Adopt Routes 1, 13, and 113 and strike the east-west corridors, or any portion thereof.**
- **Strike the reference to the RPC Residential Planned Community in regards to setbacks because it is actually an overlay district that relates to other districts. (Setbacks are established by each zoning district and not an RPC.)**

**It was the consensus of the Council that the Highway Corridor Overlay Zoning District shall be established along the major north-south corridors (Routes 1, 13, and 113).**

**It was the consensus of the Council that the Highway Corridor Overlay Zoning District would not include the east-west corridors.**

**It was the consensus of the Council that that the setbacks for AR-1, AR-2, MR, and GR will remain at 40 feet.**

**M 470 04  
Delete  
Landscape  
Require-  
ment  
(Denied)**

**A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to strike the landscape requirements in the Proposed Ordinance (Section 6, a and b).**

**Motion Denied:        3 Nay, 2 Yea**

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

**Request  
for  
Consensus**

**Mr. Phillips asked if there was a consensus to include a phrase stating that expanding highway capacity is important for future mobility needs. No action was taken on the question.**

**M 471 04  
Adopt  
Ordinance  
No. 1711**

**A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1711 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO REVISE AND REPLACE SECTION 194.1 WITH A NEW SECTION ENTITLED THE COMBINED HIGHWAY CORRIDOR OVERLAY ZONE”, with the following**

**amendments: the deletion of the east-west corridors (Section B-1); that the AR-1, AR-2, MR and GR setbacks remain at 40 feet (Section E-3); and with the deletion of “Residential Planned Community” from the table relating to setbacks and buffers (Section E-3).**

**Motion Adopted: 3 Yea, 2 Nay**

**M 471 04**  
**(continued)**      **Vote by Roll Call: Mr. Phillips, Nay; Mr. Cole, Nay;**  
**Mr. Rogers, Yea; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

**Public**  
**Hearing/**  
**Dagsboro-**  
**Frankford**  
**SSD**  
**Extension**      **A Public Hearing was held to consider extending the boundary of the Dagsboro – Frankford Sanitary Sewer District to include the lands of Grace Shaw and Sylva Syphengpheth. Mr. Archut reported that the properties are vacant and that both property owners requested to be included in the sanitary sewer district. Mr. Archut reported that no written comments have been received. There were no public comments and the Public Hearing was closed.**

**M 472 04**  
**Adopt**  
**Resolution**  
**No.**  
**R 021 04**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Resolution No. R 021 04 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO - FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE THE LANDS OF GRACE SHAW AND SYLA SYPHENGPHETH, SITUATE, LYING NORTH OF HONOLULU ROAD AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yea.**

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

**Requests**      **Mr. Stickels presented funding requests for the Council’s consideration.**

**M 473 04**  
**Youth**  
**Activity**  
**Grant**      **A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$500.00 from Mr. Rogers’ Youth Activity Grant Account to New Hope Recreation and Development Center, Inc. for the annual community fun day.**

**Motion Adopted: 5 Yea.**

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

**M 474 04**  
**Youth**  
**Activity**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$200.00 from Mr. Jones’ Youth Activity Grant Account to the Georgetown Boys & Girls Club as a sponsor of The Sussex Countian in a Bowl-A-Thon which**

**Grant**                    **will benefit the Boys & Girls Club.**

**Motion Adopted:        5 Yea.**

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

**Public**                   **Mr. Dan Kramer addressed the Council regarding the 25 percent tax**  
**Comments**            **rebate.**

**Comments**            **Mr. Cole advised the Council that, since they did not approve an Executive**  
**by Mr.**                **Session regarding potential litigation, he intends to contact the Attorney**  
**Cole**                   **General's Office regarding the County's Rules of Order as they pertain to**  
**Relating**            **interrupting a vote for the purpose of receiving additional information and**  
**to Vote/**              **pertaining to the validity of the vote. (June 29, 2004 Council meeting – Vote**  
**6/29/04**              **on Conditional Use No. 1538, an application of Rebay, LLC).**

**M 475 04**              **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to adjourn at**  
**Adjourn**              **12:50 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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