



# **Sussex County Council Public/Media Packet**

**MEETING:  
AUGUST 7, 2012**

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**Sussex County Council  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
(302) 855-7743**



# SUSSEX COUNTY COUNCIL

## AGENDA

### SUSSEX COUNTY COUNCIL

AUGUST 7, 2012

1:00 P.M.

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes

#### Reading of Correspondence

#### Todd Lawson, County Administrator

1. Administrator's Report

#### Dan Parsons, Historic Planner

1. Sussex County History Book

#### Grant Requests

1. Millsboro Little League for Travel Expenses
2. City of Rehoboth Beach for Delaware State Marching Band Expenses
3. New Coverdale Outreach Mission for School Supplies

#### Introduction of Proposed Zoning Ordinances

#### Any Additional Business Brought Before Council

#### 1:30 p.m. Public Hearings

#### Conditional Use No. 1932 filed on behalf of Tanya A. and Kimwuan L. Gibbs

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27,250 SQUARE FEET, MORE OR LESS” (land lying southeast of Road 285 (Beaver Dam Road), 2,500 feet south of Road 287 (Kendale Road); (Tax Map I.D. 2-34-6.00-13.00))

**Change of Zone #1718 filed on behalf of Gary L. Hudson, Trustee**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS” (land lying north of Route 9 and 1,000 feet east of Route 5 at Harbeson); (Tax Map I.D. 2-35-30.00-27.00 and 28.00)**

**Executive Session – Job Applicants’ Qualifications, Personnel, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountymde.gov](http://www.sussexcountymde.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 31, 2012 at 4:00 p.m., at the time it was prepared by the County Administrator and at least seven (7) days in advance of the meeting. This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 31, 2012**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 31, 2012, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Susan M. Webb</b>	<b>Finance Director</b>
<b>Everett Moore</b>	<b>County Attorney</b>

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 402 12  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting "Job Applicants' Qualifications" and "Personnel" under "Executive Session"; and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of July 24, 2012 were approved by consent.

**Corre-  
spondence**

Mr. Moore read the following correspondence:

**STATE OF DELAWARE, DIVISION OF STATE POLICE, DOVER,  
DELAWARE.**

**RE: Letter in appreciation of grant for Camp Barnes.**

**Adminis-  
trator's  
Report**

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

**1. Delaware State Police Activity Report – June 2012**

Per the attached Delaware State Police activity report for June, there were 4,467 total traffic arrests and 1,460 criminal arrests. Of that 1,460, 437 were felony and 1,023 were misdemeanor criminal arrests. Of the total hours on duty spent, 43 percent were spent on criminal investigations.

**Administrator's  
Report  
(continued)**

**2. Sussex County Paramedics Acknowledgement**

Bob Stuart, Director of Sussex County Emergency Medical Services, shared with Council the attached letters acknowledging and thanking his staff for their recent outstanding service. The letters were sent from, among others, the members of the Korean War Veterans Association, the Trap Pond Partners, and the Greenwood Volunteer Fire Company for the paramedics' presence during a recent funeral for one of their members. Congratulations to Bob and his staff for a job well done.

**3. New Online Payment Fees**

This week the County will mail its annual property tax bills to over 124,000 recipients. Citizens have a number of options to pay these bills, including through use of the Internet with an online payment. Historically, the County has contracted with a third party vendor who in turn charges a fee to customers who use the service. These fees can be as high as 2.5 percent of a citizen's total tax bill. It is possible this fee, commonly referred to as a "convenience fee," deters citizens from using the online payment solution. In fact, only 4.6 percent of payments were made online last year.

In an effort to promote online payments, effective tomorrow, August 1<sup>st</sup>, the County will remove the percentage surcharge and only charge a one-time, flat fee of \$1.00 per transaction. It is our hope that this simple flat fee will improve our customer service, enhance our efficiency, and increase the number of users who pay online. Citizens can find more information on the County's website and are encouraged to try our online payment option.

**4. Sussex County Association of Realtors Luncheon**

The Sussex County Association of Realtors will host their annual luncheon for the County Council today at 12:30 p.m. at the Sussex Pines Country Club. The Council will recess at the conclusion of today's regular meeting and reconvene for the luncheon at Sussex Pines.

**5. Sussex County Council Meeting**

Please note, County Council will hold its regularly scheduled meeting next Tuesday, August 7, at 1:00 p.m. in Council Chambers.

[Attachments to the Administrator's Report are not attachments to the minutes.]

**Review  
and  
Approval  
of Airport  
Policies**

**Jim Hickin, Director of Airport and Industrial Park Operations, reported that the Sussex County Airport Advisory Committee has been discussing and developing the Minimum Standards Policy document since January 2010 and the Committee voted unanimously at its June 27th meeting to recommend that the Council adopt the document as County policy. The proposed policy, Minimum Standards for Commercial Aeronautical Activity, states the terms and conditions that the Council has established for aviation businesses at the Airport.**

**Mr. Hickin explained that, as the owners of the Sussex County Airport, the Council has the right to establish the terms and conditions for the public's use of the property, including use by commercial activities (businesses). He noted, however, that the Council has agreed with the FAA (in grant agreements) that these terms and condition will be "reasonable and not unjustly discriminatory". This means that the users of the Airport that are "similarly situated" must be subject to the same terms and conditions for use of the Airport. Mr. Hickin noted that some of the terms and conditions were addressed when the Rules and Regulations Policy was adopted.**

**Mr. Hickin reported that the minimum standards are to be met by aviation businesses at the Airport; businesses should be encouraged to exceed the standards, in order to better serve the public. Standards included in the Policy include how to receive County approval to operate a business on the County's property, types of certifications required, equipment requirements, hours of operation, insurance requirements, and others.**

**Benefits of a Minimum Standards Policy are: ensures there is a certain level of service provided to the public, encourages business development, provides a level playing field, and protects the public from unsafe service providers.**

**Mr. Hickin noted that in April 2009, the Council rescinded the airport policies in effect at that time and directed staff to develop a new set of policies. Since that time, the Council established the Sussex County Airport Advisory Committee and chartered them to provide recommendations on airport policies.**

**Jeff Reed, Chairman of the Advisory Committee, stated that, after receiving a lot of input, the Committee developed the best set of policies that they could. The Committee has asked that the Council accept the Minimum Standards, as written.**

**Mr. Cole questioned whether or not the Policy can be modified. Mr. Reed stated that the policy will be reviewed again in 36 months. It was noted, however; that the Committee can ask and/or the Council can consider amendments prior to that time and amendments can be made, subject to the approval of the Council.**

**M 403 12**  
**Adopt**  
**Airport**  
**Policies/**  
**Minimum**  
**Standards/**  
**Commercial**  
**Aero-**  
**autical**  
**Activity**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Airport Advisory Committee, that the Sussex County Council adopts the Sussex County Airport Policies, Volume IV, Minimum Standards for Commercial Aeronautical Activity, as presented.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**  
**Mr. Phillips, Yea; Mr. Wilson, Yea;**  
**Mr. Vincent, Yea**

**Delaware**  
**Transit**  
**Corporation**  
**Program**  
**Budget**  
**Request**

Mrs. Webb reported that, as per the Delaware Code, the State of Delaware is responsible for establishing a budget for the allocation of State grant monies to various senior agencies in the county that provide transportation services. Over the past few years, DART, a division of DelDOT, has maintained the funding for these programs at a total level of \$796,862.00. The County's responsibility is to annually approve a recommended funding amount for each agency.

Mrs. Webb recommended that the Council consider allocating the budget amounts based on the same level for each agency as in previous years, as follows:

Nanticoke Senior Center	\$ 44,959.30
Indian River Senior Center	2,100.00
Laurel Senior Center	99,082.94
Lewes Senior Center	27,120.41
Cape Henlopen Senior Center	43,065.65
CHEER, Inc.	<u>580,533.70</u>
<b>TOTAL</b>	<b>\$ 796,862.00</b>

**M 404 12**  
**Approve**  
**Allocation**  
**of Funds**  
**for Senior**  
**Agencies**  
**(Transportation)**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the allocation of State grant funds to various senior agencies within Sussex County at the same level as last year, as presented.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**  
**Mr. Phillips, Yea; Mr. Wilson, Yea;**  
**Mr. Vincent, Yea**

**Paramedic**  
**Station**  
**104/100**  
**Lease/**  
**Correction**  
**to Motion**  
**on 7/17/12**

Robert Stuart, Director of EMS, referenced the Council's Motion to approve the Lease Agreement for Paramedic Station 104/100, which was approved on July 17th. Mr. Stuart advised that in the Proposed Motion on that date, the Landlord was incorrectly identified. In the Motion, the Landlord was identified as Storage Solutions, LLC when the correct name of the landlord is Colonial East, L.P. (as identified in the actual Lease Agreement).

**M 405 12  
Approve  
Lease  
Agreement**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the Lease Agreement between Colonial East, L.P. and Sussex County, Delaware, for the use of the building owned by them as described therein by Sussex County EMS as Paramedic Station 100/104 as per the terms and conditions of the lease.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Airport  
Wetland  
Mitigation  
Project/  
C/O**

Juel Gibbons, Project Manager, presented Change Orders for the Airport Wetland Mitigation Project, Contract No. 11-06. The Change Orders are for string line trimming/mowing to remove invasive plant species (\$6,682.23) and reflagging of shrubs (\$1,542.35). The total amount of the two Change Orders is \$8,224.58.

**M 406 12  
Approve  
Change  
Orders/  
Airport  
Wetland  
Mitigation  
Project**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 1 and 2 for Sussex County Project No. 11-06, Airport Wetland Mitigation Project, be approved, which increases the contract amount by \$8,224.58, for a new total of \$429,037.58.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Inland  
Bays RWF  
Expansion/  
Phase 2A/  
Pole  
Building/  
C/Os**

Juel Gibbons, Project Manager, presented Change Orders for the Inland Bays Regional Wastewater Facility Expansion, Phase 2A, Pole Buildings, Contract No. 12-09. The Change Orders are for the addition of a trench drain and concrete curb to building (\$14,439.00); the connection of a stone apron of the building to the existing road (\$1,872.00); and additional 600 feet of fencing (\$8,786.00). The total amount of the Change Orders is \$25,097.00)

**M 407 12  
Approve  
Change  
Orders/  
Inland  
Bays RWF  
Expansion/  
Phase 2A/  
Pole  
Building  
C/Os**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 1, 2 and 3 for Sussex County Project No. 12-09, Inland Bays Regional Wastewater Facility Expansion, Phase 2A, Pole Buildings, be approved, which increases the contract amount by \$25,097.00 for a new total of \$245,060.00 and that Substantial Completion be granted effective July 21, 2012 and any held retainage be released in accordance with the contract documents.

**Motion Adopted: 5 Yeas.**



**M 407 12**  
**(continued)**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Inland Bays  
RWF Exp.  
Phase 2A  
C/O**

**Juel Gibbons, Project Manager, presented a Change Order for the Inland Bays Regional Wastewater Facility (IBRWF) Expansion, Phase 2A, Contract No. 12-11. The Change Order is a close-out Change Order that decreases the contract amount as a result of a reduction in quantities used. The reduction is in the amount of \$19,302.16.**

**M 408 12**  
**Approve**  
**C/0 for**  
**Inland Bays**  
**RWF Exp.**  
**Phase 2A**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department and its consultant, Davis, Bowen and Friedel, that Change Order No. 3 for Sussex County Project No. 12-11, Inland Bays Regional Wastewater Facility Expansion Phase 2A be approved, which decreases the contract amount by \$19,302.16 for a new total of \$669,451.47.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**M 409 12  
Grant  
Substantial  
Completion/  
Inland Bays  
RWF Exp.  
Phase 2A**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion be granted and any held retainage be released for Sussex County Project No. 12-11, Inland Bays Regional Wastewater Facility Expansion, Phase 2A, effective July 10, 2012.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

## Grant Requests

**Mrs. Webb presented grant requests for the Council's consideration.**

**M 410 12**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$200.00 from Mr. Vincent's Councilmanic Grant Account to the Immanuel House of Praise Church for Community Outreach Day.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 411 12 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the City of Seaford Police Department for Community Night Out.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 412 12 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to Coverdale Crossroads Community Council for their Summer Enrichment/Cultural Program.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Introduction of Proposed Zoning Ordinances**      **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT, A CR-1 COMMERCIAL RESIDENTIAL DISTRICT, A MR MEDIUM DENSITY RESIDENTIAL DISTRICT, AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES, A CAMPGROUND, AND AN OUTDOOR AMUSEMENT PLACE, WHERE PERMITTED AS CONDITIONAL USES, TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 38.53 ACRES, MORE OR LESS" (Conditional Use No. 1944) filed on behalf of Castaways Bethany, LLC. (Tax Map I.D. # 1-34-9.00-21.00 and 24.00)**

**Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS, ON TWO (2) PARCELS" (Change of Zone No. 1719) filed on behalf of Castaways Bethany, LLC. (Part of Tax Map I.D. # 1-34-9.00-21.00/24.00)**

**Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.02 ACRES, MORE OR LESS"**

**Intro-  
ductions  
(continued)** (Change of Zone No. 1720) filed on behalf of Castaways Bethany, LLC. (Part of Tax Map I.D. # 1-34-9.00-21.00)

The Proposed Ordinances will be advertised for Public Hearing.

**Additional  
Business** Under Additional Business, Linda McGinty expressed her concern over the loss of religious freedoms and asked the Council to keep prayer in Council meetings.

Under Additional Business, Dan Kramer commented on the grant request from Immanuel House of Praise Church and he referenced “vote buying”.

**M 413 12  
Recess and  
Go Into  
Executive  
Session** At 10:38 a.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session to discuss issues relating to pending/potential litigation and land acquisition.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Executive  
Session** At 10:40 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:23 a.m.

**M 414 12  
Reconvene  
Regular  
Session** At 11:25 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Executive  
Session  
Business** Mr. Moore announced that, during the Executive Session, there were discussions concerning updates on land acquisition issues as well as pending/potential litigation issues and Legal Counsel gave some recommendations.

**M 415 12  
Follow  
Legal  
Counsel  
Recom-  
mendations** A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Council follow the recommendations of Legal Counsel, as discussed in Executive Session on this date.

Motion Adopted: 5 Yeas.

**M 415 12  
(continued)**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**M 416 12  
Recess**

At 11:26 a.m. a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess for the purpose of attending a luncheon with the Sussex County Association of Realtors; the Council will adjourn at the end of the luncheon (at Sussex Pines Country Club in Georgetown).

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Reconvene/  
Luncheon**

At 12:40 p.m., the Council reconvened at Sussex Pines Country Club for the purpose of attending a luncheon hosted by the Sussex County Association of Realtors. There was no business conducted at the luncheon.

**M 417 12  
Adjourn**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to adjourn at 1:40 p.m.

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

Respectfully submitted,



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

SUSAN M. WEBB, CPA  
FINANCE DIRECTOR




## Sussex County

ADMINISTRATIVE OFFICE BUILDING  
2 THE CIRCLE  
P.O. BOX 589  
GEORGETOWN, DELAWARE 19947  
TEL: 302-855-7741  
FAX: 302-855-7749  
E-MAIL: smwebb@sussexcountype.gov

### MEMORANDUM:

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Vance Phillips  
The Honorable Joan R. Deaver

FROM: Susan M. Webb, CPA   
Finance Director

RE: **HISTORY BOOK UPDATE**

DATE: August 3, 2012

In 2010, the County approved serving as fiduciary agent for the development of a book about the history of Sussex County in collaboration with the University of Delaware, the non-profit group Preservation Delaware, Inc., and the Delaware Heritage Commission.

Mr. Dan Parsons, Historic Preservation Planner for Sussex County, will provide an update on this project at the August 7, 2012 Council meeting. In addition, we are also asking for approval to remove the County as fiduciary agent and allow the Delaware Community Foundation to serve as administrator of this account.

We believe the Delaware Community Foundation is a more appropriate agency to perform this service. They exist as a fundraising, philanthropic and investment agency.

If you have any questions or concerns, please contact me before the meeting.

SMW/nc

xc: Mr. Todd F. Lawson



**Millsboro Little League**  
**PO Box 674**  
**Millsboro, DE 19966**  
**934-1806**

**President**  
Shaun Fink  
542-7174

**Senior Vice-President & VP**  
**Major, Jr/Sr, Big SB**  
Shelly Waples  
934-8148

**Secretary**  
Debbie Benton  
934-6289

**Treasurer**  
Lisa Bluto  
933-0467

**Player Agent**  
Katie Tidwell  
934-8111

**VP Baseball - Jr, Sr, Big & UIC**  
Doug Messeck  
228-1577

**VP Baseball - Major**  
Walt Benton  
934-6289

**VP Baseball - Minor**  
Scott Willey  
236-8134

**VP Baseball - Instructional**  
Wes Hegwood  
945-1568

**VP T ball**  
Chuck Hall  
542-0644

**VP Softball- Minor**  
Shari Collins  
228-9641

**VP Softball - Instructional**  
Keri Justice  
934-6843

**Safety Officer**  
John Reppert - 604-0363

**Equipment Mgr.**  
Jeff Hudson - 934-1120

**Concession Stand**  
Beth Cathell - 430-8657

**Signs & Sponsors**  
Leigh Argo - 934-5324

**Game Scheduler/Grounds Mgr.**  
Jamie Palokas - 542-1202

**Public Relations**  
Joe Anderson - 381-8473

July 25, 2012

Sussex County Council  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Dear Council Members,

For the second year in a row, the Millsboro Little League is sending an All Star team out of state to represent Delaware in the Eastern Regional Tournament in Connecticut. Our 13-14 year old Softball team won the State Championship and they are heading out Aug 2.

The cost to the League is \$8,000. That includes room and board, t-shirts and a small emergency fund. This year, the team combined with Georgetown so both towns are represented and both will contribute to the cost.

We respectfully ask that the Council assist us in sending these girls on their way so that they can represent our great state and showcase their talent on a grander stage. A contribution of any amount would be greatly appreciated.

Sincerely,

Shaun Fink, President  
Millsboro Little League



229 Rehoboth Avenue, P.O. Box 1163  
Rehoboth Beach, Delaware 19971

GREGORY FERRESE  
City Manager

(302) 227-6181  
Fax (302) 227-4643

July 26, 2012

Councilman George B. Cole  
Sussex County Council  
P.O. Box 589  
Georgetown, DE 19947

Dear George:

This is to advise you that the Delaware State University Marching Band will perform at our bandstand on Sunday, September 2, 2012.

We will encounter expenses such as bus transportation, food, etc.

Would you be willing to donate \$1,000.00 towards this great performance?

Any assistance will be greatly appreciated.

Thanks for all your community support.

Sincerely,

Gregory J. Ferrese

GJF:bb

cc: Kaye Batchelor  
Corey Groll  
Estelle Parker-Selby  
File/Bandstand



## **New Coverdale Outreach Mission**

21165 Coverdale Road

Bridgeville, DE 19933

*501C3*

July 25, 2012

Attention: Sussex Councilmen,

I, Reverend Diane Lofland, of New Coverdale Outreach Mission would like to request \$750.00 financial assistance for our annual back to school supplies. We serve students from kindergarten-college. This year we anticipate serving 80-100 students again. Attached is a copy of our 501C3. Thank you for your attention to this important matter.

Reverend Diane Lofland

*Rev. Diane Lofland*

Telephone: (302) 337-0247 or (302) 629-3036



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 14,964 SQUARE FEET, MORE OR LESS (Tax Map I.D. # 1-32-2.00-133.00)**

**WHEREAS, on the 25th day of July 2012, a conditional use application, denominated Conditional Use No. 1945 was filed on behalf of Alfanso Matos; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1945 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2012, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Sussex County Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County;**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22; Code of Sussex County, be amended by adding the designation of Conditional Use No. 1945 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying southwest of Route 20 (Concord Road) 392 feet southeast of Haven Drive, the entry into Broad Acres Subdivision, approximately 1.0 mile east of U.S. Route 13 and being more particularly described in Deed Book 2622, Page 304, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,964 square feet, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.90 ACRES, MORE OR LESS (Tax Map I.D. # 2-35-5.00-5.00 and 2-35-13.00-2.00)**

**WHEREAS, on the 11th day of July 2012, a zoning application, denominated Change of Zone No. 1721 was filed on behalf of Captain's Way Development, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1721 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2012, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classifications of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of GR-RPC General Residential District – Residential Planned Community as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying north of Route 16, South of Road 231 (Reynolds Pond Road) and 2,400 feet east of Road 226 (Holly Tree Road) and being more particularly described in Plot Book 157, Page 15, in the Office of the Recorder of Deeds in and for Sussex County and containing 154.90 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

## PUBLIC HEARINGS

August 7, 2012

This is to certify that on July 12, 2012 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank  
Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based on a summary of comments read into the record, and comments stated by interested parties during the public hearings.

C/U #1932 – application of **TANYA A. GIBBS AND KIMWUAN L. GIBBS** to consider Conditional Use of land in a GR General Residential District for an automotive sales lot to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 27,250 square feet, more or less, lying southeast of Road 285 (Beaver Dam Road), 2,500 feet south of Road 287 (Kendale Road)(Tax Map I.D. 2-34-6.00-13.00).

The Commission found that the Applicants submitted a survey depicting the improvements on the lot and a proposed area for displaying 4 or 5 vehicles for sale.

The Commission found that on April 5, 2011 DelDOT had provided comments in the form of a Support Facilities Report which references that a traffic impact study is not recommended and that the current Level of Service “C” of Beaverdam Road will not change as a result of this application.

The Commission found that on July 9, 2012 the County Engineering Department Utility Planning Division had provided comments in the form of a memorandum which references that the site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently plans to provide sewer service; and that a concept plan is not required.

The Commission found that Tanya Gibbs was present and stated in her presentation and in response to questions raised by the Commission that they are proposing used car sales for additional income; that the Department of Motor Vehicles requires a dealer's license if you sell more than 4 vehicles per year; that her property is close to a welding shop at Kendale Road, and a couple of day care facilities; that she also operates a day care in her home; that they have no objection to a restriction being placed on the application limiting the number of vehicles that can be displayed; that there is adequate space on the lot to display vehicles; that their intent is to display the vehicles in the rear yard; that the car sales will not interfere with the day care business since they anticipate most of the car sales will occur on Saturdays when her husband is available ; that there will not be any auto repairs performed on the site; that they have no intent to provide lighting on the display area; that she now cares for 9 children in the day care; and that her husband will oversee the car sales business, if approved.

Mr. Robertson advised the Commission that an individual that sells more than 5 vehicles needs a dealer's license per State regulations.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Johnson stated that he has some concerns about the location and the lack of other business activities in the immediate area.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

C/Z #1718 – application of **GARY L. HUDSON, TRUSTEE** to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 8.53 acres, more or less, lying north of Route 9 and 1,000 feet east of Route 5 at Harbeson (Tax Map I.D. 2-35-30.00-27.00 and 28.00).

The Commission found that the Applicant submitted a survey/site plan for the property depicting the improvements, and an Exhibit Booklet which contains a copy of the Application form, a copy of the deeds to the property, a survey/site plan, qualifications of Kenneth Christenbury, P.E. of Axiom Engineering, LLC, a zoning map of the area, an aerial photograph depicting the zoning, letters in support of the application, a copy of the DelDOT Support Facilities Report, a copy of a portion of the 2008 Comprehensive Plan – Future Land Use map, references to compliance with the Comprehensive Plan, and suggested proposed Findings of Fact.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on July 9, 2012 and that the memorandum references that this site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required;

that the proposed project is not in an area where the County currently plans to provide sewer service; and that a concept plan is not required.

The Commission found that Gary L. Hudson was present with Shannon Carmean, attorney with Sergovic, Carmean and Weidman, P.A., and Ken Christenbury, P.E., of Axiom Engineering, LLC, and that they stated in their presentations and in response to questions raised by the Commission that the site contain two shops and a dwelling; that the shop along Route 9 has been used commercially for years for auto repair and service with some automotive sales; that the site is sandwiched between commercial sites and some conditional uses along Route 9 in the Harbeson area; that the site is located in a Developing Area according to the County Comprehensive Land Use Plan (Plan); that DelDOT did not require a traffic impact study for the current uses; that the Exhibit Booklet contains 4 letters in support of the application from area landowners; that they have applied for rezoning so that the non-conforming uses can be expanded; that the Applicant intends to continue to operate the 5,000 square foot automotive care center, and eight (8) mini-storage units; that the Plan references: that Developing Areas are often located near main arterial roads that connect major destinations within the County, and that permitted uses in Developing Areas include a range of housing types, and that commercial uses should be allowed; that a variety of office uses would be appropriate in many areas; that portions of the Developing Areas with good rural access and few nearby homes should allow for business and industrial parks; that careful mixtures of homes with light commercial and industrial uses can be appropriate to provide for convenient services and to allow people to work close to home; that rezoning of this property is appropriate and compatible with the goals and directions of the Developing Area; that rezoning will provide compatibility with neighboring uses, which include a wide range of zoning classifications from commercial, industrial, and residential to Conditional Use for a regional water facility; that this amendment should have no adverse or detrimental impact on neighboring areas or uses; that rezoning of this property is appropriate legislative action; that the property is served by Route 9, a major arterial road which connects major destinations within the County; that DelDOT determined that there will be minimal, if any, impact on traffic as the proposed use would not generate more than 400 trips per day or 50 trips during any peak hour; that the rezoning will also provide a mixture of residential and light commercial uses which are appropriate in Developing Areas and provide for convenient services, and will allow residents to work close to home; that the shop building along Route 9 has existed since the 1940's and the storage building to the rear was built in the 1970's for personal storage use.

The Commission found that Wayne Hudson was present and stated that he is present in support of the application on behalf of 3 properties in the area, that the property has been well maintained, and that there are no known objections to the application.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Johnson stated that this application is an appropriate infill location and that he would move that the Commission recommend approval of C/Z #1718 for Gary L. Hudson, Trustee, for a change of zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based on the record made during the public hearing and for the following reasons:

- 1) CR-1 zoning is appropriate for this property. It is located along Route 9, which is a major arterial roadway.
- 2) The location is basically infill, with commercial zoning and commercial uses surrounding the property. It is also in the immediate vicinity of the Route 9 and Route 5 intersection, with the business and commercial uses located there.
- 3) The property has been used for commercial purposes for many years prior to the County's Zoning Code. For example, there was testimony that there was a service station on the property in the 1940's.
- 4) There were several neighbors who supported the project, and no parties appeared in opposition to it.
- 5) The rezoning will have no adverse impact on neighboring properties, traffic, or the community.
- 6) The site is in a Developing Area according to the Sussex County Comprehensive Land Use Plan.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.





2.00  
CLARK

3.00  
CLARK

BEAVER DAM RD

12.00  
BERBERIAN

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LEPPO

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HALL

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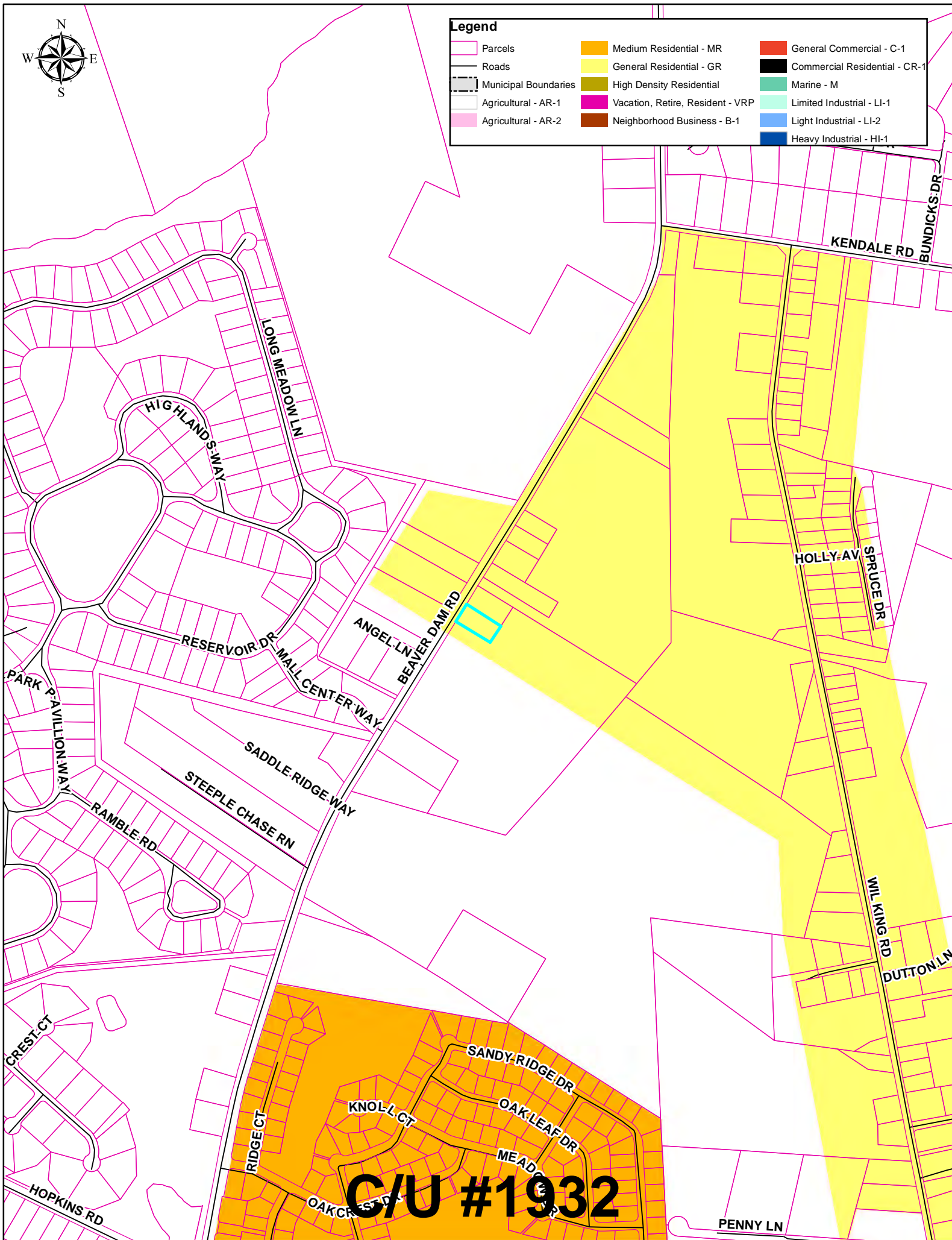
Legend		
Conditional_Use_Parcels	Medium Residential - MR	Commercial Residential - CR-1
Parcels	General Residential - GR	Marine - M
Roads	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

C/U #1932




















### Legend

Parcels	Medium Residential - MR	General Commercial - C-1
Roads	General Residential - GR	Commercial Residential - CR-1
Municipal Boundaries	High Density Residential	Marine - M
Agricultural - AR-1	Vacation, Retire, Resident - VRP	Limited Industrial - LI-1
Agricultural - AR-2	Neighborhood Business - B-1	Light Industrial - LI-2
		Heavy Industrial - HI-1







Legend					
	Conditional_Use_Parcel		Medium Residential - MR		Commercial Residential - CR-1
	Parcels		General Residential - GR		Marine - M
	Roads		High Density Residential		Limited Industrial - LI-1
	Municipal Boundaries		Vacation, Retire, Resident - VRP		Light Industrial - LI-2
	Agricultural - AR-1		Neighborhood Business - B-1		Heavy Industrial - HI-1
	Agricultural - AR-2		General Commercial - C-1		

2.00  
CLARK

3.00  
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BEAVER DAM RD

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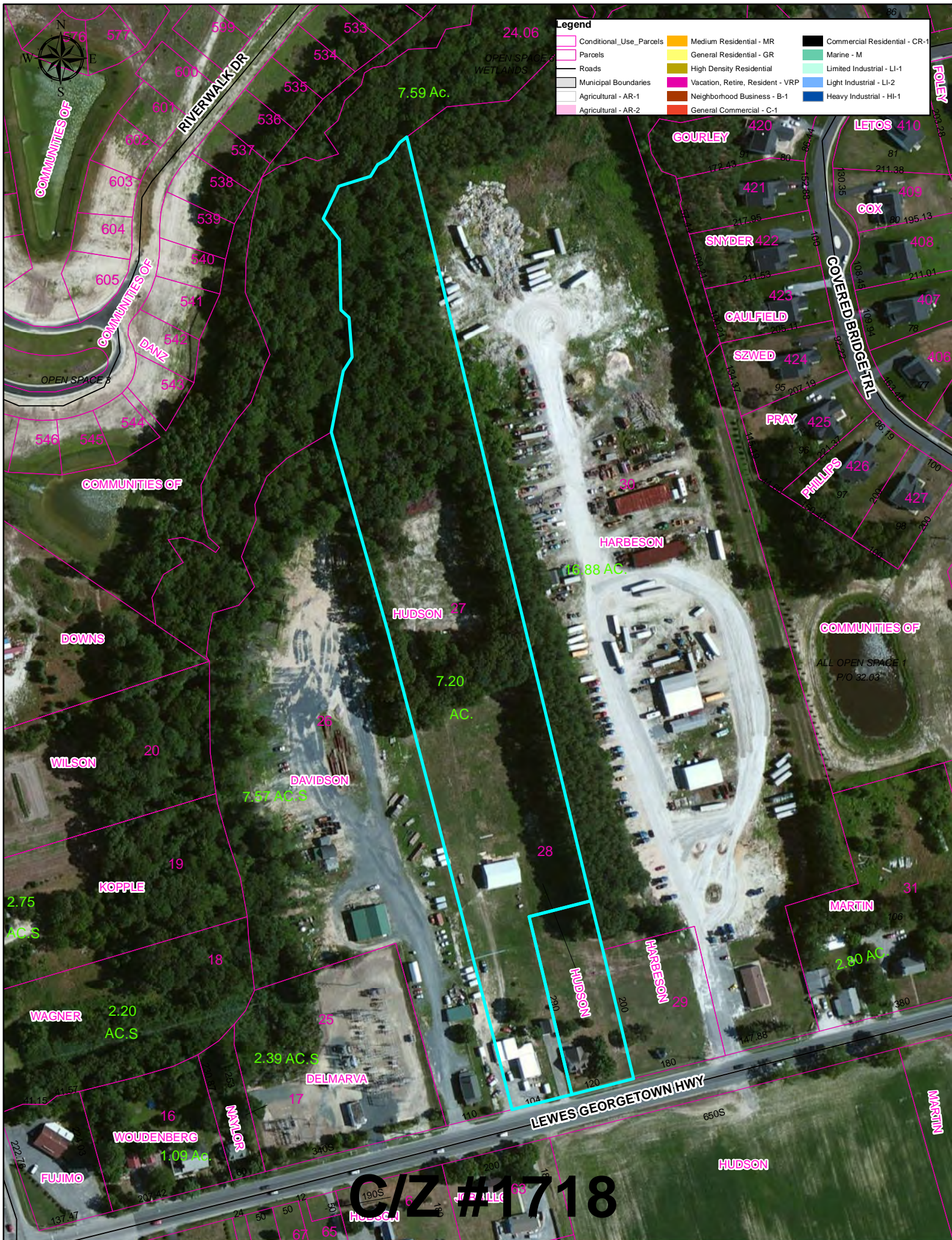
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C/U #1932









### Legend

Parcels	Medium Residential - MR	General Commercial - C-1
Roads	General Residential - GR	Commercial Residential - CR-1
Municipal Boundaries	High Density Residential	Marine - M
Agricultural - AR-1	Vacation, Retire, Resident - VRP	Limited Industrial - LI-1
Agricultural - AR-2	Neighborhood Business - B-1	Light Industrial - LI-2
		Heavy Industrial - HI-1

HARBESON RD

MEADOW CREEK DR

MAPLE LN

MISTY TR

RIVER WALK DR

BUCKSKIN TRL

QUARTER HORSE TRL

BEAVER CREEK DR

COVERED BRIDGE TRL

1 FWE'S GEORGETOWN HWY

PRETTYMAN RD

**C/Z #1718**

ALLEN LN

