

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 20, 2014**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 20, 2014, 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>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

<b>Call to Order</b>	<p>The Invocation and Pledge of Allegiance were led by Mr. Vincent.</p> <p>Mr. Vincent called the meeting to order.</p>
<b>M 233 14 Approve Agenda</b>	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to approve the Agenda, as posted.</p> <p>Motion Adopted:     <b>5 Yeas.</b></p> <p>Vote by Roll Call:   <b>Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p>
<b>Minutes</b>	<p>The minutes of May 13, 2014 were approved by consent.</p>
<b>Adminis- trator's Report</b>	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <p>1.     <u><b>Reminder – Jimtown Community Meeting</b></u></p> <p>As reported on April 8<sup>th</sup>, the County and First State Community Action are facilitating the outreach efforts involving the Coastal Club development and the Jimtown community.</p> <p>A community meeting is scheduled tonight at 6:00 p.m. at the Faith Bell Town United Methodist Church located at 32480 Lewes-Georgetown Highway at Five Points. The meeting is open to the public and any interested citizen as well as the residents are encouraged to attend.</p> <p>The efforts focus on ensuring the Jimtown residents are aware of the improvements required by Ordinance No. 1770, including sidewalks,</p>

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

streetlights, as well as sewer and water lines.

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Barrington Park – Phase 3 (a/k/a Coventry at Barrington Park) received Substantial Completion effective May 16, 2014.

**3. Memorial Day Holiday**

Please note, County offices will be closed on Monday, May 26<sup>th</sup>, to observe the Memorial Day Holiday. Offices will reopen on Tuesday, May 27<sup>th</sup>, at 8:30 a.m. The County Council will not meet on May 27<sup>th</sup>. The next Council meeting will be held on Tuesday, June 3, 2014.

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

**Proposed  
Fiscal  
Year  
2015  
Budget**

Mr. Lawson, along with Gina Jennings, Finance Director, and Kathy Roth, Budget Director and Cost Manager, presented the proposed \$117.3 million budget for Fiscal Year 2015. Mr. Lawson stated that the budget represents a collaborative effort between the budget team and department heads.

Mr. Lawson thanked the County Council for its leadership and continued fiscal responsibility, which "have helped build a strong foundation that has allowed this government to weather the current economic environment".

Mr. Lawson stated that, thanks to the Council's leadership and the budget team's conservative approach, the County will continue without raising taxes for another year. He also stated that the Fiscal 2015 forecast is promising; revenues from the housing sector are projected to be 20 percent to 30 percent over the previous year. The County's largest revenue source, Realty Transfer Tax, is expected to climb to over \$20 million by the end of the current fiscal year. Mr. Lawson stated that the budget team has taken a very conservative approach and developed a budget with "measured growth"; as a result, budgeted revenues are increased at a modest level of 2 percent for the General Fund. Further, while the Realty Transfer Tax trajectory is expected to continue its climb for a second year in a row, RTT is only budgeted at \$16 million. The RTT revenue amount is \$4 million below the forecasted amount, but half of what it was in 2006.

The County's budgeting principles remain as follows:

- Prepare a balanced budget with minimal increases
- Maintain an operating reserve of approximately 25 percent
- Continue to fund above the actuarial determined level of funding for pensions and pension benefits
- Operate without tax-supported debt

**Proposed  
Fiscal  
Year  
2015  
Budget  
(continued)**

- **Maintain AA+ strong bond rating**
- **Maintain funding for local libraries**
- **Use technology to streamline and automate business practices**
- **Enhance the County's virtual interface to improve customer service**
- **Provide a greater level of service to County residents**
- **Upgrade and maintain existing wastewater services**
- **Pay-as-you-go philosophy for the capital projects fund**
- **Continue to eliminate existing septic systems**
- **Continue the sewer assistance programs to help low-income residents**

**Mr. Lawson reported that the Budget Committee has made assumptions as the budget was prepared. The Committee assumes that the County will continue to receive 1.5 percent of Realty Transfer Tax on eligible properties in unincorporated areas. The Committee also assumes the County will continue to receive the 30 percent grant from the State of Delaware to fund the paramedic program.**

**Mr. Lawson presented 2015 Budget highlights:**

- **No change in County property tax rate**
  - **Average County tax for a single-family home - \$107.97 or \$0.30 per day**
  - **Average County tax for a manufactured home - \$44.66 or \$0.12 per day**
- **Reduced staffing levels – 1 less position (compared to 2014)**
- **General Fund is up \$1,808,000**
  - **\$3 million from FY 2014's anticipated surplus**
- **Continue to fund critical public safety grants**
  - **Fire and ambulance services - \$3.4 million**
  - **Local Law Enforcement - \$575,000**
  - **State Police - \$2.0 million for 44 additional State Troopers (total of 187 troopers in Sussex County)**
- **Total library funding - \$4.6 million**
- **Governmental capital plan without general fund debt - \$7.1 million (37% for airport projects) (increase funding through Realty Transfer Tax)**

**Mr. Lawson presented a breakdown of the \$117.3 million budget:**

<b>Expenditures</b>	<b>Fiscal 2015</b>	<b>Percentage Change Compared to Fiscal 2014</b>
<b>General Fund</b>	<b>\$51,944,586</b>	<b>3.6%</b>
<b>Capital Projects Governmental Fund</b>	<b>\$ 7,095,985</b>	<b>(28.1%)</b>

<b>Proposed Fiscal Year 2015 Budget (continued)</b>	<b>Enterprise Funds (Sewer and Water)</b>	<b>\$34,418,057</b>	<b>2.4%</b>
	<b>Capital Projects Enterprise Fund</b>	<b>\$14,335,000</b>	<b>(20.0%)</b>
	<b>Fiduciary Funds</b>	<b>\$ 9,515,975</b>	<b>53.9%</b>

The total budget in the amount of \$117,309,603 reflects a (0.3%) change compared to Fiscal 2014.

Mr. Lawson reviewed General Fund highlights:

- No fee or tax increases
- Total operating budget increased 3.6%
- Overall budgeted revenues have increased 2.2%, or \$1.1 million
- No appropriated reserves used to cover operating expenses
- Taxable assessments increased 1.8%, or \$214,000
- Investment income increased 135%, or \$230,000
- 35% increase in building inspection revenue
- 18% increase in building permit revenue
- 22% increase in Fire Service fee
- 22% increase in mobile home placement tax
- 20% increase in Realty Transfer Tax
- Building related revenues set at 80% of expected revenues

Mr. Lawson highlighted personnel goals and objectives:

- Since 2009, the County has reduced its workforce by 10 percent, or 56 positions (through retirement, lateral transfers, or resignations that have not been filled)
- Since 2009, the County's total employee costs (excluding water, sewer and paramedics) has decreased \$1.5 million
- 5 new full-time and 6 new part-time employees are proposed
- Even with the new positions, this budget proposes to decrease the workforce by one additional position, bringing (full-time) staff levels to 498
- No changes to health insurance contributions and coverage; the cost of health insurance is \$7.6 million
- Pension contribution is budgeted at \$5.3 million; a 3 percent contribution is required for new hires
- 2 percent COLA
- Merit and bonus increases
- Continue health insurance opt-out incentives
- Continue dental and vision insurance
- Continue tuition reimbursements
- 13 paid holidays with 2 floating holidays

**Proposed Fiscal Year 2015**      **Gina Jennings, Finance Director, reviewed General Fund expenditures: Paramedic Program (26%); Grant-in-Aid (15%); Finance (9%); and Libraries (8%).**

**Budget (continued)**      **Mrs. Jennings noted that grants are the second largest category of the General Fund expenses. Mrs. Jennings highlighted the grant-in-aid program: 79% for public safety; 7% for libraries; 10% for community assistance; 3% for Agriculture and Drainage; and 1% for Town Grants.**

**Mrs. Jennings reviewed how one County tax dollar is spent: Public safety (\$0.54); Libraries (\$0.14); General Government (\$0.12); Special Services (\$0.07); Housing Rehabilitation and Community Support (\$0.04); and Code Enforcement, P&Z, Permitting, Addressing (\$0.09).**

**Mrs. Jennings reviewed the County's voluntary support of external public safety organizations. The County spends \$22 million on public safety. The County has a proud history of supporting fire and ambulance with \$38.9 million given in the past ten years. Public safety grants are proposed to be allocated as follows: Delaware State Police at \$2 million for the 44 additional police officers; Local Law Enforcement at \$575,000; and Fire and BLS Service at \$3.4 million (goes to the 20 fire companies and 2 ambulance companies).**

**Mrs. Jennings presented Community Development funding for Fiscal 2015: CDBG - \$1,050,000; Neighborhood Stabilization Program (NSP) - \$200,000; HUD HOME Program - \$500,000; County Council Emergency Grant Assistance - \$100,000; and Housing Preservation Grant (HPG) - \$25,000. She noted that the Community Development Department serves approximately 130 – 150 Sussex County households in a year.**

**Mrs. Jennings reviewed Capital Projects:**

- **\$2.6 Million for Airpark Projects – Taxiway A and B Improvements; Expand Apron on Terminal Side; and Land Acquisition**
- **\$2.2 Million for Public Safety – 2 paramedic stations and Mobile Command Unit**
- **\$1.4 million for County Buildings – Administration Building Improvements, Maintenance Pole Barn and Digitalization of Maps**
- **\$750,000 for other projects – landfill land, library improvements, and Woodland Park**

**Mrs. Jennings reported that capital expenditures will total \$7.1 million of which none is supported by debt. This year, the County will move any Realty Transfer Tax in excess of the \$16 million in the operating budget to support these projects. If projections are correct, \$4 million to \$5 million will be deposited into this fund.**

**Kathy Roth reviewed the highlights for Enterprise (Sewer and Water) Funds:**

**Proposed  
Fiscal  
Year  
2015  
Budget  
(continued)**

- **Service Charges – continue to work toward a uniform sewer rate**
- **1.3% increase in EDUs**
- **2.4% increase in the operating budget**
- **36% increase in capital expenditures**
- **Proposed hauler rate (septage treatment) increase**
- **System connection charges**
  - **Completed rate study**
  - **Moving toward a uniform rate**
- **Assessment charges - continue 100 foot cap**

**Mrs. Roth explained that the proposed hauler rate will increase to 6.5 cents per gallon; the last rate increase was 15 years ago. The fee increase is proposed to offset the additional costs to operate the sewer treatment plant which result from accepting septage from haulers.**

**Mrs. Roth reviewed connection fees, which pay for the growth required in treatment plants and in regional sewer infrastructure (major pump stations and pipelines) to serve new customers; it pays for the impact that new customers have on the system. Connection fees are a one-time fee that only new users pay. Mrs. Roth reported that an independent study was performed by a third party consultant (NBS) to help unify connection fees. It was determined that the County will need \$216,000,000 in the next 20 years to improve the County's plants and to maintain infrastructure; that the County will have over 29,000 new users over the next 20 years; and that a \$7,400 connection fee is recommended. Mrs. Roth reported that the budget team determined that the recommended fee may not be obtainable in this budget year so the team is looking at a phase-in plan, getting rid of the 18 districts and establishing five different rates based on treatment plant location.**

**Mrs. Roth reviewed the connection fees, as proposed; the proposal reflects an average increase of 8 percent.**

**Mrs. Roth reviewed sewer expense highlights:**

- **Administrative and General Expenses increased 7.1% or \$394,000**
- **Operations Expenses increased 2.2% or \$231,000**
- **Capital Expenses increased 36.8% or \$977,000**
- **Debt Expense decreased 5.9% or \$819,000**

**Mrs. Roth also reviewed proposed annual charges for each sewer district; the average change was an increase of \$8.00. She noted that all assessment rates are staying the same with the exception of North Bethany as their debt has been paid off; North Bethany's rate will be reduced by \$757.90 this year.**

<b>Proposed Fiscal Year 2015 Budget (continued)</b>	<p>Regarding the Water Fund (Dewey water), Mrs. Roth reported that expenses are relatively flat with a 1.6% increase. Revenues increased \$19,601 and no change in rate is proposed.</p> <p>Mrs. Roth reported on the Enterprise Capital Projects which total \$14.3 million. These projects are extended over multiple years and are not funded by operating funds.</p> <p>Mrs. Roth noted that the Budget Committee is recommending \$146 Million in 5-Year Capital Improvements Funding - \$22 Million in Non-Water &amp; Sewer Capital Projects and \$124 Million in Water &amp; Sewer Capital Projects.</p> <p>Mrs. Roth reported that the budget and the accompanying budget presentation will be available on the County's website. Public Hearings on the budget will be held on June 17, 2014. The public can comment in person on that date, or submit comments through the County's website at <a href="mailto:budget@sussexcountydela.gov">budget@sussexcountydela.gov</a>.</p> <p>Council members discussed the proposed budget, including the following topics: the proposed 2% COLA, merit raises, and lobbying the State to provide more troopers based on population growth.</p>
<b>Introduction of Proposed Budget Ordinances</b>	<p>Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015".</p> <p>Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SEWER DISTRICTS".</p> <p>The Proposed Ordinances will be advertised for Public Hearing.</p>
<b>Wastewater Agreement</b>	<p>Hal Godwin, Deputy County Administrator, presented a Wastewater Agreement for the Council's consideration.</p>
<b>M 234 14 Execute Wastewater Agreement/ Americana Bayside</b>	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 735, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Carl M. Freeman Communities for wastewater facilities to be constructed in Americana Bayside – Phase 16, located in the Fenwick Island Sanitary Sewer District.</p>

**M 234 14  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Legislative  
Update**

**Hal Godwin, Deputy County Administrator, presented the following legislative update:**

**House Bill No. 316 – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE RESPONSIBILITIES AND GENERAL POWERS OF THE COUNTY GOVERNMENTS”**

**Mr. Godwin reported that this legislation has been tabled, as reported at the May 13th meeting, and that conversations have begun with the other two counties.**

**House Bill No. 279 – “AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN”.**

**Synopsis: This Bill includes uniformed paramedics as an employee for purposes of the Delaware County and Municipal Police and Firefighter Pension Plan.**

**Mr. Godwin explained that this legislation provides an opportunity for the County to have its EMS staff entered into the State’s pension plan.**

**Mrs. Jennings stated that this would give the County the option to have the paramedics join the State’s municipal police/firefighter pension plan; the paramedics would have to join as a group, not individually.**

**It was noted that this is not a mandate.**

**Mr. Godwin announced that the Legislature is in recess until June 3rd.**

**Wetlands  
Advisory  
Committee**

**Mr. Godwin reported on the Wetlands Advisory Committee and he stated that there will be another question to be submitted to the Council prior to the Committee’s next meeting, which will be held on June 11th.**

**Pump  
Station  
207 and  
Force  
Main  
Design  
Project/  
Contract  
Amendment**

**Juel Gibbons, Project Engineer, presented a Contract Amendment to Pump Station 207 and Force Main Design Project No. 12-23. Ms. Gibbons reported that Pump Station 207 is a regional pump station in the West Rehoboth Sanitary Sewer District that is slated to see additional flows from several proposed projects in the area. When George Miles & Buhr (GMB) was initially engaged to design this project, there were a number of changes that could not be envisioned. These included changes in the force main alignment and pipe and pump sizes that would allow for future connections to the Goslee Creek Planning Area and to the Inland Bays Regional**



**Pump  
Station  
207 and  
Force  
Main  
Design  
Project/  
Contract  
Amendment  
(continued)**

**Wastewater Facility. By incorporating these changes into the Pump Station 207 plans, the County will realize savings on the construction work as well as a reduction in inconvenience to the general public. Additionally, at the time GMB services were engaged, there were a number of roads which were under a DelDOT moratorium in regards to construction; these roads are now available so the Force Main alignment has been changed which will allow significant cost savings because of the reduction in linear footage that would be required for construction. Ms. Gibbons stated that these changes will result in cost savings in construction; however, at this time, they also present additional work to the consultant, GMB, and the expanded scope of work is the reason for the proposed Contract Amendment in an amount not to exceed \$30,000.00.**

**M 235 14  
Authorize  
Contract  
Amendment  
for Pump  
Station 207  
and Force  
Main  
Design  
Project**

**A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Contract Amendment 1 with George, Miles and Buhr, LLC to Salisbury, Maryland, to provide an expanded scope of Engineering Design Services for Project 12-23, Pump Station 207 and Force Main Design, at a cost not to exceed \$30,000.00.**

**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. Jennings presented grant requests for the Council's consideration.**

**M 236 14**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Summer Children's Theatre for program expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 237 14**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,250.00 (\$500.00 from Mr. Cole's Councilmanic Grant Account, \$500.00 from Mrs. Deaver's Councilmanic Grant Account, and \$250.00 from Mr. Phillips' Councilmanic Grant Account) to the Cape Henlopen Educational Foundation (CHEF) for program expenses.**

**Motion Adopted: 5 Yeas.**

**M 237 14  
(continued)**

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

**M 238 14  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Beebe Medical Foundation to support the Annual Best of the Beach Art Auction fundraiser.**

**Motion Adopted: 5 Yeas.**

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

**M 239 14  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 (\$250.00 from Mrs. Deaver's Councilmanic Grant Account and \$750.00 from Mr. Cole's Councilmanic Grant Account) to the Rehoboth Art League for program expenses.**

**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  
Ordinances**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS" (Tax Map I.D. 235-7.00-44.00) (Conditional Use No. 1992) filed on behalf of W. Ralph Brumbley.**

**Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAINT BALL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1345 ACRES, MORE OR LESS" (Tax Map I.D. 430-8.00-9.02) (Conditional Use No. 1993) filed on behalf of David J. Bosco.**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Tax**

**(continued) Map I.D. 235-22.00-18.09) (Conditional Use No. 1994) filed on behalf of Robert Wilkerson.**

**Additional Business Under Additional Business, Bob Harrison commented on the prayer issue and followed up on his comments at the May 13th Council meeting.**

**Under Additional Business, Carl Bergmark also commented on the prayer issue.**

**Under Additional Business, the following spoke on the matter of the NAACP grant request that was considered by the Council on May 13th: Jane Hovington, President of the Lower Sussex Branch of the NAACP; Lisa Goodman, President of Equality Delaware; Jea Street, Former President of the Delaware Black Caucus; Gwendolyn Miller, State Political Director for the Delaware AFL-CIO; Harold Truxon, President of the Ellendale Civic Association; Wesley Smith; Richard Smith, State President for the NAACP; and Dan Kramer.**

**M 240 14 At 11:35 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, Recess and Go Into Executive Session for the purpose of discussing issues relating to Job Applicants' Qualifications and Pending/Potential Litigation.**

**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 11:38 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 Job Applicants' Qualifications and Pending/Potential Litigation. The Executive Session concluded at 12:11 p.m.**

**M 241 14 At 12:13 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Reconvene 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**

**E/S Action There was no action on Executive Session items.**

**M 242 14 At 12:13 p.m., a Motion was made by Motion was made by Mr. Wilson, Recess seconded by Mr. Phillips, to recess until 1:30 p.m.**

**M 242 14  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 243 14  
Reconvene**

**At 1:31 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**Mr. Wilson and Mr. Phillips joined the meeting.**

**Public  
Hearing/  
C/U  
No. 1982**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS” (Tax Map I.D. 532-19.00-54.07, part of) (Conditional Use No. 1982) filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on March 27, 2014 at which time the Commission recommended that the application be approved with conditions.**

**(See the minutes of the Planning and Zoning Commission dated March 27, 2014.)**

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

**The Council found that Blake Carey, Esq. was present on behalf of the application. He stated that the site is located in a General Residential District; that the Applicant has owned the property since November 2010; that the Applicant is seeking a Conditional Use to allow him to sell antique automobiles on the property within a 9,500 square foot steel building that exists on the property; that the cars will be stored inside the building at all times; that the sales will occur within the building; that there are no new buildings anticipated to be constructed for this use; that sales and viewing would be by appointment only between the hours of 9:00 a.m. and 7:00 p.m.; that the site will have security cameras, an alarm system, and any security lighting would be downward facing; that there would be no auto repairs made on the site; there would be no junked, unregistered, or inoperable vehicles stored outside on the site; that DelDOT has issued a**

**Public  
Hearing/  
C/U  
No. 1982  
(continued)**

**Letter of No Contention; that there is on-site water and septic; that there is a gravel pad for customer parking; that the Applicant lives on the property; that no employees will be hired; that the Applicant is requesting approval for a lighted sign on the property up to 32 feet per side; that the proposal is in accordance with the County's Land Use Plan; and that the proposed use will not have an adverse impact on neighboring properties, the community, or the roadways.**

**Mr. Ennis confirmed that all comments made by Mr. Carey are correct.**

**There were no public comments and the Public Hearing and public record were closed.**

**M 244 14  
Adopt  
Ordinance  
No. 2348/  
C/U  
No. 1982**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2348 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS" (Tax Map I.D. 532-19.00-54.07, part of) (Conditional Use No. 1982) filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC, with the following conditions:**

- A. The hours of operation shall be by appointment only between the hours of 9:00 a.m. and 7:00 p.m.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. All automobiles shall be stored within the building on the site.**
- D. Security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. No automobile repair shall be performed on the site.**
- F. No junked, unregistered or permanently inoperable vehicles shall be stored outside on the site.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
C/U  
No. 1983**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.6 ACRES, MORE OR LESS" (Tax Map I.D. 134-12.00-330.01) (Conditional Use No. 1983) filed on behalf of Gerald W. and Emily W. Hocker.**

**Public  
Hearing/  
C/U  
No. 1983  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on March 27, 2014 at which time action was deferred. On April 10, 2014, the Commission recommended that the application be approved with conditions.**

**(See the minutes of the Planning and Zoning Commission dated March 27 and April 10, 2014.)**

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

**Mr. Lank distributed an Exhibit Book which was previously provided by the Applicant.**

**The Council found that Jerry Hocker was present with David Hutt, Esq. Mr. Hutt stated that the Applicant is seeking approval to use a 24' by 8 1/2' (approximate size) concession trailer as a food vendor; that it is proposed to park the concession trailer in the front of the parking lot on the site located at the intersection of Route 26 and Route 17; that the property is 9.6 acres and is zoned C-1 as are the properties surrounding it; that the Hocker family has owned the site for more than 30 years; that the property is improved with a grocery, pharmacy, garden center, car wash, office space and a deli; that the food is prepared in the deli for sale in the concession trailer; that there will be no significant change to the site, only the parking for sales of the BBQ; that the location for the concession trailer was chosen to be more visible and out of the way of traffic flow and the parking lot; that the area for parking the concession trailer is curbed; that they have already obtained a food vending license from the Division of Public Health; that the concession trailer will also be used at off-site events; that the use will primarily be seasonal (April through November); that the normal hours on the site for the concession trailer will be from 10:00 a.m. to 8:00 p.m.; that trash cans will be available near the concession trailer and that the trash will be moved daily to the dumpster area near the grocery on site; that there is no need for additional lighting; that the use meets the broad purpose of the Conditional Use section for a C-1 General Commercial District; that the Route 26 roadway improvement project will not impact the location; that the Hocker family has already dedicated 25 feet to the State for right-of-way expansion for future Route 26 improvements; that the concession trailer is equipped with storage facilities for water and wastewater; that the wastewater will be dumped at an approved dumping location; that in addition to seeking a Conditional Use, there will also be the need for a variance from the Board of Adjustment for a setback; that there is a letter of support from the neighboring property across the street (written by Mr. Dukes); that the Hocker family would submit that with the conditions proposed by the Planning and Zoning Commission, that this use meets the purpose of the County's zoning ordinance and Land Use Plan.**

**Jerry Hocker stated that Mr. Hutt's statements are accurate.**

**Public  
Hearing/  
C/U  
No. 1983  
(continued)**

**Public comments were heard.**

**Dan Kramer of Greenwood stated that there should be an easier way for this type of application and that the County should reimburse the Applicant for fees paid. Mr. Kramer stated that he supports the application.**

**The Public Hearing and public record were closed.**

**M 245 14  
Adopt  
Ordinance  
No. 2349/  
C/U  
No. 1983**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2349 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.6 ACRES, MORE OR LESS” (Tax Map I.D. 134-12.00-330.01) (Conditional Use No. 1983) filed on behalf of Gerald W. and Emily W. Hocker, with the following conditions:**

- A. The use shall be limited to a take-out style food and beverage vendor.**
- B. There shall be no more than 3 picnic tables on the site. The existing picnic tables shall be shown on the final site plan.**
- C. The use shall be seasonal only, operating from April 1 through November 1, with hours of operation as stated by the Applicant (10:00 a.m. to 8:00 p.m.).**
- D. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- E. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Due to a possible conflict of interest, Mr. Cole recused himself from the next Public Hearing and he left the meeting.**

**Public  
Hearing/  
C/U  
No. 1985**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6327 ACRES, MORE OR LESS” (Tax Map I.D. 134-15.00-118.00 part of) (Conditional Use No. 1985) filed on behalf of Eugenia Athan.**

**The Planning and Zoning Commission held a Public Hearing on this application on March 27, 2014 at which time the Commission deferred action. On April 10, 2014, the Commission recommended that the**

**Public  
Hearing/  
C/U  
No. 1985  
(continued)**

**application be approved with conditions.**

**(See the minutes of the Planning and Zoning Commission dated March 27 and April 10, 2014.)**

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

**The Council found that Rich Polk with Vista Design, Inc. was present on behalf of the Applicant. He stated that the Conditional Use application is for up to three storage units on the AR portion of the property; that the site was previously used as a commercial stables; that access to the property will be via Route 17 at the existing entrance to the property; that no additional improvements are proposed on the property; that they propose only up to three storage units (1 in the small building and 2 in the large building); and that the Applicant is in agreement with the conditions recommended by the Commission.**

**There were no public comments and the Public Hearing and public record were closed.**

**M 246 14  
Adopt  
Ordinance  
No. 2350/  
C/U  
No. 1985**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2350 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6327 ACRES, MORE OR LESS" (Tax Map I.D. 134-15.00-118.00 part of) (Conditional Use No. 1985) filed on behalf of Eugenia Athan, with the following conditions:**

- A. The use shall be limited to 3 units within the existing stable buildings.**
- B. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.**
- C. No outside storage shall be allowed on the premises.**
- D. No chemicals shall be stored on the premises.**
- E. The storage building and garage shall not be used as a workshop or for the operation of power tools or other machinery.**
- F. The site plan shall be subject to the approval of the Planning and Zoning Commission.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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



**M 247 14  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 2:10 p.m.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Respectfully submitted,**

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