

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 4, 2014**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 4, 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>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>

Mr. Wilson was absent as he was attending a conference in California.

**Call to  
Order**

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

Mr. Vincent called the meeting to order.

**M 063 14  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to approve the Agenda, as posted.

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

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

**Minutes**

The minutes of January 28, 2014 were approved by consent.

**Corre-  
spondence**

Mr. Moore read the following correspondence:

**FOOD BANK OF DELAWARE, MILFORD, DELAWARE.**

**RE: Letter in appreciation of Council's grant.**

**CNS, INC. (COMMERCIAL NEWSPAPER SERVICE), NAMPA, IDAHO.**

**RE: Letter in appreciation of Council's sponsorship of Sussex Technical High School's sports poster.**

**COVERDALE CROSSROADS COMMUNITY COUNCIL, BRIDGEVILLE, DELAWARE.**

**RE: Letter in appreciation of Council's grant.**

**THE ARC OF DELAWARE, WILMINGTON, DELAWARE.**

**RE: Letter in appreciation of Council's grant.**

**Corre-  
spondence  
(continued)**

**COMMUNITY FOOD PANTRY, SELBYVILLE, DELAWARE.  
RE: Letter in appreciation of Council's grant.**

**Mrs. Deaver shared the following correspondence:**

**JIM AND ELAINE FUNK, PORT LEWES UNIT OWNERS IN LEWES.  
RE: A copy of a letter sent to the Delaware Office Alcoholic Beverage Control  
Commissioner regarding opposition to a variance which would allow live  
amplified entertainment on the Delaware River Bay Authority's patio where  
alcoholic beverages may be present.**

**Recogni-  
tion of  
Caroling  
on The  
Circle  
Food Drive  
Participants**

**The Council recognized the following participants that helped the County in  
the Caroling on The Circle Food Drive for 2013.**

<b>Colonial East, L.P.</b>	<b>1,200 items</b>
<b>Long Neck Elementary School</b>	<b>1,206 items</b>
<b>Fuqua, Yori and Willard</b>	<b>1,250 items</b>
<b>Milton Elementary School</b>	<b>2,160 items</b>
<b>First State Manufactured Housing Association of Delaware</b>	<b>2,500 items</b>
<b>Delaware Manufactured Home Owners Association</b>	<b>3,034 items</b>
<b>PATS Aircraft Systems, LLC</b>	<b>9,005 items</b>
<b>Beacon Middle School</b>	<b>600 items</b>
<b>Georgetown Elementary School</b>	<b>500 items</b>
<b>Georgetown Middle School</b>	<b>650 items</b>
<b>H. O. Brittingham Elementary School</b>	<b>730 items</b>
<b>Little Einstein Preschool</b>	<b>275 items</b>
<b>Mariner Middle School</b>	<b>530 items</b>
<b>Millsboro Middle School</b>	<b>575 items</b>
<b>Sussex County Association of REALTORS®</b>	<b>850 items</b>

**Mr. Lawson recognized Mark Roethel for donating the pod that is used for  
storing the food items as they are collected during the month of December.**

(continued) Mr. Lawson announced that 27,888 items of food were raised for the food pantries.

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will hold a special meeting on Tuesday, February 11, at 9:30 a.m. at the Sussex County West Administrative Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

2. Delaware State Police Activity Report – December 2013

Per the attached Delaware State Police activity report for December, there were 3,443 total traffic arrests and 1,286 total criminal arrests. Of that 1,286, 484 were felony and 802 were misdemeanor criminal arrests. Of the total hours on duty spent, 41 percent were spent on criminal investigations.

3. Sussex County Emergency Operations Center Call Statistics – December 2013 and Year-End Totals

Attached please find the call statistics for the Fire and Ambulance Callboard for the month of December and 2013 overall. There were 13,186 total calls handled in the month of December. Of those 9-1-1 calls in December, 77 percent were made from wireless phones.

In 2013, there was a small decrease in the number of 9-1-1 calls handled, as opposed to an increase in the number of incidents dispatched. 9-1-1 calls decreased from 107,388 in 2012 to 106,058 in 2013, but the number of cellular generated 9-1-1 calls increased from 81,211 in 2012 to 81,777 in 2013.

Total incidents dispatched increased from 29,350 in 2012 to 30,148 in 2013. Of the 30,148 incidents dispatched, 4,638 were fire incidents and 25,510 were EMS incidents.

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

Legislative Update Hal Godwin, Deputy County Administrator, provided the following legislative update:

Senate Bill No. 6 – “AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE”.

Legislative  
Update  
(continued)

**Synopsis:** This Act would increase the minimum wage to not less than \$8.00 per hour effective July 1, 2013, and not less than \$8.75 per hour effective July 1, 2014. If the federal minimum wage becomes higher than the Delaware minimum wage, the Delaware minimum wage would increase by \$1.00 above the federal minimum wage. In addition, effective July 1, 2014, the minimum wage would increase by a percentage equal to the percentage of Cost of Living Adjustment (COLA) as determined periodically under the federal Social Security Act, with the increase in the hourly rate being effective 90 days after the effective date of the corresponding increase in federal Social Security benefits.

**This Bill was signed into law by the Governor on January 30, 2014.**

**House Bill No. 167 – “AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE WITH REGARD TO EMPLOYMENT PRACTICES” (also known as “ban the box” bill)**

**Synopsis:** This Bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The Bill specifies that once a background check is conducted, an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The Bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.

**This Bill has passed the House and is currently assigned to the Senate Industrial Relations Committee.**

**Karen Brewington, Director of Human Resources, advised that this is the same practice that the County currently follows. She explained that for anyone that an offer of employment is extended to, there is a condition of employment pending a criminal background check and a drug and alcohol test.**

**Mrs. Brewington stated that she met with Mr. Lawson and Mr. Godwin and they discussed the proposed legislation and that their recommendation is that the County is in favor of this Bill as it relates to not disqualify a person from applying for a position or interviewing for a position (if they qualify for that position). However, it is their recommendation to strike the language in the legislation that relates to the 10 year and 5 year time periods.**

**Legislative  
Update  
(continued)**

**The Council stated its position to oppose the proposed legislation; however, it was noted that, if Mr. Godwin sees the legislation is moving forward, the Council supports an amendment to the Bill removing the 10 year and 5 year restrictions.**

**Senate Bill No. 159 – “AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO OUTDOOR ADVERTISING AND SIGNAGE”**

**Synopsis: This legislation provides clarification with respect to the placement, installation and maintenance of gateway signs to boundaries of political subdivisions and established non-incorporated areas of the State. (Signs would be put up by DeIDOT.)**

**This Bill has passed the Senate.**

**Lawrence Lank, Director of Planning and Zoning, stated that he does not have a problem with the proposal.**

**House Bill No. 243 – “AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LEASES”**

**Synopsis: Currently possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.**

**Mr. Godwin noted that this legislation will place agricultural leases under the Justice of the Peace Court where all other leases are.**

**House Bill No. 159 – “AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS”**

**Synopsis: This Bill prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.**

**At the January 28<sup>th</sup> Council meeting, it was the consensus of the majority of the Council members to support this legislation.**

**This Bill has passed the House and was released from the Senate Administrative Services Committee on January 30<sup>th</sup>.**

**Legislative Update (continued)** Mr. Godwin advised that the General Assembly is now out of session until March 18<sup>th</sup>.

Mr. Godwin reported that on Tuesday, February 11<sup>th</sup>, he will be attending the Wetlands Advisory Committee meeting.

**Wastewater Agreement**

Mr. Godwin presented a wastewater agreement for consideration.

**M 064 14 Execute Wastewater Agreement**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 733-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Tyre Farm, LLC, for wastewater facilities to be constructed in Barrington Park – Phase 3 (AKA – Coventry at Barrington Park), located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

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

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

**Rules**

Mr. Moore read the rules of procedure of zoning hearings.

**Public Hearing/ C/U No. 1975**

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 AUTO REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional Use No. 1975) filed on behalf of Ronald and Susan Berwick. (Tax Map I.D. 3-30-15.00-20.01)

The Planning and Zoning Commission held a Public Hearing on this application on January 9, 2014 at which time action was deferred. On January 23, 2014, the Commission recommended that the application be approved with 11 conditions.

(See the minutes of the Planning and Zoning Commission dated January 9 and 23, 2014.)

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

The Council found that the applicants, Ronald and Susan Berwick, were in attendance. Mr. Berwick stated that they are trying to lease the property out and their lessee may be interested in buying it; that they are trying to get their estate in order; that the lessee wishes to lease the property for an

**Public  
Hearing/  
C/U  
No. 1975  
(continued)**

**auto mechanic shop; that they have a lease with the lessee with a condition that the Conditional Use is approved; and that the site was previously the site of an auto repair shop with a few cars for sale.**

**Ed Rothling (Lessee) of Milton stated that he is interested in a used car sales and mechanic business; that there may be 15 cars or less; and that any noise will be for the compressor and contained within the building;**

**Mr. Cole expressed concern with the number of cars (up to 15) that may be placed on the site for sale.**

**In response to questions, Mr. Lank stated that the Code requires that the display of vehicles will be at least 25 feet from the property line; that the display area does not have to be paved; and that the driveway/parking area for the shop will have to be paved if required customer parking exceeds 10 vehicles.**

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

**M 065 14  
Adopt  
Ordinance  
No. 2336  
(C/U  
No. 1975)**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2336 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional Use No. 1975) filed on behalf of Ronald and Susan Berwick, with the following conditions:**

- A. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- G. No more than 15 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked outside the building in preparation for the sales lot.**
- H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.**
- I. No more than 5 vehicles waiting for service or parts may be parked outside.**

**M 065 14  
Adopt  
Ordinance  
No. 2336  
(C/U  
No. 1975)  
(continued)**

**J. The site shall be subject to all DelDOT entrance and roadway requirements.**

**K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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

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

**IBRWF  
Expansion  
Phase 2B/  
Solids  
Handling  
Rebid/  
Contract  
12-17**

**Michael Izzo, County Engineer, presented the bid results and the proposed bid award for the Inland Bays Regional Wastewater Facility Expansion (IBRWF) Phase 2B, Solids Handling Rebid, Contract 12-17. He explained that this is for the scope of work which will start the process of constructing new sludge handling facilities; this is the first step of moving towards a Class A sludge. Currently, it is a liquid sludge at the Inland Bays facility and they want to move to a dry sludge.**

**Mr. Izzo reported that bids were originally opened on June 19, 2013 but due to higher than expected costs, all bids were rejected at that time. The Council gave the Engineering Department direction to take steps to increase the bidder pool since only two bids were received. To that end, the Department reached out to approximately 20 general contractors. Additionally, the Department met with the two contractors who originally bid the project and as a result, the County received a number of value engineering proposals. By incorporating those suggestions into the bid package, a reduction of \$122,000 was received compared to previous bids.**

**Mr. Izzo noted that only 2 bids were received when the project was rebid:**

**Bearing Construction, Inc.  
Sudlersville, Maryland \$3,017,850.00**

**Daisy Construction  
Newport, Delaware \$3,407,850.00**

**(The previous low bid was \$3,140,450.00.)**

**Mr. Izzo noted that although only two bids were received, five packets were picked up. He also noted that two of the companies (JJID and Daisey) combined their bid. Mr. Izzo reported that JJID had bid the project back in June and the combination of them going together was \$300,000 higher than what they bid in June.**

**Mr. Phillips questioned the fact that the Engineer's Estimate was not listed on the Bid Results information sheet. In response to the question, Mr. Izzo stated that the Engineer's Estimate for the project is \$2,750,000.00.**

**IBRWF  
Expansion/  
Phase 2B  
Solids  
Handling  
Rebid/  
Contract  
12-17  
(continued)**

**Mr. Izzo noted that the County has \$850,000 in USDA grant funding that can be used towards the project; however, the funding must be expended by September 30, 2014.**

**Mr. Phillips questioned the delay in rebidding the project; questioned why the project is now a rush; stated that there are still contractors that wish to bid on the contract; stated that the engineer's estimate was not previously provided which is a staple of bids that Council considers; stated that the estimate is conveniently missing this time; expressed concern that the project came in at \$250,000.00 over the Engineer's Estimate and therefore, it seems it would be worth the effort to rebid the contract; and questioned the new information regarding the JJID and Daisey bids (first bid process).**

**Mr. Izzo responded that a flexible start date was set up for the contractors; that Bearing said that they would be ready to start on May 1<sup>st</sup>; that there was not a rush to award the project; that the Engineering Department would like to start getting organized for the project especially since they have met with USDA regarding the grant funding and its expiration date; that he did provide information relative to the previous bid; that he would be sure to provide the engineer's estimate in future bid results; and he questioned who the interested contractor is. Mr. Izzo stated that his recommendation is to award the contract. He noted that if the Council wishes, the contract can be rebid.**

**That there are limited times during the year when liquid sludge can be applied.**

**Mrs. Deaver stated for the record that she objects to Mr. Phillips' comments to the County Engineer that the engineer's estimate was conveniently missing.**

**M 066 14  
Award  
Bid/  
IBRWF  
Expansion/  
Phase 2B/  
Solids  
Handling  
Rebid**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project 12-17, Inland Bays Regional Wastewater Facility Expansion, Phase 2B, Solids Handling Rebid, be awarded to Bearing Construction at the base bid amount of \$3,017,850.00 pending funding agency approval.**

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

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

**Angola  
North  
Expansion  
Area  
Extension**

**John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the Angola North Expansion Area. The Engineering Department recently completed a planning study for the area based on a Resolution that was presented and approved by the County Council on May 25, 2010, where they used a planning study grant from the then Cleanwater**

**of the  
Angola  
North  
Expansion  
Area  
(continued)**

**Advisory Council and contracted with CABA Associates to complete the plan. The plan has been reviewed and there are multiple projects in the area in various stages of design, i.e. Pelican Landing and the Boat Hole at Love Creek; there is also an existing commercial parcel which is Peddlers Village that is interested in a regional option for dealing with their future wastewater disposal needs. In addition, the Engineering Department has received a request from the existing subdivision known as Love Creek Woods for the County to explore the cost and possibility of providing County sewer service for their community. Additionally, the Department has had several inquiries throughout the years for Fox Hollow and some reports of failing septic systems there. Mr. Ashman stated that, with Council's approval, a Public Hearing will be scheduled.**

**M 067 14  
Prepare  
and Post  
Notices/  
Extension  
of the  
Angola  
North  
Expansion  
Area**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Angola Neck Sanitary Sewer District to include the area known as Angola North, as presented.**

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

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

**Goslee  
Creek  
Planning  
Study  
Grant**

**John Ashman, Director of Utility Planning, presented a request to submit a Regional Wastewater Planning Area Grant application to the Water Infrastructure Advisory Council to assist in funding the Goslee Creek Planning Study. Mr. Ashman stated that, as presented on January 14th, there are multiple projects in the area in various stages of design that are interested in a regional option of dealing with their future wastewater and treatment and disposal. Mr. Ashman noted that the County Council approved the proposal from Whitman, Requardt & Associates in the amount of \$167,215.00 to perform the planning study as part of the North Coastal Contract and the study will confirm the size of the drainage basin, what new projects and/or existing homes can be served and how they can be served, and includes a plan for how these parcels will be served with estimated costs for the infrastructure to provide that service. The grant monies that they would be applying for are based on a 50 percent match; the maximum is \$150,000. Mr. Ashman noted that the Department is applying for \$83,607.50.**

**M 068 14  
Adopt  
R 001 14  
Grant  
Request/  
Goslee  
Creek  
M 068 14**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 001 14 entitled "A RESOLUTION TO SUBMIT A REQUEST FOR A REGIONAL WASTEWATER PLANNING GRANT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE GOSLEE CREEK PLANNING AREA".**

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

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

**Potential  
Closure of  
FAA  
Navigation  
Aid**

**Jim Hickin, Airport Manager, updated the Council on a FAA proposal to decommission a navigation aid used by the Sussex County Airport which he believes will have a negative impact on the airport. He stated that the FAA owns and operates the Waterloo VOR, a ground based navigation aid (a radio transmitter) located in the Broadkill Beach area. The facility has structural problems caused by recent flooding and the FAA would like to close it for financial reasons. However, the VOR provides navigation guidance for instrument approaches to the County Airport’s main runway. These approach procedures would go away and pilots would be required to use the satellite-based approaches (GPS) to the runway. Unfortunately, not all aircraft have GPS capability. These aircraft would not be able to land at the airport during low visibility conditions.**

**Mr. Hickin noted that there is a consensus of the Airport Advisory Committee to oppose the closure.**

**The FAA is asking the public for comments regarding the proposed closure; comments are due by Friday, February 14<sup>th</sup>. Mr. Hickin stated that he has prepared a letter of response and that the proposed letter was included in Council’s packets. He stated that the letter will be mailed unless the Council directs otherwise.**

**The Council agreed that letters should also be sent to the County’s congressional delegation to solicit their help and support and to let them know the importance of this issue and the impact it would have on the County’s Airport.**

**Mr. Cole suggested that the County find out additional information including what the costs are and that possibly, the County may be able to find some funding to repair/maintain the VOR.**

**Mr. Phillips left the room and did not participate in the Old Business portion of the Agenda.**

**Old  
Business  
(C/Z  
No. 1739)**

**Under Old Business, the Council considered the Proposed Ordinance entitled “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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1739) filed on behalf of Vance Phillips (Tax Map I.D. 3-32-1.08-39.00).**

**Old  
Business  
(C/Z  
No. 1739)  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on December 12, 2013 at which time action was deferred. On January 9, 2014, the Commission recommended that the application be approved. (Commissioner Ross did not participate in the Public Hearing or the vote on the application.)**

**The County Council held a Public Hearing on this application on January 7, 2014 at which time action was deferred pending a recommendation from the Commission.**

**The Council discussed the application.**

**M 069 14  
Adopt  
Ordinance  
No. 2337  
(C/Z  
No. 1739)**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2337 entitled 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1739) filed on behalf of Vance Phillips.**

**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. Phillips rejoined the meeting.**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council’s consideration.**

**Request  
for Funding  
for  
Displaced  
Seniors**

**Mrs. Jennings reported on the first request; a request for funds to help low income seniors that have been displaced from their homes. The total cost for relocation, transitional housing, utilities and replacement of lost possessions is expected to exceed \$40,000. The grant request is for \$15,000. Susan Kent from Love, Inc. of Mid-Delmarva and Amy Walls from Discover Bank were in attendance to provide information on the request. On January 21<sup>st</sup>, eighteen residents of Hampton Circle, an affordable senior rental housing development in Seaford, were forced from their homes due to a small fire and water damage to their units from the sprinkler system. Many community partners and stakeholders have come together to meet the critical housing needs of this vulnerable group.**

**M 070 14  
Emergency  
Housing  
Fund  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$15,000.00 from the County’s Emergency Housing Fund to Love, Inc. of Mid-Delmarva for emergency transitional housing expenses.**

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



**The Executive Session concluded at 12:10 p.m.**

**M 074 14**  
**Reconvene**  
**Regular**  
**Session**

**At 12:12 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.**

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

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

**E/S**  
**Action**

**Mr. Moore stated that, in Executive Session, the Council discussed litigation, land acquisition, legal strategies and updates.**

**M 075 14**  
**Execute**  
**Contract**  
**for**  
**Purchase**  
**of Real**  
**Estate**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to execute a contract with amendments for the purchase of real estate from Party “A”.**

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

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

**M 076 14**  
**Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 12:19 p.m.**

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

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

**Respectfully submitted,**

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