

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 26, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 26, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 137 13
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Job Applicants' Qualifications" under "Executive Session"; to amend the order of the Agenda by moving "Executive Session" and "Possible Action on Executive Session Items" immediately following "Recognition of Caroling on The Circle Food Drive Participants"; 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**

**Recognition/
Caroling
on The
Circle
Food
Drive**

The Council extended its thanks and appreciation to all of the participants of the Caroling on The Circle Food Drive; 33,038 food items were collected over several months from a number of organizations throughout the County. Mr. Lawson recognized the participants, many of whom were in attendance on this date:

Beacon Middle School	300
Colonial East, L.P.	900
Delaware Manufactured Home Owners Association	2,943
First State Manufactured Housing Association	3,080
Fuqua, Yori and Willard, P.A.	1,516
General Public	882

Recognition/ Caroling on The Circle Food Drive (continued)	Georgetown Elementary School	275
	Georgetown Middle School	854
	H. O. Brittingham Elementary School	469
	Howard T. Ennis School	176
	Little Einstein Preschool	148
	Long Neck Elementary School	2,032
	Milton Elementary School	4,000
	North Georgetown Elementary School	429
	PATS Aircraft Systems	9,034
	Punkin Chunkin Association	1,500
	Sussex Academy of Arts and Sciences	730
	Sussex County Association of Realtors	900
	Sussex County Council	1,500
Sussex County Employees	965	
Sussex Technical High School	480	

M 138 13 **At 10:18 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel, 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 10:20 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 personnel, pending/potential litigation, and land acquisition. The Executive Session concluded at 10:53 a.m.**

M 139 13 **At 10:55 a.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: 5 Yeas.

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

There was no action necessary on Executive Session items.

Minutes **The minutes of March 19, 2013 were approved by consent.**

Correspondence **Mr. Moore read the following correspondence:**

Corre-
spondence
(continued)

FRANKFORD PUBLIC LIBRARY, FRANKFORD, DELAWARE.
RE: Letter in appreciation of the Council's funding in the amount of \$40,000.

SEAFORD LIBRARY AND CULTURAL CENTER, SEAFORD, DELAWARE.

RE: Letter in appreciation of the Council's approval to provide funding to the eleven independent libraries.

Nanticoke
River
Watershed
Con-
servancy
Presen-
tation

Marlene Mervine, President of the Nanticoke River Watershed Conservancy, gave a presentation on the Conservancy's objectives and projects. Ms. Mervine stated that the Conservancy is a citizen-based land conservation organization dedicated to the preservation of the natural qualities of the watershed. The objective of the organization is to promote protection and balanced use of the watershed's natural resources in both Delaware and Maryland. The organization's mission is to identify and promote and actively seek protection of lands with natural, aesthetic, and historic significance and to monitor those and force the protection of those lands for future generations. Ms. Mervine stated that the organization solicits and acquires sites within the watershed; the organization's holdings include 400 acres of ecologically significant habitat in the Nanticoke Watershed. Of the fourteen sites acquired, 3 allow public access; the sites are protected by fee simple acquisitions with easements or with conservation easements. Ms. Mervine stated that the Conservancy would like to increase its land acquisitions and easements and enhance the managed sites for wildlife. She stated that they have 5 land acquisitions currently in the process and that lack of funding is an issue. Ms. Mervine asked that the Council to give consideration to providing funding for the Nanticoke River Watershed Conservancy.

Adminis-
trator's
Report

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

1. **Substantial Completion**

Per the attached Engineering Department Fact Sheet, Barrington Park – Phase 2 (a/k/a Coventry at Barrington Park) received Substantial Completion effective March 19, 2013.

2. **Stockley Center Initiative**

The public is invited to participate in a meeting to discuss the Stockley Center Initiative from 2:30 p.m. to 4:00 p.m. tomorrow, March 27th, in the Sussex County Council Chambers, 2 The Circle, Georgetown.

While the Stockley Center continues to serve the needs of some Delaware residents with developmental disabilities, for more than a year a diverse group of community members has been looking at potential uses of the Center's state land and facilities to improve the health and well-being of Sussex County residents.

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

Tomorrow's meeting is an opportunity for the public to provide input to the working group who has been tasked to develop a plan to help the State realize the full potential of the Stockley Center and its surrounding property on behalf of the people of Sussex County. The public is encouraged to attend.

3. Easter Holiday

County offices will be closed on Friday, March 29, in honor of Good Friday. Offices will reopen on Monday, April 1, at 8:30 a.m. The County Council will not meet on April 2. The next Council meeting will be held on Tuesday, April 9, 2013.

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

**Pension
Fund
and
OPEB
Plans
Update**

Mrs. Webb discussed the County's Pension Plan and OPEB (Other Post Employment Benefits) Plan, the minutes of the February 21, 2013 Pension Committee meeting, the recommendations of the Pension Committee, and the Investment Performance Report as of December 31, 2012.

The Pension Fund realized investment returns for the fourth quarter of 2012 of \$237,000, a return of .73 percent (gross) and .66 percent (net – of all management fees). For 2012, a gain of \$3.8 million was realized, or a return of 10 percent (gross) and 9.7 percent (net). This compares to 2011 when a gain of \$3.2 million was realized.

Wilmington Trust had strong returns versus their benchmark, but lagged compared to most managers due to the constraints placed on them by the County. Fidelity had strong returns. DuPont Capital had average returns. The State of Delaware performed below their benchmark for the fourth quarter and year although they have outperformed for the past three years. Mrs. Webb noted that no fund outperforms every year and the County looks for consistency when rating investment managers.

Mrs. Webb referenced equities and noted that, overall, 23 percent is an actual and 22 percent is the benchmark. Further, in the fixed income portion, 3 percent is the actual and 2.7 percent is the benchmark.

Mrs. Webb reported that for 2012 the OPEB Fund had a \$1.9 million gain (net), or an 8.9 percent return (gross) and 8.4 percent (net); this compares to 4.5 percent in 2011. In the fixed income portion, the County lagged behind other same sized plans due to their conservative investment approach.

Mrs. Webb presented the recommendations of the Pension Committee:

- **OPEB Investment Policy Statement** – Amend the Domestic Fixed Income guidelines to reflect that a minimum of 50 percent of the portfolio must be invested in U.S. Governments, Securities,

Pension Fund and OPEB Plans Update (continued)

Treasuries, and Agencies; Corporate Bonds must have a minimum rating of A3/A at the time of purchase; no Corporate Bonds may be purchased below the A3/A rating; the average duration will be no greater than 25 percent of the benchmark and no less than 50 percent of the benchmark; and to change the manager’s benchmark to Barclay’s Intermediate Government/Credit Index.

- **PENSION FUND – Amend the Wilmington Trust Investment Management Agreement to reflect a minimum of 50 percent of the portfolio must be invested in U.S. Governments, Securities, Treasuries, and Agencies; Corporate Bonds must have a minimum rating of A3/A at the time of purchase; no Corporate Bonds may be purchased below the A3/A rating; the average duration will be no greater than 25 percent of the benchmark and no less than 50 percent of the benchmark; and to change the manager’s benchmark to Barclay’s Intermediate Government/Credit Index.**

Mr. Cole suggested that the County create a new pension package for new employees. Mr. Lawson and Ms. Webb responded that staff has been looking at this possibility and putting together a package for the Council’s review.

**M 140 13
Amend
Wilmington Trust Investment Manager Agreement and the OPEB Investment Policy Statement**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based on the recommendation of Sussex County Pension Fund Committee, for both the Pension Fund and the OPEB Fund, to amend the Wilmington Trust Investment Manager Agreement and the OPEB Investment Policy Statement to reflect that a minimum of 50 percent of the portfolio must be invested in U.S. Governments, Securities, Treasuries, and Agencies; Corporate Bonds must have a minimum rating of A3/A at the time of purchase; the average duration will be no greater than 25 percent of the benchmark and no less than 50 percent of the benchmark; and to change the manager’s benchmark to Barclay’s Intermediate Government/Credit Index.

Motion Adopted: 4 Yeas, 1 Nay.

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

Wastewater Agreement

Hal Godwin, Deputy County Administrator, presented a Wastewater Agreement for the Council’s consideration.

**M 141 13
Approve
Wastewater Agreement/
Americana Bayside**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 672-1, 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

M 141 13 **Americana Bayside – DelDOT Segment 3, located in the Fenwick Island**
(continued) **Sanitary Sewer District.**

Motion Adopted: 5 Yeas.

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

Legislative **Hal Godwin, Deputy County Administrator, presented the following**
Update **Delaware General Assembly legislative update:**

**House Bill No. 14 – AN ACT TO AMEND TITLE 30 OF THE
DELAWARE CODE RELATING TO PERSONAL INCOME TAX**

Synopsis: This Bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.

**House Bill No. 27 – AN ACT TO AMEND TITLE 30 OF THE
DELAWARE CODE RELATING TO STATE TAXES**

Synopsis: This Bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently, millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.

Mr. Godwin reported that the Council supported this legislation last year and it nearly passed. The County has requested it again this year and it has been introduced and released from Committee as of 3/13/13. Mr. Godwin stated that he is optimistic that this Bill should pass through both houses of the General Assembly this session.

**House Bill No. 44 – AN ACT TO AMEND TITLE 25 OF THE
DELAWARE CODE RELATING TO PROPERTY**

Synopsis: This Bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.

Mr. Godwin stated that this legislation would circumvent local zoning laws.

(continued) **Bill Not Yet Introduced** – This Act is the first leg of a constitutional amendment that will remove the offices of the Clerks of the Peace from the State Constitution and remove the requirement to elect the Clerks of the Peace.

**Discussion/
Pilot
Program
for Certain
Land Use
Activities** The Council discussed the possibility of a pilot program for certain land use activities prior to application approval. Mr. Moore cautioned the Council that any discussions at this meeting would be involving only future uses as opposed to a specific use. Lawrence Lank, Director of Planning and Zoning, stated that he does not recall any pilot programs approved by the County in the past.

Mr. Cole questioned why the County should be involved in approving pilot programs and he suggested that the County stay out of it. Mr. Moore commented on the opportunities at the University of Delaware experimental farm. Mr. Moore stated that he did not know how the County would set parameters for a draft ordinance on pilot programs.

Following the discussion, no action was taken on the matter.

**Update/
County's
Settlement
Require-
ments
with HUD
& DOJ** Brandy Nauman, Fair Housing Compliance Officer, provided an update on the progress of the County's settlement requirements with HUD and the Department of Justice (DOJ). She stated that she, along with Stephanie Hansen, Attorney; Todd Lawson; and Brad Whaley have been working on several items that are due to HUD and DOJ at the end of March:

Affordable Housing Strategies for Consideration Memo - Evaluated impediments to Fair Housing choices in Sussex County for the years of 1998, 2003, and 2011 and compiled an outline of the County's path forward and plan to approach each impediment. Action plan will be submitted to HUD and DSHA for review within the next week.

It was noted that Council is not required to take action on the strategies; recommending strategies is required by the HUD Voluntary Compliance Agreement.

Sussex County Affordable and Fair Housing Marketing Plan - As required by the Consent Decree from DOJ, Sussex County Affordable and Fair Housing Marketing Plan has been drafted and distributed to the Council members. The Plan outlines the Fair Housing Act and how to proceed if a person feels their rights have been violated, the County's Fair Housing efforts to date, and a description of the County's proposed outreach efforts.

Ongoing updates will be given to Council. Mrs. Nauman stated that with the Council's approval, the Affordable and Fair Housing Marketing Plan will be sent to DOJ for their review and input.

M 142 13 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Sussex County Affordable and Fair Housing

M 142 13
Approve
Affordable
&Fair
Housing
Marketing
Plan

Marketing Plan, as presented, for the purpose of satisfying the Consent Decree.

Motion Adopted: 5 Yeas.

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

**Update/
County’s
Settlement
Require-
ments
with HUD
& DOJ**

Moderately Priced Housing Unit (MPHU) Draft Ordinance Amendment - Mrs. Nauman reported that HUD has asked the County to amend its Moderately Priced Housing Unit (MPHU) Ordinance to expand the income guidelines. Currently, the program is available to persons that are between 80 and 125 percent of the area median income. The proposed amendment, which was previously distributed to the Council would expand the program to include persons that are between 50 and 125 percent of area median income. This proposed change is a requirement of both the HUD Voluntary Consent Agreement and the DOJ Consent Decree.

**Introduction
of Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 72, ARTICLE I, OF THE CODE OF SUSSEX COUNTY BY AMENDING THE DEFINITION AND APPLICATION OF “MODERATE INCOME” USED TO DETERMINE ELIGIBILITY FOR MODERATELY PRICED HOUSING UNITS”. The Proposed Ordinance will be advertised for Public Hearing.

Mrs. Nauman stated that HUD has asked that a few successful models of affordable housing strategies be presented to the Council that could couple with the County’s existing affordable housing policies and programs to broaden their impact. Ms. Nauman presented six of them for the Council’s consideration:

- 1. Expand the County’s Fair Housing Policy to include an Anti-NIMBY Policy**
- 2. Inclusionary Zoning:**
 - a. Option 1: Amend the existing Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRP) Ordinances from voluntary participation to mandatory in Levels 1 & 2.**
 - b. Option 2: Amend the existing Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRP) Ordinances to improve bonuses and incentives offered to developers.**
 - 1. Waive or reduce impact/permitting fees for affordable units or;**
 - 2. Defer payment of impact/permitting fees for affordable units until developer receives Certificate of Occupancy or;**
 - 3. Allow for design flexibility of affordable units (i.e. setbacks, variances)**

**Update/
County’s
Settlement
Require-
ments
with HUD
& DOJ
(continued)**

- 3. Training – Offer periodic fair housing training to municipal officials/staff, lenders, and realtors.**
- 4. Foreclosed Subdivisions – Identify projects for developers to purchase foreclosed subdivisions for the provision of affordable housing.**
- 5. Affordable Housing Outreach**
 - a. The County will consider drafting a letter to affordable housing developers supporting affordable housing located in areas identified by DSHA as appropriate for affordable housing.**
 - b. Develop a team of County employees from various departments (i.e. CD&H, P&Z, Economic Development, Administration) to connect affordable housing developers with existing incentive programs available from the State and non-profit organizations.**
- 6. Brownfields**
 - a. County would agree to explore the possibility that Brownfields redevelopment in the County may provide a mechanism to develop additional affordable housing.**

In regard to Brownfields, Stephanie Hansen, Attorney, commented that the University of Delaware (UD) recently released a report regarding brownfields. A group at UD was tasked with looking at social impacts from brownfields redevelopment and the key finding in their report was the addition of safe and affordable housing. Ms. Hansen noted that the Council may want to take a closer look at the results of the report and see if it would have any applicability to Sussex County.

Mrs. Nauman noted that these strategies are for discussion and consideration at this time.

**SR 26,
Phase III,
Millville
Sanitary
Sewer
District
Expansion**

John Ashman, Director of Utility Planning, reported on the SR26, Phase III, Millville Sanitary Sewer District Expansion.

At the March 26th Council meeting, the Council considered the boundaries of the proposed expansion and on that date, Mr. Ashman presented some options for the inclusion of additional properties (properties in “donut hole” areas and the Wingate Court subdivision). On March 26th, the Council directed Engineering staff to attempt to notify the owners of properties that the County is considering adding to determine interest, if any.

Mr. Ashman reported that letters were sent out and based on the responses (and lack of responses) received, the Engineering Department is recommending the inclusion of the Wingate Court subdivision and the property north of Wingate Court, but not the properties in “donut hole” areas.

Mr. Ashman presented a Proposed Resolution which outlines a description of the boundaries, as presented.

**M 143 13
Adopt
R 004 13** **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Resolution No. R 004 13 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO INCLUDE PARCELS OF LAND ALONG ATLANTIC AVENUE, ROUTE 26, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.**

Motion Adopted: 5 Yeas.

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

**William
Briedis/
Lease
Amendment** **Jim Hickin, Airport Manager, presented a proposed Lease Amendment for the Council’s consideration. William Briedis currently leases Lot 20B in the Sussex County Industrial Park and he has requested approval to add his son’s name (Jason) to the Lease.**

**M 144 13
Approve
Lease
Amend-
ment/
William
Briedis** **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves the Second Addendum to the Lease Agreement with William Briedis, adding Jason William Briedis as an additional lessee.**

Motion Adopted: 5 Yeas.

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

**Georgetown
Air
Services/
Lease
Amendment** **Jim Hickin, Airport Manager, presented a proposed Lease Amendment for the Council’s consideration. Georgetown Air Services (GAS) leases the old terminal building and the land containing the fuel farm to operate its Fixed Base Operation (FBO). This lease covers fuel sales, hangar rental and flight line servicing operations. The original term of the lease expires May 1, 2013 and GAS has exercised the first of two five year options of the lease; however, the lease is not clear about the amount of rent due during the option period. Mr. Hickin reported that the purpose of the amendment is to clarify the amount of rent due during the option period. It proposes that rent be based on total fuel sales for 2012 and the current rent, i.e., if GASD sells the same amount of fuel in 2013 that they did in 2012, the rent will remain the same. If they sell more, the rent will be higher; if they sell less, the rent will be lower. The amendment also sets the rent amount based on .09 cents per gallon of monthly fuel sales with a lower limit of \$750.00 per month to cover the County’s costs for utilities and building maintenance in the event of low fuels sales. Also, additional rent in the form of a fuel flowage fee is also charged each month (\$0.3/gal for AVGAS and \$.08/gal for jet fuel). Appropriate audit protections are also added to the lease. The current rent is \$19,980 a year.**

M 145 13
Approve
Lease
Amend-
ment/
Georgetown
Air
Services

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Council President to execute the Fourth Amendment to the Lease Agreement to establish and operate a General Aviation Support Service Facility for Sussex County Airport, Georgetown, Delaware, with Georgetown Air Services, 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**

Grant
Requests

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

M 146 13
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Phillips' and Mr. Vincent's Councilmanic Grant Accounts) to the Huntington's Disease Society of America for the Team Hope Walk.

Motion Adopted: 5 Yeas.

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

M 147 13
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$900.00 (\$150.00 from Mr. Cole's, Mr. Phillips', Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts and \$300.00 from Mrs. Deaver's Councilmanic Grant Account) to the League of Women Voters of Sussex County for printing costs for the "They Represent You" pamphlet.

(DENIED)

Motion Denied: 3 Nays, 2 Yeas.

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

M 148 13
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$900.00 (\$450.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the League of Women Voters of Sussex County for printing costs for the "They Represent You" pamphlet.

Motion Adopted: 5 Yeas.

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

M 149 13 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$200.00 (\$100.00 each from Mr. Wilson’s and Mr. Phillips’ Councilmanic Grant Accounts) to the Sussex Central High School Softball Boosters to sponsor a billboard sign.**

Motion Adopted: 5 Yeas.

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

M 150 13 Councilmanic Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$2,000.00 from Mrs. Deaver’s Councilmanic Grant Account to the Lewes Historical Society for the Annual Chautauqua Tent Show.**

Motion Adopted: 5 Yeas.

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

M 151 13 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,000.00 from Mr. Cole’s Councilmanic Grant Account to the Cape Henlopen Senior Center for building repairs.**

Motion Adopted: 5 Yeas.

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

M 152 13 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Big Brothers Big Sisters of Delaware for their annual 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 153 13 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Delaware Storm U12 Travel Softball Team for tournament expenses.**

Motion Adopted: 5 Yeas.

**M 153 13
(continued)**

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

**M 154 13
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Wilson’s Councilmanic Grant Account to the Georgetown Little League for operating 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 155 13
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$500.00 (\$250.00 each from Mr. Wilson’s and Mrs. Deaver’s Councilmanic Grant Accounts) to the Milford Senior High School to sponsor an After Prom Party.

Motion Adopted: 5 Yeas.

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

**M 156 13
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Sussex County Health Promotion Coalition for SHORE Camp operating 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 157 13
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$375.00 from Mrs. Deaver’s Councilmanic Grant Account to the Lewes-Rehoboth Rotary Club for 2013 Trail Guide Book publication expenses.

Motion Adopted: 5 Yeas.

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

**Request
Tabled**

The grant request from Prevent Child Abuse Delaware was tabled for the purpose of obtaining additional information.

**Introduction
of Proposed
Zoning
Ordinances**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS” (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04), Conditional Use No. 1963, filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey’s Landing Park, Inc.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.81829 ACRES, MORE OR LESS (Tax Map I.D. 2-34-23.00-Part of Parcels 260.00 and 269.18), Change of Zone No. 1728, filed on behalf of Lighthouse Carillon, LLC.

Mr. Phillips 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.01, 31.02 & 31.04), Change of Zone No. 1729, filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey’s Landing Park, Inc.

The Proposed Ordinances will be advertised for Public Hearing.

**Additional
Business**

Under Additional Business, Dan Kramer commented on the distribution of funds through Councilmanic Grants.

**M 158 13
Recess**

At 12:19 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess until 1:30 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**

**M 159 13
Reconvene**

At 1:35 p.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to reconvene.

Motion Adopted: 3 Yeas, 2 Absent.

**M 159 13
(continued)**

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

**Attorney/
Statement
Attorney/
Statement
(continued)**

[For the record, Everett Moore, County Attorney, stated that he or his law firm (Moore & Rutt) have previously represented both applicants before the Council on this date; however, upon review of the applications, he stated that there appears to be no conflict and that he nor his law firm have worked on these applications.]

**Public
Hearing/
C/Z
No. 1726**

A Public Hearing was held on 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS” (Change of Zone No. 1726) filed on behalf of Robert M. & Sandra E. Davidson.

The Planning and Zoning Commission held a Public Hearing on this application on February 28, 2013 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated February 28, 2013.)

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

The Council found that Robert Davidson was present with Douglas Barry, Professional Engineer with Pennoni Associates, Inc. Mr. Barry stated that the application is for a rezoning so that the Applicant does not have to apply for every expansion of his existing Conditional Use; that in 1997, the Applicant secured a Conditional Use approval to conduct commercial operations on the site; that there were conditions of approval that are prohibiting the Applicant from fully utilizing his grounds (specifically, (1) the storage buildings must be set back at least 350 feet from Route 9, (2) no storage building can exceed 2,400 square feet in size, and (3) no storage of houses on the property; that, sometimes, the Applicant has a client that needs a house moved but it needs to be temporarily stored and the Applicant cannot currently store a house on the property; that the Applicant has no immediate intent on developing the property outside of minor expansions to the existing storage buildings on the site that support his home moving business; that there are several business and commercial uses in the area; that according to State Strategies, the site is located in an Investment Level 3 Area; that according to the Comprehensive Land Use Plan, the site is located in a Developing Area; that a Traffic Impact Study was not required; and that the wetlands will not be disturbed.

There were no public comments and the Public Hearing was closed.

**M 160 13
Adopt
Ordinance
No. 2298
(C/Z
No. 1726)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2298 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS” (Change of Zone No. 1726) filed on behalf of Robert M. & Sandra E. Davidson.

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. 1958**

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 WAREHOUSING AND RELOCATION OF A HELICOPTER PAD AS EXTENSION TO CONDITIONAL USE NO. 1679 (OFFICE AND WAREHOUSING) AND CONDITIONAL USE NO. 1858 (HELICOPTER LANDING SITE, PRIVATE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 8.46 ACRES, MORE OR LESS” (Conditional Use No. 1958) filed on behalf of Omar Road, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 28, 2013 at which time the Commission recommended that the application be approved with the following conditions:

- 1. The Conditional use shall be subject to the existing conditions of Conditional Use No. 1679 (office and warehousing) and Conditional Use No. 1858 (helicopter landing site, private).**
- 2. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated February 28, 2013.)

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

The Council found that George Herker was present with Ron Sutton, Professional Engineer with Civil Engineering Associates, LLC. Mr. Sutton stated that additional warehousing is proposed to allow for the expansion of Mr. Herker’s landscaping business; that the Applicant wishes to expand the business; that the purpose of the application is to construct a new warehouse; that in the process of constructing the warehouse, the helicopter pad will have

(continued) to be relocated because the warehouse would be on top of the helicopter pad; that it is a minor relocation; and the Applicant understands that the conditions still apply.

There were no public comments and the Public Hearing was closed.

**M 161 13
Adopt
Ordinance
No. 2299
(C/U
No. 1958)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2299 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WAREHOUSING AND RELOCATION OF A HELICOPTER PAD AS EXTENSION TO CONDITIONAL USE NO. 1679 (OFFICE AND WAREHOUSING) AND CONDITIONAL USE NO. 1858 (HELICOPTER LANDING SITE, PRIVATE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 8.46 ACRES, MORE OR LESS” (Conditional Use No. 1958) filed on behalf of Omar Road, LLC, with the following conditions:

1. The Conditional use shall be subject to the existing conditions of Conditional Use No. 1679 (office and warehousing) and Conditional Use No. 1858 (helicopter landing site, private).
2. The Final Site Plan shall be subject to the review and approval of the Sussex County 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**

**M 162 13
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 2:10 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**

