

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 22, 2018**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 22, 2018, 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>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</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>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 293 18  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Recognition of Retiree Mary Sue Sharp" and to approve the agenda, as amended.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Minutes**

The regular meeting minutes of May 15, 2018 and the Budget Workshop minutes of May 8, 2018 were approved by consent.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on a case before the Board of Adjustment, and referenced the recently adopted ordinance relating to a 5 foot setbacks (side lot).

Dan Kramer came to the podium under Public Comments; however, he did not have any comments relating to County business.

**FY 2019  
Budget**

Mr. Lawson and Mrs. Jennings presented the proposed \$177 million budget for Fiscal Year 2019.

**FY 2019  
Budget  
Presentation**

**FY 2019 Budget Highlights**

- **General Fund Budget is up \$5.4 million**
  - **\$0.9 million increase in paramedic and emergency preparedness operations**
  - **\$0.9 million increase in pension contribution**
  - **\$3.6 million in grant-in-aid**
    - **\$1.5 million sports complex loan**
    - **\$1 million increase for land preservation**
    - **\$900,000 increase to public safety agencies**
    - **\$75,000 increase in emergency housing repairs**
- **\$14.3 million in reserves is being used for one-time expenses**
- **Governmental capital plan without general fund debt - \$16.6 million**
- **No change in the County property tax rate**
- **Fee Changes**
  - **Change in Recorder of Deeds fees to encourage online recording**
  - **New sewer assessment rates for the RT54 project, Angola North and Concord Road**
  - **Decrease in sewer assessment rates for Bayview Estates, Millville, Holt's Landing, Long Neck and Miller Creek areas**
  - **Increase in the sewer service charge of \$6/year (2.1%) to \$292/year**
  - **Increase in the water service charge of \$6.24/year (2%) to \$312/year**

**FY 2019 Budget Focus**

- **Public Safety**
  - **\$16.2 million for Sussex County Emergency Medical Services (Paramedics)**
  - **\$4.3 million for Fire and Ambulance Services**
  - **\$3.6 million for Sussex County 9-1-1 Center and Emergency Preparedness**
  - **\$3.1 million for additional Delaware State Police troopers**
  - **\$575,000 for Local Law Enforcement Grants**
- **Wastewater Infrastructure**
  - **\$21 million for Rehoboth Beach Wastewater Treatment Plant Improvements**
  - **\$6.0 million for Unified Sewer District area expansions**
  - **\$5.0 million for Inland Bays Regional Wastewater Facility Improvements**
  - **\$2.8 million for South Coastal Regional Wastewater Facility Improvements**
- **Economic Development**
  - **\$8.5 million for Airport and Business Park Infrastructure**
  - **\$1.2 million for Broadband Infrastructure**
  - **\$100,000 for economic development initiatives**

**FY 2019  
Budget  
Presentation  
(continued)**

**Budget Summary**

- General Fund - \$74,142,260
- Capital Projects – General Fund - \$16,622,500
- Enterprise - Water & Sewer Funds - \$38,692,642
- Capital Projects – Sewer Fund - \$40,655,000
- Pension - \$6,876,000

**General Fund Highlights**

- No increase in taxes; reserves being used for one-time expenses
- Taxable assessments increased 2.7%
- Overall revenue has increased 5.7%, or \$3.2 million
- Building-related revenue increased \$2.8 million

**Use of Appropriated Reserves**

- Pension Contribution - \$10,000,000
- Sports Foundation Loan - \$1,500,000
- Contingency - \$1,000,000
- Land Preservation - \$1,000,000
- Economic Development Loan - \$500,000
- CIB Carryover Grant - \$85,000
- Carryover Constable Grant - \$80,000
- DTCC Grant - \$60,000

**Personnel Summary:** health insurance costs are up 2 percent; pension is up 5.8 percent; additional \$10 million pension contribution; continue 3 percent contribution for new hires; proposed 2 percent COLA and merits based on performance.

Mrs. Jennings reviewed a draft ordinance relating to Recorder of Deeds' fees.

Also reviewed was General Fund Capital Projects – Expenditures: Libraries – 3 percent; Engineering – 5 percent; Public Safety – 9 percent; Administration – 31 percent; Airport and Industrial Park – 52 percent.

**Enterprise Funds Highlights**

- Increases in sewer and water service charges (sewer service charge increase of \$6/year (2.1%) to \$292/year and water service charge of \$6.24/year (2%) to \$312/year)
- Operational budget increased \$2.6 million
- Decrease in sewer assessment rates for Bayview Estates, Millville, Holt's Landing, Long Neck, and Miller Creek areas
- Capital budget increased \$21,025,000 (due to Ocean Outfall project being completed this year)
- Continue the 100 foot cap for residential customers that are current on their sewer bills
- No increase in connection fees

**FY 2019  
Budget  
Presenta-  
tion  
(continued)**

**Sewer Expense Highlights**

- Capital Communications Equipment - \$333,500
- Vehicles - \$505,500
- Irrigation Rigs - \$260,500
- Capital Pumping Equipment - \$630,000
- Capital T&M Projects - \$3,190,000

Mr. Lawson advised 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 19, 2018. The public can comment in person on that date, or submit comments through the County's website at [budget@sussexcountycle.gov](mailto:budget@sussexcountycle.gov).

**Introduction  
of Proposed  
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2019".

Mr. Cole 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 SANITARY SEWER DISTRICTS".

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62 ("FEES"), ARTICLE VI ("RECORDER OF DEEDS") REGARDING ONLINE DOCUMENT RETRIEVAL FEES".

The Proposed Ordinances will be advertised for Public Hearing.

**Adminis-  
trator's  
Report**

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

1. **Sussex County Council Comprehensive Land Use Plan Workshop**

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, May 23<sup>rd</sup>, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

2. **Memorial Day Holiday**

Please note, County offices will be closed on Monday, May 28<sup>th</sup>, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 29<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, June 5<sup>th</sup>.

3. **Robert "Bobby" Chaffinch**

It is with sadness that we note the passing of county pensioner Robert "Bobby" Chaffinch on Tuesday, May 15<sup>th</sup>. Mr. Chaffinch began his

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

**career with Sussex County in April 1994 and retired from the Assessment Department as an Assessor in July 2009 with 15 years of service. We wish to extend our condolences to the Chaffinch family.**

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

**Public  
Hearing/  
Proposed  
Ordinance/  
Chapter 110**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, BY DELETING THAT CHAPTER IN ITS ENTIRETY AND AMENDING AND RESTATING IT IN ITS ENTIRETY".**

**Hans Medlarz, County Engineer, and Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.**

**The Proposed Ordinance states that Chapter 110 of the Code of Sussex County currently regulates, among other things, the design, construction, oversight, fees, usage, etc. of sewer systems, septic system abandonment and County-owned water systems; that, in 2016, Sussex County Council adopted a Unified Sanitary Sewer District for all County owned and operated sewer districts which created the need to amend Chapter 110 of the Code for consistency with the new Unified District; that in 2017, Sussex County adopted the ability to bill by Equivalent Dwelling Units instead of front footage measurements; that the Finance Department has determined that the current method of calculating Sewer Connection Charges should be updated and revised; that the Engineering Department has developed a method of utilizing existing infrastructure capacity for new development, and this method must be integrated into Chapter 110; that the County Engineering Department, with the County Department of Finance has recommended a lowered EDU category for multi-family units; and that the County Engineering Department has developed a Tier System to better regulate and plan for the construction of both County owned and operated sewer and publicly regulated private utility systems.**

**Mr. Medlarz stated that in the existing Chapter 110, definitions are spread throughout the document and that in the proposed Chapter 110, all of the definitions are in one area.**

**Mr. Robertson stated that for better consolidation and organization, the current Chapter 110 is proposed to be deleted and replaced with a new Chapter 110.**

**Mr. Medlarz and Mr. Robertson presented the following information: legal approach to the Proposed Ordinance, review process of the Proposed Ordinance, Utility Planning highlights, Engineering highlights, financial aspects, proposed schedule (July 1, 2018 being the proposed effective date).**

**Public  
Hearing/  
Proposed  
Ordinance/  
Chapter 110  
(continued)**

**Mr. Medlarz presented two proposed staff amendments:**

**Line 4649 §110-88D “Service Charges”**

**As introduced, it states “Retail store(s) buildings(s) 0.10GPD/SF 1.0/2,500 ft<sup>2</sup>”**

**It should state: “Retail store(s) buildings(s) 0.10GPD/SF 1.0/3000 ft<sup>2</sup>”**

**Line 3804 §110-35 “Pretreatment Requirements”**

**To anticipate the possibility that the City of Seaford may be involved in the pretreatment program in the Western Sussex Sewer Area, which County Engineering supports, the City has requested that the following be inserted into this Section:**

**“D. Industrial users discharging into the areas of the Unified Sanitary Sewer District where the City of Seaford provides treatment services shall be subject to the rules and regulations contained within Chapter 6 of the City of Seaford Sewer Use Ordinance, Title 7, Section 6033 of the Delaware Code, and 40 CFR 403 of the Code of Federal Regulations, as they may be amended.”**

**Mr. Robertson referenced the fees that were scattered throughout the existing Chapter 110 and stated that the Proposed Ordinance puts the fees back into the budget process annually.**

**There were no public comments.**

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

**M 294 18  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, regarding Line 4649, §110-88D regarding “Service Charges”, as introduced it states “Retail store(s) buildings(s) 0.10GPD/SF 1.0/2,500 ft<sup>2</sup>”, and it should state: “Retail store(s) buildings(s) 0.10GPD/SF 1.0/3000 ft<sup>2</sup>”.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 295 18  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, regarding Line 3804 §110-35 “Pretreatment Requirements”, that to anticipate the possibility that the City of Seaford may be involved in the pretreatment program in the Western Sussex Sewer Area, which County Engineering supports, the City has requested that the following be inserted into this Section (new Section D):**

**M 295 18  
Amend  
Proposed  
Ordinance  
(continued)**

**“D. Industrial users discharging into the areas of the Unified Sanitary Sewer District where the City of Seaford provides treatment services shall be subject to the rules and regulations contained within Chapter 6 of the City of Seaford Sewer Use Ordinance, Title 7, Section 6033 of the Delaware Code, and 40 CFR 403 of the Code of Federal Regulations, as they may be amended.”**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 296 18  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, regarding Line 5204 (Section 3), that the effective date is July 1, 2018.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 297 18  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, regarding Line 4643 through Line 4645 (Section 110-88D), Establishment of annual service charges; determination of amount of charge, that Section 110-88D should read “Apartment, condo or rental vacation cottage having either a single combined living space with an integrated kitchen or a maximum of 1 bedrooms and having 1 bath is 0.75 EDU.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 298 18  
Adopt  
Ordinance  
No. 2577**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2577 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, BY DELETING THAT CHAPTER IN ITS ENTIRETY AND AMENDING AND RESTATING IT IN ITS ENTIRETY”, as amended.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Milton  
Library  
Bulkhead  
Replacement/  
Repair  
Project/  
Bid  
Results**

**Hans Medlarz, County Engineer, presented the bid results for the Milton Library Bulkhead Repair and Replacement Project; bids were received from JJID, Inc. and Kuhn Construction Company. Mr. Medlarz recommended proceeding with the repairs under a suggested value engineering proposal: the Engineering Department recommends the following: award of the Base Bid to JJID, Inc. in the amount of \$460,000; decline of the Bid Alternate 4; and deduct and accept JJID's Change Order Proposal No. 1 (change in scope) in the amount of \$120,000, contingent upon receiving a DelDOT detour permit with the Town of Milton's cooperation. Mr. Medlarz discussed possible contingency items and noted that partial funding for this project is included in the FY2018 Budget with the remaining funds included in the FY2019 Proposed Budget.**

**M 299 18  
Award Bid/  
Milton  
Library  
Bulkhead  
Replacement/  
Repair  
Project**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Contract 18-09, Milton Public Library Bulkhead Replacement, be awarded to JJID, Inc. for the low bid of \$460,000, and to accept JJID's value engineering Change Order Proposal No. 1 resulting in a cost reduction of \$120,000, for a revised project total of \$340,000.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Grant  
Requests**

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

**M 300 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$2,500 from Mr. Vincent's Councilmanic Grant Account to the Seaford District Library for security cameras.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 301 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,000 from Mr. Wilson's Councilmanic Grant Account to the Greenwood Police Department for National Night Out.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**



**Introduction of Proposed Ordinance** Mr. Burton 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 B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS” (Change of Zone No. 1857) filed on behalf of Elisabeth Ann Burkhardt (Tax I.D. No. 335-8.18-28.00) (911 Address: 1500 Savannah Road, Lewes).

**Council Members’ Comments** Council Members’ Comments

Mr. Cole commented on the new zoning classifications.

**M 302 18 Go Into Executive Session** At 11:57 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess and go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

**Executive Session** At 12:00 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:45 p.m.

**M 303 18 Reconvene Regular Session** At 12:47 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Absent; Mr. Vincent, Yea

**M 304 18 Approve Land Acquisition/ Agricultural Easement** A Motion was made by Mr. Burton, seconded by Mr. Arlett, that the Sussex County Council approves the County’s participation in Round 22 of the Delaware Agricultural Land Preservation and for the acquisition of an agricultural easement for parcels known as 2018-C and 2018-D.

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Absent; Mr. Vincent, Yea



**Public  
Hearing/  
CU 2125  
(continued)**

The Council found that James Fuqua, Attorney, was present on behalf of the application. He stated that the proposed 10 acre Conditional Use site is part of two farms owned by the Applicant's family, one containing 79 acres and the other containing 106 acres; that the property is zoned AR-1 which allows a wide variety of agricultural uses including a nursery as a permitted use; that this Conditional Use will permit the retail sale of landscaping material and is an extension of Conditional Use No. 1242 which has been in operation for 20 years on a 16 acre site located directly across Cordrey Road from the application site; that the proposed use will not adversely affect the nature of the area or neighboring properties since it is surrounded by farmland owned by the Applicant's family and is an extension of an existing use; that the Conditional Use will permit expansion of the existing business and will serve the needs of area residents; and that Conditional Use No. 2125 will be considered to be an extension of Conditional Use No. 1242.

There were no public comments.

The Public Hearing and public record were closed.

**M 307 18  
Adopt  
Ordinance  
No. 2578/  
CU 2125**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2578 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS, SALE AND STORAGE (EXTENSION OF CONDITIONAL USE NO. 1242) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.0011 ACRES, MORE OR LESS" (Conditional Use No. 2125) filed on behalf of RS Cordrey Farms, LLC.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2124**

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 AN AGRICULTURAL EDUCATIONAL FACILITY WITH COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9785 ACRES, MORE OR LESS" (Conditional Use No. 2124) filed on behalf of Jeri Berc (Tax I.D. No. 235-22.00-424.00) (911 Address: 16040 Hudson Road, Milton).

The Planning and Zoning Commission held a Public Hearing on this application on April 26, 2018 at which time action was deferred. On May 10, 2018, the Commission deferred action again.

**Public  
Hearing/  
CU 2124  
(continued)**

**The Council found that Jeri Berc was present and stated that she is requesting to operate a non-profit, the Long Life Institute, on her four acre property where she resides on Hudson Road in Milton; that the property is deeded in trust to the entity; that she wishes to provide agricultural education to children with autism, disabilities, etc.; that she proposes a commercial kitchen to be used as an educational facility; that she intends for the kitchen to be used to prepare and preserve food grown by students on site for sale off site; that the mission of the Long Life Institute is to help educate the community about sustainable land use on small acreages and to provide vocational agricultural education to disabled children and young adults; that she acquired the property in 1995 and began to plant an edible landscape; that she has added two horses, two chickens, and a honey bee apiary; and that the entire property is fenced. Ms. Berc commented on safety and legal issues about her property that were raised at the Planning and Zoning Commission's public hearing. Ms. Berc provided her educational and employment background information as well as activities she has been involved in.**

**Public comments were heard.**

**Patricia Kaminski and John Bucchioni spoke in support of the application. They stated that the Applicant provides a great service and benefit to children and that the Applicant is a good neighbor.**

**John Gardoski, Debra Spellman, and Christine Coviello, spoke in opposition to the application. They referenced the Applicant's deed being restricted by Cripple Creek's Restrictive Covenants and stated that neighbors are concerned about a commercial kitchen that could become a larger use; that the buildings and fencing on the property are built with scraps; that the fence is in disrepair and not secure; that a five foot setback does not exist and a building encroaches on another property line; that the piles of horse manure on the site need to be disposed of; that she does not respect other's properties; that Hudson Road is a dangerous road for children and the fencing would not keep children on the site; that the Applicant does not maintain the site and grasses can be in excess of 30+ inches; and that some of the proposed uses can be dangerous for children, especially disabled children.**

**Paul Reiger commented on what activities and animals are permitted in an AR-1 District, setbacks, and public stables. Mr. Reiger stated that he does not believe the Applicant is able to do what she is proposing; however, he supports what she is doing currently.**

**There were no additional public comments.**

**The Public Hearing was closed.**

**Mr. Moore stated that he will need to review the deeds for the purpose of making a determination on the deed restriction issue.**

**M 308 18  
Defer  
Action on  
CU 2124**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action on Conditional Use No. 2124 filed on behalf of Jeri Berc and to leave the record open for Legal's determination on the deed restriction issue.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 309 18  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 3:08 p.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

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

*{An audio recording of this meeting is available on the County's website.}*