

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 21, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 21, 2016, 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
Robert B. Arlett	Councilman
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Todd F. Lawson	County Administrator
Gina A. Jennings	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 293 16
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)” and “Possible Action on Executive Session Items”, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 14, 2016 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELMARVA BOY SCOUTS OF AMERICA
RE: Letter in appreciation of grant.**

**GEORGETOWN / ELLENDALE VFW POST 2931
RE: Plaque in appreciation of the Council’s support of the 6th Annual Car Show.**

**CAPE HENLOPEN HIGH SCHOOL
RE: Plaque in appreciation of the Council’s support of the Advancement Via Individual Determination (AVID) Program.**

**Consent
Agenda**

Consent Agenda

**M 294 16
Approve
Consent
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve the following items listed under the Consent Agenda:

**Wastewater Agreement No. 343-12
Sussex County Project No. 81-04
Forest Landing – Phase 4
Miller Creek Sanitary Sewer District**

**Wastewater Agreement No. 972-1
Sussex County Project No. 81-04
Glenmill South (aka The Refuge at Dirickson Creek – Phase 10)
Fenwick Island Sanitary Sewer District**

**Wastewater Agreement No. 623-1
Sussex County Project No. 81-04
Solitudes on Whites Creek – Phase 1A Sewer Construction
Millville Expansion of the Bethany Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

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

**Public
Comments**

Public Comments

Paul Reiger commented on the reorganization of the Planning and Zoning Commission and the Board of Adjustment.

Dan Kramer commented on traffic complaints.

Jean Ward commented on her question regarding referendums submitted to Council at the June 14th Council meeting and stated that she has reviewed the State Code regarding the matter.

Mr. Vincent stated that Mr. Lawson could respond to Ms. Ward's question following the meeting.

**Public
Hearing/
Proposed
Ordinance/
Annual
Operating
Budget**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2017".

Mr. Lawson referenced the May 17th budget presentation at which time staff outlined all the proposals within the Proposed FY 2017 Budget.

**Public
Hearing/
Proposed
Ordinance/
Annual
Operating
Budget
(continued)**

Mr. Lawson noted that the Proposed 2017 Budget includes the following expenditures: General Fund - \$54,971,380; Capital Projects - \$11,258,100; Enterprise Fund - \$46,999,894; and Fiduciary Fund - \$5,850,000, for a total of \$119,079,374. Mr. Lawson noted that staff went into great detail during the May 17th presentation.

Public comments were heard.

Dan Kramer commented: (1) on a provision in the budget to give County employees a 1 percent COLA and retirees a 1/2 percent COLA; (2) on a remark made at the budget presentation that there will be merit raises and that merit raises are not listed in the proposed budget; (3) on last year's bonus given to the employees, County Council, and elected officials; (4) that last year's budget did not show the bonus; (5) that the pay scale is not listed in the budget; (6) that Sections 5, 6 and 7 are not included in the budget; and (7) that he questions how Council can vote on something that does not exist.

There were no additional public comments.

The Public Hearing was closed.

**M 295 16
Adopt
Ordinance
No. 2452**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2452 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2017".

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Assessment
Rolls**

A Public Hearing was held on the Assessment Rolls for Sewer and Water Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's records for equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and applicable front footage and EDUs that will be billable by the rates established in the rate ordinance.

Dan Kramer questioned the septic charge that is included in the Assessment Rolls.

There were no additional public comments.

Mr. Cole asked Mrs. Jennings to comment on Mr. Kramer's question.

**Public Hearing/
Assessment
Rolls
(continued)**

Mrs. Jennings reported that the septic charge is only for the Holts Landing Area; that there are septic systems in that area, which the County monitors; and that the septic charge does not affect all the sewer district areas.

The Public Hearing was closed.

Mr. Cole commented on the unified service charge that has now been incorporated. He stated, however, that he would like to see reform in the front footage charges to make them more equitable. Mrs. Jennings noted that this will require an amendment to State Code.

**M 296 16
Adopt
Assessment
Rolls**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council hereby adopts the assessment rolls for all Sussex County sanitary sewer and water districts for the period of July 1, 2016 through June 30, 2017.

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Proposed
Ordinance/
Sewer and
Water
Rates and
Charges**

A Public Hearing was held on 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”.

Mrs. Jennings reviewed highlights in the sewer and water budget:

- There is a unified sewer rate and there is one service charge of \$286.00 per year and a unified connection fee of \$5,775.00;**
- Service charge rates did not increase for any of the districts;**
- All assessment rates are the same as FY2016 except for West Rehoboth which is seeing a decrease of \$.30 per front foot**
- Assessment charges - continue 100 foot cap for non-delinquent residential users**
- The County added 1,414 EDUs in 2016 and expects to see another 2.1% increase over last year**
- The water budget is up \$266,000 due to a one-time large repair; using available funds, the rate will remain the same at \$305.76**

Mr. Cole referenced his earlier comment that he would like to see reform in the front footage charges to make them more equitable.

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

**M 297 16
Adopt
Ordinance
No. 2453**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2453 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”.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator’s
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Peninsula Lakes – Phase 1 (Construction Record) for gravity only, effective June 13th; Redden Farm – AKA Re4dden Ridge – Phase 2, effective June 15th; Showfield – Phase 1, effective June 15th; and The Vineyards at Nassau Valley – Phase 1A, effective June 16th.

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

**Public
Works
FY 2017
General
Labor and
Equipment
Contract**

Hans Medlarz, County Engineer, explained the proposal for a General Labor & Equipment Contract and reported on the three bids received. Mr. Medlarz reported that the Engineering Department recommends that the Council award the FY2017 General Labor & Equipment Contract to George & Lynch, Inc. of Dover, Delaware, at the bid amount of \$2,097,896.00. Mr. Medlarz noted that there are 13 projects to tackle under the time and material contract on a task basis; the time allotted is 12 months; and there is a one year extension option which will require Council’s approval. Mr. Medlarz noted that this is a best value bid and he explained the best value approach. A listing of the 13 projects was distributed; also included was “other locations in the Sussex County sanitary sewer districts, as may be needed on an emergency basis”.

**M 298 16
Award Bid/
General
Labor and
Equipment
Contract**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the total bid for Contract 17-01, FY2017 General Labor and Equipment, be awarded to George and Lynch, Inc. of Dover Delaware, in the amount of \$2,097,896.00.

Motion Adopted: 5 Yeas.

**M 298 16
(continued)**

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

**Tidewater
Landing
Expansion/
Sussex
County
Unified SSD**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Tidewater Landing Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). Mr. Ashman reported that the expansion was requested by the developer of Tidewater Landing. Multiple parcel owners in the area were contacted to determine interest in being included in the expansion which would provide a contiguous path for the expansion.

**M 299 16
Post
Notices/
Tidewater
Landing
Expansion/
Sussex
County
Unified SSD**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based on the request of property owners and pursuant to 9 Del.C. §6502, that the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for the expansion of the Sussex County Unified Sanitary Sewer District to include the area designated as the Tidewater Landing Expansion, as presented on June 21, 2016.

Motion Adopted: 5 Yeas.

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

**Old
Business/
Proposed
Ordinance
Relating to
Signs**

Under Old Business, the Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on May 12, 2016, at which time action was deferred. On May 26, 2016, the Commission recommended adoption of the Proposed Ordinance with certain modifications (aka the Planning and Zoning Commission’s Recommended Version).

The County Council held a Public Hearing on the Proposed Ordinance on May 24, 2016 at which time action was deferred.

The Council discussed a Comparison Report on the Proposed Ordinance on June 14th. In reviewing the document, in some cases the Council provided a decision/direction by consensus and in some cases a decision was deferred.

Mrs. Deaver commented on an editorial written by Dennis Forney who served on the Sign Ordinance Working Group.

A Question Chart was distributed for discussion and consideration.

**Old Business/
Proposed Ordinance
Relating to Signs
(continued)**

Jamie Sharp, Assistant County Attorney; Vincent Robertson, Assistant County Attorney; Kyle Gulbranson of AECOM and a member of the Sign Ordinance Working Group; and Lawrence Lank, Director of Planning and Zoning, were in attendance to review the Question Chart. The Council reviewed and considered the items on the chart. In reviewing the document, in some cases the Council provided a decision/direction by consensus and in some cases a decision was deferred; Items 1 through 9 were considered after which further discussion and consideration was deferred until the next meeting on June 28th.

Grant Requests

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

**M 300 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 (\$500.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Accounts) to Mid Atlantic Symphony Orchestra for concert series expenses.

Motion Adopted: 5 Yeas.

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

**M 301 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$3,000.00 (\$2,000.00 from Mr. Cole's Councilmanic Grant Account and \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account) to the Delaware Celebration of Jazz for the Rehoboth Beach Jazz Festival.

Motion Adopted: 5 Yeas.

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

**M 302 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00 (\$2,500.00 each from Mr. Arlett's and Mr. Cole's Councilmanic Grant Accounts) to the Bethany Beach Volunteer Fire Company for staffing for adequate fire and emergency response.

Motion Adopted: 5 Yeas.

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

**M 303 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the City of Seaford for the Police Department's community event.

**M 303 16
(continued)**

Motion Adopted: 5 Yeas.

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

**M 304 16
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,500.00 from Mr. Wilson's Councilmanic Grant Account to the Georgetown Little League for field maintenance.

Motion Adopted: 5 Yeas.

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

**M 305 16
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Town of Greenwood for the Police Department's community event.

Motion Adopted: 5 Yeas.

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

**M 306 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$3,000.00 (\$600.00 from each Councilmanic Grant Account) to Laurel American Legion Post 19 for the Eastern Shore Veterans Day Parade.

Motion Adopted: 5 Yeas.

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

**M 307 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$5,000.00 from Mr. Vincent's Councilmanic Grant Account to the Blades Volunteer Fire Company for flag poles for the new firehouse.

Motion Adopted: 5 Yeas.

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

**M 308 16
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$4,000.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes Public Library for their capital campaign.

**M 308 16
(continued)**

Motion Adopted: 5 Yeas.

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

**M 309 16
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$2,500.00 from Mr. Wilson's Councilmanic Grant Account to the Grace-N-Mercy Ministries for youth camp expenses.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Zoning
Ordinances**

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, EQUIPMENT STORAGE, AND PARKING FOR A CONSTRUCTION COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS" (Conditional Use No. 2054) filed on behalf of UtiliSite, Inc. (Tax I.D. No. 234-6.00-99.01) (911 Address: 20721 Robinsonville Road, Lewes).

Mr. Arlett 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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY (AS AN ADDITION TO CHANGE OF ZONE NO. 1393 FOR AMERICANA BAYSIDE) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.313 ACRES, MORE OR LESS" (Change of Zone No. 1803) filed on behalf of CMF Bayside, LLC (Tax Map I.D. No. 533-19.00-50.00 (Part of) and 51.00) (911 Address: None Available).

Mr. Arlett 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-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.05 ACRES, MORE OR LESS" (Change of Zone No. 1804) filed on behalf of Doug Melson (Tax Map I.D. No. 533-19.00-50.00 (Part of) (911 Address: None Available).

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF

Introduction of Proposed Zoning Ordinances (continued) **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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 24.835 ACRES, MORE OR LESS” (Change of Zone No. 1805) filed on behalf of MTC Properties, LLC (Tax Map I.D. No. 530-14.00-24.00) (911 Address: 14485 Sussex Highway, Bridgeville).**

The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments

Council Members' Comments

Mrs. Deaver commented on a Carrying Capacity Study, DelDOT’s plans for Transportation Improvement Districts, and an Adequate Public Facilities Ordinance.

Mr. Arlett commented on a recent public safety event held in Millsboro and the upcoming Delaware State Police annual fundraiser for Camp Barnes.

Mrs. Deaver stated that she would like for Council to discuss the report that was submitted by the League of Women Voters of Sussex County on June 14, 2016.

M 310 16 Recess

At 12:47 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session until 1:30 p.m.

Motion Adopted: 5 Yeas.

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

M 311 16 Reconvene

At 1:42 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to reconvene.

Motion Adopted: 5 Yeas.

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

Rules of Procedure

Mr. Moore read the Rules of Procedure for public hearings.

Public Hearing/ CU 2047

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 EQUIPMENT STORAGE AND REPAIR FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.972

**Public
Hearing/
CU 2047
(continued)**

ACRES, MORE OR LESS” (Conditional Use No. 2047) filed on behalf of Delmarva Petroleum Service (Tax I.D. No. 230-13.00-148.00) (911 Address: 9483 Clendaniel Pond Road, Lincoln).

The Planning and Zoning Commission held a Public Hearing on this application on May 12, 2016 at which time action was deferred for further consideration. On May 26, 2016, the Commission recommended that the application be approved with the following conditions:

- A. The use shall be limited to equipment storage and repairs associated with the Applicants’ petroleum service business.**
- B. As stated by the Applicant, no sales or displays shall occur on the site.**
- C. As stated by the Applicant, no petroleum storage shall occur on the site, other than what is required for day-to-day operations of the Applicant’s vehicles and equipment.**
- D. All security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. All parking and equipment storage locations shall be clearly shown on the Final Site Plan, which shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated May 12 and 26, 2016.)

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

Mr. Lank distributed an Exhibit Book submitted by the Applicant.

Mr. Lank reviewed a staff analysis of the application.

The Council found that Dennis Schrader, Attorney, was present with Curtis Walls of Delmarva Petroleum Service.

Mr. Schrader and Mr. Walls commented on the following: the proposed use of the property for equipment storage and repair for a contracting business, other uses in the area, business activities, available utilities, roads, existing buildings on the site, employees and their arrival and departure times, parking, security lighting, and the classification of the land according to the State Strategies Maps.

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

**M 312 16
Adopt
Ordinance
No. 2454/
CU 2047**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2454 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EQUIPMENT STORAGE AND REPAIR FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK

**M 312 16
Adopt
Ordinance
No. 2454/
CU 2047
(continued)**

HUNDRED, SUSSEX COUNTY, CONTAINING 4.972 ACRES, MORE OR LESS” (Conditional Use No. 2047) filed on behalf of Delmarva Petroleum Service, with the following conditions:

- A. The use shall be limited to equipment storage and repairs associated with the Applicants' petroleum service business.**
- B. As stated by the Applicant, no sales or displays shall occur on the site.**
- C. As stated by the Applicant, no petroleum storage shall occur on the site, other than what is required for day-to-day operations of the Applicant's vehicles and equipment.**
- D. All security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. All parking and equipment storage locations shall be clearly shown on the Final Site Plan, which shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2048**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WAREHOUSE AND OFFICE TO RECEIVE AND STORE HVAC EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.457 ACRES, MORE OR LESS” (Conditional Use No. 2048) filed on behalf of Delaware Shore Equity, LLC (Tax I.D. No. 234-11.00-502.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on May 12, 2016 at which time action was deferred for further consideration. On May 26, 2016, the Commission recommended that the application be approved with the following conditions:

- A. The use shall be limited to a warehouse and office to receive and store HVAC equipment.**
- B. There shall be no retail sales from the property.**
- C. No vehicle repair shall be performed on site.**
- D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. Any dumpsters on the site are to be screened from view of neighboring properties and roadways.**
- F. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- G. The hours of operation shall be Monday through Friday from 7:00 a.m. until 6:00 p.m.; Saturday and Sunday closed.**

**Public
Hearing/
CU 2048
(continued)**

- H. Signage shall not exceed six (6) square feet on each side and shall not be lighted.**
- I. 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 May 12 and 26, 2016.)

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

Mr. Lank distributed an Exhibit Book submitted by the Applicant.

Mr. Lank reviewed a staff analysis of the application.

The Council found that Dennis Schrader, Attorney, was present with David George, Proprietor of Delaware Shore Equity, LLC.

Mr. Schrader and Mr. George commented on the following: the proposed use of the property for a warehouse and office to receive and store HVAC equipment, business activities which do not include retail sales or vehicle repairs, security lighting, dumpsters, number of employees and their arrival and departure times, hours of operation, the surrounding area, utilities, lighting, and the existing landscape buffer.

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

**M 313 16
Amend
Conditions/
CU 2048**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to strike Condition G recommended by the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**M 314 16
Amend
Conditions/
CU 2048**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to add a condition (new Condition G) that "No outside storage unless properly screened with fencing or landscaping."

Motion Adopted: 5 Yeas.

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

**M 315 16
Amend
Conditions/
CU 2048**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition I as follows: The Final Site Plan, which shall contain a landscape buffer, 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. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 316 16
Adopt
Ordinance
No. 2455/
CU 2048**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2455 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WAREHOUSE AND OFFICE TO RECEIVE AND STORE HVAC EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.457 ACRES, MORE OR LESS" (Conditional Use No. 2048) filed on behalf of Delaware Shore Equity, LLC, with the following conditions, as amended:

- A. The use shall be limited to a warehouse and office to receive and store HVAC equipment.
- B. There shall be no retail sales from the property.
- C. No vehicle repair shall be performed on site.
- D. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- E. Any dumpsters on the site are to be screened from view of neighboring properties and roadways.
- F. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
- G. No outside storage unless properly screened with fencing or landscaping.
- H. Signage shall not exceed six (6) square feet on each side and shall not be lighted.
- I. The Final Site Plan, which shall contain a landscape buffer, 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. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1797**

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 LI-2 LIGHT INDUSTRIAL DISTRICT FOR A

**Public
Hearing/
CZ 1797
(continued)**

CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.822 ACRES, MORE OR LESS” (Change of Zone No. 1797) filed on behalf of John P. and Sherry B. Disharoon.

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2016 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated March 10, 2016.)

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

Mr. Lank distributed copies of exhibits submitted by the Applicant.

Mr. Lank reviewed a staff analysis of the application.

Ken Christenbury, Professional Engineer with Axiom Engineering, was present with John Disharoon.

Mr. Christenbury commented on the purpose of the change of zone request to rezone Tract 1 to LI-2 Light Industrial District; the history and growth of the business; selection of the site, business operations, woods and wetlands, buffer, number of employees, and other commercial zonings and industrial uses in the area.

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

**M 317 16
Adopt
Ordinance
No. 2456/
CZ 1797**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2456 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.822 ACRES, MORE OR LESS” (Change of Zone No. 1797) filed on behalf of John P. and Sherry B. Disharoon.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1798**

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 AND A C-1 GENERAL COMMERCIAL DISTRICT TO A

**Public
Hearing/
CZ 1798
(continued)**

CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.99 ACRES, MORE OR LESS” (Change of Zone No. 1798) filed on behalf of David and Veronica Hamm/Clarksville Auto (Tax Map I.D. No. 134-11.00-155.00, 153.00, and 83.01) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2016 at which time the Commission deferred action for further consideration. On March 24, 2016, the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated March 10 and 24, 2016.)

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

Mr. Lank reviewed a staff analysis of the application.

Richard Abbott, Attorney, was present on behalf of the Clarksville Auto Service Center and David and Veronica Hamm.

Mr. Abbott discussed the split rezoning of the parcel, the reason for the rezoning request, business activities, history of the business, hours of operation, number of employees, other uses in the area, existing buildings on the site, limited access points and a main entrance, DelDOT’s acquisition of parcels and the widening and modifications at the intersection, safe and convenient access, parking, location of vehicles for sale, different property ownerships, and the classification of the land according to the State Strategies Maps and the Comprehensive Plan.

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

**M 318 16
Adopt
Ordinance
No. 2457/
CZ 1798**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Ordinance No. 2457 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.99 ACRES, MORE OR LESS” (Change of Zone No. 1798) filed on behalf of David and Veronica Hamm/Clarksville Auto.

Motion Adopted: 5 Yeas.

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

**M 319 16
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 3:09 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, 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.}