

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 30, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 30, 2015, 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
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order **The Invocation and Pledge of Allegiance were led by Mr. Vincent.**
Mr. Vincent called the meeting to order.

Mr. Lawson commented on the ongoing improvements to the Council Chambers including new audio - visual capabilities.

M 257 15 **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to approve**
Approve **the Agenda, as posted.**
Agenda

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 9 and 16, 2015 were approved by consent.**

Corre- **Mr. Moore read the following correspondence:**
spondence

DELAWARE NATURE SOCIETY, MILFORD, DELAWARE.
RE: Letter in appreciation of grant.

DELAWARE TECHNICAL & COMMUNITY COLLEGE,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.

CHAMBER OF COMMERCE FOR GREATER MILFORD, MILFORD,
DELAWARE.
RE: Letter in appreciation of grant.

**Corre-
spondence
(continued)**

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE ENVIROTHON, DOVER, DELAWARE.

RE: Letter in appreciation of grant.

**DELAWARE GUIDANCE SERVICES FOR CHILDREN & YOUTH,
LEWES, DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE HOUSING COALITION, DOVER, DELAWARE.

RE: Letter in appreciation of grant.

**SUSSEX COUNTY VOLUNTEER DELAWARE, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

INDIAN RIVER SENIOR CENTER, MILLSBORO, DELAWARE.

RE: Letter in appreciation of grant.

**REHOBOTH BEACH MAIN STREET, REHOBOTH BEACH,
DELAWARE.**

RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

There were no public comments

**Presen-
tations/
League
of Women
Voters/
Annual
Report
and
Land Use
Forum
Overview**

Janet Ambrose of the League of Women Voters of Sussex County presented the League's Annual Report (Sunshine Day Report) to the Sussex County Council. As part of the League of Women Voters' support for openness in government, its Observer Corps monitors governmental bodies for issues of importance to the League and to the County. The Observer Corps has completed its sixth year of activity; observers attended County Council, Planning and Zoning Commission, and Board of Adjustment meetings.

Highlights and observations include the following: water problems, monitoring the implementation of approved development plans, Land Use Planner and Constable positions, carrying-capacity study, public comment during Council meetings, Council's Rules of Procedure, and individual accounts for granting monetary requests.

Ms. Ambrose presented copies of the report to the Council.

Sue Claire Harper of the League of Women Voters of Sussex County presented an overview of the League's Land Use Forums that were held in each of the five Councilmanic Districts, including a summary of reoccurring concerns heard and overall visions for the future of land use in Sussex County.

Presentations (continued)	The Council presented a Retirement Tribute to Leona L. Smith in recognition of 41 years of service to Sussex County. Mrs. Smith is the third longest tenured employee of the County.
Appointment	Mr. Lawson presented for Council's consideration a reappointment to the Library Advisory Board (District 4 appointment).
M 258 15 Approve Appointment/ Library Advisory Board	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the appointment of Rosemary Hardiman to the Sussex County Library Advisory Board, effective June 1, 2015, until such time as her term expires on June 30, 2018.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Wastewater Agreement	Mr. Lawson presented a wastewater agreement for the Council's consideration.
M 259 15 Execute Wastewater Agreement/ Hopkins- Pettyjohn Subdivision	<p>A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 446-6, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Sweetbriar, LLC, for wastewater facilities to be constructed in Hopkins – Pettyjohn Subdivision (AKA Red Mill Pond North) – Phase 4, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Contracting for Planning Services	Mr. Lawson reported that, in the FY2016 Budget, funds were secured for hiring a consulting firm to assist the County with initiatives generally associated with Planning and Zoning and the land use authority. Initiatives recently discussed by Council include the carrying capacity, the County's sign ordinance, sidewalks, and the reclassification of the County's commercial zoning categories. Mr. Lawson noted that, further out, the County will need to start work on the update to the Comprehensive Plan. Mr. Lawson reported that his intent is to solicit bids from qualified planning consultants immediately through a formal Request for Proposals (RFP) process. The RFP will be very similar to the Engineering Department's process for selecting engineering consultants and will require the submission of a significant packet of information and a formal interview prior to a selection. More than one firm may be selected based on the

Contracting for Planning Services (continued) **quality of applications; any firm(s) selected will require the approval of the Council. Mr. Lawson stated that he believes these consultant services are needed to provide insight on some of the complex issues the County is facing. Further, these services will greatly assist the Planning and Zoning and legal staff.**

County Sign Ordinance **Mr. Lawson advised that, once the selection is made, one of the first items the selected consultant will address is the County's sign ordinance. Recently, this topic has surfaced in a number of areas. There has been an increase in the frequency of bandit signs throughout the County. DelDOT has asked the County to cease removing bandit signs from the State's right-of-way. The Board of Adjustment has requested the Council's guidance and perhaps an amendment to the County Code to better address several issues related to signs that the Board has recently experienced. Mr. Lawson reported that he intends to schedule a workshop with the Council, Planning and Zoning Commission, Board of Adjustment, stakeholders, and staff for the purpose of getting feedback on how to address the sign ordinance.**

Lawrence Lank, Director of Planning and Zoning, and the Council discussed the County's agreement with the State regarding signs located in the State's right-of-way and Mr. Lawson noted that more clarity is needed as to the State's authority and the County's authority and how the County should operate going forward. Mr. Lank noted that an existing agreement with the State of Delaware was made with two representatives of DelDOT and that both of these individuals have retired; therefore, there is no current agreement.

Mr. Lawson also commented that the County needs a sign ordinance review to consider banner and flag signs, which are not currently defined in the Ordinance; also needing clarity is LED signs off-site and on-site.

**Adminis-
trator's
Report** **Mr. Lawson read the following information in his Administrator's Report:**

1. DelDOT 2017-2022 Capital Transportation Program

Sussex County invites the public to offer suggestions for the upcoming 2017-2022 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation in September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions. Please visit www.sussexcountytde.gov and click the 'Transportation Ideas' link on the right side of the main page to fill out a suggestion form, as well as to view last year's County request. Submissions will be accepted now through July 24th. The Administration will review all suggestions and then compile a draft report for County Council's consideration before submitting it to DelDOT in September.

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

2. Register of Wills – Electronic Filing

The Register of Wills office will be closed on Wednesday, July 1st, from 8:30 a.m. to 12:30 p.m. to allow the office to implement its new electronic filing system. The office will re-open at 12:30 p.m., and we apologize for any inconvenience.

3. Independence Day Holiday

Please note, County offices will be closed on Friday, July 3rd, for the Independence Day holiday. In addition, Council will not meet on July 7th or July 14th. The next regularly scheduled Council meeting will be held on Tuesday, July 21st.

**Sewer
Finance
Initiatives**

Gina Jennings, Finance Director, introduced two sewer finance ideas for Council's consideration for the purpose of providing affordable sewer service to the residents of Sussex County. The first idea is to create a septic system relief policy for residents who placed a new septic system on their property, but were required to connect to County sewer within five years of installing the new system. It is the County's hope that anyone in the five-year planning area only install temporary systems until public sewer is available. DNREC should notify all residents who are obtaining a septic permit that County sewer will be available in the near future.

Mrs. Jennings reviewed the proposed policy for septic system relief. She noted that the purpose of the policy is to provide monetary relief to the property owner who has paid more than \$10,000 to install or upgrade their on-site septic system in the past five years from the date of connection to a Sussex County sewer district.

Councilmembers discussed the proposal and Mr. Cole recommended that there should be a means testing. Mrs. Jennings was asked to amend the proposal to include means testing and bring it back to Council for consideration at the next meeting on July 21st.

It was noted that copies of the proposed policy were included in the Councilmembers' meeting packets.

Mrs. Jennings presented a proposal to create one unified sewer district, the Sussex County Unified Sanitary Sewer District. She explained that by consolidating the existing districts into a single Sussex County Unified Sanitary Sewer District, Sussex County would be able to utilize greater efficiency and streamlined organization by maintaining a single district versus 19 separate sanitary sewer districts.

**M 260 15
Post Notices/
Consolidate
Sewer
Districts**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Engineering Department to post notices to consolidate Sussex County's individual sewer districts to one unified sewer district.

**M 260 15
(continued)**

Motion Adopted: 5 Yeas.

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

**Legislative
Update**

Hal Godwin, Deputy County Administrator, provided a legislative update on the following bills: House Bill 151 relating to Sussex County sanitary and water districts, House Bill 201 relating to possession of firearms in municipal buildings, House Bill 200 relating to accessible parking spaces, and Senate Bill 137 relating to a community college tax.

Mr. Godwin reported that, in the State's current budget, the State will take back dog control and dog licensing from the counties at the time of contract expirations. Sussex County's contract expires at the end of the calendar year (December 31, 2015). As of January 1, 2016, the County would pay the State the same amount it currently pays for the contract. Mr. Godwin noted that the fee that the County will be paying in following years is not guaranteed.

The Council discussed the Joint Finance Committee's discussions to reallocate Realty Transfer Tax and the response from the counties and municipalities. As a result of that response, the legislators have stated that the Realty Transfer Tax will not be reallocated. It was noted that the General Assembly is only half way through this legislative session and the matter will most likely be considered again in January.

Mr. Godwin reported that the Joint Finance Committee is proposing that the State will no longer contribute funding for the State Police as of January 1, 2016. Mr. Vincent stated that, if this happens, Sussex County will be down 22 troopers as of that date; this reduction would take place through a process of attrition.

The Council discussed the proposed community college tax for Delaware Technical & Community College (Senate Bill 137) and it was the consensus of the Council that the Council does not support this Bill since the money collected would not be guaranteed solely for the college.

**EMS
Station #105
Project**

Anthony Diguiseppe, Jr., Project Engineer, presented a Balancing Change Order and request to grant Substantial Completion for the Emergency Medical Services, South Coastal Station #105 Project. The Final Change Order, in the amount of \$2,035.00, includes 21 additional calendar days. The revised final cost is anticipated to be \$509,695.00. The warranty dates will extend from the date of Substantial Completion through June 17, 2017.

M 261 15

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion, effective June 17, 2015, to RBCI, Inc. of Easton, Maryland, for Sussex County Project 14-05,

M 261 15 Grant Substantial Completion and Approve Final Change Order/EMS Station #105 Project (continued)	<p>“Emergency Medical Services, South Coastal Station #105”, and further; that Change Order #2 Final be approved in the amount of \$2,035.00, thereby increasing the contract total from \$507,660.00 to \$509,695.00, extending the contract term by twenty one (21) calendar days, and that final payment be made and retainage paid upon completion of the punch-list, in accordance with the terms and conditions of the contract documents.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Taxiway A (South) Project	<p>Helen Naylor, Project Engineer, presented a Balancing Change Order and request for Substantial Completion for the “Rehabilitate Taxiway A (South) Project”. The Change Order reduces the contract amount by \$40,042.25 to a revised contract total of \$493,263.60. It is anticipated that the Final Change Order will further reduce the contract total.</p>
M 262 15 Grant Substantial Completion and Approve Change Order/ Taxiway A (South) Project	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department that Change Order No. 1 for Contract #14-14, Rehabilitate Taxiway A (South), be approved, which decreases the contract amount by \$40,042.25 for a new total of \$493,263.60 and that Substantial Completion be granted, effective May 8, 2015 and any held retainage be released in accordance with the contract documents.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Install Taxiway Lights Project	<p>Steve Hudson, Director of Technical Engineering, reported on the “Install Taxiway Lights (including Electrical Vault Improvements)” Project. He stated that this is a two part project including taxiway lighting and expanding Delmarva Power supply lines into the airfield area. Mr. Hudson reported that the bid opening took place on June 18, 2015; the project goal is to award the bid to replace an existing Direct Buried Cable System that is approximately 50 years old. The low bidder was Tudor Electric with a bid amount of \$262,380.50. The contract is FAA grant eligible.</p>
Delmarva Power Utilities Improve- ments	<p>Mr. Hudson reported that the second part of the project is for Delmarva Power utilities improvements at a cost of \$268,304.00. The project goal is to sign an agreement with Delmarva Power to extend power supply lines to future vault locations and provide dual power feeds to the Airport and Industrial Park.</p>

(continued) Michael Izzo, County Engineer, commented on FAA grant funding for the project.

M 263 15
Approve
Bid Award
and
Delmarva
Power
Agreement/
Install
Taxiway
Lights
Project

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the County Council approves the award of Sussex County Project No. 15-11, Install Taxiway Lights (including electrical vault improvements) to Tudor Electric, Inc., of Dover, Delaware, at the bid amount of \$262,380.00, and also approve an Agreement with Delmarva Power in the amount of \$268,304.00 to extend power supply lines on the Airport property per Sussex County Project No. 15-11 drawings, contingent upon the approval of funding from the Federal Aviation Administration.

Motion Adopted: 5 Yeas.

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

Grant
Request

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

M 264 15
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to Girl Scout Troop 1482 for the Odyssey of the Mind Team.

Motion Adopted: 5 Yeas.

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

M 265 15
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 (\$250.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to Cats Around Town Society for spay/neuter/vaccination services.

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
Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.66 ACRES, MORE

**Introduction
of Proposed
Ordinances
(continued)**

OR LESS” (Conditional Use No. 2021) filed on behalf of VIII P-Loan Portfolio Holding, LLC (Tax Map I.D. 234-23.00-115.00) (911 Address – None Available).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2022) filed on behalf of Home of the Brave Foundation, Inc. (Tax Map I.D. 330-12.00-11.01) (911 Address – 6632 Sharps Road, Milford).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” (Conditional Use No. 2023) filed on behalf of Frank Miranda (Tax I.D. No. 533-18.00-12.00) (911 Address: 33053 Lighthouse Road, Selbyville).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS” (Conditional Use No. 2024) filed on behalf of Stockley Materials, LLC (Tax I.D. No. 334-5.00-192.00, 193.00, 194.00) (911 Address: None Available).

Mr. Cole 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 HR-1 (RPC) HIGH DENSITY RESIDENTIAL DISTRICT (RESIDENTIAL PLANNED COMMUNITY) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (Change of Zone No. 1780) filed on behalf of Lockwood Design & Construction, Inc. (Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05) (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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO

Introduction of Proposed Ordinances (continued) **HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS” (Change of Zone No. 1781) filed on behalf of Riverview Associates III, LLC (Tax Map I.D. No. 233-10.00-17.00) (911 Address: 28086 Dagsboro Road, Dagsboro).**

The Proposed Ordinances will be advertised for Public Hearing.

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

Mrs. Deaver commented on holding a workshop on an adequate public facilities ordinance (APFO). She stated that she has learned that Kent County is relying more on surcharges than their APFO and that she would like the County to compare the two ideas. It was the consensus of the Council for staff to look at this topic/request and to submit information to Council in writing after which it will be determined if the matter will be placed on an agenda.

Mr. Cole read correspondence from the Village Improvement Association in Rehoboth Beach (letter of thanks for grant funding).

Mr. Arlett commented on events in District 5.

M 266 15 Go Into Executive Session **At 12:22 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel and pending/potential litigation.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 12:23 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 personnel and pending/potential litigation. The Executive Session concluded at 1:32 p.m.**

M 267 15 Reconvene Regular Session **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session at 1:36 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

Rules of Procedure **Mr. Moore explained the Rules of Procedure for public hearings.**

**Public
Hearing/
CZ 1772**

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.33 ACRES, MORE OR LESS” (Change of Zone No. 1772) filed on behalf of Sussex Ventures, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission’s public hearing and recommendation of approval.

Don Ward and Drew Ward were in attendance on behalf of Sussex Ventures, LLC and gave a presentation on the application including other zonings and conditional uses in the area, and reasons for support of the rezoning request.

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

**M 268 15
Adopt
Ordinance
No. 2404/
CU 1772**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2404 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.33 ACRES, MORE OR LESS” (Change of Zone No. 1772) filed on behalf of Sussex Ventures, LLC.

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 1773**

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 9.541 ACRES, MORE OR LESS” (Change of Zone No. 1773) filed on behalf of Ernest and Donna DeAngelis.

**Public
Hearing/
CZ 1773
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission’s public hearing and recommendation of approval.

An Exhibit Booklet was previously submitted into the record by the Applicant.

Ernest DeAngelis, Sr. and Tim Willard, Attorney, were in attendance on behalf of Ernest DeAngelis, Jr. and Donna DeAngelis and gave a presentation on the application including information on the intended use of the property (a self-storage facility with some contractor shops), other zonings and conditional uses in the area, and reasons for support of the rezoning request.

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

**M 269 15
Adopt
Ordinance
No. 2405/
CZ 1773**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2405 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 9.541 ACRES, MORE OR LESS” (Change of Zone No. 1773) filed on behalf of Ernest and Donna DeAngelis.

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 1774**

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 31,200 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1774) filed on behalf of John R. and Susan K. Eisenbrey.

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015 at which time the Commission recommended that the application be approved.

**Public
Hearing/
CZ 1774
(continued)**

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission's public hearing and recommendation of approval.

Bill Schab, Attorney, and Andrew Pennington (purchaser of the property from John and Susan Eisenbrey) were in attendance on behalf of the Applicant and gave a presentation on the application including information about the split zoning of the property, stating that this request for rezoning is for an extension to the existing commercial zoning to bring the entire property into one zoning classification, and including reasons to support the rezoning request.

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

**M 270 15
Adopt
Ordinance
No. 2406/
CZ 1774**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2406 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 31,200 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1774) filed on behalf of John R. and Susan K. Eisenbrey.

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 1776**

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 CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS" (Change of Zone No. 1776) filed on behalf of Larry Yoder.

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015. On this date, no parties appeared on behalf of the application and the Commission recommended that the application be denied since there was no record of support for the application.

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

**Public
Hearing/
CZ 1776
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission’s public hearing and recommendation of denial.

The Council found that no one was present on behalf of the Applicant to establish a record and therefore, there was no record to support the adoption of the Proposed Ordinance.

No one was present to speak in support of or in opposition to the application.

The Public Hearing was closed.

**M 271 15
Adopt
Proposed
Ordinance/
CZ 1776

DENIED**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt 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 CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS” (Change of Zone No. 1776) filed on behalf of Larry Yoder.

Motion Denied: 5 Nays.

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

**M 272 15
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 2:16 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.}