

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 3, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 3, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
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 495 17
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve the agenda, as posted.

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 minutes of September 26, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELAWARE COMMUNITY FOUNDATION, GEORGETOWN,
DELAWARE.**

**RE: Letter in appreciation of grant to the Delaware Community
Foundation for the Melody Joy Foundation.**

**Public
Comments**

Public Comments

D.J. Hughes commented on DelDOT's CTP Hearing which was held last week and more specifically regarding funding for projects in Sussex County.

**M 496 17
Approve
Consent
Agenda
Items**

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

- 1. Wastewater Agreement No. 638-14
Sussex County Project No. 81-04
The Estuary – Phase 1C – 2A (Construction Record)
Miller Creek Sanitary Sewer District**
- 2. Wastewater Agreement No. 1057
Sussex County Project No. 81-04
Carillon Woods
Long Neck Sanitary Sewer District**
- 3. Wastewater Agreement No. 638-12
Sussex County Project No. 81-04
The Estuary – Pump Station & Force Main
Miller Creek Sanitary Sewer District**
- 4. Wastewater Agreement No. 1015-3
Sussex County Project No. 81-04
Americana Bayside – Village C – Phase 2 (Plan Review)
Fenwick Island Sanitary Sewer District**
- 5. Wastewater Agreement No. 1015-4
Sussex County Project No. 81-04
Americana Bayside – Village C – Point Amenity
Fenwick Island Sanitary Sewer District**

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Ellendale Water District Public Hearing

A Public Hearing regarding the Ellendale Water District will be held on Saturday, October 7th, starting at 10:00 a.m. at the Ellendale Fire Company. County officials will present information regarding the proposed district and interested citizens may ask questions. All interested citizens are encouraged to attend.

2. "Stockings for Soldiers"

Sussex County Government is joining the Sussex County Volunteer Delaware 50+ and the State Office of Volunteerism in collecting donated items for deployed servicemen and women who are serving during the holidays. A donation box for "Stockings for Soldiers" has

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

been placed in the County Administrative Offices building and includes a shopping list for deployed men and women, as well as our K9 soldiers. Donations to the County's box will be accepted up to October 31st. The public along with County employees are encouraged to join in and give back to the men and women (and K9s) who serve our country.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, The Woods at Johnson's Corner, a/k/a Fenwick Hamlet, a/k/a Fox Haven – Phase 2 and The Reserves – Clubhouse – Phase 4A (Sewer Only) received Substantial Completion effective September 27th.

4. Sussex County Comprehensive Land Use Plan Workshop

The Sussex County Planning & Zoning Commission will host the next workshop on the Comprehensive Land Use Plan on Wednesday, October 4, 2017. Updates will be provided on the Intergovernmental Coordination, Future Land Use, and Transportation Elements. The workshop begins at 9:00 a.m. and will take place in the County Council Chambers located on The Circle in Georgetown. The agenda is attached, and public comment will be taken at the beginning of the meeting.

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

**Public
Hearing/
Tuck's
Road
Expansion
of the
SCUSSD**

A Public Hearing was held on the Proposed Tucks Road Expansion of the Sussex County Unified Sanitary Sewer District. John Ashman, Director of Utility Planning, and Hans Medlarz, County Engineer, presented the proposed boundaries and estimates rates. Mr. Ashman reported that this area is surrounded by the County's existing Unified Sanitary Sewer District boundary; that the project includes Tucks Road and Abby Way as well as parcels fronting John J. Williams Highway (Route 24) between Branch Road and Tucks Road; that the County will be completing the Branch and Autumn Roads design that was initiated as part of the Deerbrooke Expansion in October 2015; that based on economics of scale and prior requests inclusion of the Tuck's Road/Abby Way area to the Branch and Autumn Road project reduces costs for both projects; and that the County plans to include the System Connection Charges into the financing, therefore minimizing the out-of-pocket expense to the homeowners.

Mr. Ashman reported that the estimated rates are as follows:

Current Annual Service Charge: \$286/year per EDU; billed quarterly to connected customers (subject to change during the annual budget process)

Annual EDU based Sewer Assessment Charge: \$540.00 (fixed for the term of the financing)

**Public Hearing/
Tuck's Road
Expansion
of the
SCUSSD
(continued)**

System Connection Charge (SCC): \$0.00 for existing homes - the one-time SCC fee will be included in the financing; any future connection will be charged the SCC fee in effect at that time

Estimated Annual Charge: \$286.00 (service charge) + \$540.00 (EDU) = \$826.00*

Estimated Connection Expense: Plumbing costs between \$1,250 - \$1,500 based on complexity and \$100 Permit Fee to Sussex County

***Based on federal recommendations that the total annual charge not to exceed 1.5% of Median Household Income (MHI) as reported in the latest available Sussex County wide Census Data.**

Mr. Medlarz reported that this project cannot be ready for service for approximately two years; once completed and ready for service, residents will be notified and will have 12 months to connect.

Public comments were heard.

Vicki Legutko questioned if it will be mandatory to hook up to the system.

Katherine Marx questioned the costs and if they will have to pay the assessment charge forever. She also commented on the sewer project for the Rehab Center and the location of a manhole on her property. Ms. Marx also raised questions about the selection of a plumber by the property owners.

Kathy Emory raised the following questions: (1) if she has to hook up to water as well as sewer, (2) if they pay the initial cost up front, are they exempt from the \$826 annual amount; (3) how sewage rates are calculated; (4) why seasonal residents have to pay the same amount as permanent residents, (5) why all properties pay the same when some have closer access to the pipe; and (6) who would be responsible for any costs associated with the failure of the pipe coming up their roadway.

Tom Staz questioned the \$826 fee and questioned if there is an option to pay the larger amount up front versus over many years.

Staff responded to questions raised.

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

**M 497 17
Adopt
R 027 17**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 027 17 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) LONG NECK AREA, TO INCLUDE SEVERAL PARCELS OF LAND ALONG THE WEST SIDE OF JOHN J.

**M 497 17
Adopt
R 027 17
(continued)**

WILLIAMS HIGHWAY (SR 24), TUCKS ROAD AND ABBY WAY LOCATED IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (TUCK’S ROAD EXPANSION).

Motion Adopted: 5 Yeas.

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

**Discussion/
Draft
Ordinance
Relating to
Special
Events**

Vince Robertson, Assistant County Attorney, presented for discussion and possible introduction a draft ordinance relating to special events.

“Special Events” are currently within the Conditional Use sections of several of the various zoning districts; however, in certain circumstances the Code provides that they can be permitted without a Conditional Use. This ordinance moves the “permitted” Special Events to the “Permitted Uses” section of the districts. Then, if the proposal does not fall under the permitted use or is not approved as such, it will require a Conditional Use. This amendment also gives the Director greater discretion, clarity and guidance in determining whether to approve a special event request or require a Conditional Use application.

Council members discussed the draft ordinance and raised questions and concerns about an appeal process, compliance with the Special Events Policy, establishing thresholds (i.e. number of people), documentation of the facility/structure, insurance requirements, major events versus minor events, traffic impact, the need for police presence, and the fact that this ordinance will affect all of Sussex County, not just a specific parcel of land.

**Introduction
of Proposed
Ordinance
Relating to
Special
Events**

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, and XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M DISTRICTS”.

The Proposed Ordinance will be advertised for Public Hearing before the Planning and Zoning Commission and the County Council.

**Presentation
on RV
Parks
and
Camp-
grounds**

Chris Keeler, Director of Assessment, presented information on RV parks/campgrounds located in Sussex County and the way the County assesses and taxes those properties. He reported on how campgrounds are appraised (per acre of land as well as per campsite) and noted that they are appraised the same regardless if they are transient, permanent, seasonal or year-round. An appraisal comparison was provided for campgrounds/sites

Presentation (continued) and mobile homes/parks. Mr. Keeler reported that there are currently 25 privately owned and approved campgrounds located in Sussex County and 3 state parks located in Sussex County where camping is offered. Also provided was a comparison of number of campgrounds in the other counties in Delaware as well as in other jurisdictions in Maryland and Virginia.

Airplane Hangar Lease/Blouin Jim Hickin, Airport Manager, presented for consideration a hangar lease agreement with Robert Blouin for a 2,500 square foot hangar at Delaware Coastal Airport (Lot A located at 21469 Rudder Lane). The term of the lease would be for 28 months with two one-year options at a rent amount of \$550 per month.

M 498 17 Execute Airplane Hangar Lease/Blouin A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council authorizes the Council President to execute an Airplane Hangar Lease Agreement with Robert Blouin for Lot A at Delaware Coastal Airport.

Motion Adopted: 5 Yeas.

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

Request to Withdraw CU 2091 Janelle Cornwell, Planning and Zoning Director, presented a request to withdraw Conditional Use No. 2091 filed on behalf of William Hall. The County Council held a Public Hearing on this application on September 19, 2017 at which time action was deferred.

M 499 17 Accept Withdrawal of CU 2091 A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council accepts the withdrawal of Conditional Use No. 2091, an application of William Hall.

Motion Adopted: 5 Yeas.

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

Report/ Vehicle Purchases RFP Hans Medlarz, County Engineer, presented the results of a Vehicle Purchases RFP (Request for Proposals). Prices for nine different types of vehicle models were solicited and some bids received were determined to be lower than the State Contract bid amount. The Engineering Department recommends award of the RFP to Hertrich Fleet Services, Inc. for two (2) 2018 150/1500 Pickup Truck, 4WD Model, at the low bid price of \$28,422.00 each; this award represents \$6,474.00 in savings over the State contract.

**M 500 17
Award
Vehicle
Purchases
RFP**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Vehicle Purchases RFP be awarded to Hertrich Fleet Services, Inc. of Milford at the Schedule C low bid amount of \$28,422.00 per vehicle for a total purchase price of \$56,844.00.

Motion Adopted: 5 Yeas.

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

**Blades
Con-
struction
Agreement**

Hans Medlarz, County Engineer, presented a proposed Construction Agreement with the Town of Blades which encompasses the Town's water distribution system expansion and is in the same vicinity as the County's Concord Road Expansion sewer project. Both projects are progressing on the same timeline and it is desirable to complete both projects simultaneously with the parties participating in a mutual effort to bid, contract for, and administer the construction of the two projects concurrently for a cost-effective construction approach. Mr. Medlarz noted that the Construction Administration and Inspection Services for the Concord Road Expansion project design will have to be covered in Amendment No. 3 in the amount of \$82,000.00.

**M 501 17
Approve
Con-
struction
Agreement/
Town of
Blades**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the County Council approves the Construction Agreement with the Town of Blades, in principle, subject to minor legal modifications, and approves Amendment No. 3 to the Base Contract with Davis Bowen & Friedel in the amount of \$82,000.00.

Motion Adopted: 5 Yeas.

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

**Use of
Existing
Infra-
structure
Agreement/
Sussex
Consortium
School**

John Ashman, Director of Utility Planning, presented for consideration a Use of Existing Infrastructure Agreement with Cape Henlopen School District for the Sussex Consortium School project in the West Rehoboth Area. The Sussex Consortium School project is designed to connect to the County's existing regional infrastructure. Under the proposed arrangement, Sussex Consortium School project will construct an on-site collection system that will connect to existing regional infrastructure. In return for utilization of the infrastructure, Cape Henlopen School District will contribute \$46,378.63 for the perpetual use of these facilities.

**M 502 17
Approve
Use of
Existing
Infra-
structure
Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Cape Henlopen School District for capacity allocation and regional transmission system, as presented on October 3, 2017.

Motion Adopted: 5 Yeas.

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

**Use of
Existing
Infra-
structure
Agreement/
Gudmar
Marsh LLC**

John Ashman, Director of Utility Planning, presented for consideration a Use of Existing Infrastructure Agreement with Gudmar Marsh LLC for the Marsh Farm Estates project in the Angola Neck Area. The project is designed to connect to the County's existing regional infrastructure. Under the proposed arrangement, Marsh Farm Estates development will construct an on-site pump station that will connect to an existing regional forcemain. In return for utilization of the infrastructure, Gudmar Marsh, LLC will contribute \$35,464.76 for the perpetual use of these facilities.

**M 503 17
Approve
Use of
Existing
Infra-
structure
Agreement**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Gudmar Marsh, LLC for capacity allocation and regional transmission system, as presented on October 3, 2017.

Motion Adopted: 5 Yeas.

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

**Winding
Creek
Village
Water
District**

John Ashman, Director of Utility Planning, presented the results of a referendum held regarding the Proposed Winding Creek Village Water District and reported that on September 14, 2017, eligible voters approved the creation of the District by a vote of 103 to 23.

**M 504 17
Adopt
R 028 17**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 028 17 entitled "WINDING CREEK VILLAGE WATER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE".

Motion Adopted: 5 Yeas.

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

- Request** **Mrs. Jennings presented a grant request for the Council’s consideration.**
- M 505 17** **A Motion was made by Mr. Burton, seconded by Mr. Arlett, to give**
Council- **\$1,000.00 from Mr. Burton’s Councilmanic Grant Account to the Milton**
manic **Fire Department for parade expenses.**
Grant
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;**
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- Council** **Council Members’ Comments**
Members’
Comments
- Mr. Arlett extended thoughts and prayers to those impacted by the tragedy**
in Las Vegas.
- Mr. Arlett commented that this is Navy - Air Force Week, and stated “Go**
Navy”!
- M 506 17** **At 12:06 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson,**
Go Into **to recess the Regular Session and go into Executive Session for the purpose**
Executive **of discussing matters relating to land acquisition.**
Session
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;**
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea
- Executive** **At 12:08 p.m., an Executive Session of the Sussex County Council was held**
Session **in the Basement Caucus Room for the purpose of discussing matters**
relating to land acquisition. The Executive Session concluded at 12:36 p.m.
- M 507 17** **At 12:38 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton,**
Reconvene **to come out of Executive Session and to reconvene the Regular Session.**
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
- E/S Action** **There was no action on Executive Session matters.**
- M 508 17** **At 12:38 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton,**
Recess **to recess until 1:30 p.m.**
- Motion Adopted: 3 Yeas, 2 Absent.**

**Public
Hearing/
CU 2099
(continued)**

H. 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 September 14 and 28, 2017.)

The Council found that Richard Jamison was present on behalf of his application. He presented background information on the facility that he proposes to use as a wedding venue and stated that he would like to use the barn for weddings and receptions, birthday parties, anniversary parties and similar events; that the area to be used will be approximately 2 acres around the existing barn; that he proposes to maintain it as an agricultural venue; that there will be no concerts/bands; that he has received three letters of support from neighbors, one of which is from the sellers of the property and who live next door; that most neighbors live at the back side of the property; that one neighbor (residing approximately 1/4 mile across the field through the woods in Woodland Station) has voiced concerns about the application; that concern was previously expressed regarding the Applicant's poultry houses and he noted that all setbacks requirements have been met; that he has a DelDOT approved entrance and a parking area; and that he prefers not to limit the number of events permitted and he anticipates one or two events per week. Mr. Jamison noted that, in regard to the conditions recommended by the Planning and Zoning Commission, he would like to extend hours of operation to 11:00 p.m. (Proposed Condition 6A) and he would like some wording change in Proposed Condition 6C to include "unreasonable or foul/offensive language".

Mr. Cole raised a question regarding the title of the Proposed Ordinance which states "wedding venue" and he questioned if other events can be held such as birthday and anniversary parties. Mr. Moore responded that there may be some flexibility; however, there is some concern that the title does not state "special events". It was noted that, if the Proposed Ordinance is approved, conditions can clarify the permitted use(s).

Two corrections to the minutes of the Planning and Zoning Commission minutes were noted:

Finding #5 should read "The parking area proposed by the Applicant is approximately 24,000 square feet in size, which is adequate for this use."

The last paragraph should read "Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried 5-0 to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0".

Public comments were heard.

There were no public comments in support of the application.

**Public
Hearing/
CU 2099
(continued)**

Jane Walter Dempsey, resident of Woodland Station, expressed concerns about noise in a quiet residential neighborhood and stated that no noise should be audible from Woodpecker Road, and she raised the following questions: (1) if the application is for a wedding venue exclusively; (2) if the owners should be required to live on the property and monitor activities; (3) what the difference is between a State Road and a County Road; (4) what agencies monitor and control noise; and (5) if there is a noise violation, what agency will enforce the regulations; (6) and how will noise complaints be handled. Ms. Dempsey noted that if the application is approved, the conditions should reference amplified sound, and that events should end at 8:00 p.m. on weekdays and should not start before 11:00 a.m. or 12:00 Noon. Ms. Dempsey stated that, although DNREC has noise regulations, the agency will not enforce them.

Staff and Council responded to questions raised.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 510 17
Defer
Action on
CU 2099**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action on Conditional Use No. 2099 filed on behalf of Richard and Dawn Jamison.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Public
Hearing/
CU 2104**

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 CEMETERY ON A HALF ACRE OF THE 9.8 ACRES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.98 ACRES, MORE OR LESS" (Conditional Use No. 2104) filed on behalf Grace-N-Mercy Ministries, Inc. (Tax I.D. No. 530-5.00-40.05) (911 Address: Not Available).

Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.

The Planning and Zoning Commission held a Public Hearing on this application on August 24, 2017 at which time action was deferred. On September 14, 2017, the Commission recommended that the application be denied based on the lack of a record made during the Public Hearing.

(See the minutes of the Planning and Zoning Commission dated August 24 and September 14, 2017.)

**Public
Hearing/
CU 2104
(continued)**

The Council found that Joyce Mizzelle was present on behalf of the application and presented information on the church's desire to have a small cemetery on the property for church members. She stated that the cemetery will be fenced; that it would only be approximately one-half acre in size; that the entrance to the church property is on Woodyard Road; that there would be no additional entrance to the cemetery; and that, if necessary, they would require waterproof vaults.

Public comments were heard.

There were no public comments in support of the application.

James Slushuar expressed concerns about the proposed cemetery stating that he lives adjacent to the property; that the cemetery would be visible from his property and that he has a young son that plays outside; that the proposed use would affect property values; that he questions setback requirements to the tax ditch along the property; and that he would not be opposed to a fence and tree buffer with a limitation on the height of stones/monuments.

There were no additional public comments.

It was noted that due to the fact that the Planning and Zoning Commission recommended denial and no proposed conditions have been prepared for Council's consideration.

In response to questions, Ms. Cornwell stated that more information was submitted into the record by the Applicant at the Public Hearing before the Council in comparison to information submitted into the record at the Planning and Zoning Commission's Public Hearing.

Questions were raised about the setbacks for the tax ditch along the rear of the property. Additionally, questions were raised as to whether or not the Council has the authority to put height restrictions on monuments.

The Public Hearing and public record were closed.

**M 511 17
Defer
Action on
CU 2104**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Conditional Use No. 2104) filed on behalf of Grace-N-Mercy Ministries, Inc.

Motion Adopted: 5 Yeas.

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

Mr. Arlett left the meeting.

**Public
Hearing/
CZ 1826**

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 C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.62 ACRES, MORE OR LESS, OF A 15.94 ACRE PARCEL” (Change of Zone No. 1826) filed on behalf of JKJ Properties, LLC. (Tax I.D. No. 131-6.00-11.00 (portion of) (911 Address: Not Available).

Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.

The Planning and Zoning Commission held a Public Hearing on this application on August 24, 2017 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated August 24, 2017.)

Exhibit Booklets were previously provided by the Applicant and distributed to Council members.

The Council found that Mark Davidson of Pennoni Associates was present with Jim Weller, owner of JKJ Properties, LLC. Mr. Davidson stated that the application is for the rezoning of a portion of land; that the property is currently dual-zoned (4.62 acres is zoned AR-1 and 11.32 acres is zoned C-1); and that they are requesting that the back acreage be rezoned CR-1 so that Mr. Weller can continue operating his business (Wellers Tire Service)

There were no public comments.

The Public Hearing and public record were closed.

**M 512 17
Adopt
Ordinance
No. 2523/
CZ 1826**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to Adopt Ordinance No. 2523 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.62 ACRES, MORE OR LESS, OF A 15.94 ACRE PARCEL” (Change of Zone No. 1826) filed on behalf of JKJ Properties, LLC.

Motion Adopted: 4 Yeas, 1 Absent.

**M 512 17
(continued)**

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

**M 513 17
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson to adjourn at
2:35 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Absent; 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.}