

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 11, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 11, 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

Call to Order	<p>The Invocation and Pledge of Allegiance were led by Mr. Vincent.</p> <p>Mr. Vincent called the meeting to order.</p>
M 615 16 Approve Agenda	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to approve the Agenda, as posted.</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>
Minutes	<p>The minutes of October 4, 2016 were approved by consent.</p>
Public Comments	<p><u>Public Comments</u></p> <p>Dan Kramer commented on some existing violations to County Code and the action (and lack of action) taken by the County.</p> <p>Paul Reiger thanked the Council for moving forward with the Planning and Zoning Director Appointee.</p>
Update on State/ County Finance & Revenue Committee	<p>Mr. Lawson reported on the State/County Finance and Revenue Committee which was established by Senate Bill No. 285. The Committee will suggest efficiencies, improvement and cost savings to the State, including but not limited to Realty Transfer Tax, the Register of Wills, and the operations and training associated with the County Paramedics Program. Section 31 of that legislation contains a list of the Committee's membership, which includes the County Administrators for Kent and Sussex County or their designees.</p>

**Committee Update (continued)**      **The Committee's first meeting was held on October 5th. Mr. Lawson stated that he and Mrs. Jennings attended on behalf of the County and Mr. Vincent attended on behalf of the Delaware League of Local Governments. The Committee will be gathering information/materials in preparation of the next meeting in November.**

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

**1. Chapel Branch Area Referendum**

**The Sussex County Engineering Department will be conducting a referendum at Conley's United Methodist Church in Lewes on Friday, October 14<sup>th</sup>, from 4:00 to 8:00 p.m. The purpose of the referendum is to establish the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District.**

**2. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for August is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of August.**

**3. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, The Estuary – Phase 1B (Construction Record) received Substantial Completion effective October 6<sup>th</sup>.**

**4. Council Meeting Schedule**

**A reminder that Council will not meet on Tuesday, October 18<sup>th</sup>. The next regularly scheduled Council meeting will be held on October 25<sup>th</sup> at 10:00 a.m.**

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

**Public Hearing/  
Martin  
Expansion  
of the  
SCUSSD  
(Millville  
Area)**

**A Public Hearing was held on the proposed extension of the boundary of the Sussex County Unified Sanitary Sewer District to include a parcel of land on the west side of County Road 348 (Irons Lane) (Martin Expansion).**

**John Ashman, Director of Utility Planning, reported that this expansion was requested by the property owner, Paul J. and Winifred P. Martin. Mr. Ashman noted that this property (.60± acres) is adjacent to the expansion of the Millville Sanitary Sewer District as part of the Route 26, Phase III expansion.**

**Public  
Hearing  
(continued)**

**Public comments were heard.**

**Winifred Martin stated that she is requesting the extension for her property.**

**There were no additional public comments.**

**The Public Hearing was closed.**

**M 616 16  
Adopt  
R 017 16**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Resolution No. R 017 16 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE A PARCEL ON THE WEST SIDE OF COUNTY ROAD 348 (IRONS LANE); THE PARCEL IS LOCATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

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

**Seagrove/  
Use of  
Existing  
Infra-  
structure  
Agreement**

**Hans Medlarz, County Engineer, presented a proposed Use of Existing Infrastructure Agreement with Harlton Communities, LLC (located in the South Planning Area). Under this arrangement, all of the Seagrove Subdivision will be connected to an existing forcemain; in return, Harlton Communities Club, LLC will contribute \$134,154.50 for the perpetual use of the transmission facilities.**

**M 617 16  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement/  
Seagrove  
Subdivision**

**A Motion was made by Mr. Wilson, 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 Harlton Communities, LLC for the use of the regional transmission system based on the ratio of average flow utilizations.**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Ordinance  
Relating  
to Signs**

**Jamie Sharp, Assistant County Attorney; Vince Robertson, Assistant County Attorney; and Kyle Gulbranson of AECOM, Inc., were present for the discussion on the Proposed Ordinance relating to signs.**

**Proposed Ordinance Relating to Signs (continued)**

The Council considered the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”. It was noted that this is Version 2 of the Proposed Ordinance (Second Introduced Ordinance).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on September 8, 2016 at which time action was deferred; on September 22, 2016, the Commission recommended approval with recommended changes (as outlined in the minutes of the Planning and Zoning Commission dated September 22, 2016).

(See the minutes of the Planning and Zoning Commission dated September 8 and 22, 2016.)

The County Council held a Public Hearing on the Proposed Ordinance on September 20, 2016.

Mr. Lawson distributed a chart of proposed amendments which included options for the Council to consider. Also distributed were Proposed Motions (1 through 14) prepared by Mr. Sharp which were based upon recommendations of the Planning and Zoning Commission (1 – 11). Mr. Sharp noted that Proposed Motions 12C, 13C and 14C incorporate suggested changes that were contained in the letter received from David Hutt, Attorney.

Mr. Moore noted that one Proposed Motion concerns realtors’ signs and that Mr. Cole and Mr. Arlett will recuse themselves on any vote on this matter.

The Council considered each of the proposed amendments.

**Motion 1A**

**M 618 16  
Approve  
Motion 1A**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the Second Introduced Ordinance as follows:

1. “Animated signs” should be removed from the general prohibition of signs listed in §115-158. As such, delete §115-158(i) and re-designate the following subsections accordingly.

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**No action on Motion 1B**

**No action on Motion 2A**

**No action on Motion 2B**

**Motion 2C**

**M 619 16  
Approve  
Motion 2C**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Second Introduced Ordinance as follows:**

- 1. Amend the last sentence of §115-161.1(A)(5) to state: “Continuous scrolling left or right, live action or streaming video, and flashing messages shall not be permitted.”**
- 2. Add to the beginning of the first sentence of §115-161.1(C)(1)(a) the following: “On an off-premises Electronic Message Center ...”**
- 3. Add to the beginning of the first sentence of §115-161.1(C)(1)(b) the following: “On an off-premises Electronic Message Center ... “**

**Motion Adopted: 4 Yeas, 1 Nay.**

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

**M 620 16  
Approve  
Motion  
Amending  
Proposed  
Sign  
Ordinance**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:**

- 1. At the end of §161.1(A)(5), insert the following language: An on premise Electronic Message Center may be changed at intervals by electronic or mechanical process or remote control provided that each message remains fixed for a minimum of 10 seconds and that when the message is changed, the change must be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison.**

**DENIED**

**Motion Denied: 3 Nays, 2 Yeas.**

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

**No action on Motion 3**

**Motion 4A**

**M 621 16  
Adopt  
Motion 4A**

**A Motion was made by Mr. Wilson to amend the Second Introduced Ordinance, as follows:**

**M 621 16  
(continued)**

**MOTION  
FAILED**

1. Delete the last sentence of §115-159.5(B)(1) which stated “An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign”.
2. Delete §115-161.1(A)(4) and re-designate the following subsection accordingly.

The Motion failed for the lack of a Second.

**Motion 4B**

**M 622 16  
Adopt  
Motion 4B**

A Motion was made by Mr. Cole to amend the Second Introduced Ordinance, as follows:

**MOTION  
FAILED**

1. Delete the last sentence of §115-159.5(B)(1) which stated “An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign”.

The Motion failed for the lack of a Second.

**No action on Motion 4C**

**No action on Motion 5**

Mr. Cole and Mr. Arlett left the room.

Mr. Vincent passed the gavel to Mr. Wilson.

**Motion 6A**

**M 623 16  
Adopt  
Motion 6A**

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:

1. Amend the first sentence §115-159(G) to state “A temporary real estate sign indicating sale, rental, or lease of the premises on which it is located, with a maximum area of 32 square feet of sign area per side, nonilluminated, and one sign for each street frontage on which the premises abuts provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.”
2. Delete the phrase “, back-to-back” from the last sentence in §115-159(G).
3. Amend §115-160(B)(3) to state “Temporary nonilluminated signs, not exceeding 32 square feet of sign area per side, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, with one such sign for each street frontage provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling

**M 623 16  
Adopt  
Motion 6A  
(continued)**

**MOTION  
FAILED**

- in a recorded subdivision shall exceed 10 square feet of sign area per side.”
4. Amend §115-150(B)(4) to state “Temporary non-illuminated signs, not exceeding 32 square feet of sign area per side, in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two sign faces provided, however, that no temporary sign for new construction work on a single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.”

**Motion Failed: 2 Yeas, 1 Nay, 2 Absent.**

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

**No action on Motion 6B or 6C**

**Mr. Arlett and Mr. Cole rejoined the meeting.**

**Motion 7**

**M 624 16  
Adopt  
Motion 7**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:**

- 1. The existing §115-161(B)(5) should be re-designated as §115-161(B)(5)(a).**
- 2. The existing §115-161(B)(6) should be re-designated as §115-161(B)(5)(b).**
- 3. Insert at the beginning of §115-161(B)(5) the phrase “All illuminated signs, including Electronic Message Centers, shall comply with the following maximum luminance standards:”.**
- 4. Amend the first sentence of the new §115-161(B)(5)(a) to state “No illuminated sign, including Electronic Message Centers shall have a maximum hurricane level greater than seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date.”**
- 5. Amend the first sentence of new §115-161(B)(5)(b) to state “No illuminated sign, including Electronic Message Centers shall have a maximum illuminance level greater than 0.3 foot candles above ambient light, as measured using a foot candle meter, or similar technology, at a pre-set distance.”**

**Motion Adopted: 5 Yeas.**

**M 624 16**  
**(continued)**

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

## Motion 8

**M 625 16**  
**Adopt**  
**Motion 8**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Second Introduced Ordinance, as follows:**

- 1. Amend the first sentence of the §115-161.2(A) to state “A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned or intentionally removed.**

**Motion Adopted: 5 Years.**

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

**M 626 16**  
**Recess**

**At 12:40 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess.**

**Motion Adopted: 5 Yeas.**

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

**M 627 16**  
**Reconvене**

**At 1:18 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, 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

### Motion 9

**M 628 16**  
**Adopt**  
**Motion 9**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Second Introduced Ordinance, as follows:**

- 1. Amend §115-161.2(B) to state “Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited, unless the Applicant is replacing two or more non-conforming off-premises signs with a single electronic message center.”**



**MOTION  
FAILED**

**Mr. Arlett withdrew his Second to the Motion.**

**The Motion died for the lack of a Second.**

**Motion 9 (Amended)**

**M 629 16  
Adopt  
Motion 9  
Amended**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Second Introduced Ordinance, as follows:**

- 1. Amend §115-161.2(B) to state “Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited, unless the Applicant is replacing two or more non-conforming off-premises signs with a single electronic message center. Any off-premise electronic message center created through conversion under this subsection must comply with height and size requirements set forth in §115-159.5. No variances from the height and size requirements shall be permitted.”**

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**Motion 10**

**M 630 16  
Adopt  
Motion 10**

**A Motion was made by Mr. Wilson to amend the Second Introduced Ordinance, as follows:**

- 1. Delete §115-161.2(C) and replace with the following: “If a non-conforming off-premises sign is damaged by any natural causes, such as fire, wind, or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage.”**

**The Motion died for the lack of a Second.**

**Motion 10 (Amended)**

**M 631 16  
Adopt  
Motion 10  
Amended**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Second Introduced Ordinance, as follows:**

- 1. Delete §115-161.2(C) and replace with the following: “If a non-conforming off-premises sign is damaged by any natural causes, such as fire, wind, or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage. Any non-conforming off-premise sign which is**

**M 631 16**                    **repaired or reconstructed under this subsection shall be of the same**  
**(continued)**                    **type of structure as the prior non-conforming off-premise sign.”**

**DENIED**                    **Motion Denied:            3 Nays, 2 Yeas.**

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

**No action on Motion 11**

**Motion 12C (Amended)**

**M 632 16**                    **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the**  
**Adopt**                    **Second Introduced Ordinance, as follows:**

**Motion 12C**  
**Amended**

- 1.    Add the following language to the end of the definition of “On-Premises Sign” in §115-157.1: “or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is to be located.”**

**Motion Adopted:        5 Yeas.**

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

**Motion 13C**

**M 633 16**                    **A Motion was made by Mr. Wilson to amend the Second Introduced**  
**Adopt**                    **Ordinance, as follows:**

**Motion 13C**

- 1.    Remove §115-159.5(B)(6) which prohibits the issuance of variances for off-premises signs.**
- 2.    Remove §115-161.1(C)(2) which prohibits the issuance of variances for electronic message centers.**

**The Motion died for the lack of a Second.**

**Motion 14C**

**M 634 16**                    **A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the**  
**Adopt**                    **Second Introduced Ordinance, as follows:**

**Motion 14C**

- 1.    Delete the first two sentences in §115-161.1(A)(1) and replace with the following: “In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, the ground sign permitted under §115-**

**M 634 16  
Adopt  
Motion 14C  
(continued)**

**159.4(A)(4) may be an On-Premises Electronic Message Center provided that only one on-premises ground sign, whether it is a static sign or an Electronic Message Center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.4(A)(5) may be electronic message centers.” The balance of §115-161.1(A)(1) shall remain.**

- 2. Delete the first two sentences in §115-161.1(A)(2) and replace with the following: “In the C-1 (General Commercial), CR-1 (Commercial Residential), LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, the ground sign permitted under §115-159.4(A)(4) may be an On-Premises Electronic Message Center provided that only one on-premises ground sign, whether it is a static sign or an Electronic Message Center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.4(A)(5) may be electronic message centers.” The balance of §115-161.1(A)(2) shall remain.**

**Motion Adopted: 4 Yeas, 1 Nay.**

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

**It was noted that a Motion to approve Proposed Motion No. 10 was made earlier in the meeting and the Motion was defeated. Mr. Robertson discussed the Council’s approval of Motion No. 8 and the denial of Motion No. 10, and the resulting inconsistencies**

**Reconsider Motion 10**

**M 635 16  
Approve  
Motion 10**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconsider Motion No. 10 and amend the Second Introduced Ordinance, as follows:**

- 1. Delete §115-161.2(C) and replace with the following: “If a non-conforming off-premises sign is damaged by any natural causes, such as fire, wind, or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage. Any non-conforming off-premise signs which is repaired or reconstructed under this subsection shall be of the same type of structure as the prior non-conforming off-premise sign.”**

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**Mrs. Deaver referenced Failed Motion No. 6A relating to the size of realtors signs and a discussion was held regarding the matter.**

**Mr. Arlett and Mr. Cole left the room.**

**Motion 6B**

**M 636 16  
Adopt  
Motion 6B**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Second Introduced Ordinance, as follows:**

- 1. Amend the first sentence §115-159(G) to state “A temporary real estate sign indicating sale, rental, or lease of the premises on which it is located, with a maximum area of 32 square feet of sign area per side, non-illuminated, and one sign for each street frontage on which the premises abuts provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.”**
- 2. Delete the phrase “, back-to-back” from the last sentence in §115-159(G).**
- 3. Amend §115-160(B)(3) to state “Temporary non-illuminated signs, not exceeding 32 square feet of sign area per side, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, with one such sign for each street frontage provided, however, that no temporary real estate sign for the sale, rental, or lease of single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side”.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**Mr. Arlett and Mr. Cole rejoined the meeting.**

**Motion 6C**

**M 637 16  
Adopt  
Motion 6C**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to amend the Second Introduced Ordinance, as follows:**

- 1. Amend §115-160(B)(4) to state “Temporary nonilluminated signs, not exceeding 32 square feet of sign area per side, in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two sign faces provided, however, that no temporary sign for new construction work on a single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.**

**M 637 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 638 16**  
**Adopt**  
**Ordinance**  
**No. 2470,**  
**As Amended**      **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2470 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)” (Second Introduced Ordinance), 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**

**Ordinance**  
**No. 2414**  
  
**No Action**      **No action was necessary on the next Agenda Item entitled Possible Amendment to Ordinance No. 2414 entitled “AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS”.**

**It was noted that the moratorium on signs expires at the end of business on this date.**

**Grant**  
**Requests**      **Mrs. Jennings presented grant requests for the Council’s consideration.**

**M 639 16**  
**Council-**  
**manic**  
**Grant**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the Seaford Historical Society for Seaford Museum exhibit 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 640 16**  
**Council-**  
**manic**  
**Grant**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Cole’s and Mrs. Deaver’s Councilmanic Grant Accounts) to Coastal Concerts for scholarship funding.**

**Motion Adopted:      5 Yeas.**

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

**M 641 16 Councilmanic Grant**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Accounts) to Clear Space Theatre Company for scholarship funding.**  
**Motion Adopted:      5 Yeas.**

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

**M 642 16 Councilmanic Grant**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the City of Lewes for the Historic Lewes Byway Committee for brochure 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 Ordinances**      **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2062) filed on behalf of RDK&A Investments, LLC (Tax I.D. No. 134-12.00-373.50) (911 Address: 36017 Burbage Road, Ocean View).**

**Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2063) filed on behalf of Michael and Faith Whaley (Tax I.D. No. 330-15.00-60.01) (911 Address: 7512 and 7524 Cedar Creek Road, Lincoln).**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS" (Conditional Use No. 2064) filed on behalf of R&K Partners (Tax I.D. No. 335-12.05-4.00) (911 Address: 1537 Savannah Road, Lewes).**

**Introduction  
of Proposed  
Ordinances  
(continued)**

Mr. Wilson 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 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. 1811) filed on behalf of Dustin Yoder (Tax I.D. No. 430-3.00-11.01 (Part of) (911 Address: None Available).

Mrs. Deaver 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS” (Change of Zone No. 1812) filed on behalf of Oxford Chase Development Corp. – c/o Howard Crossan (Tax I.D. No. 235-30.00-50.00 (Part of) (911 Address: None Available).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-1 LIMITED INDUSTRIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.604 ACRES, MORE OR LESS” (Change of Zone No. 1813) filed on behalf of Delaware Animal Products, LLC.

The Proposed Ordinances will be advertised for Public Hearings.

**Council  
Members'  
Comments**

**Council Members' Comments**

Mrs. Deaver commented on the Paramedic Station construction on Plantation Road.

**M 643 16  
Go Into  
Executive  
Session**

At 3:04 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session to discuss matters relating to pending litigation and land acquisition.

**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 3:09 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 pending litigation and land acquisition. The Executive Session concluded at 4:04 p.m.

**M 644 16**      **At 4:05 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett,**  
**Reconvene**      **to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:      5 Yeas.**

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

**There was no action on Executive Session matters.**

**M 645 16**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at**  
**Adjourn**      **4:06 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.}*