

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 13, 2015**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 13, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 509 15  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to approve the Agenda, as posted.

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 September 29, 2015 were approved by consent.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on the definition of scrap tires and building permits for fences.

Dan Kramer commented on a Facebook post about him and a family member.

**Report on  
The Live  
Conference**

Sally Beaumont and Ruth Ann Beideman, Members of the Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County, presented information on the Annual LIVE Conference scheduled for October 21, 2015 from 9:00 a.m. to 2:15 p.m. at the CHEER Community Center on Sandhill Road in Georgetown, Delaware. For additional information and/or tickets, interested parties can visit the following website: <http://bitly.com/LIVE2015Conference>. The mission of The LIVE Conference is to improve the knowledge and understanding of services and techniques

**Report (continued)** that support seniors who want to live physically and financially safe and secure in their homes and communities. The focus of this year’s conference will be on transportation resources available to Sussex County’s seniors and citizens with disabilities.

**Employee Recognition Pickle Awards** Mr. Lawson reported that, beginning in 2015, the County embarked on the employee recognition campaign known as “Give Them the Pickle Program”. This is a program whereby employees who witness or experience other employees’ exceptional customer service can acknowledge those employees by notifying a manager. Additionally, when a County resident or customer provides kudos or thanks to an employee, a manager can use that as another method to give an employee a “Pickle”.

Mr. Lawson also reported that, during the first two quarters of 2015, over 120 employees received recognition. Two of the recipients had their names drawn for the first two quarters of 2015 and will receive trophies and a free vacation day. The First Quarter Winner was Bonnie O’Bier, Sussex County Paramedic, and the Second Quarter Winner was Al Yore, employee at the South Coastal Library. The Council recognized Ms. O’Bier and Mr. Yore and the other Pickle Award Winners in attendance.

**Wastewater Agreement** Mr. Lawson presented a wastewater agreement for the Council’s consideration.

**M 510 15 Execute Wastewater Agreement/ Americana Bayside Village C Phase 1B** A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 1015-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and CMF Communities, LLC for wastewater facilities to be constructed in Americana Bayside – Village C – Phase 1B, in the Fenwick Island Sanitary Sewer District.

**Motion Adopted:** 5 Yeas.

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

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

**1. Airfield Lighting Maintenance Training**

I am pleased to report that two members of our Engineering Department, David Wootten and Jason Horsman, recently completed the Airport Certified Employee (ACE) – Airfield Lighting Maintenance course provided by the American Association of Airport Executives (AAAE). The ACE-Airfield Lighting Maintenance program is an extensive curriculum based on FAA, U.S. military, and international

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

recommendations. The course provides detailed electrical theory and proven maintenance techniques, while educating and challenging airport personnel like David and Jason. The course requires a lot of work and they put a lot of effort into successfully completing the program. The ACE designation is a prestigious one – congratulations to David and Jason who are now part of an elite group of airfield lighting professionals.

**2. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, The Overlook (aka Bayville Pointe) and The Overlook (aka Bayville Pointe), Phase 2A, received Substantial Completion effective September 30<sup>th</sup>.

(Mr. Wootten and Mr. Horsman were in attendance and were recognized by the Council for their accomplishments.)

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

**Sheriff's  
Office  
Update**

Sheriff Robert Lee presented an office update: topics of discussion included staff, streamlined office operations, documents served, Sheriff sales, certification and training for constable positions, and community relations.

**Report on  
Receipt of  
Public  
Comments/  
CZ 1769 &  
CU2012**

Lawrence Lank, Director of Planning and Zoning, commented on the status and record of Change of Zone No. 1769 and Conditional Use No. 2012, filed on behalf of Ocean Atlantic Communities, LLC. Mr. Lank stated that, on May 5, 2015, the Council held a public hearing on this application. At the conclusion of the public hearing, Council requested additional information from DNREC and DelDOT; on that date, action was deferred and the record was left open for the purpose of having specific points answered by staff, DNREC and DelDOT.

On August 4, 2015, Mr. Lank reported to Council that a response was received from DNREC Site Investigation and Restoration Section and from DelDOT. On that date, it was noted that the public would be given the opportunity to comment on the information submitted and the public was given a 15 day period of time, until August 19, to submit written comments pertaining to the information submitted to Council.

Mr. Lank reported that, prior to the August 19th deadline, correspondence was received from Bill Gregg, a resident on Tulip Drive; and James A. Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A.; and W. Zachary Crouch, Professional Engineer with Davis Bowen & Friedel, Inc. on behalf of the applicants.

Mr. Lank noted that these applications can now be placed on a future agenda for a decision.

**M 511 15  
Close  
Record  
CZ 1769**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to close the record on Change of Zone No. 1769 filed on behalf of Ocean Atlantic Communities, LLC.**

**Motion Adopted: 5 Yeas.**

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

**M 512 15  
Close  
Record  
CU 2012**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to close the public record on Conditional Use No. 2012 filed on behalf of Ocean Atlantic Communities, LLC.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CU 2014**

**Under Old Business, the Council considered Conditional Use No. 2014 filed on behalf of Jay Beach.**

**The Planning and Zoning Commission held a Public Hearing on this application on April 9, 2015 at which time action was deferred. On April 23, 2015, the Commission recommended that the application be approved with conditions.**

**The County Council held a Public Hearing on this application on May 19, 2015 at which time action was deferred for additional information, which has been received and reported.**

**M 513 15  
Adopt  
Ordinance  
No. 2420/  
CU 2014**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2420 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND SITE WORK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2594 ACRES, MORE OR LESS" (Conditional Use No. 2014) filed on behalf of Jay Beach, with the following conditions:**

- a. The residence must be located in front of all accessory buildings on the property. No accessory buildings or storage areas shall be located forward of the rear wall of the residence.**
- b. As stated by the Applicant, he will reside on this property during the operation of this use. The Applicant provided testimony that it will be operated much like a home occupation. As a result, the Conditional Use shall expire if the Applicant no longer resides at the property.**

**M 513 15  
Adopt  
Ordinance  
No. 2420/  
CU 2014  
(continued)**

- c. All equipment, machinery and vehicles associated with the business must be kept inside a wood or vinyl fenced and locked area so that it is screened from view of neighboring or adjacent properties and roadways.
- d. In addition to being located behind the residence, all equipment, storage and service buildings shall be constructed in the middle and northeast corner of the property away from the neighbors to the South as illustrated by the Applicant and be at least 200 feet from Beaver Dam Road. These structures must also be enclosed within the fenced area.
- e. There shall not be any dirt, tree stumps, stones, mulch, or other materials stored on the property.
- f. There shall not be any retail sales conducted from the property.
- g. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.
- h. There shall not be any storage of junked, inoperable, unregistered or untitled vehicles or equipment on the property.
- i. Any security lighting on the property shall be downward screened so that it does not shine on neighboring properties or roadways.
- j. All equipment repairs and maintenance must be performed inside of a structure on the premises.
- k. All parking areas for employees shall be shown on the Final Site Plan and clearly marked on the site.
- l. All areas for parking equipment must be shown on the Final Site Plan and clearly marked on the site within the fenced-in area.
- m. All oils, fluids, hazardous substances, etc. associated with the business must be stored inside of a structure and disposed of in accordance with the applicable laws and regulations.
- n. The project shall be subject to all DelDOT entrance and roadway improvement requirements.
- o. A revised Preliminary Site Plan must be submitted to the Planning and Zoning Commission depicting these conditions of approval or noting them upon it.
- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**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**

**Proposed  
Herring  
Creek SSD/  
Request  
to Post  
Notices**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for a public meeting to establish a boundary for the Proposed Herring Creek Sanitary Sewer District. On January 7, 2014, the County Council granted permission to circulate petitions on the question of establishing a sanitary sewer district; the result was 177 petitions in favor and 5 opposed. Mr. Ashman reported that they have been working every angle to get the best funding for the project as the proposed boundary at**

(continued) this time is very large and the lots are large as well, which drives the cost higher. Mr. Ashman reported that the Engineering Department will need to re-evaluate the costs once the final boundary is established.

**M 514 15**  
**Grant**  
**Permission**  
**to Post**  
**Notices/**  
**Proposed**  
**Herring**  
**Creek SSD**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based on the receipt of petitions submitted pursuant to 9 Del.C. §6503, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for a public meeting to establish a boundary for the Proposed Herring Creek Sanitary Sewer District.

**Motion Adopted: 5 Yeas.**

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

**Proposed**  
**Winding**  
**Creek**  
**Village**  
**Water**  
**District/**  
**Request**  
**to Post**  
**Notices**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for a public meeting to establish the boundaries for a water district for the Proposed Winding Creek Village Water District. Mr. Ashman noted that this is the area where DHSS has been monitoring wells and reported many with high nitrates and chloride, possibly from salt water intrusion. On January 7, 2014, the County Council granted permission to circulate petitions on the question of establishing a water district; the result was 90 petitions in favor and 0 opposed. Mr. Ashman reported that they have been working every angle to get the best pricing for the project as the proposed boundary contains large lots. He stated that the Department is looking into buying contract bulk water from Tidewater and, possibly looking to them for operations and maintenance. Mr. Ashman noted, however, that it would still be a County water district. Mr. Ashman reported that the Engineering Department will need to re-evaluate the costs once the final boundary is established.

**M 515 15**  
**Grant**  
**Permission**  
**to Post**  
**Notices/**  
**Proposed**  
**Winding**  
**Creek**  
**Water**  
**District**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the receipt of petitions submitted pursuant to 9 Del.C. §6503, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for a public meeting to establish a boundary for the Proposed Winding Creek Village Water District.

**Motion Adopted: 5 Yeas.**

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

**Rehabilitate**  
**Taxiway A**  
**(South)**  
**Project/Bal**  
**C/O**

Helen Naylor, Project Engineer, presented a Balancing Change Order for the Rehabilitate Taxiway A (South) Project, Sussex County Project No. 14-14. The previous change order reduced the contract amount by \$40,042.25. This Balancing Change Order adjusts all quantities to their final amounts and further reduces the contract amount by \$16,273.98 for a total reduction

(continued) of \$56,316.23. This results in a final construction cost of \$476,989.62. Ms. Naylor noted that the project started on April 13, 2015 and was substantially complete on May 8, 2015.

**M 516 15** A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon  
**Approve** the recommendation of the Engineering Department, that Final Change  
**Final** Order No. 2 for Contract No. 14-14, Rehabilitate Taxiway A (South) be  
**Change** approved, which decreases the contract amount by \$16,273.98 for a new  
**Order for** total of \$476,989.62.  
**Rehabilitate**

**Taxiway A** Motion Adopted: 5 Yeas.  
**(South)**

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

**Grant**  
**Request** Mrs. Jennings presented a grant request for the Council's consideration.

**M 517 15** A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give  
**Council-** \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to Nemours for  
**manic** the annual Sussex Outdoors Summit and two-day family festival.  
**Grant**

Motion Adopted: 5 Yeas.

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

**Introduction** Mr. Wilson introduced the Proposed Ordinance entitled "AN  
**of Proposed** ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN  
**Ordinance** AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND  
APPLICATION OF BIO-SOLIDS AS AGRICULTURAL FERTILIZER  
FOLLOWING DNREC APPROVAL TO BE LOCATED ON CERTAIN  
PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED,  
SUSSEX COUNTY, CONTAINING 203.0 ACRES, MORE OR LESS"  
(Conditional Use No. 2035) filed on behalf of Synagro Central, LLC (Tax  
I.D. No. 133-3.00-4.00 and 133-7.00-1.00, 4.00, 11.00 and 12.10 (all of or  
parts of) (911 Address: None Available).

The Proposed Ordinance will be advertised for Public Hearing.

**Council** Council Members' Comments  
**Members'**

**Comments** Mrs. Deaver complimented DelDOT on the new intersection on Plantation  
Road.

Mr. Cole commented on the term "rehabilitating" as it pertains to  
rehabilitating the airport runway.

**M 518 15**            **At 11:41 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing issues relating to land acquisition.**  
**Go Into**  
**Executive**  
**Session**

**Motion Adopted:    5 Yeas.**

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

**Executive**            **At 11:44 a.m., an Executive Session of the Sussex County Council was held**  
**Session**            **in the Basement Caucus Room to discuss matters relating to land**  
**acquisition. The Executive Session concluded at 12:10 p.m.**

**M 519 15**            **At 12:12 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett,**  
**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:    Mrs. Deaver, Absent; Mr. Cole, Absent;**  
**Mr. Arlett, Yea; Mr. Wilson, Yea;**  
**Mr. Vincent, Yea**

**E/S Action**            **There was no action on Executive Session matters.**

**M 520 15**            **At 12:13 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett,**  
**Recess**                **to recess until 1:30 p.m.**

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

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

**M 521 15**            **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene**  
**Reconvene**            **the meeting at 1:31 p.m.**

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

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

**Rules**                **Mr. Moore read the Rules of Procedure for County Council meetings.**

**Mr. Arlett and Mr. Wilson joined the meeting.**



**Public  
Hearing/  
CZ 1784**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.9 ACRE, MORE OR LESS” (Change of Zone No. 1784) filed on behalf of Marlene C. Stebelsky (Tax Map I.D. No. 133-16.00-57.00) (911 Address: 12 Heritage Lane, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on September 10, 2015 at which time the Commission recommended that the application be approved.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated September 10, 2015.)**

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

**Mr. Lank distributed Exhibit Books which were previously provided by the Applicant.**

**The Council found that David Hutt, Attorney for the Applicant, and Susan Mills, Realtor, were present on behalf of the application. They provided information on the reasons for the application to downzone; the history of the zoning of the site and the area; and the zoning of the adjacent property, which is MR Medium Density Residential.**

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

**M 522 15  
Adopt  
Ordinance  
No. 2421/  
CZ 1784**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2421 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.9 ACRE, MORE OR LESS” (Change of Zone No. 1784) filed on behalf of Marlene C. Stebelsky.**

**Motion Adopted: 5 Yeas.**

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

**History/  
Zoning  
Maps**

**Mr. Lank referenced and explained the zoning maps that were created in 1971, on which the above mentioned property was zoned commercial.**

**Comment/  
No Conflict/  
CZ 1786**

**In regards to the Public Hearing on Change of Zone No. 1786, Everett Moore, Attorney, stated for the record that he does not represent, nor has he ever represented, Wilson Baker, Inc.; however, he does represent and has represented an entity that one of the principals of Wilson Baker, Inc. are part of and that it has nothing to do with this property or anything concerning Wilson Baker.**

**Public  
Hearing/  
CZ 1786**

**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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Change of Zone No. 1786) filed on behalf of Wilson Baker, Inc. (Tax Map I.D. No. 230-26.00-40.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on September 10, 2015 at which time the Commission recommended that the application be approved.**

**(See the minutes of the Planning and Zoning Commission dated September 10, 2015.)**

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

**The Council found that Matt Baker, one of the owners of the property, was present with Mark Davidson of Pennoni Associates, Inc. on behalf of the application. They provided information on the reasons for the application for rezoning, the immediately adjacent property which is owned by the Applicant and improved by a convenience store/Exon gas station; the proposed use of the subject property to expand the convenience store use; other uses and zonings in the area; and the intent to combine the two properties to create a larger property so that they can enlarge the convenience store facility. They noted that the existing convenience store property has an on-site well and is connected to the Ellendale Sanitary Sewer District; that they will use the existing well on the Exon station site for the subject property; and that the subject site will need to be annexed into the Ellendale Sanitary Sewer District. They also noted that no Traffic Impact Study is required by DelDOT.**

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

**M 523 15  
Adopt  
Ordinance  
No. 2422/  
CZ 1786**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2422 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**

**M 523 15  
(continued)**

**OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Change of Zone No. 1786) filed on behalf of Wilson Baker, Inc.**

**Motion Adopted: 5 Yeas.**

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

**Mr. Moore noted that the next two Public Hearings would be heard together.**

**Public  
Hearing/  
CZ 1783  
and  
CU 2028**

**A Public Hearing was held on the Proposed Ordinances entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS” (Change of Zone No. 1783) and “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS” (Conditional Use No. 2028) filed on behalf of Cauthen Ventures DE, LLC. (Tax Map I.D. No. 533-12.00-100.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on these applications on September 10, 2015 at which time action was deferred.**

**(See the minutes of the Planning and Zoning Commission dated September 10, 2015.)**

**Lawrence Lank, Director of Planning and Zoning, presented a summary of the Commission’s Public Hearing on these applications.**

**The Council found that James Fuqua, Attorney, was present with Jason Palkewicz, Professional Engineer, and Frank Kea, Landscape Architect with Solutions IPEM, on behalf of the application. They gave a presentation on the application and provided information on: the proposal for a residential community (The Grove) containing 61 townhome dwelling units; the rezoning application which would allow for the proposed unit types; the status of the wetlands and the non-disturbance of those areas; other zonings and residential developments in the area; roads, streetlights, curbing, bike/pedestrian lane, community gathering area; open space; stormwater, and compliance with the County’s Comprehensive Plan.**

**Public  
Hearing/  
CZ 1783  
and  
CU 2028  
(continued)**

**Mr. Fuqua stated that the proposed rezoning is an infill area; that DeIDOT determined that no Traffic Impact Study is required; that there will be no access to Bayshore Drive and they are agreeable to terminating the Access Agreement; and that the only entrance will be from Route 54.**

**There were no public comments in support of the application.**

**Public comments were heard in opposition to the application.**

**Chad Toms of Whitefield, Taylor & Preston was present on behalf of the Bayville Shores Homeowners Association to discuss the residents' concerns regarding the proposed increase in density which will affect the traffic that might access Bayville Shores Road as well as any storm and surface water that may travel on or through its property. Mr. Toms commented on a roadway agreement that was put in place over a privately owned roadway when the community was under developer control and he stated that in regards to the stormwater management and surface water, Bayville Shores Drive, which accesses Route 54, has certain ponding of water and what they consider to be a failing stormwater management system; that the Bayville Shores Homeowners Association has been invited by Swann Keys to participate in a request for funding for studies to address some of the run-off problems; that the community has retained its own engineer but has not yet received a report; that they are seeking a condition that the proposed development have no adverse impact upon Bayville Shores; and that they ask that the record for this Public Hearing be left open so they can obtain their engineering report and submit the report to the Council. Mr. Toms noted that their engineer was not retained until after the Public Hearing before the Planning and Zoning Commission.**

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

**Mr. Arlett and Mr. Lank commented on the fact that the Sussex Conservation District has the final authority over stormwater management.**

**M 524 15  
Defer  
Action on  
CZ 1783**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS" (Change of Zone No. 1783) filed on behalf of Cauthen 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**

**M 525 15  
Defer  
Action on  
CU 2028**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS” (Conditional Use No. 2028) filed on behalf of Cauthen Ventures DE, LLC**

**Motion Adopted: 5 Yeas.**

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

**M 526 15  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:37 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.}*