

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 29, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 29, 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
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Councilwoman Deaver was absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 698 16
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 15, 2016 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**THE ARK OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**WEST REHOBOTH CHILDREN & YOUTH PROGRAM, REHOBOTH,
DELAWARE.
RE: Letter in appreciation of grant.**

**LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**GENERATIONS HOME CARE, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

Corre-
Spondence
(continued)

MENTAL HEALTH ASSOCIATION OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

CAPE HENLOPEN SENIOR CENTER, REHOBOTH, DELAWARE.

RE: Letter in appreciation of grant.

KENT-SUSSEX INDUSTRIES, MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

LEWES SENIOR CENTER, LEWES, DELAWARE.

RE: Letter in appreciation of grant.

RONALD MCDONALD HOUSE OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE SPCA, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE GUIDANCE SERVICES, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

CANCER SUPPORT COMMUNITY, REHOBOTH, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE HOSPICE, MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

ITN SOUTHERN DELAWARE, MILTON, DELAWARE.

RE: Letter in appreciation of grant.

Public
Comments

Public Comments

Paul Reiger referenced definitions (zoning), and he stated that definitions do not pertain to the Land Use Plan and that the Council has to address them. Mr. Reiger played a segment of an audio recording of a Planning and Zoning Commission meeting and, specifically, comments made by Commissioner Marty Ross relating to the Comprehensive Plan and ordinance related changes. Mr. Reiger submitted a handout entitled “FAQ – Sheds and Detached Garages” from New Castle County Department of Land Use.

Mr. Reiger also commented on the County’s proposed pension changes and suggested putting additional information on the website.

Mr. Vincent asked Mr. Reiger to submit a list of definitions he is concerned with.

Public Comments (continued) Dan Kramer referenced the Sussex County Code and the Comprehensive Land Use Plan, stating that they are two different things, i.e. commercial zoning is a code change and not a Land Use Plan change.

Kathleen Baker thanked the Council and County staff for allowing the residents of Sterling Crossing to participate in the deliberations on the Arbor Lyn application.

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

Wastewater Agreement No. 984-11
Sussex County Project No. 81-04
Coastal Club – Land Bay 4 – Phase 2
Goslee Creek Planning Area

Wastewater Agreement No. 866-8
Sussex County Project No. 81-04
Lewes Crossing (AKA Deep Valley Farm) – Phase 6
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Motion Adopted: 4 Yeas, 1 Absent.

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

Library/ New Website Launch Kathy Graybeal, County Librarian, and Jill DiPaolo, Digital Services Librarian, were in attendance to unveil the County’s new library website, a virtual “library without walls”; a place where residents can go at any time or place and receive most if not all of the services that the “brick and mortar” libraries provide. Ms. DiPaolo highlighted the website’s numerous online features. The new website address is sussexlibraries.org.

State/ County Finance & Revenue Committee Update Mr. Lawson provided an update on the meetings of the State/County Finance & Revenue Committee. At the most recent meeting, the Committee discussed the State’s budget and status, and the Committee has requested that the Counties present their current budget status and historic perspective. At the next meeting of the Committee on December 7th, each of the three counties will make a presentation on their budget status.

Public Hearing/ Proposed Ordinance/ Pension Benefits A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”. The Proposed Ordinance was introduced on November 1, 2016; the County’s Personnel Board has recommended approval of the changes incorporated in the Proposed Ordinance. Mrs. Jennings reviewed the two major (proposed) changes to pension calculations.

**Public Hearing/
Proposed Ordinance/
Pension Benefits
(continued)**

Public comments were heard.

Dan Kramer commented on action taken by the Personnel Board. He noted that the Pension Board information has not been placed on the County website and that action taken by the Board is not incorporated in the Proposed Ordinance nor is it attached thereto.

Mrs. Jennings responded that the referenced action of the Personnel Board is included in the Introduced Ordinance, which was included in the packet for this meeting. The wording “For those covered employees HIRED AFTER JULY 1, 2000” is included in §26-7 Computation of Benefits, Section A.

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

**M 699 16
Adopt Ordinance
No. 2476**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2476 entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Proposed 2017
Holiday
And
Council
Schedules**

Mr. Lawson presented the proposed Sussex County 2017 Schedule:

HOLIDAY SCHEDULE

New Year’s Day	January 2 (Monday)
Martin Luther King, Jr. Day	January 16 (Monday)
Good Friday	April 14 (Friday)
Memorial Day	May 29 (Monday)
Independence Day	July 4 (Tuesday)
Labor Day	September 4 (Monday)
Veterans Day	November 10 (Friday)
Thanksgiving	November 23 (Thursday)
	November 24 (Friday)
Christmas	December 25 (Monday)
	December 26 (Tuesday)

The County grants two floating holidays to eligible employees per calendar year in accordance with the Floating Holiday Policy.

**Proposed
2017
Holiday
And
Council
Schedules
(continued)**

COUNCIL – NO MEETING DATES

**JANUARY 17
FEBRUARY 28
MARCH 21
APRIL 4
APRIL 18
MAY 2
MAY 30
JULY 4
JULY 11
AUGUST 15
SEPTEMBER 5
SEPTEMBER 12
OCTOBER 17
NOVEMBER 21
DECEMBER 19
DECEMBER 26**

**M 700 16
Approve
2017
Holiday
Schedule
and
Council
Meeting
Schedule**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Council approves the 2017 holiday schedule and the 2017 County Council meeting schedule, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Adminis-
trator’s
Report**

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

A. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Peninsula Lakes – Phase 1 (Construction Record) for force main and pump station only, effective November 7th; Ocean View Beach Club – Phase 2A, effective November 14th; The Estuary – Phase 1A-1 (Construction Record), effective November 15th; Vincent Overlook – Phase 5, effective November 17th, and Johnsons Glade – Agreement No. 1030, effective November 22nd.

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

**Commercial
Zoning
Presenta-
tion**

Janelle Cornwell, Planning and Zoning Director Appointee, and Vince Robertson, Assistant County Attorney, presented information on the Commercial Zoning Expansion Initiative, an initiative to address the following problems: no predictability within the commercial zones, too few

Commercial Zoning Presentation (continued) commercial zone categories, too many permitted uses, and a one size fits all approach to commercial development. Ms. Cornwell discussed possible additional commercial zones. Council raised questions and a discussion was held, including a discussion on the steps in the process before a draft ordinance is brought to Council; Mr. Cole suggested that workshop be held.

North Coastal Planning Area/ Contract Amendment Hans Medlarz, County Engineer, presented Contract Amendment No. 9 to the Contract with Whitman, Requardt & Associates, LLP for the North Coastal Planning Area – Chapel Branch Area of the Sussex County Unified Sanitary Sewer District (encompassing Chapel Green, Oak Crest Farms, and properties in between). Amendment No. 9, in a “not to exceed” amount of \$69,417.00, is for Chapel Branch’s Preliminary Engineering Report, Environmental Review, and Aerial Mapping.

M 701 16 Approve Contract Amendment for North Coastal Planning Area/Oak Crest Farms & Chapel Green A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 9 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt & Associates, LLP be approved in the amount not to exceed \$69,417.00 for Oak Crest Farms and Chapel Green Preliminary Engineering Report, Environmental Review and Aerial Mapping.

Motion Adopted: 4 Yeas, 1 Absent.

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

James Farm Grant/ Century Agreement Patti Deptula, Director of Special Projects, reported on a grant and an agreement for the James Farm Ecological Preserve. She reported that in June 2016, the County was awarded a \$37,500 matching grant for the James Farm property; this grant agreement is through the Delaware Land & Water Conservation Trust Fund. The James Farm is currently leased to the Delaware Center for the Inland Bays (CIB); the CIB, in conjunction with the County’s Engineering Department, and through the consultant selection process, requested public proposals to perform designated Professional Engineering design services for the implementation of items identified in the James Farm Master Plan, i.e. improved entrance and parking, site signage, boardwalk, etc. The consulting firm, Century Engineering, Inc., was selected from the process. The cost of the work under the proposal is \$74,969.10.

M 702 16 Award Project/ James Farm A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 16-17, James Farm Ecological Preserve Master Plan Implementation Professional Engineering Services, be awarded to Century Engineering, Inc. for the proposal amount of \$74,969.10.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

**M 702 16
(continued)**

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

**Old
Business/
CU 2046**

The Council discussed Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc. The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2016 at which time action was deferred; on April 14, 2016, the Commission recommended that the application be approved for the following reasons and with the following conditions:

- 1. The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.**
- 2. The development will be consistent with surrounding developments that include other multi-family uses.**
- 3. The development will not adversely affect neighboring properties, roadways or communities.**
- 4. The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.**
- 5. The multi-family development will be served by central sewer provided by Sussex County.**
- 6. The multi-family development will be served by central water.**
- 7. The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.**
- 8. The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.**
- 9. This recommendation is subject to the following:**
 - A. There shall be no more than 202 units within the development. As proffered by the Applicant, this shall include a minimum of at least 60 single family units.**
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.**
 - D. All entrances and roadway improvements shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.**
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.**

**Old
Business/
CU 2046
(continued)**

- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.**
- H. The project shall be served by Sussex County sewer.**
- I. As proffered by the Applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.**
- J. As proffered by the Applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.**
- K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.**
- L. The application shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.**
- M. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.**
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Also, on April 14, 2016, the Commission recommended approval of Change of Zone No. 1796 filed on behalf of Lockwood Design and Construction, Inc.

It was noted that Change of Zone No. 1796 and Conditional Use No. 2046 were filed at the same time and Public Hearings held on the same dates.

The County Council held a Public Hearing on this application on June 14, 2016 [at the same time as the Applicant's change of zone application (Change of Zone No. 1796)]. On that date, action was deferred on both applications. On September 20, 2016, the Council approved Change of Zone No. 1796 and deferred action again on Conditional Use No. 2046.

The Council discussed Conditional Use No. 2046, including the surrounding communities and their zonings and densities.

**M 703 16
Amend
Proposed
Reasons
for
Approval/
Condition
CU 2046**

A Motion was made by Mr. Cole to amend Proposed Reason No. 7 to read as follows: The proposed development at a density of approximately 4 units per acre is consistent with surrounding densities and is appropriate for this location.; and, to amend Proposed Reason and Condition 9A to read as follows: This recommendation is subject to the following: There shall be no more than 141 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.

Mr. Vincent passed the gavel to Mr. Wilson and Seconded the Motion.

DEFEATED

Motion Defeated: 2 Yeas, 2 Nays, 1 Absent.

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

Mr. Wilson passed the gavel to Mr. Vincent.

**M 704 16
Amend
Proposed
Reasons
for
Approval/
Condition
CU 2046**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend Proposed Reason No. 7 to read as follows: The proposed development at a density of approximately 4.5 units per acres is consistent with surrounding densities and is appropriate for this location.; and, to amend Proposed Reason and Condition 9A to read as follows: This recommendation is subject to the following: There shall be no more than 159 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.

DEFEATED

Motion Defeated: 2 Yeas, 2 Nays, 1 Absent.

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

Mr. Vincent suggested tabling action on this application until a full Council is in attendance.

**M 705 16
Defer
Action on
CU 2046**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action for one week on Conditional Use No. 2046.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Requests**

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

M 706 16

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$650.00 from Mr. Cole's Councilmanic Grant Account to Cape Henlopen Senior

- M 706 16 Councilmanic Grant (continued)** **Center for their building fund fundraiser.**
Motion Adopted: **4 Yeas, 1 Absent.**
Vote by Roll Call: **Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- M 707 16 Councilmanic Grant** **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Sussex County Foster Parent Cluster Association for an event for foster families.**
Motion Adopted: **4 Yeas, 1 Absent.**
Vote by Roll Call: **Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- M 708 16 Councilmanic Grant** **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$700.00 from Mrs. Deaver's Councilmanic Grant Account to the Milton Historical Society for program expenses.**
Motion Adopted: **4 Yeas, 1 Absent.**
Vote by Roll Call: **Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- M 709 16 Councilmanic Grant** **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Arlett's and Mr. Vincent's Councilmanic Grant Accounts) to the Good Samaritan Aid Organization for community outreach.**
Motion Adopted: **4 Yeas, 1 Absent.**
Vote by Roll Call: **Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- Introduction of Proposed Ordinance** **Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WORKOUT STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21,962 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2069) filed on behalf of Rudolph Joseph Johnson (Tax I.D. No. 335-12.06-58.00) (911 Address: 34001 Clay Road, Lewes).**

The Proposed Ordinance will be advertised for Public Hearing.

M 710 16
Go Into
Executive
Session

At 12:02 p.m. a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Collective Bargaining and Land Acquisition.

Motion Adopted: 4 Yeas, 1 Absent.

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

Executive
Session

At 12:08 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 Collective Bargaining and Land Acquisition. The Executive Session concluded at 1:30 p.m.

M 711 16
Reconvene
Regular
Session

At 1:36 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 712 16
Negotiate
Contract/
Land
Acquisition

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to authorize the County Administrator and staff to negotiate and enter into a contract, and proceed to closing for a parcel of land (identified as Land 2015-4).

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules

Mr. Moore read the Rules of Procedure for Public Hearings.

Mr. Wilson joined the meeting.

Public
Hearing/
CU 2060

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 HEAVY EQUIPMENT STORAGE, TRUCKING AND CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.983 ACRES, MORE OR LESS” (Conditional Use No. 2060) filed on behalf of Shelby Trucking and Construction Company, Inc. (Tax I.D. No. 533-17.00-160.00) (911 Address: 37268 Hudson Road, Selbyville).

**Public
Hearing/
CU 2060
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on October 27, 2016 at which time the Commission recommended that the application be approved, with the following conditions:

- A. All maintenance shall be performed inside of buildings, with appropriate disposal of fluids and other waste materials.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Any dumpsters on the site shall be screened from view of neighboring properties or roadways.**
- D. The hours of operation for the trucking office are Monday through Saturday from 6:00 a.m. to 8:00 p.m., and Sunday from 9:00 a.m. to 5:00 p.m.**
- E. Heavy equipment hours of operation shall be from 7:00 a.m. through 5:00 p.m. Monday through Saturday, and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these areas may be extended.**
- F. 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 October 27, 2016.]

Janelle Cornwell, Planning and Zoning Director Appointee, read a summary of the Commission's Public Hearing and recommendation of approval.

It was noted that Exhibit Booklets were distributed to Council members.

The Council found that Mark Davidson of Land Tech Land Planning was present with Lisa Gray, owner/operator of Shelby Trucking and Construction Company, Inc. They described the history of the business and the activities on the site. They stated that the purpose of the application is to allow for the continuation of the non-conforming business use that has existed on the site for over 50 years; that the property is owned by Lisa Gray; that DelDOT did not require a Traffic Impact Study; that the Exhibit Booklet contains a PLUS Report; that the use is in character with the area; and that the use is consistent with the Comprehensive Plan.

Ms. Gray and Council members discussed the proposed hours of operation.

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

**M 713 16
Amend
Proposed
Conditions**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the conditions amending Condition D, as follows:

D. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 8:00 p.m. and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these hours may be extended.

and; by deleting Condition E, and re-numbering Condition F as Condition E.

M 713 16 **Motion Adopted: 4 Yeas, 1 Absent.**
(continued)

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

M 714 16
Adopt
Ordinance
No. 2477
(CU 2060)

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2477 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HEAVY EQUIPMENT STORAGE, TRUCKING AND CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.983 ACRES, MORE OR LESS” (Conditional Use No. 2060) filed on behalf of Shelby Trucking and Construction Company, Inc

- A. All maintenance shall be performed inside of buildings, with appropriate disposal of fluids and other waste materials.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Any dumpsters on the site shall be screened from view of neighboring properties or roadways.**
- D. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 8:00 p.m. and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these hours may be extended.**
- E. 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 Absent.

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

M 715 16
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:02 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

{An audio recording of this meeting is available on the County’s website.}