



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 2, 2010

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 2, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
Michael H. Vincent	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy Administrator
J. Everett Moore	County Attorney

Mr. Phillips called the meeting to order.

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

M 088 10
Amend
and
Approve
Agenda

A Motion was made by Mr. Vincent, seconded by Mr. Cole, to amend the Agenda by deleting "Airport Committee Appointment" and by deleting "Personnel and Pending/Potential Litigation" under "Executive Session"; and to approve the Agenda, as amended.

Approve
Minutes

Motion Adopted by Voice Vote.

Corre-
spondence

The minutes of January 19, 2010 were approved by consent.

Mr. Moore read the following correspondence:

CALVARY UNITED METHODIST CHURCH, MILFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

CAPE HENLOPEN FOOD BASKET, INC. NASSAU, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

DELAWARE ADOLESCENT PROGRAM, INC., SEAFORD, DELAWARE.

Corre-
spondence
(continued)

RE: Letter in appreciation of Human Service Grant.

DELAWARE ECUMENICAL COUNCIL ON CHILDREN AND FAMILIES, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

DELAWARE GUIDANCE SERVICES FOR CHILDREN & YOUTH, INC., WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

DELAWARE LIONS FOUNDATION, CAMDEN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

EL CENTRO CULTURAL, INC., GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

FAMILIES, INDIVIDUALS & COMMUNITIES CONFERENCE, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

FOOD BANK OF DELAWARE, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

LAUREL COMMUNITY FOUNDATION, INC., LAUREL, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MILFORD SENIOR CENTER, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

SUSSEX COMMUNITY CRISIS HOUSING SERVICE, INC., GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

SUSSEX COUNTY HABITAT FOR HUMANITY, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

SUSSEX PREGNANCY CARE CENTER, GEORGETOWN,

DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**Corre-
spondence
(continued)**

THE ARC OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

THE WAY HOME, INC., GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

THE WELLNESS COMMUNITY, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

YMCA OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**Caroling
on The
Circle
Food
Drive
Report**

Mr. Baker reported that over 24,000 food items were collected during the Caroling on The Circle Food Drive in December. The following schools, businesses and organizations were recognized for their generous donations:

Beacon Middle School	1,310 items
Benjamin Bannekar Elementary School	200 items
Colonial East and West	1,000 items
Delaware Manufactured Homeowners Association	4,100 items
First State Manufactured Housing Association	2,000 items
Fuqua and Yori, P.A.	900 items
General Public	1,000 items
Georgetown Elementary School	1,889 items
Georgetown Middle School	300 items
H. O. Brittingham Elementary School	2,000 items
Howard T. Ennis School	400 items
Milton Elementary School	3,000 items
North Georgetown Elementary School	1,433 items
PATS Aircraft	450 items
Punkin Chunkin Association/ Harley Davidson of Seaford	350 items
Selbyville Middle School	250 items
Southern Delaware School of the Arts	400 items
Sussex County Association of Realtors	1,200 items
Sussex County Council	1,000 items
Sussex County Employees	850 items

**Grant
Option
Proposal**

Mr. Baker presented a grant option proposal which would partially restore some of the grant reductions that occurred with the passage of the Budget in June. The County's estimated revenues over expenses for the six months ending December 31, 2009 was approximately \$556,000; this was an estimate and is subject to change with swings in the economy and it is especially susceptible to changes in the amount of realty transfer tax and

**Grant
Option
Proposal
(continued)**

other construction related revenue. Mr. Baker stated that one suggestion is for the County to partially restore the local law enforcement grants to the municipalities in an amount of \$5,000 each. This would bring each municipality up to \$20,000 for the year versus the Fiscal 2009 amount of \$25,000 each. The total cost of this proposal is \$105,000.

Mr. Phillips noted that this proposal is a result of a suggestion made by Mr. Cole during a discussion on the Fiscal Year 2010 Budget, at which time budget reductions were made. At that time, Mr. Cole suggested that the Council revisit the County's financial situation at a later date and consider restoring grant funding that was cut.

Mrs. Deaver suggested that consideration also be given to restoring a portion of the funding to the Sussex Conservation District.

Mr. Phillips responded that in August 2009, \$50,000 was restored to the Sussex Conservation District.

Mr. Phillips stated that Administration believes that restoring funding should be approached incrementally.

**M 089 10
Grant
Additional
Funding/
Local
Law
Enforce
ment
Grants**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to grant the Local Law Enforcement Grant Accounts for each municipality an additional \$5,000.00, totaling \$105,000.00; checks in the amount of \$5,000.00 can be immediately distributed to the municipalities.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Adminis-
trator's
Report**

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

1. Sheriff Contract

We are pleased to announce that the Sussex County Sheriff's Department has been awarded the contract to handle delivery of court documents for Family Court and the Division of Child Support. This contract went into effect on February 1, 2010. The contract for this work was previously held by a private Pennsylvania based company. The estimated net income from providing this service for the County is approximately \$80,000 per year.

2. Snowstorm – January 30-31 Weekend

We would like to thank County staff from Facilities Management and other departments who worked during the past weekend as a result of the snowstorm. We would especially like to thank Doug Stoakley, Johnny Moore, Ken Dunn, Barry Hitchens, Bob Witzke,

Adminis-
trator's
Report
(continued)

David Elliott, George Hunsicker, Terry Noon, Kyle Belle, Charlie McKinney, Pete Hazzard, Bobby Rogers, Bobby Schoonover, Bryan Murray, Brian Morley, and Joe King. County staff did an excellent job in cleaning snow on sidewalks, County parking lots, and the Airport runways over the weekend. This enabled County business to go on as usual on Monday, February 1.

3. Prescription Drug Card Report

As per the attached report, 6,762 prescriptions have been filled utilizing the Sussex County prescription drug card. This has resulted in an average price savings of \$15.11 per prescription, totaling \$255,048. This card is available in County offices, as well as via our website and many other locations. It is available for anyone to use.

4. Dog and Kennel Licenses Processed Since December 23, 2009

The County has collected \$11,980 to date, since December 23, 2009, for 772 dog licenses. Attached is a copy of an application form. Licenses may also be purchased on-line. March 1, 2010, is the due date for the purchase of licenses.

5. Utility Billing Amnesty Program Status

As per the attached notice, the amnesty program for 50 percent of interest charges for County sewer and water customers has been mailed to Dewey Beach, Bethany Beach, South Bethany, Fenwick Island, Blades, Henlopen Acres, Dagsboro-Frankford, Cedar Neck, Ocean View, Holts Landing, Ellendale, Bay View Estates, Millville, and South Ocean View customers. The program is ending for the Long Neck, Oak Orchard, and West Rehoboth districts. At this time over \$126,000 has been collected from 555 accounts that took advantage of the program. The program has saved our sewer and water customers a total of \$3,943 in interest charges to date.

6. Manufactured Housing Committee Meeting

The first meeting of the Manufactured Housing Committee appointed by the Sussex County Council will be held on Thursday, February 4, 2010, at 10:00 a.m. in Council Chambers. A copy of the agenda is attached.

7. Substantial Completion

The Engineering Department has granted Substantial Completion to the following projects:

- Hawkseye Regional Force Main (Phase 2B), Agreement No. 777-

1, was granted Substantial Completion on January 28, 2010. The developer is L. T. Associates, L.L.C., and the project is located in Lewes in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of a regional force main.

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

- Seagrass Plantation – Phase II-R1, Agreement No. 710, was granted Substantial Completion on January 29, 2010. The developer is Greenfield Partners, LLC, and the project is located on County Road 348, Irons Lane, in the Holts Landing Sanitary Sewer District, consisting of 55 single-family lots.

Included with this report is a fact sheet on each of the projects.

8. Ira Hitchens – Lifetime Fireman of the Year

Mr. Ira W. Hitchens, a County employee in the Constables' Office, was named the Georgetown Fire Company Lifetime Fireman of the Year at a January 25, 2010, meeting. We would like to congratulate Mr. Hitchens who is a life member of the fire company with 48 years of service as a volunteer.

(Attachments to the Administrator's Report are not attached to these minutes.)

**Notice
of Meeting/
Website**

In regards to the Manufactured Housing Committee meeting, Mrs. Deaver requested that notice of the next meeting of this Committee be placed on the County's website.

**Wastewater
Agreement**

Mr. Godwin presented a wastewater agreement for the Council's consideration.

**M 090 10
Execute
Wastewater
Agreement/
Windhurst
Manor,
Phase 3**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 838, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Millville Associates, LLC, for wastewater facilities to be constructed in Windhurst Manor, Phase 3", located in the Millville Expansion of the Bethany Beach, Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CDBG**

A Public Hearing was held on the development of a Community Development Block Grant Application, which is to be submitted to the Delaware State Housing Authority prior to February 25, 2010. The

Program **Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.**

Public Hearing/ CDBG Program (continued) **Mr. Lecates, Director of Sussex County Community Development & Housing, and Brad Whaley, Assistant Director, advised that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application. Mr. Lecates explained that the primary objective of the Community Development Program is the development of viable urban communities, including decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. It is also a primary objective to alleviate physical and economic distress through the stimulation of private investment and community revitalization in areas of population out-migration or a stagnating or declining tax base. Eligible applicants are units of general local governments in Sussex and Kent counties, the Kent County Levy Court and the Sussex County Council. Mr. Lecates reported that there is approximately \$2 million available for Sussex County, Kent County, and the municipalities. Seventy percent (70%) will be for housing rehab, demolition and code enforcement and thirty percent (30%) will be for infrastructure projects, with a priority towards housing rehabilitation. There is a fifty percent (50%) match for administration required; administration of the grants is provided by the County's Community Development & Housing Department. Mr. Lecates reviewed the program eligibility requirements which are based on family size and income. He noted that the average grant per homeowner is \$15,000.00 (CDBG) and \$3,000.00 (HPG).**

Mr. Lecates reviewed a draft Resolution that listed the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

Application No. 1:

Scatter Site	\$ 390,000	Housing Rehabilitation
Scatter Site Hookups - Pinetown, Ocean View, Millville	63,000	Hook-ups/Sewer & Water
Mt. Joy	100,000	Housing Rehabilitation
Coverdale Crossroads	90,000	Housing Rehabilitation
Oak Orchard	100,000	Housing Rehabilitation
West Rehoboth	100,000	Housing Rehabilitation/
Rural Selbyville – Pollybranch	100,000	Housing Rehabilitation
Administration	<u>157,000</u>	
Total	\$1,100,000	

Application No. 2:

Public Hearing/ CDBG Program (continued)	Blades	\$ 80,000	Housing Rehabilitation
	<u>Application No. 3:</u>		
	Bridgeville	\$ 140,000	Housing Rehabilitation
		\$ 40,000	Demo
	<u>Application No. 4:</u>		
	Ellendale	\$ 80,000	Housing Rehabilitation
	<u>Application No. 5:</u>		
	Georgetown	\$ 261,200	Infrastructure
	<u>Application No. 6</u>		
	Greenwood	\$ 80,000	Housing Rehabilitation
	<u>Application No. 7</u>		
	Laurel	\$ 180,000	Housing Rehabilitation
	<u>Application No. 8:</u>		
	Milford	\$ 180,000	Housing Rehabilitation
	<u>Application No. 9:</u>		
	Milton	\$ 180,000	Housing Rehabilitation
	<u>Application No. 10:</u>		
	Seaford	\$ 180,000	Housing Rehabilitation
	<u>Application No. 11:</u>		
	Selbyville	\$ 180,000	Housing Rehabilitation

Mr. Whaley reported that, in 2009, the County received \$1,155,000 in Community Development Block Grant HOME funding and \$280,000 in stimulus funding for weather related projects. Over the past ten years, the County has received \$17,900,000 in CDBG funding and has assisted over 1,400 households.

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

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt

M 091 10
Adopt
R 010 10

Resolution No. R 010 10 entitled “RECOGNIZING THE IMPORTANCE OF FAIR HOUSING FOR THE CITIZENS OF SUSSEX COUNTY”.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 091 19
(continued)

M 092 10
Adopt
R 011 10

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to Adopt Resolution No. R 011 10 entitled “ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING DAVID B. BAKER, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS”.

Motion Adopted: 4 Yeas, 1 Absent.

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

Perimeter
Fence
Project/
C/O

Jim Hickin, Director of Airport and Industrial Park Operations, presented a Balancing Change Order for the Perimeter Fence, Phase II, Project at the Sussex County Airport. He stated that this represents the close out of the construction phase of the project.

M 093 10
Grant
Substantial
Completion
and
Approve
Balancing
C/O for
Airport
Perimeter
Fence
Project

A Motion was made by Mr. Cole, seconded by Mr. Vincent, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion, effective July 14, 2009 to Abel Fence, LLC for Sussex County Project No. 08-02, Perimeter Fence, Phase II, and further, that Balancing Change Order No. 2 be approved in the credit amount of \$7,725.45, thereby decreasing the contract amount to \$81,510.06 and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 4 Yeas, 1 Absent.

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

Artisans
Bank
Annexation/
West
Rehoboth
Expansion

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for a Public Hearing on the annexation of a parcel of land (Artisans Bank) in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and including two portions of a roadway. The area to be annexed is located on the south side of Route 24 adjoining the existing Beebe Medical Center and the West Rehoboth Sewer District boundary. The parcel consists of approximately 1.77 acres and the total acreage is 2.74

of the
DBSSD

acres including the roadways. Mr. Ashman reported that there is adequate sewer capacity for the project. It was noted that the County Council approved a Conditional Use on January 16, 2007 for the larger parcel; however, this request is for Phase I, which is the bank project. If approved, the Public Hearing would be held on March 23, 2010 at 11:00 a.m.

(continued)

M 094 10
Prepare
and Post
Notices/
West
Rehoboth
Expansion
of the
DBSSD/
Artisans
Bank

A Motion was made by Mr. Cole, seconded by Mr. Vincent, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to include a parcel of land, as presented on this date. (Artisans Bank Annexation)

Motion Adopted: 4 Yeas, 1 Absent.

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

M 095 10
Recess
Regular
Session/
Go Into
Executive
Session

At 10:52 a.m., a Motion was made by Mr. Vincent, seconded by Mr. Cole, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to land acquisition.

Motion Adopted: 4 Yeas, 1 Absent.

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

Executive
Session

At 10:53 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to land acquisition. The Executive Session concluded at 11:09 a.m.

M 096 10
Reconvene
Regular
Session

At 11:10 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

There was no action necessary on Executive Session items.

M 097 10
Recess

At 11:11 a.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to recess until 1:30 p.m.

Motion Adopted by Voice Vote.

**M 098 10
Reconvene**

At 1:30 p.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to reconvene.

Motion Adopted by Voice Vote.

**Public
Hearing
C/U
No. 1809**

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 PRODUCE STAND / MARKET AND FULL SERVICE MEAT MARKET / BUTCHER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS” (Conditional Use No. 1809) filed on behalf of Curtis McDonald.

The Planning and Zoning Commission held a Public Hearing on this application on January 14, 2010 at which time they recommended approval with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated January 14, 2010.)

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

Curtis McDonald was present on behalf of his application with Mark Davidson of Design Consultants Group, LLC. Mr. Davidson stated that they are proposing a produce stand and full service meat market; that the existing building has been utilized historically for a store, flea market, and cycle shop; that other commercial uses in the area include a pre-school and nursery and a tire center; that they are proposing to remove all of the structures on the property and to build a 4,000 square foot building for the produce stand, the meat market and a storage area between the two (2) units; that Mr. McDonald has been a meat cutter for approximately 26 years; that they are proposing a family operated business with other employees; that approximately six to eight jobs will be created; that they have been working with DelDOT on the entrance design; that a new entrance is proposed and will include a multi-modal path which will be contracted when required by DelDOT; that all the concrete paving and curbing near the highway will be removed and a new entrance constructed; that an on-site septic system is proposed since no central sewer exists in the area; and that this site is located south of and across U.S. Route 113 from the Wilson Auction site.

Public comments were heard.

Dan McClain who lives adjacent to the subject property, spoke in support of the application.

The Public Hearing was closed.

**M 099 10
Adopt
Ordinance
No. 2100
M 099 10
Adopt
Ordinance
No. 2100
(C/U
No. 1809)
(continued)**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to Adopt Ordinance No. 2100 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRODUCE STAND / MARKET AND FULL SERVICE MEAT MARKET / BUTCHER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS” (Conditional Use No. 1809) filed on behalf of Curtis McDonald, with the following conditions:

- 1. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., seven days per week.**
- 2. All loading areas, storage areas, and trash container areas shall be screened with a six foot high privacy fence and landscaping.**
- 3. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT and within the time periods required.**
- 4. Potable drinking water shall be provided.**
- 5. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with all applicable State and County requirements and shall be operated utilizing Best Management Practices to provide positive groundwater recharge.**
- 6. The site shall have one non-illuminated on-premises sign of which the sign shall not exceed 32 square feet on any side or facing, identifying the uses permitted on the premises.**
- 7. Parking lot and security lighting will be provided and will have downward illumination and shielding so that no illumination will encroach over any property line.**
- 8. A landscaping plan will be provided as a part of the Final Site Plan.**
- 9. The location of outside displays of goods for sale shall be shown on the Final Site Plan. Outside displays shall not be located in the front yard setback.**
- 10. The uses shall be limited to a produce stand and meat market/butcher shop.**
- 11. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
C/U
No. 1814**

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 AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX

COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1814) filed on behalf of Calvin DeLeon.

**Public Hearing/
C/U**

The Planning and Zoning Commission held a Public Hearing on this application on January 14, 2010 at which time they recommended denial due to the lack of a record in support since no one appeared on behalf of the Applicant.

**No. 1814
(continued)**

Lawrence Lank, Director of Planning and Zoning, advised the Council that this property has been sold; that he anticipated that the Applicant may not appear for the Public Hearing; and that the Department attempted to contact the Applicant with no success.

Mr. Moore asked if anyone was in attendance on behalf of the application.

There were no parties in attendance on behalf of the Applicant and no parties present in support of or in opposition to the application.

The Public Hearing was closed.

**M 100 10
Adopt
Proposed
Ordinance
/
Motion
Denied**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1814) filed on behalf of Calvin DeLeon.

Motion Denied: 4 Nays, 1 Absent.

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

**Public Hearing/
C/U**

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 STORAGE BUILDING FOR APPLIANCES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.3795 ACRES, MORE OR LESS” (Conditional Use No. 1815) filed on behalf of Gary Chorman.

No. 1815

The Planning and Zoning Commission held a Public Hearing on this application on January 14, 2010 at which time they recommended approval with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission

dated January 14, 2010.)

Public
Hearing/
C/U
No. 1815
(continued)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

Gary Chorman was present on behalf of the application. He stated that he is the owner of the property and that his home is located on the property; that he needs storage and warehousing for the storage and delivery of appliances; that he proposes to build a barn style structure, that he does not anticipate any negative impact on the community; that there will be no sales from the site, only storage; that he would receive deliveries of appliances once per week by an 18-wheeler tractor-trailer; that appliances would be taken off site for delivery by their small company trucks; that no signage is necessary; that the entrance would be from Road 258; that the building would not be visible from the road; that the biggest concerns expressed at the Public Hearing before the Planning and Zoning Commission was (1) traffic, (2) the lack of a sufficient turning radius for large trucks and (3) the large trucks would damage the shoulder right-of-way.

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

M 101 10
Adopt
Ordinance
No. 2101
(C/U
No. 1815)

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to approve Ordinance No. 2101 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE BUILDING FOR APPLIANCES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.3795 ACRES, MORE OR LESS" (Conditional Use No. 1815) filed on behalf of Gary Chorman, with the following conditions:

1. The use shall be limited to appliance storage associated with the Applicant's business.
2. There shall be no outside storage.
3. The building shall have an agricultural appearance.
4. There shall not be any signage.
5. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., six days per week.
6. The size of the structure shall not exceed 120 feet by 60 feet.
7. There shall not be any sales or public access to the storage facility.
8. Any outside lighting shall be downward illuminated and screened so that they do not shine on neighboring or adjacent properties.
9. The Applicant shall comply with all DelDOT requirements.
10. The Applicant shall be responsible for any damage to the entrance area along County Road 258 (Hudson Road) caused by trucks or other delivery vehicles to or from the site.

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

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

Mr. Phillips, Yea

**Discussion/
Zoning
Applications** **Mr. Phillips asked if Council would support prioritizing applications to give deference to those that would provide immediate economic opportunities and to “mom and pop” business applications that are currently placed in the queue along with the larger applications, i.e. residential applications. No consensus was reached and no vote was taken.**

The Council discussed the number of outstanding Conditional Use, Change of Zone and subdivision applications.

**Discussion
Council
Schedule** **The Council discussed changing the Council’s meeting schedule to twice a month or bi-weekly. No consensus was reached and no vote was taken.**

**M 102 10
Adjourn** **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to adjourn at 2:23 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**