



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 1, 2008

#### Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 1, 2008 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Assistant to the County Administrator
James D. Griffin	County Attorney

#### M 234 08 Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Cole, Absent; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea

#### M 235 08 Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the minutes of February 26, 2008.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Cole, Absent; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea

#### M 236 08 Adopt Tribute

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Tribute to Lisa Walls, "Employee of the Quarter", for the First Quarter of 2008.

Motion Adopted: 4 Yeas, 1 Absent.

**Voice by Roll Call:** Mr. Cole, Absent; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

**Presentation of Tribute** Mr. Dukes presented the Tribute to Lisa Walls in honor of her achievement. Lisa works in the Permits Division of the Engineering Department. Mr. Cole joined the meeting.

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

1. **Emergency Operations Center Update**

The Emergency Operations Center will start the process of moving its operations to the new facility at 2:00 a.m., April 2, 2008. The new Center will provide additional needed space for dispatchers, as well as state of the art technology for emergency responses

2. **Emergency Operations Center - Center of Excellence Status**

We are pleased to note that each Sussex County dispatcher achieved a 95% grade, or higher, on scores for emergency medical dispatching for the period July 1, 2007 to December 31, 2007. This will enable the Center to maintain its Center of Excellence status.

3. **Delaware Department of Transportation Public Hearing**

A Public Hearing will be held on April 7, 2008 at 7:00 p.m. at the Rehoboth Beach Convention Hall by the Delaware Department of Transportation regarding a proposed Rehoboth Beach Park and Ride land exchange. Attached is a copy of the notice regarding this item.

4. **Beneficial Acceptance**

The Engineering Department granted Beneficial Acceptance on March 24, 2008 to Americana Bayside (dry sewer system), Agreement No. 449. The developer is Carl M. Freeman Communities and the project is located on Route 54 in the Fenwick Island Sanitary Sewer District.

5. **Sign Ordinance Status**

On March 29, 2008 as per the recently-enacted Sign Ordinance, County Planning and Zoning inspectors retrieved over 700 signs throughout Sussex County. The "bandit signs" will be maintained by the County for 150 days during which time the owners of the signs can collect them at a charge of \$15.00 a piece as per the Ordinance. This was the first enforcement action taken by the County as a result of this Sign Ordinance.

**Group  
Hospital  
Insurance  
Report**

Susan Webb presented information on the County's Group Hospital Insurance for the purpose of making a recommendation on the annual renewal, which will be in effect May 1, 2008 through April 30, 2009. Mrs. Webb reported that the County's health care budget is approximately \$7.6 million.

**Group  
Hospital  
Insurance  
Report  
(continued)**

Mrs. Webb reported that the County currently has a self-funded plan with a specific deductible of up to \$250,000 and an additional \$100,000 aggregating specific. The County purchases reinsurance for claims over \$250,000 per year, per individual. The Consultant has determined that self-insurance is the best approach for the County and that the County has competitive administration fees, a strong provider network with competitive discounts; and an excellent third party service from Integra.

Mrs. Webb reported that Integra requested quotes for the fixed costs (administration fees and reinsurance) from a number of companies, including Zurich (the County's current provider), Lloyds of London, Pan American Life, Blue Cross Blue Shield, Coventry, and United Health Care (Optum Health). Most quotes were not competitive and some companies did not submit a quote due to concerns about ongoing health conditions. Mrs. Webb presented the results of the quotes received and reported that Zurich is still the best choice for the County's Group Health Insurance.

Mrs. Webb advised that the County's Consultant will be reporting to the Council in April at which time he will review the County's Health Plan.

David Smith of Integra, Plan Administrator, discussed the quote process, the quotes received, and the recommendation for the Zurich renewal.

Mr. Smith reported that there are no proposed increases to Integra's, Alliance's or iNetico's fees.

**M 237 08  
Authorize  
Group  
Hospital  
Insurance  
Recommen-  
dations**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, that the Sussex County Council authorizes the following: continuance of Integra Administrative Group as the County's Group Hospital Administrator; approval of Zurich Life Insurance Company as the provider of the County's Group Hospital Reinsurance and Pharmacare as the County's Prescription Card Provider, and to continue to use the services of iNetico for health management.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Wastewater  
Agreement**

Mr. Godwin presented a Wastewater Agreement for the Council's consideration.

**M 238 08**  
**Execute**  
**Wastewater**  
**Agreements**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 800, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dennis and Peggy Wyatt, for wastewater facilities to be constructed at Lands of Dennis and Peggy Wyatt, located in the Ellendale Sanitary Sewer District.

**M 238 08**  
**(continued)**

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Rogers, Yea; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

**Housing**  
**Preservation**  
**Grant**  
**Program**

Mr. Lecates, Director of Community Development and Housing, discussed a pre-application to be submitted to the United States Department of Agriculture, Rural Development, for a Housing Preservation Grant. The project impact would be to relieve the housing deficiencies of twelve dwellings and the standard of living of about thirty individuals; over 83 percent, or ten of the grant recipients, will be very low income homeowners and two will be low income homeowners. The eligible area of the County is 100 percent rural areas. The pre-application will be submitted in cooperation with Kent County Levy Court. The primary objective of the HPG Program is the development of viable communities, including decent housing and a comfortable living environment, principally for persons of low and very low income. Mr. Lecates reviewed the eligibility criteria for the program and reported that the following projects would be included in the pre-application:

	<u>Target Areas</u>	
	<u>Sussex</u>	<u>Kent</u>
Housing Rehabilitation Grants	\$20,000	\$20,000
Administration	\$ 5,000	\$ 5,000

**Total Funding Request - \$50,000**

Mr. Lecates reported that, once approval has been received, an advertisement would announce the availability of funds and acceptance of applications.

**M 239 08**  
**Adopt**  
**Resolution**  
**R 015 08**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, that the Sussex County Council Adopts Resolution R 015 08 entitled “ENDORISING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING SERVICES, FOR FUNDING AND AUTHORIZING DAVID B. BAKER, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION”.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Bridgeville  
Landfill/  
Property  
Acquisition**

Michael Izzo, County Engineer, presented a proposal to acquire property adjacent to the Bridgeville Landfill (No. 1). The property, known as the Consalo property, consists of 18 acres. The site contains an old farmhouse and chicken houses. Mrs. Consalo wishes to continue to reside on the site and to lease the property from the County, on an annual basis.

Mr. Izzo reported that the property was listed for sale at \$660,000; an appraisal performed in January 2008 was for \$622,000. The County offered the appraisal amount and it was accepted by the property owner.

Mr. Izzo advised that this household has never connected to the central water system installed by the County in the 1990s; however, the property owner will be required to hook up to the water system as a condition of the lease.

Mr. Izzo noted that the County attempts to purchase properties adjacent to the old landfills for the purpose of safeguarding the residents living in the area and safeguarding the area itself.

**M 240 08  
Approve  
Purchase  
of Property  
adjacent  
to the  
Bridgeville  
Landfill**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the purchase of 18+/- acres adjacent to the Bridgeville Landfill at a cost of \$622,000.00 and authorizes the Assistant County Attorney to complete the transfer of the property.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Whitman,  
Requardt  
and  
Associates/  
Contract  
Amend-  
ments**

Mr. Izzo presented several Contract Amendments to contracts with the County's Consulting Engineers, Whitman, Requardt and Associates, regarding several sewer projects:

- Contract Amendment No. 45 which will provide for the Construction Administration and Inspection of the three main Millville Contracts (B, C and D) involving the Bethany Bay Subdivision which is being expanded. The on-site and off-site work at Bethany Bay would be developer funded. The cost of these three regional inspection contracts total \$945,320.00 (not to exceed amount).
- Contract Amendment No. 6 for the performance of aerial

topography for the Oak Orchard Sanitary Sewer District. The Engineering Department would like to initiate the design for the Expansion No. 1 Project during the summer of 2008; however, they wish to do the aerial topography now. This Contract Amendment

**Contract  
Amend-  
ments  
(continued)**

also includes field run topography for the Angola Neck Sanitary Sewer District. The cost of this work is at a cost not to exceed \$65,999.00.

- **Contract Amendment No. 44 for work associated with DelDOT. In the future, SR 26 will be widened and DelDOT has completed their design including the closed pipe storm sewer system. As a result, DelDOT is requesting the County to relocate a number of existing force mains and sewer laterals. The work will be fully funded by DelDOT at a cost of \$138,109.00. An Agreement has been executed by DelDOT.**

**M 241 08  
Execute  
Contract  
Amend-  
ment/  
Millville  
Expansion  
of the  
BBSSD/  
with  
WR&A**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 45 to its Contract with Whitman, Requardt and Associates, LLP, for the Construction Administration and Resident Project Representation for the Millville Expansion of the Bethany Beach Sanitary Sewer District, Contract Nos. 05-06B, 05-06C and 05-06D, and onsite and offsite developer-funded work for the Bethany Bay Subdivision, all at a cost not to exceed \$945,320.00.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 242 08  
Execute  
Contract  
Amend-  
ment/  
North  
Coastal  
Planning  
Area/  
with  
WR&A**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 6 to its Contract with Whitman, Requardt and Associates, LLP for the Oak Orchard Sanitary Sewer District aerial topography and the Angola Neck Pumping Station field run topography, at a cost not to exceed \$65,999.00.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 243 08  
Execute**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the

<b>Contract Amend- ment for SR 26 Sewer Relocations M 243 08 (continued)</b>	<p>Sussex County Council hereby authorizes its President to execute Amendment No. 44 to its Contract with Whitman, Requardt and Associates, LLP, for assistance with SR 26 Sewer Relocations Design, Construction Administration and Inspection, at a cost not to exceed \$138,409.00.</p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</b></p>
<b>Johnson's Corner SSD Design</b>	<p>Russell Archut, Assistant County Engineer, presented an Amendment to the County's Contract with Whitman, Requardt &amp; Associates, LLP, for the design work for the Johnsons Corner Sanitary Sewer District, at a cost of \$698,548.00.</p>
<b>M 244 08 Execute Contract Amend- ment with WR&amp;A for Johnson's Corner SSD Design Work</b>	<p>A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, to authorize the President of the Sussex County Council to execute Contract Amendment No. 46 to its original Contract with Whitman, Requardt &amp; Associates, LLP for the South Coastal Planning Area for the final design of the Johnson's Corner Sanitary Sewer District Collection and Conveyance System, at a cost not to exceed \$698,548.00.</p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</b></p>
<b>Proposed Golf Village SSD/ Public Works Agreement/ Town of Georgetown</b>	<p>Gary Tonge, Director of Utility Permits, presented a proposed Public Works Agreement between the Town of Georgetown and Sussex County for sanitary sewer service to the Golf Village community. The Agreement is contingent upon passage of the referendum to establish the Golf Village Sanitary Sewer District.</p> <p>Mr. Tonge reported that Sussex County has been petitioned to provide sanitary sewer service to the Golf Village community; Golf Village is not within the Town of Georgetown city limits and it is not adjacent to the Town's boundary.</p>
<b>M 245 08 Execute Public Works Agreement/ Town of Georgetown/ for Proposed Golf</b>	<p>A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to authorize the President of the Sussex County Council to execute the proposed Public Works Agreement with the Town of Georgetown in order to provide sanitary sewer service to the Golf Village Subdivision, as presented on April 1, 2008; the Agreement will only become effective on the date that the Sussex County Council passes a Resolution stating that the majority of eligible voters were in favor of establishing the Golf Village Sanitary Sewer District.</p>

<b>Village SSD</b>	<b>Motion Adopted: 5 Yeas.</b>  <b>Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</b>
<b>Referendum Scheduled</b>	<b>The Golf Village Sanitary Sewer District referendum is scheduled for May 1, 2008.</b>
<b>BayView Estates SSD/ Ritter Annexation/ Request to Prepare and Post Notices</b>	<p><b>John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the expansion of the Bay View Estates Sanitary Sewer District to include five parcels known as the Ritter Annexation, which are contiguous to the existing district. The five parcels include the lands of Harriett Ritter, Eric and Michelle Ritter, and James and Carolyn Brinker (3 parcels) all of who are requesting annexation into the District. The owners of the parcels will be responsible for system connection charges in the amount of \$5,376.00 per EDU.</b></p> <p><b>Mr. Ashman advised that the Department has requested and received a letter from Harriet Brinker that the larger parcel is not slated for subdivision and it is strictly for a single family dwelling. The Department has responded to that letter informing her that, should the parcel be subdivided beyond the single-family dwelling, they may be responsible for improvements to the existing pump station in Bay View Estates.</b></p> <p><b>Mr. Cole expressed concern about adding 50 acres to a sewer district when there are only three single-family homes on the parcels.</b></p>
<b>M 246 08 Prepare and Post Notices for Bay View Estates SSD/ Ritter Annexation</b>	<p><b>A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Bay View Estates Sanitary Sewer District boundary to include the Ritter and Brinker parcels, with the Brinker parcels' inclusion being contingent on the receipt of the annexation fee by April 4, 2008.</b></p> <p><b>Motion Adopted: 5 Yeas.</b>  <b>Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</b></p>
<b>Old Business (C/Z No. 1631)</b>	<p><b>Under Old Business, the Council discussed Change of Zone No. 1631 filed on behalf of Garrett W. Herring (Herring Real Estate, LLC).</b></p> <p><b>The Planning and Zoning Commission held a Public Hearing on this application on December 13, 2007 at which time they deferred action. On January 10, 2008, the Commission recommended that the application be approved.</b></p>



**The County Council held a Public Hearing on this application on January 8, 2008 at which time action was deferred.**

**M 247 08  
Adopt  
Ordinance  
M 247 08  
Adopt  
Ordinance  
No. 1960  
(C/Z  
No. 1631)  
(continued)**

**A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Ordinance No. 1960 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (Change of Zone No. 1631) filed on behalf of Garrett W. Herring (Herring Real Estate, LLC).**

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Old  
Business  
(C/U  
No. 1713)**

**Under Old Business, the Council discussed Conditional Use No. 1713 filed on behalf of Keith Smith.**

**The Planning and Zoning Commission held a Public Hearing on this application on December 13, 2007 at which time they deferred action. On January 10, 2008, the Commission recommended that the application be approved with conditions.**

**The County Council held a Public Hearing on this application on January 8, 2008 at which time action was deferred.**

**Lawrence Lank, Director of Planning and Zoning, advised that it was pointed out at both Public Hearings that it is the Applicant’s intent to take the four existing storage buildings and section them off to be divided into a maximum of twelve units.**

**M 248 08  
Adopt  
Ordinance  
No. 1961  
(C/U  
No. 1713)**

**A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1961 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2278 ACRES, MORE OR LESS” (Conditional Use No. 1713) filed on behalf of Keith Smith, with the following conditions:**

- 1. Only the four (4) existing steel buildings, in addition to the pre-existing non-conforming structures, shall be permitted.**
- 2. Only one business or tenant shall be permitted in each of the four (4) steel buildings.**

**M 248 08  
Adopt  
Ordinance  
No. 1961  
(C/Z  
No. 1713)  
(continued)**

3. There shall be no retail sales permitted from the four (4) steel buildings.
4. No outside storage shall be permitted, including marine or motor vehicles, trailers or crates.
5. No manufacturing shall be permitted on site, with the exception of the blacksmith shop.
6. There shall only be one (1) centralized dumpster on-site, which shall be shown on the Final Site Plan and which shall be screened from view of neighboring and adjacent properties.
7. Hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
8. A landscaping plan shall be submitted with the Final Site Plan. The landscape plan shall include vegetated buffers along all adjacent properties. The buffer is to be consistently maintained for maximum effect of both aesthetic and practical viability.
9. The applicant shall comply with all DelDOT requirements concerning the project.
10. Outside lighting shall be screened with downward illumination to avoid shining on neighboring properties.
11. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Old  
Business  
(C/U  
No. 1714)**

**The Council discussed Conditional Use No. 1714 filed on behalf of Bernard Dera.**

**The Planning and Zoning Commission held a Public Hearing on this application on December 13, 2007 at which time they deferred action. On January 24, 2008, the Commission recommended that the application be denied.**

**The County Council held a Public Hearing on this application on January 8, 2008 at which time action was deferred. At this Public Hearing, the Applicant stated that they would reduce the size of the project from 4 units to 3 units.**

**M 249 08**  
**Adopt**  
**Proposed**  
**Ordinance**  
**(C/U**  
**No. 1714)**  
**M 249 08**  
**(DENIED)**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (4 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,653 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1714) filed on behalf of Bernard Dera.

**Motion Denied: 5 Nays.**

**Voice by Roll Call: Mr. Cole, Nay; Mr. Phillips, Nay;**  
**Mr. Rogers, Nay; Mr. Jones, Nay;**  
**Mr. Dukes, Nay**

**Old**  
**Business**  
**(C/U**  
**No. 1715)**

Under Old Business, the Council discussed Conditional Use No. 1715 filed on behalf of Good Earth Market, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2008 at which time they deferred action. On February 14, 2008, the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on February 12, 2008 at which time action was deferred.

**M 250 08**  
**Adopt**  
**Ordinance**  
**No. 1962**  
**(C/U**  
**No. 1715)**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1962 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, PROFESSIONAL SPACE, CAFÉ RESTAURANT, AND MEETING SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2509 ACRES, MORE OR LESS” (Conditional Use No. 1715) filed on behalf of Good Earth Market, LLC, with the following conditions:

1. There shall be one lighted sign on the project. The sign is not to exceed 32 square feet on each side.
2. The hours of operation for the site shall be 10:00 a.m. to 6:00 p.m., November 1 through April 30 and 10:00 a.m. to 9:00 p.m., May 1 through October 31. The days of operation for the site shall be seven days per week.
3. There shall be no outside storage on the premises, except a trash dumpster screened from view from neighboring properties and inside a fenced in area may be allowed.
4. Any security lights shall only be installed on the buildings and shall be

**directed downward and away from impacting neighboring properties.**

- 5. The applicant shall comply with all DelDOT requirements, including entrance permits.**

**M 250 08  
Adopt  
Ordinance  
No. 1962  
(C/U  
No. 1715)  
(continued)**

- 6. All business related vehicle storage and delivery of received goods will be directed toward the rear of the building site at all times of the day.**
- 7. The site will establish and maintain a highway corridor compatible vegetated buffer along Route 26. The vegetated buffer will use the Right Plant for the Right Place guidelines of the State of Delaware Forestry Department. This shall be shown on the Final Site Plan.**
- 8. There shall be no parking in the front setback.**
- 9. Any stormwater management pond shall be located away from the front setback and Route 26.**
- 10. Final Site Plan and Landscaping Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 251 08  
Amend  
Agenda/  
Change  
Order  
of Old  
Business  
Items**

**A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to amend the Agenda by changing the order of the Old Business so that the Proposed Ordinance relating to Source Water Protection is discussed first, followed by the Proposed Ordinances relating to Lot Maintenance and Forested Buffers.**

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Old  
Business**

**Under Old Business, the Council discussed three Proposed Ordinances and directed the County Attorney to incorporate the agreed upon changes and to submit a revised Proposed Ordinance (“clean copy”) for the Council’s consideration. Mr. Griffin noted that all of the suggested revisions are less strict than the Proposed Ordinances, as written.**

**M 252 08  
Defer  
Action/**

**A Motion was made by Mr. Cole, seconded by Mr. Philips, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 89, SOURCE WATER PROTECTION TO PROTECT**

- Proposed Ordinance Relating to Source Water**      **CRITICAL AREAS FROM ACTIVITIES AND SUBSTANCES THAT MAY HARM WATER QUALITY OR SUBTRACT FROM OVERALL WATER QUANTITY”.**
- Motion Adopted:**      **5 Yeas.**
- M 252 08 (continued)**      **Voice by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea**
- M 253 08**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO REPEAL CHAPTER 80, RELATING TO LOT MAINTENANCE AND TO AMEND CHAPTER 115, ZONING, ARTICLE XXV, SECTION 115-191 RELATING TO THE PARKING, STORING AND MAINTENANCE OF VEHICLES AND BOATS AND PROHIBITED GROWTHS AND ACCUMULATIONS ON NON-AGRICULTURAL LANDS, WASTE MATERIALS OUTSIDE COMMERCIAL PREMISES, ENFORCEMENT METHODS AND THE VIOLATIONS AND PENALTIES RESULTING THERE FROM”.**
- Defer Action/ Proposed Ordinance Relating to Lot Main-tenance**
- Motion Adopted:**      **5 Yeas.**
- Voice by Roll Call:**    **Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea**
- M 254 08**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV AND VI OF THE CODE OF SUSSEX COUNTY RELATING TO FORESTED AND/OR LANDSCAPED BUFFERS, SITE PLANS AND BONDING REQUIREMENTS AND TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE III, TO ADD A PROVISION ALLOWING COUNCIL TO REQUIRE A FORESTED AND/OR LANDSCAPED BUFFER FOR CONDITIONAL USES AND RESIDENTIAL PLANNED COMMUNITIES OF SINGLE-FAMILY OR MULTI-FAMILY DWELLINGS”.**
- Defer Action/ Proposed Ordinance Relating to Forested and/or Landscaped Buffers**
- Motion Adopted:**      **5 Yeas.**
- Voice by Roll Call:**    **Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea**
- M 255 08**      **At 12:50 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess the meeting until 1:30 p.m. Motion Adopted by Voice Vote.**
- Recess**
- Requests**      **Mrs. Webb presented grant requests for the Council’s consideration.**

**M 256 08 Councilmanic Grant**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Grant Accounts) to the Laurel Fireworks Celebration to sponsor the July 4th event.**

**M 256 08 (continued)**      **Motion Adopted:      4 Yeas, 1 Absent.**  
**Voice by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Rogers, Absent; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

**M 257 08 Youth Activity Grant**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$200.00 from Mr. Jones' Youth Activity Grant Account to Boy Scout Troop 95 for Trey Tyndall's Eagle Project.**

**Motion Adopted:      4 Yeas, 1 Absent.**  
**Voice by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Rogers, Absent; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

**M 258 08 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Peninsula Bluegrass, Inc. for the Annual Bluegrass Festival.**

**Motion Adopted:      5 Yeas.**  
**Voice by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Rogers, Yea; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

**M 259 08 Youth Activity Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Cole's Youth Activity Grant Account to the Ocean View Boy Scout Troop 281 to purchase equipment.**

**Motion Adopted:      5 Yeas.**  
**Voice by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Rogers, Yea; Mr. Jones, Yea;**  
**Mr. Dukes, Yea**

**M 260 08 Councilmanic Grant**      **A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$350.00 (\$250.00 from Mr. Dukes' Councilmanic Grant Account and \$100.00 from Mr. Phillips' Councilmanic Grant Account) to North Laurel Elementary School for travel expenses to the Sports Stacking Championships.**

**Motion Adopted:      5 Yeas.**  
**Voice by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**

**Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 261 08 Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Youth Activity Grant Account) to Delaware Fish and Wildlife Volunteer Association for an outdoor expo.**

**M 261 08 Grant**      **Motion Adopted:      5 Yeas.**

**(continued)**      **Voice by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 262 08 Councilmanic Grant**      **A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00 from Mr. Dukes' Councilmanic Grant Account to the City of Seaford for the 2008 Nanticoke Riverfest.**

**Motion Adopted:      5 Yeas.**

**Voice by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 263 08 Councilmanic Grant**      **A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve a Councilmanic Grant from Mr. Rogers to fund the rental of two porta-potties at Broadkill Beach (invoice to be submitted to the County for payment).**

**Motion Adopted:      5 Yeas.**

**Voice by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 264 08 Youth Activity Grant**      **A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$450.00 from Mr. Rogers' Youth Activity Grant Account to the Cape Sharks Pop Warner Cheer Program for expenses.**

**Motion Adopted:      5 Yeas.**

**Voice by Roll Call:    Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 265 08 Community Investment Grant**      **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$1,500.00 from Mr. Rogers' Community Investment Grant Account to Children's Beach House, Inc. to sponsor fundraising events.**

**Motion Adopted:      5 Yeas.**

**Voice by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

**Introduction of Proposed Ordinance** Mr. Rogers re-introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ATHLETIC FIELDS AND RELATED PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.25 ACRES, MORE OR LESS” (Conditional Use No. 1750) filed on behalf of John Gilman, Percy, Inc. The Proposed Ordinance will be advertised for Public Hearing. (It was noted that this Proposed Ordinance was re-introduced due to a request for a name change from John Gilman – Percy Inc. to John Gilman.)

**Introduction of Proposed Ordinance** Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR-RPC, MEDIUM DENSITY RESIDENTIAL DISTRICT / RESIDENTIAL PLANNED COMMUNITY FOR A CENTRAL DRINKING WATER FACILITY LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS” (Conditional Use No. 1791) filed on behalf of Tidewater Utilities, Inc. The Proposed Ordinance will be advertised for Public Hearing.

**Additional Business** Under Additional Business, Daniel Kramer referred to the Council’s discussion on the Proposed Ordinance relating to Storm Water Protection; he questioned how the wellhead protection zone interferes with a buffer and he questioned how the Council can consider changing the date of when an ordinance goes into effect.

**Continuation of Public Hearing (C/U No. 1721)** The County Council continued the Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5,730 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1721) filed on behalf of Ralph N. Krum.

The Public Hearing was opened on March 11, 2008 at which time the Applicant was not present and the Public Hearing was recessed until April 1, 2008. At that time, the Council found that no one was present in support of or in opposition to the application.

The Planning and Zoning Commission held a Public Hearing on this application on February 14, 2008 at which time they recommended



**approval with conditions.**

**The Council found that Ralph Krum was present on behalf of his application. He stated that the two unit structure has existed on the site for 35 years; that he has been the owner for the entire 35 years; that he received a notice four years ago advising him that the structure was in violation; that the development is primarily single family homes but there are several multi-family dwellings; and that the units have not been rented out during the last five years.**

**Contin-  
uation of  
Public  
Hearing  
(continued)**

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

**M 266 08  
Adopt  
Ordinance  
No. 1963  
(C/U  
No. 1721)**

**A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1963 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5,730 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1721) filed on behalf of Ralph N. Krum, with the following conditions:**

- 1. There shall be no more than two units on the property.**
- 2. The Final Site Plan shall show all required parking.**
- 3. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Public  
Hearing  
(C/U  
No. 1731)**

**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 OFFICE AND SHOP FOR A WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS” (Conditional Use No. 1731) filed on behalf of White Water Enterprises, Inc.**

**The Planning and Zoning Commission held a Public Hearing on this application on March 13, 2008, at which time the Commission recommended that the application be approved with conditions.**

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

dated March 13, 2008 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

Public  
Hearing  
(C/U  
No. 1731)  
(continued)

Brian White was present on behalf of the application. He stated that they currently rent property; that they have outgrown their current facility; and that they wish to relocate the business.

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

M 267 08  
Adopt  
Ordinance  
No. 1964  
(C/U  
No. 1731)

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1964 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOP FOR A WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS" (Conditional Use No. 1731) filed on behalf of White Water Enterprises, Inc., with the following conditions:

1. There will only be one sign on the premises that shall not exceed 32 square feet in size.
2. Subject to DelDOT's approval, there shall only be one entrance to the property. The entrance location shall be shown on the Final Site Plan.
3. All outside storage and dumpsters shall be screened from view of adjacent properties.
4. All parking, dumpsters and storage areas shall be designated on the Final Site Plan.
5. No more than 10 employees shall be permitted as part of the business.
6. The location of any required stormwater management areas shall be shown on the Final Site Plan.
7. Any security lighting shall be screened so that it does not shine on adjacent roadways or properties.
8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**Public  
Hearing  
(C/Z  
No. 1637  
and  
C/U  
No. 1775)**

**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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22.49 ACRES, MORE OR LESS” (Change of Zone No. 1637) filed on behalf of East Market, LLC, and 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 (70 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22.49 ACRES, MORE OR LESS” (Conditional Use No. 1775) filed on behalf of East Market, LLC.**

**The Applicant requested and the Council agreed that the Public Hearings for Change of Zone No. 1637 and Conditional Use No. 1775 be consolidated.**

**The Planning and Zoning Commission held a Public Hearing on this application on March 13, 2008, at which time the Commission recommended that both application be deferred.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated March 13, 2008 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.**

**The Applicant provided the Councilmembers with Exhibit Books on the applications.**

**The Council found that Jim Fuqua, Attorney, was present with Kevin Whitaker, a Principal of East Market, LLC, and Gary Cuppels of ECI, (Engineering Consultants International) LLC. They stated that there are two applications – one is for a change of zone from AR-1 to MR and one is for a conditional use for multi-family dwellings; that the land consists of 22.49 acres; that 70 units are proposed; that they propose a mixture of single family units (2) , duplexes (14) and townhouse units (54); that there would be a condominium form of ownership; that the gross density would be 3.1 units per acre; that the site is mostly wooded and the project was**

Public  
Hearing  
(C/Z  
No. 1637  
and  
C/U  
No. 1775)  
(continued)

designed to preserve a significant portion of the existing wooded areas; that following the PLUS process, modifications were made to the site plan to increase the wooded area; that approximately 38 percent of the woods will be preserved and some reforestation will be done; that the plan provides buffers along the east and west boundaries; that the required buffers will be provided along the wetland boundaries; that a minimum 50 foot buffer will be provided along the shoreline of the Indian River; that the total open space would be approximately 15.68 acres or 70 percent of the entire site; that there would be one entrance to the development; that DelDOT requested that a gated emergency access be provided from Warwick Road and coordinated with Emergency Medical Services; that DelDOT issued a letter of no objection regarding the entrance locations and that a copy of the letter is in the File; that a Traffic Impact Study was not required by DelDOT; that the developer will be granting additional right-of-ways to DelDOT along both Blue Claw Road and Warwick Road, as required by DelDOT; that DelDOT's Facilities Report indicated that the roads impacted by this proposed development would operate at a Level of Service A; that the roads currently operate at a Level of Service A; that central water and sewer are proposed; that a wastewater treatment plant will be constructed; that these facilities will be located on the north side of Blue Claw Road; that the site is located in the Environmentally Sensitive Developing Area according to the County's current Land Use Plan; that the proposed development is consistent with the mixture of development that already exists in the area; that in the PLUS Letter, the State indicated that they had no objections to the proposed development; that amenities will include a clubhouse, swimming pool, tot-lots, gazebos, and trails; that there will be a 30 foot buffer to adjoining farmland; that a State boat ramp exists within 100 yards of the site; that the existing dock is approximately 75 feet long and provides 4 slips; that they have had preliminary discussions with DNREC regarding the establishment of a 24-25 slip marina; that it will be a green marina and there will be a pump out station; and that the site is not located in a low density area and it is not in an agricultural area – it is in a growth area, an area where the County and the State are directing growth to go.

Mr. Fuqua stated that ECI undertook a number of studies including Phase One Site Assessment, Soil Investigation, Endangered Species, Natural Heritage, Cultural Resources, Environmental Assessment and a Section 99-C Report. These studies are included in the Exhibit Book.

Mr. Fuqua submitted proposed Conditions and Findings of Fact.

There were no public comments in support of the application.

Mr. Lank reported that a letter was received from Laura Patterson, dated April 1, 2008, in opposition to the applications. The letter was made a part of the record.

Public comments were heard in opposition to the application from

**Public  
Hearing  
(C/Z  
No. 1637  
and  
C/U  
No. 1775)  
(continued)**

Elizabeth Hill, Lorraine Johnson, Linda Miller, Richard Wayne Rogers, Wayne Miller, James Farmer, and Darrell Patterson. They stated that the proposed project is not compatible with the area; that the area is not a developing area, it is a rural area; that Downs Landing Road (aka Blue Claw Road) is a narrow, rural road; that there is concern about safety in regards to walkers, children playing, and local farmers; that the road cannot sustain additional traffic; that there is not enough room on the road for tractor trailers and EMS vehicles; that houses are located very close to the road; that residents of the new project will complain about the dust, noise, and odor from agricultural activities in the area; that there are concerns about living near a sewer treatment facility and its impact on well water; that there will be a negative impact on the river water quality, on animal habitat, and on the drinking water supply; that there will be a negative impact on the way of life of the residents in the area; that a plan is needed to address stormwater run-off; that there is concern about the impacts on existing users of the boat ramp and the parking of vehicles and boat trailers along the roadways; and that infrastructure should come before development.

Elizabeth Hill presented a letter from Diana Hill in opposition to the applications. The letter was made a part of the record.

The Public Hearing was closed.

**M 268 08  
Defer  
Action on  
C/Z  
No. 1637  
and  
C/U  
No. 1775**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22.49 ACRES, MORE OR LESS” (Change of Zone No. 1637) filed on behalf of East Market, LLC, and 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 (70 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22.49 ACRES, MORE OR LESS” (Conditional Use No. 1775) filed on behalf of East Market, LLC.

**Motion Adopted: 5 Yeas.**

**Voice by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea**

**M 269 08  
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 3:25 p.m. Motion Adopted by Voice Vote.

**Respectfully submitted,**

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