



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 12, 2011

**Call to
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 12, 2011, 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
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
J. Everett Moore	County Attorney

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

Mr. Vincent called the meeting to order.

**M 203 11
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda by deleting "Audit Contract"; by deleting "Executive Session – Job Applicants' Qualifications, Personnel, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del.C. §10004(b)"; and by deleting "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of March 29, 2011 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELAWARE TECHNICAL & COMMUNITY COLLEGE ALUMNI
ASSOCIATION, GEORGETOWN DELAWARE.
RE: Letter thanking the Council for its support of the 2011 Women's Day
Celebration.**

Proclamation/
Fair
Housing
Month
Proposed
Draft
Legislation/
County
Administrator
Residency
Requirement

The Council presented the Proclamation entitled “PROCLAIMING THE MONTH OF APRIL AS *FAIR HOUSING MONTH* IN SUSSEX COUNTY” to Judy Dean, Sue Bramhall, and Ruth Briggs King of the Sussex County Association of Realtors and William Lecates and Brad Whaley of the Sussex County Community Development Office.

Mr. Baker reported that there is a provision in the Delaware Code which requires that the Sussex County Administrator be a resident of Sussex County at the time of his appointment. Mr. Baker advised that, in order to give the Council more flexibility in the County Administrator hiring process and to enable the Council to consider applicants who may be a resident of another county or state, it is being recommended to ask the General Assembly and the Governor to consider a change in the State Law eliminating the requirement that the Sussex County Administrator be a Sussex County resident at the time of his appointment. The law would still require that the Sussex County Administrator be a Sussex County resident when he actually starts as the Sussex County Administrator. Mr. Baker distributed draft legislation written by Mr. Moore for the Council’s consideration.

M 204 11
Endorse
Change
to State
Code/
County
Administrator
Residency
Requirement

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council endorses a change in State Code which would eliminate the requirement that the Sussex County Administrator be a Sussex County resident at the time of his/her appointment.

Motion Adopted: 5 Yeas.

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

Mr. Baker provided the following legislative update:

Legislative
Update

House Bill No. 31 – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES”.

This Bill aligns when Sussex County’s taxes are due and payable with Sussex County’s budget year.

This Bill has passed the House and the Senate and is awaiting the Governor’s signature.

House Bill No. 60 – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS”.

This Bill amends the minimum standards set forth in Chapter 9, Title 9, of the Delaware Code with respect to the primary enclosures and tethering of dogs. The bill establishes a formula for calculating the proper enclosure size for housing a dog in lieu of the current provision. It also clarifies when the space requirements and limitations do not apply. The bill further establishes more detailed requirements for persons who tether their dogs, including a

prohibition on tethering of dogs under 4 months of age and a prohibition of tethering any dog between the hours of 11:00 p.m. and 6:00 a.m., unless it is only a period of less than fifteen minutes.

**Legislative
Update
(continued)**

Mr. Baker stated that staff has concerns about the Bill and the impact it would have on the County's contract with Delaware Animal Care and Control.

Eddy Parker, Director of Assessments, and Murray Goldthwaite of Delaware Animal Care and Control, discussed their concerns with the proposed legislation, including responding to complaints during the time period 11:00 p.m. and 6:00 a.m., the responsibility and cost of enforcement, the fact that dogs should not be tethered at all, etc.

**M 205 11
Oppose
House
Bill
No. 60**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to instruct Hal Godwin, Deputy County Administrator, to oppose House Bill No. 60, as written.

Motion Adopted: 5 Yeas.

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

**West
Rehoboth
Bond
Rating**

Mr. Baker announced that Standard & Poor's Ratings Services raised its rating on Sussex County's wastewater revenue refunding bonds, series 2005, to A+ from A. The upgrade reflects what they view as the strong coverage of the senior-lien bonds, good liquidity and growing service area despite the recent recession. Original bond proceeds were used to fund the original West Rehoboth Sewer Project. This funding was combined with United States Department of Agriculture loans and State Revolving Fund loans.

**Adminis-
trator's
Report**

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

1. County Government Day – April 15, 2011

We are pleased to again sponsor the annual County Government Day on April 15, 2011. At 9:30 a.m., high school junior representatives from Girls State and Boys State in Sussex County will meet in the County Council Chambers. A mock County Council session will occur, with the Girls State and Boys State representatives assuming leadership roles. It is always an interesting experience to watch student representatives tackle County issues as presented by County department heads. This program can be seen and heard on the County's website.

2. Family Fun Fest – April 16, 2011

Adminis-
trator's
Report
(continued)

As per the attached announcement, a Family Fun Fest will be held at the Western Sussex Boys & Girls Club from 12:00 p.m. to 4:00 p.m. on April 16, 2011. The goal of this program will be to encourage more active living and healthy eating. Also, "Spring Into Health Community Walks" will occur at various locations in the County at 9:00 a.m. on April 16. For information, please visit www.sussexkids.com.

3. **Breakwater Estates - Phase 3 – Substantial Completion**

The Engineering Department granted Substantial Completion to Breakwater Estates - Phase 3, Agreement No. 895-1, on April 6, 2011. The developer is Breakwater, L.L.C., and the project is located on the north side of Gills Neck Road (SCR 267) in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of 25 single-family lots. Included with this report is a fact sheet on the project.

Draft
Ordinance
Relating
to Casino
and/or
Gambling
or Gaming
Venues

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

The Council discussed a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I, XI, AND ARTICLE XXIV RELATING TO APPLICATIONS FOR CASINO AND/OR GAMBLING VENUES IN SUSSEX COUNTY".

This ordinance would put into place a mechanism to handle applications for a casino site in unincorporated areas of Sussex County.

Lawrence Lank, Director of Planning and Zoning, and Patrick Vanderslice, Assistant County Attorney, reviewed the draft ordinance.

Mr. Lank noted that the draft ordinance references the C-1 District, which has been closed, and that it should reference the CR-1 District. With this change to the draft ordinance, casinos, etc. would be allowed as a conditional use, subject to extensive conditions, in the CR-1 zoning district.

It was the consensus of the Council that a new zoning category be established for casino and/or gambling or gaming venues and that Legal Counsel and staff be directed to amend the draft ordinance to incorporate this change for the Council's consideration as an option for an ordinance.

Generator
Replace-
ment
Project/
Bid

Rodney Marvel, Assistant Director of Environmental Services, presented the bid results for the Generator Replacements for the Department of Environmental Services (Sussex County Project No. 10-08). The County received one bid from Cummins Power Supply of Bristol, Pennsylvania, in the amount of \$231,565.00. The bid came in over budget; the Engineer's estimate

Results was \$203,000.00.

The Council discussed the fact that only one bid was received and that bid was 15 percent over budget.

**M 206 11
Defer on
Bid
Award
of
Generator
Replace-
ment
Project** A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer for one week (for the purpose of obtaining additional information to determine if the project should be rebid).

Motion Adopted: 5 Yeas.

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

**Marsh
Island
Annexation/
Angola
Neck SSD** Rob Davis, Utility Planner, outlined a proposal to prepare and post public hearing notices for the annexation of several parcels of land to the Angola Neck Sanitary Sewer District. The area proposed for annexation includes the proposed developments of Marsh Island and Marsh Properties. Written requests for annexation were received from the owners of the Marsh Island and Marsh Properties projects. The area is within the Environmentally Sensitive Developing Area and the Inland Bays Regional Planning Area. It is also within the future service area of the Angola Neck Sanitary Sewer District. Twelve additional parcels are included in the proposed annexation area and will be served by these projects during future construction. The Marsh Island property is proposed for development into a 152 lot subdivision and a 139 lot portion has preliminary record plan approval. The Marsh Properties parcel is proposed for a 134 lot subdivision and has preliminary approval. In order to receive sewer service, the Marsh Island developer will have to install regional onsite and offsite sewer to an approved connection point and provide a fee simple site for a future regional pump station.

**M 207 11
Authorize
Notice of
Extension
of Angola
Neck SSD/
March
Island
Annexation** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Angola Neck Sanitary Sewer District to include an area of land as presented on April 12, 2011 (Marsh Island Annexation).

Motion Adopted: 5 Yeas.

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

Requests Mrs. Webb presented grant requests for the Council's consideration.

**M 208 11
Community
Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$500.00 from Mrs. Deaver's Community Grant Account to the Beebe Medical Foundation to sponsor the Annual Best of the Beach Art Auction,

Dinner & Dance to help raise funds to expand radiation oncology services.

Motion Adopted: 5 Yeas.

M 208 11
(continued) **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

M 209 11 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give**
Community Grant \$1,000.00 from Mr. Cole's Community Grant Account to Rehoboth Beach
Grant Main Street for the July 4th fireworks show.

Motion Adopted: 5 Yeas.

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

M 210 11 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00**
Community Grant from Mr. Cole's Community Grant Account to the Beach and Bay Cottage
Grant Tour to benefit the Friends of the South Coastal Library.

Motion Adopted: 5 Yeas.

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

M 211 11 **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$250.00**
Community Grant from Mrs. Deaver's Community Grant Account to the Cape Girl's Lacrosse
Grant Boosters for expenses associated with the "Lacrosse Play Day".

Motion Adopted: 5 Yeas.

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

Introduction **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE**
of Proposed TO GRANT A CONDITIONAL USE OF LAND IN AN AR 1
Ordinances AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULCH
STORAGE, PROCESSING AND SALES, AND BOAT AND RV
STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 1.729 ACRES, MORE OR LESS" (Conditional Use No.
1896) filed on behalf of Timothy S. Miller.

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE

**Introduction
of Proposed
Ordinances
(continued)**

TO GRANT A CONDITIONAL USE OF LAND IN AN AR 1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DIRT BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.78 ACRES, MORE OR LESS” (Conditional Use No. 1897) filed on behalf of Russell V. Banks.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 30,750 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1898) filed on behalf of Bruce Fisher.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.01 ACRES, MORE OR LESS” (Conditional Use No. 1899) filed on behalf of Richard M. Ingram.

There was no additional business.

**M 212 11
Recess**

At 11:17 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

**M 213 11
Reconvene**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to reconvene at 1:33 p.m. Motion Adopted by Voice Vote.

**Public
Hearing/
C/U
No. 1884**

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 LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.1694 ACRES, MORE OR LESS” (Conditional Use No. 1884) filed on behalf of Michael Schimmel.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on March 24, 2011 at which time the Commission recommended that the application be approved with the following conditions:

- 1. The use shall be limited to the Applicant’s landscaping business.**
- 2. A vegetated buffer shall be established as shown on the Site Plan.**

**Public
Hearing/
C/U
No. 1884
(continued)**

- The vegetation shall be planted to screen the use from neighboring properties. The buffer shall be established within 90 days of the approval of the Final Site Plan for the use.
3. The hours of operation shall be from 7:00 a.m. until 6:00 p.m. Monday through Saturday.
 4. All parking areas shall be shown on the Final Site Plan.
 5. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 6. Any storage of stone, mulch, dirt or similar materials shall be in bins, and the location of those bins shall be shown on the Final Site Plan.
 7. Any chemicals used in the business shall be stored inside of the building.
 8. No retail sales shall occur from the site.
 9. No mulching or stump grinding shall occur on the site.
 10. The location of any dumpster shall be shown on the Final Site Plan and shall be screened from view of neighboring properties.
 11. One (1) lighted sign, not exceeding 32 square feet per side, may be permitted.
 12. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 24, 2011.)

Mr. Lank read a summary of the Commission's Public Hearing.

Mr. Lank read a letter into the record from the Sussex Conservation District, which was received after the Public Hearing before the Planning and Zoning Commission.

The Council found that Michael Schimmel was present on behalf of his application and he stated that he has a growing landscaping business in Sussex and Kent counties; that he wants to relocate his home and business so they can stop paying rent; that he proposes to construct his home on the site; that the site will be improved by a dwelling, a pole barn, and an area for parking vehicles and equipment; that they will purchase the property if the Council approves the application; and that they agree to the conditions recommended by the Council.

There were no public comments in support of the application.

Andy Nitkowski, an adjacent property owner, spoke in opposition to the application. He stated that he is concerned about noise and dust from the equipment and trucks and that the area is rural and quiet and he wants it to stay that way. In response to questions, Mr. Nitkowski stated that he has not yet constructed his home on the property.

The Public Hearing was closed.

M 214 11
Defer
Action on
C/U 1884
M 214 11
(continued)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on Conditional Use No. 1884 filed on behalf of Michael Schimmel.

Motion Adopted: 5 Yeas.
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Public
Hearing/
C/U
No. 1885

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 BAIT AND TACKLE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.352 ACRES, MORE OR LESS” (Conditional Use No. 1885) filed on behalf of James Mershon.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on March 24, 2011 at which time the Commission recommended that the application be approved with the following conditions:

- 1. The use shall be limited to the Applicant’s bait and tackle shop.**
- 2. The existing vegetated buffer around the area of the shop shall be planted with additional plantings to fill it in and screen the shop from view of neighboring properties.**
- 3. The hours of operation shall be between 5:00 a.m. and 8:00 p.m., seven (7) days per week.**
- 4. One lighted sign not to exceed 32 square feet per side may be permitted.**
- 5. Any security lighting shall be screened so that it does shine on neighboring properties or roadways.**
- 6. Any dumpsters depicted on the site plan shall be screened from view of neighboring properties or roadways.**
- 7. No food sales, other than vending applications, shall occur on the site.**
- 8. No more than two (2) boats or personal watercraft shall be advertised for sale on the site at any one time.**
- 9. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated March 24, 2011.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank read a letter into the record from the Sussex Conservation District, which was received after the Public Hearing before the Planning and Zoning Commission.

**Public Hearing/
C/U
No. 1885
(continued)**

The Council found that James Mershon was present on behalf of his application. He stated that he wishes to start a new business – a bait and tackle shop; that he owns the property and he currently resides on the property; and that he has experience in the tackle shop business. Mr. Cole recommended a condition to prohibit the sale of firearms.

Mr. Lank noted a typographical error in Condition No. 5 (above) and he stated that it should read “Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.”

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

**M 215 11
Amend
Conditions/
C/U
No. 1885**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition No. 1 and Condition No. 5, as follows:

1. The use shall be limited to the Applicant’s bait and tackle shop. No gun sales or service shall be permitted.
5. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

Motion Adopted: 5 Yeas.

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

**M 216 11
Adopt
Ordinance
No. 2187/
C/U
No. 1885**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2187 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BAIT AND TACKLE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.352 ACRES, MORE OR LESS” (Conditional Use No. 1885) filed on behalf of James Mershon, with the following conditions as amended:

1. The use shall be limited to the Applicant’s bait and tackle shop. No gun sales or service shall be permitted.
2. The existing vegetated buffer around the area of the shop shall be planted with additional plantings to fill it in and screen the shop from view of neighboring properties.
3. The hours of operation shall be between 5:00 a.m. and 8:00 p.m., seven (7) days per week.
4. One lighted sign not to exceed 32 square feet per side may be permitted.
5. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
6. Any dumpsters depicted on the site plan shall be screened from view

of neighboring properties or roadways.

7. No food sales, other than vending applications, shall occur on the site.
8. No more than two (2) boats or personal watercraft shall be advertised for sale on the site at any one time.
9. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

M 216 11
(continued)

Motion Adopted: 5 Yeas.

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

Public
Hearing/
C/Z
No. 1703

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.39 ACRES, MORE OR LESS” (Change of Zone No. 1703) filed on behalf of TKC C, LLC.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on March 24, 2011 at which time the Commission recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 24, 2011.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank read a letter into the record from the Sussex Conservation District, which was received after the Public Hearing before the Planning and Zoning Commission.

The Council found that Beth Livingston was present on behalf of The Keith Corporation (TKC C, LLC) and she stated that the rezoning request is to allow them to sell the property for development of the site for a new business or for the purpose of developing the site themselves and getting a tenant; that the rezoning conforms with the other commercial uses in the area along Route 13; that they will conform to the standards of the CR-1 District; and that there is no intent for residential use.

There were no public comments in support of the application.

Charles Bartlett, an adjacent property owner, expressed concerns about the use of the property. He stated that he lives directly behind the site; that he

is concerned about bright lights; and that he is asking for a visual and sound barrier and he suggests some type of fencing or other type of barrier to screen the site.

- Public Hearing (continued)**
- Mr. Cole advised that the Council cannot attach conditions to a Change of Zone; however, there would be a site plan review process before the Planning and Zoning Commission, at which time Mr. Bartlett could make comments to the Commission on the site plan. Mr. Bartlett was advised that he can monitor the agendas of the Planning and Zoning Commission to try to determine when the site plan review may be heard. Beth Livingston (representative for the Applicant) stated that she would contact Mr. Bartlett with this information.
- M 217 11**
Close
Public
Hearing/
C/Z
No. 1703
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to close the record and the Public Hearing (Change of Zone No. 1703)
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 218 11**
Adopt
Ordinance
No. 2188/
C/Z
No. 1703
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2188 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.39 ACRES, MORE OR LESS” (Change of Zone No. 1703) filed on behalf of TKC C, LLC.
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 219 11**
Adjourn
- A Motion was made by Mr. Phillips, seconded by Mr. Cole, to adjourn at 2:18 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council