



# **SUSSEX COUNTY COUNCIL**

## **AGENDAS & MINUTES**

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 13, 2010**

**Call to Order**            A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 13, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

Mr. Phillips called the meeting to order.

**M 200 10**            A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to amend the  
**Amend**            Agenda by deleting "Land Acquisition" under "Executive Session" and to  
**and**                approve the Agenda, as amended.  
**Approve**

**Agenda**            Motion Adopted by Voice Vote.

**Minutes**            The minutes of March 23 and 30, 2010 were approved by consent.

**Corre-**            Mr. Moore read the following correspondence:  
**spondence**

**DOROTHY BOUCHER, MEMBER OF THE MANUFACTURED HOUSING COMMITTEE.**

**RE: Email supporting the issue of amnesty being granted in the case of Jeanne Sisk and Frank DeMio.**

**SUSSEX COUNTY AMATEUR RADIO EMERGENCY SERVICE, BETHANY BEACH, DELAWARE.**

**RE: Letter thanking the County for the recognition bestowed on their group during the March 23rd Council meeting.**

**In response to the email from Dorothy Boucher, Mr. Baker stated that the County does not plan to take any further enforcement actions, pending the Manufactured Housing Committee's final report/recommendation to the Council.**

**Proclamations/  
Fair  
Housing  
Month  
and  
National  
Library  
Week**

**A Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN SUSSEX COUNTY" was presented to representatives of the Sussex County Association of Realtors.**

**A Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 11 – 17, 2010 AS NATIONAL LIBRARY WEEK" was presented to Carol Fitzgerald, County Librarian. Mrs. Fitzgerald highlighted programs that will take place during National Library Week, including Dial-A-Story, a children's program that is available 24 hours a day, 7 days a week.**

**Adminis-  
trator's  
Report**

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

**1. State Electric Energy Bids**

**As per the attached information, we are pleased to announce that Sussex County will save approximately 17.87 percent in our electric supply charges as a result of the rebid of electric supply for our contract that expires June 30, 2010. This will result in approximately \$248,000 in annual savings to Sussex County government in our various electric bills, especially for our wastewater treatment plants, pump stations, and larger facilities. Sussex County is a partner with the State of Delaware and Kent County in purchasing electric. We believe that this provides additional savings through a greater bulk purchase.**

**2. Annual County Prayer Breakfast**

**The 33<sup>rd</sup> Annual County Prayer Breakfast is scheduled for Tuesday, May 11, 2010, beginning at 7:00 a.m. at the Delmarva Christian High School, 150 Airport Road, Georgetown, Delaware. Expenses for the breakfast are covered by the ticket price and sponsorships by various individuals and organizations. Tickets are available by calling 855-7743.**

**3. Delaware State Police Report – February 2010**

**As per the attached, during February the Delaware State Police handled 3,229 complaints in Sussex County. They made 1,930 traffic arrests, 337 felony criminal arrests, and 505 misdemeanor criminal arrests during the month.**

**4. County Employee Biweekly Pay Cycle**

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

As previously approved by the County Council, biweekly pay for all County employees will be implemented on April 16. This will result in a savings for the Sussex County Council and administrative staff time in processing two fewer payrolls each year. The estimated savings per year is \$12,000. County paramedics are currently paid on this same cycle. Non-paramedic County employees will start this cycle with a paycheck on April 16 that includes payment for two extra days, since this pay period includes 11 working days and one paid holiday. The next payroll on April 30 will be a regular biweekly pay based on a two-week cycle. Employees should contact the Personnel or Accounting departments with any questions they may have.

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

**Investment  
Policy  
Change/  
Collateral  
Modifi-  
cation**

Mrs. Webb presented a proposed change to the County's Investment Policy concerning collateral modifications. Mrs. Webb explained that the County holds collateral for all of its cash accounts that are over and above what the FDIC insurance covers. The current policy is to have a collateralization margin of 120 percent and it is being recommended to reduce this margin to 102 percent for the following reasons:

- All large municipalities, such as the State of Delaware, New Castle County, Kent County and the City of Dover also require 102 percent collateral.
- It will increase the competitiveness of the Certificates of Deposit bidding process as the banks will not have to buy as much collateral, yet the security of the principal will still be maintained. This reduction may encourage some of the smaller banks in the area to bid.
- The County's financial advisors, Public Advisory Consultants, recommend this change.

**M 201 10  
Approve  
Collateral  
Modifi-  
cation to  
Investment  
Policy**

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, that the Sussex County Council approves the collateral modification of the County's current Investment Policy, holding collateral at 102 percent.

**Motion Adopted:** 5 Yeas.

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

**Health  
Care**

Mrs. Webb presented the following recommendations to the County's health care plan:

**Plan**

**Recommendations**

- Increase awareness and participation in the Disease Management Program.
- Increase promotion of the health plan benefits waiver.
- Increase awareness and encourage the use of urgent care centers when appropriate versus emergency rooms.
- High Performance Formulary Plan Designs (performance step therapy for generic drug use).
- 24-hour nurse hotline.

**Health Care Plan**

**Recommendations (continued)**

- Specialty Pharmacy Program (manage dispensing of high cost medications as some prove unsuccessful)
- A health and wellness newsletter.

Mrs. Webb stated that no changes are recommended in co-pays or employee contributions at this time.

Dave Smith of Integra and Dennis Cordrey, Personnel Director, were present to answer questions.

**M 202 10  
Approve  
Implementation of  
Health  
Insurance  
Recommendations**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, that the Sussex County Council approves the implementation of the health insurance recommendations, as presented.

Motion Adopted: 5 Yeas.

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

**Grant  
Request**

Mr. Godwin presented a Local Law Enforcement Grant request from the City of Lewes for \$15,000.00 for a police car.

**M 203 10  
Approve  
Local  
Law  
Enforcement  
Grant  
Request**

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to approve the request from the City of Lewes for a \$15,000.00 Local Law Enforcement grant.

Motion Adopted: 5 Yeas.

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

**Legislative  
Concern/  
Casino  
Bill  
Amendment**

Mrs. Deaver questioned if the County Council had sent an amendment to the Casino Bill to Dover and she stated that she heard that Representative Short presented an amendment. Mr. Godwin responded that (1) Representative Short has introduced an amendment to House Bill No. 194 which will give parity to the Bill by allowing Sussex County to choose members of the search committee and (2) he was instructed to promote the

**idea with the Legislature.**

**Mrs. Deaver and Mr. Cole stated that this matter should have been discussed by the entire Council prior to Mr. Godwin being instructed how to proceed.**

**Legislative  
Concern  
(continued)**

**Mr. Phillips stated that the County Council did not meet during the week of April 5th; that the Sunshine Law prevents the County Administrator from polling Council members and creating a consensus outside of the public venue, and that, under these circumstances; the President is given certain authorities to work with the County Administrator to make decisions.**

**Mrs. Deaver asked for a copy of the proposed Amendment.**

**Mr. Phillips asked Mr. Godwin to provide a Legislative Update at the April 20th Council meeting.**

**Pepper  
Property  
on Park  
Avenue/  
RFP**

**Gina Jennings, Director of Accounting, and Brandy Bennett, Housing Coordinator, reported on the property that the County owns on Park Avenue (the Pepper property). At the March 30th Council meeting, Ms Bennett advised the Council that, if they are interested in pursuing the acceptance of a bid on this property, a separate RFP would have to be issued to seek bids from the public for the private use of the home.**

**Ms. Jennings reported that, during the last RFP process, no interest was expressed in this property due to the improvements needed and due to the fact that the house would only be available for approximately three years. In addition, Ms. Jennings stated that the FAA requires fair and reasonable rent since it is an airport property. For these reasons, Ms. Jennings recommended that this house be placed out to bid to be purchased and removed from the property within the next year. This recommendation would save the County the cost of demolishing the home in three years.**

**It was noted that the County should maintain the right to refuse all bids.**

**Mr. Wilson clarified that the previous RFP resulted in a bid for two of the houses (one of which was the Park Avenue property) and that the bid for the Park Avenue property was approximately \$1,200.**

**M 204 10  
Authorize  
Issuance  
of RFP/  
Pepper  
Property  
on Park  
Avenue**

**A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, that the Sussex County Council authorizes the issuance of a Request for Proposals to allow for the purchase of the home located at 21603 Park Avenue, Georgetown, Delaware.**

**Motion Adopted: 5 Yeas.**

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

**Correspondence/  
Rep.  
George  
Bunting**      **Mr. Phillips read a letter into the record from Senator George Bunting commending and thanking the Council for authorizing the use of vacant houses for Habitat for Humanity and AmeriCorps volunteers and stating that he hopes the Sussex Legislative Delegation can encourage the use of any vacant State properties for qualified non-profit organizations.**

**Old  
Business**      **The Council considered Change of Zone No. 1684 filed on behalf of CMF Bayside, LLC.**

**Old  
Business/  
C/Z  
No. 1684  
(continued)**      **The Planning and Zoning held a Public Hearing on this application on February 25, 2010 at which time action was deferred. On March 25, 2010, the Commission recommended that the application be approved.**

**The County Council held a Public Hearing on this application on March 23, 2010 at which time action was deferred.**

**M 205 10  
Adopt  
Ordinance  
No. 2110  
(C/Z  
No. 1684)**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2110 entitled “AN ORDINANCE TO MODIFY CONDITION NO. 24 IMPOSED ON ORDINANCE NO. 1433 FOR CHANGE OF ZONE NO. 1393, THE APPLICATION OF CMF BAYSIDE, LLC, FOR “AMERICANA BAYSIDE”, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO ALLOW REVISED COMMERCIAL ENTRANCE LOCATIONS AS MAY BE APPROVED BY DELDOT, AND TO PERMIT THE COMMERCIAL USE OF 1.27 ACRE PARCEL ON THE NORTH SIDE OF ROUTE 54 (TAX MAP # 5-33-19.00-17.01) (Change of Zone No. 1694) filed on behalf of CMF Bayside, LLC, with the modified Condition No. 24 to read as follows:**

**“All commercial activities shall be limited to the south side of Route 54, except for a 1.27 acre parcel designated Tax Map 5-33-19.00 Parcel 17.01, located on the north side of Route 54 on which commercial use shall be permitted subject to commercial entrance approval from DelDOT. Entrance to the commercial area located on the south side of Route 54 shall be a minimum of 300 feet from Route 54, except for a single right-in/right-out commercial entrance to a parcel designated as Tax Map 5-33-19.00 Parcel 16.00 which is subject to approval from DelDOT.”**

**and further, that the modification of Condition No. 24 is subject to the following conditions:**

- a.      The site plan for Parcel “H” shall show an additional pedestrian and vehicular connection to and from Founders Avenue within Americana Bayside MR-RPC.**
- b.      The Final Site Plan is subject to the approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted:      5 Yeas.**

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

**Grant  
Requests**

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

**M 206 10 Grant** A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Phillips' Community Grant Accounts) to the Laurel Independence Day Committee for the fireworks celebration.

**M 206 10  
Community  
Grant  
(continued)**

**Motion Adopted:** 5 Yeas.

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

**M 207 10 Community Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to give \$1,000.00 from Mrs. Deaver's Community Grant Account to the Town of Ellendale for the town-wide spring clean-up.

**Motion Adopted:** 5 Yeas.

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

**M 208 10 Community Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to give \$900.00 (\$500.00 from Mrs. Deaver's Community Grant Account and \$100.00 each from Mr. Cole's, Mr. Phillips', Mr. Vincent's, and Mr. Wilson's Community Grant Accounts) to the Southern Delaware Choral Society for a pilot program at Delaware Technical & Community College.

**Motion Adopted:** 5 Yeas.

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

**Additional  
Business**

Under Additional Business, Mrs. Deaver stated that the County is continuing to allow houses to be built in existing subdivisions that were built without drainage plans and she stated that the County should take some responsibility. Mr. Phillips stated that this issue will be placed on the next Agenda.

Under Additional Business, Bobbie Hemmerich, Jeanne Sisk, and Ellen Orrell spoke in support of granting amnesty to Jeanne Sisk and Frank DeMio and in support of moving forward with the recommendations of the

**Manufactured Housing Committee.**

**Under Additional Business, Mrs. Deaver referenced the money that the Delaware State Police will be refunding to the County and she requested that the Council consider fully funding the Local Law Enforcement Grant Program in the Fiscal Year 2011 Budget.**

**M 209 10**      **At 11:28 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent,**  
**Go Into**      **to recess the Regular Session and to go into Executive Session for the**  
**Executive**      **purpose of discussing issues relating to personnel and pending/potential**  
**Session**      **litigation.**

**Motion Adopted by Voice Vote.**

**Executive**      **At 11:29 a.m., an Executive Session of the Sussex County Council was held**  
**Session**      **in the Caucus Room of the Council Chambers for the purpose of discussing**  
      **issues relating to personnel and pending/potential litigation. The Executive**  
      **Session concluded at 11:46 a.m.**

**M 210 10**      **At 11:47 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent,**  
**Reconvene**      **to come out of Executive Session and to reconvene the Regular Session.**  
**Regular**  
**Session**

**Motion Adopted by Voice Vote.**

**Action**      **Mr. Moore announced that no action was necessary on Executive Session**  
      **items.**

**M 211 10**      **At 11:48 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent,**  
**Recess**      **to recess until 1:30 p.m.**

**Motion Adopted by Voice Vote.**

**M 212 10**      **At 1:36 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to**  
**Reconvene**      **reconvene.**

**Motion Adopted by Voice Vote.**

**Mr. Vincent presided over the meeting in Mr. Phillips' absence.**

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing/**      **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**  
**C/Z**      **SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY**  
**No. 1670**      **RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY**  
      **TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN**  
      **PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED,**  
      **SUSSEX COUNTY, CONTAINING 19.541 ACRES, MORE OR LESS”**  
      **(Change of Zone No. 1670) filed on behalf of Nentego Properties, LLC.**



The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2010 at which time action was deferred.

(See the minutes of the meeting of the Planning and Zoning Commission dated March 25, 2010.)

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

Mr. Lank distributed an Exhibit Book which was provided by the Applicant.

Public  
Hearing/  
C/Z  
No. 1670  
(continued)

Randy Mitchell, Principal of Nentego Properties, LLC was present with Dennis Schrader, Attorney with Wilson, Halbrook & Bayard, P.A.; Scott Aja, Professional Engineer with McCrone, Inc.; and D. J. Hughes, Professional Engineer with Davis, Bowen & Friedel, Inc. They stated that this rezoning application includes two sites, 15.73 acres along Route 24 and 3.68 acres behind the existing C-1 commercial zoning; that the site is currently used for agriculture and, if the application is approved, will be used for general retail, restaurant, and bank-type uses, except for the service road which was requested by DelDOT; that they propose to take the 3.68 acre parcel, make an interconnecting road to other commercially approved sites adjacent to Route 24 and rezone it to CR-1, resulting in the Nentego MR-RPC being reduced from 373 dwelling units to 299 dwelling units; that this will require the Applicant to come back to the Planning and Zoning Commission for site plan review (for both the MR-RPC and the CR-1 District); that density will remain the same; that the developers feel that the reduction of the RPC and expansion of the commercial zoning will better serve the area; that interconnectivity will be provided between this project, the existing C-1 commercial zoning, and the adjoining Riverside Plaza for both pedestrian and vehicular traffic; that there are no delineated wetlands on the site; that the application meets all setback requirements; that they propose landscaped buffers from 30 feet on the side to 50 feet on the rear of the property; that a 60 foot setback is proposed along the front, which is after the right-of-way is widened 15 feet and in addition to a 15 foot multi-purpose path; that interconnections will allow residents of the Oak Orchard area to access the properties without traveling out onto Route 24 since there will be a connection to Oak Orchard Road; that the uses will be limited to those permitted in the B-1 Neighborhood Business District and the CR-1 Commercial Residential District; that the proposed commercial project will be served with central water by Tidewater Utilities; that the site will be connected to the expansion of the Oak Orchard Sanitary Sewer District; that a Traffic Impact Study was completed and the Applicant has agreed with DelDOT to make contributions to offsite improvements; that a portion of the area for the rezoning will provide internal service roads between various commercial activities; that all activities between the various commercial activities at Indian Mission Road to the farthest point of this project will be serviced by an interior service road; that they received no negative comments from PLUS; and that the conditions of the original RPC will remain in effect.

**Mr. Schrader stated that a letter was submitted into the record from KLN Retail, a commercial real estate agent, which stated that “although the super market needs in the corridor are satisfied, we continue to see the potential need for additional discount department stores, junior anchor tenants and home improvement stores along with a prudent amount of satellite and restaurant space”.**

**[Mr. Phillips joined the meeting during the Applicant’s presentation.]**

**Public  
Hearing/  
C/Z  
No. 1670  
(continued)**

**In response to questions, John Ashman, Sussex County Engineering Department, stated that the Engineering Department does not oppose the application if the EDUs do not exceed what was originally approved.**

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

**M 213 10  
Close  
Public  
Hearing/  
C/Z 1670**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to close the Public Hearing on Change of Zone No. 1670 filed on behalf of Nentego Properties, LLC.**

**Motion Adopted by Voice Vote.**

**M 214 10  
Defer  
Action on  
C/Z  
No. 1670**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Change of Zone No. 1670 filed on behalf of Nentego Properties, LLC.**

**Motion Adopted: 5 Yeas.**

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

**Mr. Phillips presided.**

**Public  
Hearing/  
C/Z  
No. 1671**

**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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 13,500 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1671) filed on behalf of R.C. Carpets.**

**The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2010 at which time they recommended that the application be approved.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated March 25, 2010.)**

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

Public  
Hearing/  
C/Z  
No. 1671  
(continued)

Chris Cheeseman of R.C. Carpets was present with David Hutt, Attorney with Wilson, Halbrook & Bayard, P.A. They stated that the application is for a Change of Zone for 13,500 square feet of land along Route 24; that when the Applicant applied for the original Conditional Use, there was a moratorium on rezoning; that the use of the site was limited to retail sales of flooring and related home accessories; that the use of the site as a Conditional Use limits the uses to those described in the Conditional Use; that R.C. Carpets already exists in the building on the site; that Mr. Cheeseman has owned the property for approximately ten years; that they propose to expand the business by adding the sale of paints and paint supplies; and that the rezoning will be consistent with surrounding area development of commercial uses and rezoning.

Mrs. Cheeseman spoke in support of the application.

It was noted that a letter was received from Preston Dyer expressing concerns about the proposed rezoning. The letter was made a part of the record.

There were no public comments and the Public Hearing was closed

M 215 10  
Adopt  
Ordinance  
No. 2111  
(C/Z  
No. 1671)

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2111 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 13,500 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1671) filed on behalf of R.C. Carpets.

Motion Adopted: 5 Yeas.

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

Public  
Hearing/  
C/U  
No. 1819

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 EXPANSION OF CONDITIONAL USE NO. 1265 (ORDINANCE NO. 1284) ANTIQUES AND CRAFT SHOP AND WILDLIFE AND FOLK ART BY ADDING THE SALE OF SWING SETS AND SHED AND GARDEN PRODUCTS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.05 ACRES, MORE OR LESS" (Conditional Use No. 1819) filed on behalf of Candleberry Creek, c/o Michael Rhue.

The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2010 at which time they deferred action. On April

**8, 2010, the Commission recommended that the application be approved, with conditions.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated March 25 and April 8, 2010.)**

**Public  
Hearing/  
C/U  
No. 1819  
(continued)**

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

**Mr. Lank noted that no one was present on behalf of the application. It was also noted that the Applicant was given written notification of the Public Hearing; that the Public Hearing was posted on the Council's Agenda for this date; and that the Clerk attempted to contact the Applicant on this date with no success.**

**There were no parties present in support of or in opposition to the application.**

**The Public Hearing was closed.**

**M 216 10  
Deny  
C/U  
No. 1819**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to deny Conditional Use No. 1819 filed on behalf of Candleberry Creek, c/o Michael Rhue, due to the failure of the Applicant or his representative to attend the Public Hearing and due to the lack of a record of support of the application.**

**Motion Adopted: 5 Yeas.**

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

**M 217 10  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Vincent, to adjourn at 2:31 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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