



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 17, 2011

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 17, 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
David Rutt	Assistant County Attorney

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

Mr. Vincent called the meeting to order.

M 278 11 Amend and Approve Agenda

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Approval of Minutes" and by deleting "Job Applicants' Qualifications and Land Acquisition" under "Executive Session"; 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

Corre- spondence

Mr. Rutt read the following correspondence:

INDIAN RIVER BASEBALL BOOSTERS, OCEAN VIEW, DELAWARE.
RE: Letter in appreciation of grant.

DUFFY'S HOPE, WILMINGTON, DELAWARE.
RE: Letter to Joan Deaver in appreciation of grant.

CAPE HENLOPEN HIGH SCHOOL GIRLS' LACROSSE BOOSTERS,

LEWES, DELAWARE.

RE: Letter to Joan Deaver in appreciation of grant.

PEOPLE'S PLACE, MILFORD, DELAWARE.

RE: Letter in appreciation of the Council's financial support.

**Corre-
spondence
(continued)**

THE AMERICAN LEGION, AUXILIARY UNIT #28, MILLSBORO, DELAWARE.

RE: Letter in appreciation of the Council's grant in support of the Poppy program.

**MOMS
Club of
Rehoboth
Beach**

The Sussex County Council recognized the MOMS Club of Rehoboth Beach for its outstanding work in the interest of creating a stronger bond among mothers and children and for its service projects, including Touch-a-Truck, coat drives, consignment sales and other events, all of which benefit various organizations in Sussex County. A Tribute was presented to Melissa Clampt, President of the MOMS Club of Rehoboth Beach.

**Adminis-
trator's
Report**

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

1. Sussex County Prescription Drug Discount Card

As per the attached report, users of Sussex County's free Prescription Drug Discount Card saved approximately \$17,000 during the month of March 2011. The average price savings was 28% for the 656 prescriptions. Since November of 2007 when the program began, estimated savings total \$539,852 for users of the program.

2. Delaware State Police Report

Attached is a report from the Delaware State Police for March 2011. As noted, the Delaware State Police handled 3,628 complaints. There were 4,586 traffic arrests and 2,113 criminal arrests during March.

3. Sussex County Citizen Corps

Per Mr. Carl Davis, Coordinator for Sussex County Citizen Corps, the training course held last weekend included nine county residents who completed the training. They also expressed interest in continuing the program with additional training in the future. We wish to thank Mr. Carl Davis, Coordinator, and Mr. Joseph Thomas for their help with this important training course held at the County's Emergency Operations Center.

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

Fiscal

Gina Jennings, Director of Accounting, announced that the Fiscal Year 2011

Year 2011 Budget Presentation Budget is County Administrator David Baker's last budget presentation as Mr. Baker will be retiring after 30+ years with the County. Ms. Jennings noted that, in the budget presentation, there are old photos contrasted with new photos; photos were provided by Eleanor Bennett (wife of the late Robert Bennett), County employees, Delaware Public Archives, and the Georgetown Historical Society.

Fiscal Year 2011 Budget Presentation In appreciation of Mr. Baker's hard work and dedication over the years, the Budget Committee and Eleanor Bennett presented to Mr. Baker the book entitled Sussex County Delaware - 301 Years Later, which was published by Mr. Bennett approximately 30 years ago. Mrs. Bennett donated the book for presentation to Mr. Baker.

(continued) Mr. Baker presented the proposed \$139.2 million budget for Fiscal Year 2012 and the accompanying budget letter (both of which are available for download and/or viewing on the County's website at www.sussexcountype.gov). Assisting Mr. Baker with the Budget presentation were the other members of the Budget Committee: Susan Webb, Finance Director; Gina Jennings, Director of Accounting, and Kathy Roth, Budget Director and Cost Manager.

Mr. Baker reported that revenues are expected to be up 2 percent compared to the Fiscal 2011 Budget and that five years ago, General Fund revenues totaled \$63.4 million compared to \$48 million in the proposed budget, a 24% decrease. Mr. Baker stated that, although General Fund revenues are expected to increase 2 percent this year, the County must continue to carefully control and monitor expenditures.

Mr. Baker reported that the proposed \$139.2 million budget includes \$47,964,800 in the General Fund (up 2.4% compared to Fiscal 2011); \$7,075,000 in the Capital Improvement Fund (up 12.2% compared to Fiscal 2011); \$2,557,000 in the Community Development Fund (down 26.2% compared to Fiscal 2011); \$33,935,547 in Water and Sewer Districts (up 8.5% compared to Fiscal 2011); and \$47,664,831 in Water and Sewer Capital Projects (down 5% compared to Fiscal 2011).

Mr. Baker referenced the Budget Letter that accompanies the Fiscal 2012 Budget and he reported that revenues are expected to be substantially lower than some recent years, such as 2008. General Fund income totaled over \$55 million in 2008 compared to the estimated \$48 million for 2012. Revenues are expected to be up two percent compared to the Fiscal 2011 Budget. No tax or fee increases are projected. The \$3.00 County capitation tax is not included in the proposed budget, and there is zero use of Appropriated Reserves anticipated. Realty Transfer Tax is projected up seven percent to \$13.6 million. Conservative budgeting now and in the past has enabled the County to continue without raising property taxes.

The proposed budget, again for the third year, includes zero use of Appropriated Reserves in the General Fund portion of the budget. Appropriated Reserves in the Capital Improvements Fund totaling \$4 million

are recommended to be used to fund Capital Improvements projects. This proposed General Fund \$48 million budget is 7.3 percent below the 2005 budget of \$51.8 million.

Fiscal
Year
2011
Budget
Presen-
tation
(continued)

In his budget letter, Mr. Baker stated that a continued concern is the County's share of Realty Transfer Tax and State paramedic funding. The Fiscal 2012 Budget again assumes that the County will continue to receive a one-and-a-half percent Realty Transfer Tax on eligible properties in unincorporated areas of the County. Reductions in these funds would mean that the County would have to re-evaluate programs and grants even further. Given the economic climate that has resulted in a 63 percent reduction in County realty transfer revenue since Fiscal 2005, further State imposed reductions would have major consequences on services provided by the County. The County is also concerned regarding any further decreases in State paramedic funding. The Fiscal 2010, 2011 and 2012 budgets reflect a \$1.2 million per year decrease in State Paramedic Grant funding, which is a result of the State of Delaware reducing its contribution toward paramedics from 40 percent to 30 percent during Fiscal 2010. A further 10 percent reduction below 30 percent would cost the County an additional \$1.2 million. The County realizes that further reductions in State paramedic funding would mean additional cuts in grants and/or other County services to fund the paramedics.

Mrs. Webb reported that the proposed budget includes a COLA of 2 percent (\$750 minimum).

Mr. Baker advised that the County continues to budget with the following goals:

- balanced budget
- maintain an operating reserve of approximately 25 percent
- continued appropriated funding for pensions and pension benefits
- operate without tax supported debt
- maintain 'AA1' strong bond rating
- maintain funding for local libraries
- upgrade and maintain existing wastewater services
- continue to eliminate existing septic systems in new and expanded sewer districts
- provide subsidies to allow for the capping of front footage costs at 100 feet in sewer and water districts
- continue tax credit and sewer assistance programs to help low income residents

Mr. Baker advised that the Fiscal 2012 Budget includes the following initiatives:

- Economic Development – encourage new and expanded business opportunities in Sussex County to provide more jobs
 - Wastewater infrastructure projects including completion of the

**Fiscal
Year
2011
Budget
Presen-
tation
(continued)**

- Angola Sewer and Oak Orchard Sewer expansion projects, as well as the expansion of the Inland Bays Regional Wastewater Facility; also initiate new projects including some within Miller Creek and Millville Sewer**
- Industrial Park Capital Projects – continue to pursue FAA funding for runway extension of 1,000 feet, continue with other projects such as storm water management, wetlands mitigation, and lighting improvements at the Industrial Airpark**
- Industrial Revenue Bonds – encourage use of these bonds to provide tax-exempt funding for private projects**
- Community Development Block Grant Program – housing rehabilitations for low-income residents with available Federal funding and County match for administrative costs**
- Establish airport marketing plan with a goal to attract additional business to Sussex County and provide greater employment opportunities**
- Continue to implement uniform service charge rates for sewer and water funds**
- Obtain best possible financing for sewer and water projects to improve affordability**
- Implement new financial systems software packages which will provide additional information in a more efficient and cost-effective manner**
- Perform sewer pump station rebuilds for aging infrastructure**
- Consider changes to pension benefits for new employees**
- Continue to pursue additional efforts to collect delinquent taxes and sewer and water bills**
- Revise antiquated sections of Personnel Code**
- Code Enforcement – continue cross-training of Assessors, Building Code Inspectors, and Planning and Zoning Inspectors to more efficiently enforce County codes**
- Continue to update zoning ordinances as per Land Use Plan**
- Implement redistricting as a result of newest census**
- Review paramedic and emergency response programs as part of statewide initiative**
- Continue with reduced service level for County bookmobile**
- Increase capacity of Inland Bays Regional Wastewater Facility to two million gallons per day needed for Angola and Oak Orchard sewer expansions, as well as growth in existing Long Neck District**
- Pursue options for treatment facility for expanded West Rehoboth Sewer**

Mr. Baker reviewed the following budget highlights:

- No property tax increase**
- Tax reduction/elimination - \$3 per resident – Capitation Tax**
- Reduced staffing levels**
- Plan for a Uniform Sewer Service Charge**

**Fiscal
Year
2011
Budget
Presen-
tation
(continued)**

- **Funding for 40 troopers above State Police Allocation**
- **Sussex County Volunteer Firemen's Association - \$3.3 Million**
 - **Paid Ambulance Attendants Portion - \$1.5 Million**
- **Dog Control - \$751,608**
- **16% Increase in Pension Costs**
- **3% Increase in Health Insurance Costs**
- **Five Year Capital Plan - \$172,822,754**
- **Fiscal 2012 – Economic Development**
 - **Continue County Industrial Airpark and Sewer District Construction Projects**
 - **Industrial Airpark Marketing Plan**
 - **Financing Plan for Airport Runway 100 foot Expansion**
- **2.4% General Fund Budget Increase**
- **New Angola and Johnson's Corner Sewer District's online – rates 22% to 25% below estimates**
- **No use of Appropriated Reserves in the General Fund Budget**

Mr. Baker stated that, because of the employees' efforts and the County Council's direction, the County has been able to continue to provide services without tax and fee increases during this most difficult economic period.

Mr. Baker reported that a Public Hearing will be held on the Proposed Budget on June 14, 2011.

**Introduction
of Proposed
Ordinances/
Budget**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2012" and the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS". The Proposed Ordinance will be advertised for Public Hearing.

**Old
Business/
C/Z
No. 1699
and
C/U
No. 1868**

Under Old Business, the Council discussed Change of Zone No. 1699 and Conditional Use No. 1868 filed on behalf of Olde Towne Point, LLC. Mr. Rutt stated that, after the Council's discussion on this matter on May 10th, there was directive to Lawrence Lank, Director of Planning and Zoning, to prepare proposed findings and conditions for the Council's consideration. Mr. Rutt stated that there is concern about the effect of the Declaration of Covenants, Conditions and Restrictions for the Villages of Five Points on this application. Mr. Rutt stated that he has reviewed the Declaration and, in the definitional section, there is a definition for *community service facility* which reads "shall mean that 4.5 acres of property fronting on Savannah Road and shown on the record master plan, the use of which shall be limited to community service including but not limited to fire, police, emergency medical services, library and museum". It also states that the Master Developer (the Applicant) has certain rights and responsibilities and indicates that they would extend the latter of the conveyance of all lots

within Exhibit A, the additional property, and/or, until December 31, 2020. Mr. Ruttt stated that he questions if the developer has the right to bring forth this application and he suggested that, before the Council votes on the matter, that there be a legal opinion from the Developer to the Council indicating if they have the authority under the Declaration to bring forth this application.

M 279 11
Defer
Action on
C/Z
No. 1699
and
C/U
No. 1868

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Change of Zone No. 1699 and Conditional Use No. 1868 filed on behalf of Olde Towne Point, LLC, pending a legal opinion from the Applicant's attorney (providing verification that they have standing to present the application and to make changes to the parcel).

Motion Adopted: 5 Yeas.

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

Grant
Requests

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

M 280 11
Community
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$200.00 (\$100.00 each from Mr. Cole's and Mrs. Deaver's Community Grant Accounts) to NARFE (National Active and Retired Federal Employees Association) for their fundraiser benefiting Alzheimer's Research.

Motion Adopted: 5 Yeas.

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

M 281 11
Community
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 from Mrs. Deaver's Community Grant Account to the Town of Ellendale for their annual spring clean-up.

Motion Adopted: 5 Yeas.

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

M 282 11
Community
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$100.00 from each Community Grant Account) to the Olde Tymers Softball League for field improvements.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea**

M 283 11 **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00**
Community **from Mrs. Deaver's Community Grant Account to Cape Henlopen High**
Grant **School for their graduation celebration.**

M 283 11 **Motion Adopted: 4 Yeas, 1 Absent.**
(continued)

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

M 284 11 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00**
Community **(\$100.00 from each Community Grant Account) to the Lower Sussex**
Grant **NAACP for convention expenses.**

Motion Adopted: 5 Yeas.

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

Additional **Under Additional Business, Dr. Anne Riley, member of the League of**
Business **Women Voters of Sussex County and a member of the League's Re-**
 districting Committee, referenced their Committee Chair's comments to the
 Council at a previous meeting. At that time, the Chair pointed out the
 importance of transparency and citizen participation in the process and she
 raised questions regarding the Council's plans for the redistricting process.
 She noted that, at that time, President Vincent replied that the Council had
 not had any meetings on the subject at that point and he then asked the
 County Attorney and the County Administrator to develop a memo to the
 Council outlining their requirements and what needs to be done, Dr. Riley
 asked that the Council share that memo with the League or as soon as it is
 provided to the Council. Dr. Riley stated that any meetings held and any
 documents received or produced regarding redistricting are subject to the
 requirements of FOIA. Dr. Riley stated that the League has been
 conducting public meetings around the County on redistricting. The next
 public meeting will be held at 6:00 p.m. at the Georgetown Library on
 Tuesday, May 24th. Dr. Riley invited the Council members to this meeting;
 she also stated that they would be happy to make a presentation at a future
 Council meeting.

M 285 11 **At 11:20 a.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to**
Go Into **recess the Regular Session and to go into Executive Session for the purpose**
Executive **of discussing issues relating to personnel and pending/potential litigation.**
Session

Motion Adopted by Voice Vote.

Executive Session **At 11:22 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to personnel and pending/potential litigation. The Executive Session concluded at 12:35 p.m.**

M 286 11 Reconvene (continued) **At 12:36 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and reconvene the Regular Session. Motion Adopted by Voice Vote.**

Action on Executive Session Items **Mr. Rutt announced that two matters of potential/pending litigation were discussed during Executive Session and that the matters require the Council's action. One matter involves four projects in the County that do not currently have bonds or letters of credit. Mr. Rutt stated that one of the Council's options is to authorize him to send letters demanding letters of credit/bonds. The second matter is in regards to a decision of the Superior Court in the matter of *Francois Verleysen and Walter Kotowski v. Bd. of Adjustment of Sussex Co.***

M 287 11 Request Subdivisions to Post Security **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to authorize David Rutt, Assistant County Attorney, to (1) send letters to the developers of the subdivisions which are in default of the security requirements and (2) bring action against them in the Court of Chancery if they fail to post security.**

Motion Adopted: 5 Yeas.

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

M 288 11 File Appeal/ Verleysen and Kotowski v. Bd. of Adjustment **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to authorize Richard Berl, Attorney for the Board of Adjustment, to file the necessary appeal to the Supreme Court on the decision of the Superior Court (in the matter of *Francois Verleysen and Walter Kotowski v. Bd. of Adjustment of Sussex Co.*)**

Motion Adopted: 3 Yeas, 2 Nays.

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

M 289 11 Recess **At 12:39 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

M 290 11 Reconvene **At 1:35 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to reconvene. Motion Adopted by Voice Vote.**

**Public
Hearing/
C/U
No. 1889**

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 SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS” (Conditional Use No. 1889) filed on behalf of Robert A. Marshall.

**Public
Hearing/
C/U
No. 1889
(continued)**

Shane Abbott, Assistant Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 28, 2011 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 April 28, 2011.)

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

The Council found that Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. was present on behalf of the application. He stated that Robert Marshall is the property owner; that they are applying for a Conditional Use to utilize 7.57 acres of the 133 acre Old Landing Golf Course property for a landscaping service business; that two buildings currently exist on the golf course site; that no new buildings are proposed; that Mr. Marshall has been operating a landscaping business with Scott Anderson for approximately seven years; that they have eight employees; that there are two letters of support in the record; that the existing entrance will be utilized; that existing parking will be used; that landscaping waste will be placed in containers and removed from the site; and that DelDOT did not require a Traffic Impact Study.

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

**M 291 11
Adopt
Ordinance
No. 2193
(C/U
No. 1889)**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2193 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS” (Conditional Use No. 1889) filed on behalf of Robert A. Marshall, with the following conditions:

- 1. As stated by the Applicant, no new buildings shall be constructed.**
- 2. All equipment servicing and repairs shall occur inside of the existing buildings.**
- 3. Any material storage shall be stored in bins or other containers. The**

location of these shall be shown on the Final Site Plan.

4. Fertilizers and other chemicals shall be stored inside the structures or in approved outdoor tanks or containers.
5. The location of all parking areas shall be shown on the Final Site Plan.
6. The Final Site Plan shall be subject to the review of the Planning and Zoning Commission.
7. Per the Applicant, they will submit plans for approval from the Sussex Conservation District.

M 291 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/U
No. 1890**

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 CHURCH OPERATED AND OWNED THRIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.55 ACRES, MORE OR LESS” (Conditional Use No. 1890) filed on behalf of Conley’s United Methodist Church.

Shane Abbott, Assistant Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 28, 2011 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 April 28, 2011.)

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

The Council found that Edwin Perry was present on behalf of Conley’s United Methodist Church. He stated that the Church has been on this site for 188 years; that the Fellowship Hall was built in 1973; that the Church recently built a new church just off of John J. Williams Highway; that they now propose to utilize the original Fellowship Hall as a thrift shop; and that he and the Church Pastor have visited many of the area residents (all of the properties contiguous to the project site) to advise them of their intent for the thrift shop and there was no opposition.

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

**M 292 11
Adopt
Ordinance**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2194 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

**No. 2194
(C/U
No. 1890)** **RESIDENTIAL DISTRICT FOR A CHURCH OPERATED AND OWNED THRIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.55 ACRES, MORE OR LESS” (Conditional Use No. 1890) filed on behalf of Conley’s United Methodist Church, with the following conditions:**

- M 292 11
Adopt
Ordinance
No. 2194
(C/U
No. 1890)
(continued)**
- 1. The use shall be limited to a thrift shop operated by the Applicant.**
 - 2. The Applicant shall comply with all DelDOT entrance requirements.**
 - 3. All parking areas and spaces shall be marked on the Final Site Plan and on the site itself.**
 - 4. No permanent outdoor displays of merchandise shall be permitted on the site.**
 - 5. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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. 1891** **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 SUBCONTRACTED TRUCK TRAILERS AND LOCAL HAULING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.717 ACRES, MORE OR LESS” (Conditional Use No. 1891) filed on behalf of Juan Santay Ajanel.**

Shane Abbott, Assistant Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 28, 2011 at which time the Commission deferred action.

(See the minutes of the meeting of the Planning and Zoning Commission dated April 28, 2011.)

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

Mr. Abbott read a letter of opposition into the record submitted by Mary Jo Johns which was received on May 12, 2011. It was noted that a letter of opposition was also submitted by Ruth O’Ryan to the Council; this letter was received on April 18, 2011 and was read into the record of the Public Hearing before the Planning and Zoning Commission along with three additional letters of opposition.

It was noted that no one was present to speak on behalf of the application.

There were no public comments in support of the application.

Public comments were heard in opposition to the application.

**Public
Hearing/
C/U
No. 1891
(continued)**

Philip Whitaker of Lawson Road in Georgetown stated that his property is 1,000 feet in front of Mr. Ajanel's business/residence; that the business, as it currently exists, should not be allowed; that the application is for a tractor trailer business and that there is no clarity in regards to what type of business he is operating; that the use is not compatible with the area and will negatively impact property values; that it is an outdoor operation; that it appears to be a light industrial operation; that the area is residential and agricultural; and that the property is too small for this type of use. Mr. Whitaker submitted six photographs of Mr. Ajanel's business and the area.

Mary Jo Johns stated that her residence is 800 feet from the project site; that she is concerned that Mr. Ajanel's site will become a junk yard; and that she asks the Council to deny the application unless restrictions are placed on the use.

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

It was noted again that the Applicant failed to appear and therefore, there is no record of support of the application.

It was also noted that the Planning and Zoning Commission deferred action.

**M 293 11
Defer
Action on
C/U
No. 1891**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1891 filed on behalf of Juan Santay Ajanel.

Motion Adopted: 5 Yeas.

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

**M 294 11
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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