

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 15, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 15, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Rebecca Trifillis	Attorney (Substituting for Jim Griffin)

M 392 03 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

M 393 03 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the
Approve minutes of June 24, 2003, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Ms. Trifillis read the following correspondence:
spondence

SUSSEX COUNTY FIRE CHIEFS' ASSOCIATION, SUSSEX COUNTY, DELAWARE.

RE: Letter thanking Council for their support and for providing funding to the Sussex County Fire Service.

AMERICAN RED CROSS, MILFORD, DELAWARE.

RE: Letters to Mr. Dukes and Mr. Jones in appreciation of a \$400.00 grant.

M 394 03 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the
Procla- Proclamation entitled "PROCLAIMING JUNE 21, 2003 AS A DAY TO
mation HONOR GEORGE H. P. SMITH".

M 394 03
Adopt
Procla-
mation
(continued)

Motion Adopted: 5 Yea.

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

M 395 03
Adopt
Procla-
mation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING SATURDAY, JULY 12, 2003, AS A DAY TO HONOR THE GEORGETOWN FIRE COMPANY”.

Motion Adopted: 5 Yea.

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

M 396 03
Reappoint
Benjamin
Gordy
to P&Z
Commission

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to reappoint Benjamin Gordy to the Planning and Zoning Commission for a term of three years.

Motion Adopted: 5 Yea.

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

M 397 03
Reappoint
Brent
Workman
to Board
of Adjust-
ment

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to reappoint Brent Workman to the Board of Adjustment for a term of three years.

Motion Adopted: 5 Yea.

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

M 398 03
Appoint
Sandra
Dole to
Advisory
Committee

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to appoint Sandra Dole to the Advisory Committee for the Aging and Adults with Physical Disabilities for a term of two years.

Motion Adopted: 5 Yea.

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

Adminis-
trator’s
Report

Mr. Stickels read the following information in his County Administrator’s Report:

1. **Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities**

**Administrator's
Report
(continued)**

The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will meet on Monday, July 21, 2003. The meeting will take place at 9:00 a.m. at the Sussex County West Administrative Complex, DuPont Highway, Georgetown, Delaware. Robin Fisher, Senior Companion Program Manager for First State Community Action, will be the guest speaker. The general public as well as the media is welcome to attend.

2. Engineering Department - Beneficial Acceptance

Cape Henlopen Middle School, Agreement No. 248, was granted Beneficial Acceptance on June 24, 2003, by the Sussex County Engineering Department. Included with this report is a fact sheet on the project.

Summerfield Manor, Agreement No. 269, was granted Beneficial Acceptance on June 27, 2003, by the Sussex County Engineering Department. Included with this report is a fact sheet on the project.

3. Federal Emergency Management Agency Snow Declaration

Sussex County government has received a check in the amount of \$12,251.46 for reimbursement from the Federal Emergency Management Agency. This reimbursement covers 75 percent of the costs incurred by the County during the Presidents' Day storm in February 2003.

**SCRWF
Expansion/
Loan
Request**

Mr. Baker asked for Council's authorization to request additional loan funding for the South Coastal Regional Wastewater Facility Renovation and Expansion Project. The estimated total cost for this project is \$20.5 million. A loan was previously approved for the State of Delaware SRF Program in the amount of \$13 million, leaving \$7.5 million remaining to be funded. Mr. Baker reported that the County has had discussions with the USDA Rural Development Agency and they are interested in providing a loan in the amount of \$7.5 million for a term of 40 years at an approximate interest rate of 4 ½ percent. The project is scheduled to begin in Fiscal Year 2004; completion of the project is scheduled for 2007. The project is for the expansion of the treatment capacity of the plant from 6 million gallons per day to 9 million gallons per day. The project will include upgrading the solids from the plant to a Grade A Product; establishing a grit removal system, and upgrading the chlorination facility. It is anticipated that the annual debt service on these loans will come from project revenues generated by growth (connection fees, etc.)

**M 399 03
Authorize
Loan
Request
(SCRWF)**

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes a loan request to the USDA Rural Development Agency for the South Coastal Regional Wastewater Facility Renovation Expansion Project for \$7,500,000.

**M 399 03
(continued)**

Motion Adopted: 5 Yea.

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

**New
Checking
Accounts**

Mr. Baker requested permission to open two new checking accounts for the Community Development Housing Program entitled "Sussex County Council – CDBG-03" and "Sussex County Council – HPG-03".

**M 400 03
Adopt
Resolution
No.
R 021 03
Authorizing
New
Bank
Accounts**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 021 03 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF LYNN J. ROGERS, PRESIDENT; DALE R. DUKES, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

**Old
Business/
C/U
No. 1495**

The County Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT/POND RECLAMATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 19.189 ACRES, MORE OR LESS, OF 107.973 ACRES" (Conditional Use No. 1495) filed on behalf of J. Everett Moore, Jr. and Deborah J. Moore.

The Planning and Zoning Commission held a Public Hearing on this application on June 12, 2003. On June 26, 2003 the Planning and Zoning Commission recommended that the application be approved with 13 conditions.

The County Council held a Public Hearing on this application on June 24, 2003.

The County Council discussed the conditions proposed by the Commission, with a change being recommended to Condition No. 1.

**M 401 03
Adopt
Ordinance
No. 1622**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1622 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT/POND RECLAMATION TO BE LOCATED ON A CERTAIN PARCEL OF

M 401 03
Adopt
Ordinance
No. 1622
(C/U
No. 1495)
(continued)

LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 19.189 ACRES, MORE OR LESS, OF 107.973 ACRES” (Conditional Use No. 1495) filed on behalf of J. Everett Moore, Jr. and Deborah J. Moore, with the following conditions:

- 1. The excavation and operation of the borrow pit shall be limited to one year. If necessary, the Applicant shall be allowed a reasonable amount of additional time, not to exceed 180 days, to complete reclamation activities.**
- 2. The borrow pit shall not exceed 15 feet in depth.**
- 3. No materials shall be brought from off the site for processing, mixing or similar purposes.**
- 4. Water or a water truck shall be available to control dust from road traffic when conditions require.**
- 5. Any entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.**
- 6. The hours of operation for the business on this site shall only occur between the hours of 7:30 a.m. to 6:00 p.m. Monday through Friday and 7:30 a.m. until 12:30 p.m. on Saturdays. There shall not be any borrow pit activity on Sundays.**
- 7. No fuel shall be stored on-site for borrow pit operations.**
- 8. No stumps, branches, debris or similar items shall be buried on the site of the borrow pit.**
- 9. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations.**
- 10. The Applicants shall comply with all State and County erosion and sediment control regulations.**
- 11. Markers and signs shall be placed at appropriate locations to designate pit areas.**
- 12. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance.**
- 13. The Applicant shall also comply with all of the requirements set forth in Section 115-72B of the Sussex County Zoning Ordinance that may apply, with the exception of items (c), (d) and (e) of Section 115-72B(6) concerning additional setbacks, TAC review, and performance guarantees.**

Motion Adopted: 5 Yea.

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

Old
Business/
C/Z
No. 1503

The County Council discussed 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-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A

Old
Business/
C/Z
No. 1503
(continued)

CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 139.32 ACRES, MORE OR LESS” (Change of Zone No. 1503) filed on behalf of RDM, Inc. (Warrington Properties, LLC).

The Planning and Zoning Commission held a Public Hearing on this application on May 22, 2003. On June 12, 2003 the Planning and Zoning Commission recommended that the application be approved with 18 conditions.

The County Council held a Public Hearing on this application on June 10, 2003.

Mr. Cole recommended that Condition No. 8, as recommended by the Planning and Zoning Commission, be amended to require a review of the Best Management Practices Plan every three years by an appropriate agency.

M 402 03
Amend
Condition
No. 8

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Amend Condition No. 8 recommended by the Planning and Zoning Commission to read as follows:

“The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs) as further described in the Applicant’s documents submitted into the record, and a review of the Best Management Practices (BMPs) Plan shall be required every three years by an appropriate agency.”

Motion Adopted: 3 Yea, 2 Nay.

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

Recommen-
dation to
Amend
Condition
No. 2

Mr. Cole recommended that Condition No. 2, which limits building permits to 100 per calendar year, be amended to a lesser number. He expressed concerns about the site’s location and traffic problems in the area. He also questioned the status of improvements at the intersection of Old Landing Road, Warrington Road, and Strawberry Way and the intersection of Airport Road and Old Landing Road.

There was not a consensus of Council to amend Condition No. 2.

M 403 03
Amend
Condition
No. 14

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend Condition No. 14 recommended by the Planning and Zoning Commission by adding the following language which was included in the Proposed Conditions submitted by the Applicant:

**M 403 03
(continued)**

(B) Any site work performed, including clearing, grubbing and excavation, within the boundaries of any proposed street right-of-way shall be inspected by a qualified Geotechnical Engineer who shall certify in writing to the Sussex County Engineering Department, prior to issuance of construction permits, that (a) all right-of-way areas have been cleared flush with the ground of all trees, brush, shrubs, down timber, rotten wood, rubbish, and other debris, vegetation or obstructions; (b) all fill material utilized was suitable; and (c) all fill material utilized was adequately compacted as a road base.

(Mr. Steve McCabe, Director of Public Works, advised Council of his concerns regarding the addition of this language as part of the conditions, i.e. coordination problems in the fields, enforcement problems between agencies, problems with permitting construction to begin without plan approval, etc.)

Motion Denied: 3 Nay, 2 Yea.

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

**M 404 03
Adopt
Ordinance
No. 1623
(C/Z
No. 1503)**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1623 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 139.32 ACRES, MORE OR LESS" (Change of Zone No. 1503) filed on behalf of RDM, Inc. (Warrington Properties, LLC), with the following conditions:

- 1. The maximum number of dwelling units shall not exceed 282. This shall be comprised of 176 single-family townhouse units and 106 single-family lots.**
- 2. No more than 100 building permits shall be issued in any calendar year.**
- 3. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determinations, including the recommendations set forth in DelDOT's letter to Lawrence B. Lank, dated April 10, 2003, or any further modifications required by DelDOT.**
- 4. Recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These amenities shall include a swimming pool, bath house and tennis courts.**
- 5. The development shall be served as part of the appropriate Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- 6. The development shall be served by a public central water system**

**M 404 03
(continued)**

- providing adequate drinking water and fire protection as required by applicable regulations.
7. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. If it is determined that additional areas are required for stormwater management, parking or other use, the additional areas shall be taken from lot areas, not designated Federal or State wetlands or other open space areas.
 8. The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs) as further described in the Applicant's documents submitted into the record and a review of the BMP Plan shall be required every three years by an appropriate agency.
 9. State wetlands shall not be included in individual lots. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits.
 10. No piers, docks, boat ramps, or other water related recreational facilities shall be permitted on or adjacent to White Oak Creek.
 11. Site plan review for each phase of development shall be subject to approval of the Planning and Zoning Commission.
 12. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. Street design shall include curbs, sidewalks, and street lighting. The RPC design recognizes the importance of the environmental aspects of the development, including the stormwater management design, utilization of Best Management Practices and connectivity of existing site features proposed for the development. Therefore, the standard subdivision street requirements shall be modified at the four (4) designated "greenway corridors" as shown on the site plan.
 13. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
 14. No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.
 15. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
 16. The Applicant shall cause to be formed a homeowners association to be

**M 404 03
(continued)**

responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.

17. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.

18. A bus stop shall be provided on site for future use by DelDOT.

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/Z
No. 1504)**

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-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 22.5737 ACRES, MORE OR LESS” (Change of Zone No. 1504) filed on behalf of Ruggiero Development Group, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on May 8, 2003. On May 22, 2003 the Planning and Zoning Commission recommended that the application be approved with 12 conditions. Mr. Lank recommended an additional condition (No. 13) be added that “Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.”

The County Council held a Public Hearing on this application on May 20, 2003.

Mr. Cole recommended that an additional condition (No. 14) be added that “The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs) and a review of the BMP Plan shall be required every three years by an appropriate agency.”

**M 405 03
Adopt
Ordinance
No. 1624
(C/Z
No. 1504)**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1624 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 22.5737 ACRES, MORE OR LESS” (Change of Zone No. 1504) filed on behalf of Ruggiero Development Group, L.L.C., with the following conditions:

**M 405 03
(continued)**

- 1. The maximum number of lots shall not exceed 75.**
- 2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.**
- 3. Recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These amenities shall include a swimming pool, tot lot, gazebo, sidewalks on at least one side of the street and street lighting.**
- 4. The development shall be served as part of an existing or extended Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- 5. The MR/RPC shall be served by a public central water system providing adequate drinking water and fire protection, as required by applicable regulations.**
- 6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. If feasible, stormwater management shall be shared with Sea Grass Plantation.**
- 7. Site plan review for each phase of development shall be subject to approval of the Planning and Zoning Commission.**
- 8. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications.**
- 9. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- 10. No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District permit and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.**
- 11. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.**
- 12. A 20-foot tree buffer shall be provided on the southerly and easterly boundaries of the development. A 10-foot tree buffer shall be provided along the boundary with "Sea Grass Plantation" (as shown on the preliminary site plan), and a 30-foot landscape buffer shall be provided along the boundary with Irons Lane.**
- 13. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- 14. The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater**

**M 405 03
(continued)**

management facilities in a manner that is consistent with Best Management Practices (BMPs) and a review of the BMP Plan shall be required every three years by an appropriate agency.

Motion Adopted: 5 Yea.

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

**Proposed
Zoning
Text
Amend-
ments to
Code of
Sussex
County**

Council discussed proposed zoning text amendments to the Code of Sussex County relating to the C-1 General Commercial District, Biotech Campus and Biotech Industry, and Agriculturally Related District. Mr. Kautz, Land Use Planner, and Mr. Shafer, the County's Land Use Consultant, reviewed the proposed amendments. Mr. Lank, Director of Planning and Zoning, advised that the Proposed Amendments will be prepared in ordinance form to be presented to Council for introduction at a future meeting.

**Joy
Beach
Subdivision
Suburban
Community
Improve-
ments**

Mr. McCabe, Director of Public Works, reported that the County has been petitioned by a majority of the property owners in Joy Beach Subdivision for Suburban Community Improvements to repave the streets in the development. On June 10, 2003 the County Council authorized an election to be held at the Inland Bays Wastewater Treatment Facility, Long Neck, Delaware, between the hours of 9:00 a.m. – 6:00 p.m. on Saturday, July 12, 2003, for the purpose of allowing property owners and residents of Joy Beach Subdivision, Indian River Hundred, to consider the financing of Suburban Community Improvements. Mr. McCabe reported that the election passed with 40 votes in favor of the proposed improvements and with 5 votes against the proposed improvements.

**M 406 03
Authorize
Solicitation
of Bids and
Completion
of Project
Improve-
ments/
Joy
Beach
Subdivision**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council authorized an election to be held on Saturday, July 12, 2003 for the purpose of allowing property owners and residents of Joy Beach Subdivision, Indian River Hundred, to consider the financing of Suburban Community Improvements under Title 9, Chapter 5, of the Delaware Code, and;

Whereas, the aforementioned election passed with 40 votes "For" the proposed improvements versus 5 votes "Against" the proposed improvements, as certified by the Judge of the election under Title 9, Chapter 5, of the Delaware Code, and;

Therefore, the Sussex County Council authorizes the County Engineering Department to solicit bids and complete the project improvements under Title 9, Chapter 5, of the Delaware Code.

Motion Adopted: 5 Yea.

**M 406 03
(continued)**

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

**Holts
Landing
SSD/
Consultant
Contract
Amendment**

Mr. Archut, Assistant County Engineer, presented Amendment No. 21 to a Consultant Contract Agreement with Whitman, Requardt & Associates for construction services for the Holts Landing Sanitary Sewer District. The Amendment will cover the contract administration and resident project representation for placement of the main pumping station and force main at Bay Colony and the upgrade of the main pumping station at Fairway Villas. The total contract amount is \$99,993.

**M 407 03
Execute
Amendment
to Contract/
Holts
Landing
SSD**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 21 to its contract with Whitman, Requardt and Associates, LLP for the construction services proposal for the Bay Colony and Fairway Villas Collection and Conveyance System Improvements.

Motion Adopted: 5 Yea.

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

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in various sewer districts.

**M 408 03
Authorize
Execution
of Agree-
ments/
Villas at
Beach
Cove**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 292, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Pulte Home Corporation, for wastewater facilities to be constructed in the Villas at Beach Cove, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**M 409 03
Authorize
Execution
of Agree-
ments/
The
Reserves
of Nassau**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 268, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Robino-Nassau, LLC, for wastewater facilities to be constructed in The Reserves of Nassau, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

**M 409 03
(continued)**

Motion Adopted: 5 Yea.

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

**M 410 03
Authorize
Execution
of Agree-
ments/
The
Village
of Five
Points/
East
Village**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 293, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Olde Towne Pointe, LLC for wastewater facilities to be constructed in The Village of Five Points – East Village – Phase 2; Phase 1, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**M 411 03
Authorize
Execution
of Agree-
ments/
The
Refuge
of Dirick-
son Creek**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 289, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bunting-Gray, LLC for wastewater facilities to be constructed in The Refuge of Dirickson Creek, Phase I, located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 412 03
Authorize
Execution
of Agree-
ments/
Sloop
Avenue/
Pot Nets
Bayside**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 290, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Tunnell Companies, L.P. for wastewater facilities to be constructed in Sloop Avenue – Pot Nets Bayside, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 413 03
Authorize
Execution
of Agree-
ments/
Bridle
Ridge**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 307, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Miranda & Hardt Contracting & Building Services, L.L.C. for wastewater facilities to be constructed in Bridle Ridge, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Requests

Mr. Stickels presented grant requests for Council's consideration.

**M 414 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00, \$100.00 from each Councilmanic Account, to the Greater Georgetown Chamber of Commerce for Olde Georgetown Days.

Motion Adopted: 5 Yea.

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

**Funding
Request**

The funding request from the Delmarva Mud Ducks will be taken under advisement.

**M 415 03
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$100.00 from Mr. Phillips' Councilmanic Account to Sussex Technical High School for Chelsea Hitchens' attendance at the National Young Leaders Conference in Washington, D.C.

Motion Adopted: 5 Yea.

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

**Proposed
Ordinance**

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO BUILD AND DISPLAY BARNS, DOG HOUSES, ETC., TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.05 ACRES, MORE OR LESS" (Conditional Use No. 1517) filed on behalf of David Kiser. The Proposed Ordinance will be advertised for Public Hearing.

- Proposed Ordinance** Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SELF-STORAGE AND A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.799 ACRES, MORE OR LESS” (Conditional Use No. 1518) filed on behalf of Atlantic Auction Co., Inc. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance** Mr. Cole introduced 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 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.96 ACRES, MORE OR LESS” (Conditional Use No. 1519) filed on behalf of Inland Bays, LLC. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance** Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WELLS AND A CONTROL BUILDING FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4,676 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1520) filed on behalf of Tidewater Utilities, Inc. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance** Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS” (Conditional Use No. 1521) filed on behalf of Storage Equity Partners, LP, II. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance** Mr. Phillips introduced 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-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 95.2 ACRES, MORE OR LESS” (Change of Zone No. 1528) filed on behalf of Cadbury Senior Services, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.67 ACRES, MORE OR LESS" (Change of Zone No. 1529) filed on behalf of Douglas W. Brockway. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.66 ACRES, MORE OR LESS" (Change of Zone No. 1530) filed on behalf of Cloverland Farms Dairy, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 416 03 Recess At 12:10 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:00 p.m. Motion Adopted by Voice Vote.

Reconvene At 1:05 p.m., Mr. Rogers called Council back into session.

Attorney Jim Griffin, County Attorney, was present.

**Public Hearing/
C/Z
No. 1510** 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.77 ACRES, MORE OR LESS" (Change of Zone No. 1510) filed on behalf of Kevin and Teresa McDaniel.

It was noted that no one was present on behalf of the application and action was tabled.

**Public Hearing/
C/Z
No. 1511** 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 HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.159 ACRES, MORE OR LESS" (Change of Zone No. 1511) filed on behalf of Gulfstream Development.

The Planning and Zoning Commission held a Public Hearing on this application on June 26, 2003 at which time they deferred action. On July 10, 2003 the Commission recommended that the application be approved with conditions. Mr. Lank, Director of Planning and Zoning, read a

**Public
Hearing/
C/Z
No. 1511
(continued)**

summary of the Commission's Public Hearing. The summary and the findings and recommendations of the Commission were admitted as part of the record of this Public Hearing.

Mr. Lank recommended that an additional condition (No. 15) be added that "Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department."

Mr. Lank read two letters of opposition into the record, one from Rob and Donella Gano and one from Jane E. Vincenti.

The Council found that Mark Dunkle, Attorney; Robert Harris, Applicant; and Lonnie Webb of TetraTech: were present on behalf of the application. They stated that the application is for the construction of 12 single-family homes and no more than 47 townhouses. Mr. Harris noted that he has constructed other developments in the area and the potential homebuyers have been notified of the location of the South Coastal Regional Wastewater Facility and that he has not received any complaints from the homeowners regarding the Facility.

Mr. Stickels commented that the County has received a minimal amount of complaints regarding the South Coastal Regional Wastewater Facility.

Public comments were heard from Joe Aquilla and Janice Smith who stated that they live in an adjoining subdivision to the wastewater treatment plant; that they have no objections to the treatment plant and that there have been no objectionable odors, lights or noise from the plant.

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

**M 417 03
Add
Condition
No. 16 to
C/Z
No. 1511**

A Motion was made by Mr. Cole, seconded by Mr. Jones, that an additional condition (No. 16) be added that "The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs) and a review of the BMP Plan shall be required every three years by an appropriate agency."

Motion Adopted: 3 Yea, 2 Nay.

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

**M 418 03
Adopt
Ordinance
No. 1625
(C/Z
No. 1511)**

A Motion was made Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1625 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND

**M 418 03
(continued)**

LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.159 ACRES, MORE OR LESS” (Change of Zone No. 1511) filed on behalf of Gulfstream Development, with the following conditions:

- 1. The maximum number of dwelling units shall not exceed 59, including a mixture of multi-family units (47) and single family residential lots (12).**
- 2. All entrance, intersection, roadway, and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination.**
- 3. Recreational facilities and amenities, including a swimming pool and bathhouse, shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit.**
- 4. The development shall be served as part of an existing or extended Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department’s specifications and regulations.**
- 5. The HR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- 6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.**
- 7. Site plan review shall be subject to approval of the Planning and Zoning Commission.**
- 8. The interior street design shall be in accordance with or exceed Sussex County’s street design requirements and/or specifications.**
- 9. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- 10. No site preparation, site disturbance, site excavation or other site construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded, except site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Director of Planning and Zoning and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District and in a form acceptable to the County Attorney. The bond shall be released upon the issuance of all other permits and the filing of an approved master plan or final site plan.**
- 11. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.**
- 12. The Applicant shall comply with the agreed upon items summarized in a letter, dated June 19, 2003, from Constance Holland to Lawrence Lank. The items referenced included:**
 - Move the townhouse buildings along the southern border up towards the road by 10 foot – 20 foot to increase the buffer between the buildings**

**M 418 03
(continued)**

and property line

- Leave a 10 foot unmowed buffer between the existing tree line and the townhouse lawns. It is noted that Gulfstream has conducted a nutrient assessment of the property and indicated a significant nutrient reduction of total nitrate and total phosphorus from the conversion of this agricultural cropland use to suburban land use. Maintaining this 10 foot unmowed buffer will mitigate some of the nutrient losses from the southern end of the project. DNREC has encouraged buffers of this type along all drainage ditches.
 - Install a 6 foot wooden stockade fence along the ditch on the State's side of the ditch border.
 - Leave the ditch and existing tree line bordering the ditch undisturbed.
13. The berm planted along the boundary of this property and property owned by Sussex County, as part of the Sussex County Regional Wastewater Facility, shall be planted with Leyland Cypress or similar vegetation to help screen the project from the County-owned property.
14. There shall be a notice included in all Restrictive Covenants and Condominium Documents stating that "This property is located adjacent to the South Coastal Regional Wastewater Facility. This industrial facility operates 24 hours a day, seven days a week and normal operations emit noise, light and odors that some persons may find offensive. The facility currently has a capacity to treat six million gallons of wastewater per day (MGD), but will expand to 21 MGD in the future. The Developer, owners and residents of this subdivision and condominium acknowledge this adjacent use and accept the effects and inconvenience that may result from such normal operational uses."
15. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
16. The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs) and a review of the BMP Plan shall be required every three years by an appropriate agency.

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/Z
No. 1510)**

The Public Hearing was continued 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.77 ACRES, MORE OR LESS" (Change of Zone No. 1510) filed on behalf of Kevin and Teresa McDaniels.

**Public
Hearing
(continued)**

The Council found that there were no parties present on behalf of the application.

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

**M 419 03
Adopt
Proposed
Ordinance
(C/Z
No. 1510)**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.77 ACRES, MORE OR LESS" (Change of Zone No. 1510) filed on behalf of Kevin and Teresa McDaniels.

Motion Denied: 5 Nay.

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

**Reason
for Denial**

The County Council denied the application based on the lack of representation in support of the application.

**M 420 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to adjourn at 2:07 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council