



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 25, 2006

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 25, 2006 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
Hal Godwin	Administrative Assistant
James D. Griffin	County Attorney

M 499 06 Amend and Approve Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the Agenda, as follows:

- delete "Approval of Minutes";
- delete "Comprehensive Land Use Plan Review, Consultant Selection Process";
- delete South Coastal Library Building Expansion – Architectural Consultant Selection";
- delete "Consultant Selection Process – Architectural and Engineering Services";
- move "Grant Requests" to 10:30 a.m.;
- move "Executive Session" to 10:40 a.m.;
- move "Old Business" to 11:00 a.m.;
- move "Introduction of Proposed Zoning Ordinances" to 11:45 a.m.;
- move "Any Additional Business Brought Before the Council" to 11:50 a.m.;

and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

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

Agenda Item	Mr. Dukes requested that the following item be placed on the August 1st Agenda: “For Discussion Only – Location of County Engineering Building”.
Administrator’s Report	Mr. Stickels read the following information in his Administrator’s Report: 1. <u>Public Workshop</u> The Delaware Department of Transportation is holding two public workshops regarding the Georgetown/Lewes Rail to Trail Plan. The workshops will be held from 4:00 to 7:00 p.m. on Monday, August 14, 2006, at the Virden Center in Lewes, and on Tuesday, August 15, 2006, at the DelDOT Administration Building in Georgetown. DelDOT is currently undertaking a study of the Georgetown to Lewes rail line for the possible development as a Rail-to-Trail or Rail-with-Trail facility. If constructed, a rail trail would allow for bike or pedestrian travel (off-road and non-motorized) between these two destinations, as well as intermediate points. This would be a major addition to the transportation and recreational assets in Sussex County.
Appointment	Mr. Godwin reported that Benjamin Gordy’s appointment to the Planning and Zoning Commission expired in June 2006.
M 500 06 Reappointment to Planning and Zoning Commission	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to reappoint Benjamin Gordy to serve on the Planning and Zoning Commission for a term of three years, until June 2009. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea
Wastewater Agreement	Mr. Godwin presented a Wastewater Agreement for the Council’s consideration.
M 501 06 Authorize Wastewater Agreement/ Forest Landing	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. 343-1, that the Sussex County Council authorizes its President to execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Forest Landing, LLC, for wastewater facilities to be constructed in Forest Landing, LLC, located in the Miller Creek Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**Contract
Amend-
ment/
WR&A/
Millville
Expansion
of the
BBSSD**

Mr. Archut, Assistant County Engineer, presented for the Council's consideration, a Proposed Motion to approve a Contract Amendment with Whitman, Requardt & Associates (WR&A). He explained that the proposal is an amendment to the current contract to allow for construction administration and project representation for the White's Creek Manor and County Road 350 project. Mr. Archut advised that the Council approved the Construction Contract with Underground Utilities Corporation in May 2006; the Amendment will provide the inspection and review by WR&A of that work. The contract cost is \$297,605.00.

**M 502 06
Execute
Contract
Amend-
ment/
WR&A/
Millville
Expansion
of the
BBSSD**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 38, dated June 8, 2006, to its contract with Whitman, Requardt and Associates, LLP, for White's Creek Manor and County Road 350 Sewer Construction Administration and Resident Project Representation, at a cost not to exceed \$297,605.00.

Motion Adopted: 5 Yea.

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

Requests

Mr. Baker presented grant requests for the Council's consideration.

**M 503 06
Community
Investment
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$5,000.00 from Mr. Cole's Community Investment Grant Account to the Rehoboth Art League, Inc. for building restoration expenses.

Motion Adopted: 5 Yea.

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

**M 504 06
Youth
Activity
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$200.00 (\$100.00 each from Mr. Dukes' and Mr. Phillips' Youth Activity Grant Accounts for Bridgett Hamilton to attend the Congressional Youth Leadership Council in Washington, D.C. (check to be made payable to Delmar Junior/Senior High School to reimburse Bridget Hamilton for enrollment fees paid in advance).

Motion Adopted: 5 Yea.

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

M 505 06 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give**
Community **\$1,500.00 from Mr. Cole's Community Investment Grant Account to the**
Investment **City of Rehoboth Beach for the Summer Concert Series.**
Grant

Motion Adopted: 5 Yea.

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

M 506 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$5,000.00**
Community **from Mr. Jones' Community Investment Grant Account to the Georgetown**
Investment **Boys & Girls Club for the Annual Fund for Kids Campaign.**
Grant

Motion Adopted: 5 Yea.

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

M 507 06 **At 10:25 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes,**
Go Into **to go into Executive Session for the purpose of discussing pending litigation.**
Executive
Session

Motion Adopted: 5 Yea.

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

Executive **An Executive Session of the Sussex County Council was held in the Caucus**
Session **Room of the Council Chambers at 10:26 a.m. for the purpose of discussing**
 pending litigation. The Executive Session concluded at 10:42 a.m.

M 508 06 **At 10:43 a.m., a Motion was made by Mr. Jones, seconded by Mr. Dukes, to**
Reconvene **come out of Executive Session and reconvene the Regular Session.**
Regular
Session

Motion Adopted: 5 Yea.

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

**Appeal/
The
Meadow
at Creek
Run/KGH**

The Council discussed an appeal filed by KGH Property Development (a/k/a Kaplan/Gallo/Howett), the developers of The Meadows at Creek Run (Subdivision No. 2003-50) situated on approximately 57 acres on County Road 257 near Milton. On April 19, 2005, the County Council voted (4-1) to affirm the decision of the Planning and Zoning Commission to deny the approval of the preliminary subdivision plan.

**Appeal/
The
Meadow
at Creek
Run/KGH
(continued)**

Mr. Griffin explained that, on April 19, 2005, when the Council voted to affirm the denial, there was a situation where the vote followed an Executive Session and the tape recorder was not turned on as soon as the voting started. Mr. Cole and Mr. Phillips voted before the tape was turned on, then Mr. Dukes and Mr. Rogers voted; when Mr. Jones voted, his vote was recorded as inaudible. The final outcome was that there were only two votes recorded on tape. The decision of the Council was appealed to Superior Court and the lawyers involved in the appeal asked the Court to remand it because there was not a clear statement of the Council's decision. Mr. Griffin explained that the subdivision appeal is before Council once again due to a remand from the Superior Court for the Council to reconsider the appeal.

Mr. Griffin noted that each Councilman previously received a transcript of the Public Hearing and the decision on the appeal. He instructed the Council that they must decide whether to vote exactly as they did before or whether to take some other action.

Mr. Phillips stated that a lot has changed in his mind since the original application and decision and that he believed it would be appropriate for the Council to remand the application back to the Planning and Zoning Commission to reconsider the application. Further, he stated that the Commission should be directed to clarify their reasons for their approval or denial of the subdivision application.

**M 509 06
Remand
Subdivision
Application/
The
Meadow
At Creek
Run/
KGH**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to remand Subdivision Application No. 2003-50, The Meadows at Creek Run, to the Planning and Zoning Commission, requesting that a new Public Hearing be held to reconsider the application and further, requesting that the Commission clarify their reasons for their approval or denial.

Motion Adopted: 4 Yea, 1 Nay.

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

**Old
Business
(C/U
No. 1639)**

The County Council discussed 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 (PROPOSING 6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2873 ACRES, MORE OR LESS” (Conditional Use No. 1639) filed on behalf of Bethany Court, LLC.

**Old
Business
(C/U
No. 1639)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on March 9, 2006 at which time they deferred action. On April 13, 2006, the Commission recommended that the application be approved, with conditions. The Commission recommended that the maximum number of residential units shall not exceed five (5).

(See the minutes of the meeting of the Planning and Zoning Commission dated March 9 and April 13, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission’s recommendation of approval.)

The County Council held a Public Hearing on the application on March 28, 2006 at which time they deferred action.

Mr. Dukes questioned why the Commission recommended that the application be approved for a reduced maximum number of five (5) residential units.

Mr. Cole expressed concern about increasing the density to 6 units, as proposed by the applicant. He stated that the adjacent area is a State Park and the area should be protected.

Mr. Phillips stated that one additional unit would not overwhelm the infrastructure in the area.

The Council discussed the “Scattered Parcel” Ordinance that was adopted on July 18, 2006 which affects this application.

**M 510 06
Adopt
Proposed
Ordinance
with P&Z’s
Conditions
(C/U
No. 1639)**

A Motion was made by Mr. Cole to Adopt 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 (PROPOSING 6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2873 ACRES, MORE OR LESS” (Conditional Use No. 1639) filed on behalf of Bethany Court, LLC., with the conditions proposed by the Planning and Zoning Commission. The Motion died for the lack of a Second.

**M 511 06
Adopt
Ordinance
No. 1864
(C/U
No. 1639)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1864 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (PROPOSING 6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2873 ACRES, MORE

OR LESS” (Conditional Use No. 1639) filed on behalf of Bethany Court, LLC, with the following conditions:

**M 511 06
Adopt
Ordinance
No. 1864
(C/U
No. 1639)
(continued)**

- 1. The maximum number of residential units shall not exceed six (6).**
- 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. The development shall be served as part of a Sussex County Sanitary Sewer District, and the Applicant shall pay for any upgrades required for service to the project.**
- 4. The project shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- 5. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements.**
- 6. The only access to the beach shall be one crossover broad-walk or walkway as may be permitted by DNREC.**
- 7. A sidewalk shall be installed to connect the project to the State Park beach access at 3Rs Road.**
- 8. The interior street design for this development shall be subject to approval of the Planning and Zoning Commission.**
- 9. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- 10. 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 9:00 a.m. to 5:00 p.m. Monday through Friday.**
- 11. A construction fence shall be erected so as to be high enough to act as a sufficient shield against blown or discarded construction materials and debris from impacting the State Park and neighboring properties.**
- 12. Notices shall be given and shall be included in Restrictive Covenants and/or condominium documents as to hunting activities being permitted and ongoing on nearby State Park lands.**
- 13. Addressing and road naming shall be subject to the approval of the Mapping and Addressing Department.**
- 14. Site plan review shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yea, 1 Nay.

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

**Old
Business**

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN

(C/U
No. 1691)

AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO CONDITIONS OF APPROVAL OF CONDITIONAL USE NO. 1314 FROM A MICRO-NUTRIENT PLANT WITH RELATED TRUCK ENTRANCE AND RAIL SPUR FOR THE PROCESSING AND HANDLING OF POULTRY LITTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS” (Conditional Use No. 1691) filed on behalf of Perdue Farms AgriRecycle, LLC.

**Old
Business
(C/U
No. 1691)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on June 22, 2006 at which time they deferred action. On July 6th, the Commission recommended approval of Conditional Use No. 1691 based upon the following reasons:

- 1) This is an existing Conditional Use that was approved by the County Council in 1999. This application will not materially change the use that is permitted upon the property.**
- 2) The Applicant is requesting reasonable changes to the existing Conditional Use permit to meet its’ needs for the recycling of poultry manure and marketing of the pelletized micro-nutrients.**
- 3) The use has proven to be a benefit for the family farm and agricultural industry in Sussex County. It has also proven to be a good way to eliminate a potential source of excess nitrates and phosphates from Sussex County soils.**
- 4) The Applicant has requested the deletion of the 4th condition of its’ Conditional Use to allow the movement and drop-off and pick-up of rail cars within the site at any time. It is recommended that the 4th condition be deleted.**
- 5) The Applicant has requested that the 7th condition be deleted to allow truck travel to the site at any time. It is recommended that the 7th condition be deleted; by allowing truck travel to the site at any time, the plant can operate more efficiently and fuel costs would be reduced.**
- 6) The Applicant has requested an amendment to the 9th condition to allow outside storage in watertight containers. The material will be stored in a neat and orderly fashion if it is inside watertight containers. This will also allow the plant to operate more efficiently. It is recommended that the 9th condition be modified to state “all activities involving raw litter shall be inside of the building. The loading, unloading and processing of raw material/litter shall be within the negative air section of the building. Storage of finished product, both pellets and granulated, may be stored outside in watertight containers. The loading of the finished product onto transport vehicles shall be under roof.”**
- 7) The Applicant has requested that the 18th condition be amended to allow Sunday operations on an emergency basis. This is a reasonable request. There is confusion as to what the word “operate” means. It is recommended that the 18th condition be amended to state that**

Old
Business
(C/U
No. 1691)
(continued)

“the facility shall not be operated to convert poultry waste into micro-nutrient on Sundays unless an emergency basis exists. The Applicant shall notify the Office of Planning and Zoning if it believes that a sufficient emergency exists to require Sunday operation and shall provide the Office of Planning and Zoning with its basis for the request. The Office of Planning and Zoning may, in appropriate circumstances, authorize Sunday operation after finding that a valid emergency exists”.

- 8) The Applicant has operated the facility very well during the past five years. Even with these recommended amendments to the existing Conditional Use, the noise, odor, or other effects of the operations are no different than other agricultural uses that exist all over Sussex County.**

(See the minutes of the meeting of the Planning and Zoning Commission dated June 22 and July 6, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission’s recommendation of approval.)

The County Council held a Public Hearing on the application on July 18, 2006, at which time they deferred action.

Mr. Cole questioned a clear definition of an “emergency”.

Mr. Dukes referred to the power company asking Perdue AgriRecycle to curtail operations during peak hours. He stated that he thought it would be sufficient to require the applicant to notify the Planning and Zoning Department if there is an emergency situation and they need to operate on Sundays.

Mr. Phillips noted that other agricultural processing plants do not have restricted hours.

It was noted that it is questionable if agricultural activities can be restricted.

Mr. Dukes reported that, since the Public Hearing held on July 18th, he met with Russell Ebron, one of the opponents of the application, along with Wayne Hudson and the Plant Manager of Perdue Farms AgriRecycle, to discuss Mr. Ebron’s concerns. He stated that Mr. Hudson agreed to the following to address Mr. Ebron’s concerns regarding lighting and buffers: one amber light will be moved to the side with downward illumination so that the light cannot be seen from Mr. Ebron’s residence and, with permission from DNREC, they would plant more trees in the buffer area. Mr. Dukes advised that he spoke with John Hughes of DNREC, who gave his permission that Perdue Farms AgriRecycle could plant any type of trees to provide additional buffer. Mr. Hughes also told Mr. Dukes that the Department of Agriculture endorses the entire application.

Mr. Dukes noted that one of Mr. Ebron’s concerns was noise. He stated

that on the night of his visit, the plant was in full operation and he questioned Mr. Ebron about the noise. Mr. Ebron responded that the wind has to be blowing just right.

Mr. Lank noted that DNREC and the Department of Agriculture have given their permission to lower the existing berm so that the trees can root to the natural soil.

**M 512 06
Delete
Condition
No. 18/
Perdue
Farms
AgriRecycle**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to eliminate any reference of limiting the operating hours (Conditional Use No. 1691) by deleting Condition No. 18, a condition of approval of the original application (Conditional Use No. 1314 – Ordinance No. 1354) filed on behalf of Perdue AgriRecycle, LLC.

Motion Adopted: 3 Yea, 2 Nay.

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

Mr. Stickels stated that it would be preferable if the Applicant would make the County aware if they have to open on a Sunday(s).

**M 513 06
Adopt
Ordinance
No. 1865
(C/U
No. 1691)**

A Motion was made by Mr. Phillips, seconded by Mr. Phillips, to Adopt Ordinance No. 1865 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO CONDITIONS OF APPROVAL OF CONDITIONAL USE NO. 1314 FROM A MICRO-NUTRIENT PLANT WITH RELATED TRUCK ENTRANCE AND RAIL SPUR FOR THE PROCESSING AND HANDLING OF POULTRY LITTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS” (Conditional Use No. 1691) filed on behalf of Perdue Farms AgriRecycle, LLC., with the following conditions and reasons:

1. This is an existing Conditional Use (No. 1314) that was approved by the County Council in 1999. This application will not materially change the use that is permitted upon the property.
2. The Applicant is requesting reasonable changes to the existing Conditional Use permit to meet its’ needs for the recycling of poultry manure and marketing of the pelletized micro-nutrients.
3. The use has proven to be a benefit for the family farm and the agricultural industry in Sussex County. It has also proven to be a good way to eliminate a potential source of excess nitrates and phosphates from Sussex County soils.
4. The Applicant has requested the deletion of the 4th condition of Conditional Use No. 1314 to allow the movement and drop-off and pick-up of rail cars within the site at any time. Delete Condition No. 4, as requested.

**M 513 06
Adopt
Ordinance
No. 1865
(C/U
No. 1691)
(continued)**

5. The Applicant has requested that the 7th condition be deleted to allow truck travel to the site at any time; by allowing truck travel to the site at any time, the plant can operate more efficiently and fuel costs would be reduced. Delete Condition No. 7, as requested.
6. The Applicant has requested an amendment to the 9th condition to allow outside storage in watertight containers; the material would be stored in a neat and orderly fashion inside watertight containers. This will also allow the plant to operate more efficiently. The Planning and Zoning Commission recommended that the 9th condition be modified to state “all activities involving raw litter shall be inside of the building. The loading, unloading and processing of raw material/litter shall be within the negative air section of the building. Storage of finished product, both pellets and granulated, may be stored outside in watertight containers. The loading of the finished product onto transport vehicles shall be under roof.” Amend Condition No. 9 as requested and recommended by the Commission.
7. Delete Condition No. 18 which states “No operating hours will be permitted on Sunday.”
8. The Applicant has operated the facility very well during the past five years. Even with these recommended amendments to the existing Conditional Use, the noise, odor, or other effects of the operations are no different than other agricultural uses that exist all over Sussex County.

Motion Adopted: 4 Yea, 1 Nay.

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

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A WATERPARK AND MINIATURE GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.352 ACRES, MORE OR LESS” (Conditional Use No. 1697) filed on behalf of DANSK, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,999 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1698) filed on behalf of Jeffrey and Terrie Portmann. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Proposed Ordinance	Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GO-KART TRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.24 ACRES, MORE OR LESS” (Conditional Use No. 1699) filed on behalf of Harry H. Isaacs, III. The Proposed Ordinance will be advertised for Public Hearing.
Introduction (continued)	
Additional Business	Mr. Kramer stated that the Council doesn’t have any say in what the farmer can and cannot do and that the Council agreed to uphold the Constitution of the State of Delaware.
M 514 06 Adjourn	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:39 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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