



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 10, 2009

#### Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 10, 2009, at 3:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

Mr. Phillips called the meeting to order.

#### M 615 09 Approve Agenda

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to amend the Agenda by moving "Administrator's Report" to immediately follow "Reading of Correspondence"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

#### Minutes

The minutes of November 3, 2009 were approved by consent.

#### Corre- spondence

Mrs. Deaver read the following correspondence:

**FAITH DENAULT, PRESIDENT, AND THE BOARD OF DIRECTORS OF THE FRIENDS OF THE SOUTH COASTAL LIBRARY, BETHANY BEACH, DELAWARE.**

**RE: Letter stating that they feel it is essential that Sussex County continue to finance and support the South Coastal Library as a County library.**

**Adminis-  
trator's  
Report**

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

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

**1. Veterans Day Holiday**

In honor of Veterans Day, Sussex County offices will be closed on Wednesday, November 11, 2009. We wish to thank our veterans for their personal sacrifice that has ensured our freedoms. Today is also the 234<sup>th</sup> birthday of the United States Marine Corps.

[In recognition of Veterans Day, the County Council recognized County employees who are veterans.]

**2. Recorder of Deeds On-line Program Revenues**

The Recorder of Deeds on-line access program went into effect September 2, 2009. During the month of September, the County received \$1,133 in revenue for this new program, with 2,831 pages of Recorder of Deeds documents being viewed during the month. In addition to the revenue for providing this on-line service, we expect savings in terms of the use of office space by title searchers in the Recorder of Deeds Office.

**3. Community Development & Housing Public Hearings**

The Community Development & Housing Division offers the County's assistance to apply for housing rehabilitation grant funds for their towns. Attached is a copy of the schedule showing the public hearing and meeting dates.

**4. Substantial Completion**

Millville Sanitary Sewer Project, Pump Station MPS#3, Agreement No. 05-06F, received Substantial Completion effective June 6, 2009. The developer is Bay Forest, LLC, and the project is located on the west side of Railway Road, Millville, Delaware, in the Millville Expansion of the Bethany Beach Sanitary Sewer District, consisting of off-site sewer improvements to serve the Bay Forest and Bethany Bay communities. Included with this report is a fact sheet on the project.

**5. City of Rehoboth Wastewater Options Public Hearing - November 7, 2009**

The City of Rehoboth held a public hearing at the Rehoboth Fire Department on November 7, 2009. Mr. Michael Izzo and I attended that meeting. Public comments were heard regarding wastewater treatment options. The City Commission indicated that they expect to make a decision regarding which wastewater option to pursue

**prior to January 1, 2010.**

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

**Council Meeting Schedule**      **Mr. Baker stated that, on October 27th, the Council approved a schedule establishing dates that the Council would not meet in 2010. November 2, 2010, Election Day, was inadvertently left off of the schedule.**

**M 616 09 Amend Council Meeting Schedule**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council adds Election Day, November 2, 2010, to the list of days that the County Council will not meet.**

**Motion Adopted:      3 Yeas, 2 Nays.**

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

**Draft Ordinance Relating to Dog Control**      **Mr. Baker presented a revised draft ordinance entitled "AN ORDINANCE TO ADOPT CHAPTER 60 DOG CONTROL". The new draft will allow dog licenses to be issued for 1, 2 or 3 years. (The first draft of the ordinance was discussed by the Council on November 3, 2009.) Mr. Baker noted that currently the State Code requires that individual dog licenses be issued by calendar year. It is proposed that kennel and retail dog outlet licenses will continue to be issued for a period of one calendar year.**

**Mr. Baker noted that the County can begin the process of issuing licenses once an ordinance is approved by the Council.**

**Introduction of Proposed Ordinance**      **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO ADOPT CHAPTER 60 DOG CONTROL". The Proposed Ordinance will be advertised for Public Hearing on December 1, 2009.**

**Options for Historic Preservation Ordinance**      **Mr. Baker reported that historic preservation ordinance options were reviewed by the Council on July 28, 2009. At the request of the Council, the information was posted on the County's website. To date, no comments have been received regarding the proposal.**

**Mr. Baker stated that the ordinance options were prepared by URDC, the County's Land Use consultants. An historic preservation ordinance is recommended by the County's Land Use Plan.**

**Mr. Baker highlighted the main points regarding the proposal:**

- **would require a demolition permit for destruction of non-agricultural buildings greater than 800 square feet and 80 years or**

older

- demolition permit fee is proposed to be \$100
- require a waiting period of up to 45 days prior to demolition of historic structure
- for many buildings deemed not of historic significance, documentation such as pictures and measurements would be taken by the County's Historic Planner and the demolition process would be shortened and a demolition permit would be issued within 14 days of application
- for buildings deemed to be of historic significance, the following process would be followed:
  - 1) advertise in two (2) newspapers within 14 days
  - 2) post on County website
  - 3) post on property
  - 4) documentation by County Historic Planner
  - 5) attempts to locate potential buyers or parties to move the building or alternatives for the building
  - 6) after 45 days, demolition permit would be issued

**Options for  
Historic  
Preservation  
Ordinance  
(continued)**

Mr. Cole commented that a penalty in the amount of \$200.00 is not a deterrent and he asked that the penalty amount be left blank for the purpose of debate when a draft ordinance is presented to the Council.

Mr. Phillips stated that a draft ordinance will be presented to the Council at a later date for the purpose of more discussion and possible introduction.

**Introduction  
of Proposed  
Ordinance**

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$730,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE WOODLANDS OF MILLSBORO SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

**Introduction  
of Proposed  
Ordinance**

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,800,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE OAK ORCHARD SANITARY SEWER DISTRICT EXPANSION #1 AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

**Proposed  
Energy**

Gina Jennings, Director of Accounting, stated that, at the June 23, 2009 meeting, the Council authorized an application for an Energy Efficiency

**Efficiency  
Grant  
Project  
Report**

and Conservation Grant. The first part of the grant (\$40,000) was awarded by the U.S. Department of Energy to be used to hire a consultant to develop an energy efficiency strategy.

**Proposed  
Energy  
Efficiency  
Grant  
Project  
Report  
(continued)**

Mrs. Jennings reported that Flexera, Inc. of Harbeson, Delaware, was the lowest bidder to develop the County's strategy. Flexera reviewed the top eight energy usage facilities to come up with the most cost effective solution for the County.

Cameron Haughey of Flexera presented their findings and recommendations, including the installation of solar panels adjacent to the Emergency Operations Center. This proposal will save the County approximately \$42,000 annually. The County will also receive an additional \$211,000 in a State of Delaware rebate. Flexera is recommending using these additional funds for various projects to reduce County energy costs such as replacing transformers with more efficient units, developing an Energy Management Program, improving an HVAC system, and retrofitting office lighting.

Mr. Haughey stated that this two part proposal would save taxpayer money, generate revenue, stimulate the economy, create jobs, and provide for a sustainable future.

**M 617 09  
Authorize  
Application  
for Energy  
Grant**

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Director of Accounting, along with the recommendation of the Engineering Department, to apply for the remaining funds made available through the Energy Efficiency and Conservation Block Grant by proposing the project of installing solar panels adjacent to the Emergency Operations Center.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Proposed  
Ordinance  
to Amend  
Sussex  
Community  
Improve-  
ments  
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 96, SUSSEX COMMUNITY IMPROVEMENTS, TO FACILITATE UNIFORM ASSESSMENTS".

Mr. Griffin read an email from Mary Ann Gasparro of Lewes in support of the Proposed Ordinance.

Vincent Robertson, Assistant County Attorney, stated that the proposal is to delete the prior method of assessment based upon front footage calculations and establish a uniform rate for all properties (any parcel, lot or dwelling unit) within a community.

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

**M 618 09**      **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt**  
**Adopt**      **Ordinance No. 2086 entitled “AN ORDINANCE TO AMEND CHAPTER**  
**Ordinance**      **96, SUSSEX COMMUNITY IMPROVEMENTS, TO FACILITATE**  
**No. 2086**      **UNIFORM ASSESSMENTS”.**

**M 618 09**      **Motion Adopted:      5 Yeas.**  
**(continued)**      **Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Vincent, Yea;**  
                              **Mr. Wilson, Yea; Mr. Cole, Yea;**  
                              **Mr. Phillips, Yea**  
**Grants**      **Mrs. Webb presented grant requests for the Council’s consideration.**

**M 619 09**      **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give**  
**Community**      **\$1,300.00 from Mr. Cole’s Community Grant Account to West Side New**  
**Grant**      **Beginnings for trash removal costs.**

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

**M 620 09**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00**  
**Community**      **from Mrs. Deaver’s Community Grant Account to Appel-Tucker Reynolds**  
**Grant**      **VFW Post #2931 for VFW programs and services.**

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

**Additional**      **Under Additional Business, Marilyn Zuckerman and Cheryl Dorman of the**  
**Business**      **South Coastal Library spoke in support of the South Coastal Library**  
                              **remaining a County library.**

**M 621 09**      **At 4:23 p.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to**  
**Recess**      **recess the Regular Session and go into Executive Session for the purpose of**  
**Regular**      **discussing land acquisition.**  
**Session/**

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

**Executive**      **At 4:25 p.m., an Executive Session was held in the office of the County**  
**Session**      **Administrator for the purpose of discussing land acquisition. The**  
                              **Executive Session concluded at 4:35 p.m.**

**M 622 09**            **At 4:37 p.m., a Motion was made by Mr. Vincent, seconded by Mr. Cole, to**  
**Come out**           **come out of Executive Session and to reconvene the Regular Session.**  
**of Executive**  
**Session**           **Motion Adopted:        5 Yeas.**

**M 622 09**           **Vote by Roll Call:    Mrs. Deaver, Yea; Mr. Vincent, Yea;**  
**(continued)**           **Mr. Wilson, Yea; Mr. Cole, Yea;**  
                             **Mr. Phillips, Yea**

**There was no action taken on Executive Session items.**

**M 623 09**           **At 4:38 p.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to**  
**Recess**           **recess until 6:00 p.m. Motion Adopted by Voice Vote.**

**M 624 09**           **At 6:01 p.m., a Motion was made by Mr. Vincent, seconded by Mr. Wilson,**  
**Reconvene**       **to reconvene. Motion Adopted by Voice Vote.**

**Public**            **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing**       **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**C/U**           **AR-1    AGRICULTURAL    RESIDENTIAL    DISTRICT    FOR**  
**No. 1795**       **COMMERCIAL GREENHOUSES AND A RETAIL GARDEN CENTER**  
                     **TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND**  
                     **BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING**  
                     **2.5 ACRES, MORE OR LESS” (Conditional Use No. 1795) filed on behalf**  
                     **of Steven Krebs / Kreative Garden Center.**

**The Planning and Zoning Commission held a Public Hearing on this application on October 22, 2009 at which time they recommended that the application be approved with the following conditions:**

- a) The use shall be limited to commercial greenhouses and a retail garden center, and other uses incidental to those uses. Such incidental uses would include the sale of landscape pavers, off-site bobcat and/or landscaping services, mulch and stone, firewood, etc. Barbeque, shed sales and other uses not incidental or similar to the permitted uses will require a separate public hearing.**
- b) There shall be no more than 8 employees on site.**
- c) The hours of operation shall be from 8:00 a.m. to 6:00 p.m. seven days per week.**
- d) All entrances shall comply with all of DelDOT’s requirements.**
- e) The property shall connect to County sewer when such sewer becomes available and the connection shall comply with all County Engineering Department requirements.**
- f) The Final Site Plan shall contain the location of all greenhouses, buildings, bins and pads for storage of mulch, gravel and stone, and areas designated for outside storage and display.**
- g) Security and task lighting shall be downward lighted and shielded so**

**Public  
Hearing  
C/U**

**No. 1795  
(continued)**

as to prevent encroachment on neighboring properties.

- h) There shall be no signage beyond the scope and limitations already approved by the Sussex County Board of Adjustment. No banners, flags, or feather flags with writing visible on them shall be permitted to advertise the business.
- i) The dumpster shall be screened from view of County Route 382 and neighboring properties.
- j) No display of wares, stock or goods for sale shall be permitted in the front yard setback.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 22, 2009.)

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

Steven Krebs was present on behalf of his application. He stated that his garden center has been on this site for seven years; that the site has been cleaned up and maintained; that his customers like his location; and that he wants to continue his business and stay in compliance with a conditional use.

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

**M 625 09  
Strike  
Condition  
"b"**

**Proposed  
by the  
Planning  
& Zoning  
Commission**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to strike Condition "b", as recommended by the Planning and Zoning Commission, which states that "There shall be no more than 8 employees on site."

**Motion Adopted: 5 Yeas.**

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

**M 626 09  
Adopt  
Ordinance  
No. 2087/  
C/U  
No. 1795**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to Adopt Ordinance No. 2087 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL GREENHOUSES AND A RETAIL GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS" (Conditional Use No. 1795) filed on behalf of Steven Krebs / Kreative Garden Center, with the following conditions:

1. The use shall be limited to commercial greenhouses and a retail garden center, and other uses incidental to those uses. Such incidental uses would include the sale of landscape pavers, off-site bobcat and/or landscaping services, mulch and stone, firewood, etc. Barbeque, shed sales and other uses not incidental or similar to the

**M 626 09  
Adopt  
Ordinance  
No. 2087/  
C/U  
No. 1795  
(continued)**

- permitted uses will require a separate public hearing.
2. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. seven days per week.
  3. All entrances shall comply with all of DelDOT's requirements.
  4. The property shall connect to County sewer when such sewer becomes available and the connection shall comply with all County Engineering Department requirements.
  5. The Final Site Plan shall contain the location of all greenhouses, buildings, bins and pads for storage of mulch, gravel and stone, and areas designated for outside storage and display.
  6. Security and task lighting shall be downward lighted and shielded so as to prevent encroachment on neighboring properties.
  7. There shall be no signage beyond the scope and limitations already approved by the Sussex County Board of Adjustment. No banners, flags, or feather flags with writing visible on them shall be permitted to advertise the business.
  8. The dumpster shall be screened from view of County Route 382 and neighboring properties.
  9. No display of wares, stock or goods for sale shall be permitted in the front yard setback.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing  
C/U  
No. 1800**

**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 OFFICE AND RETAIL USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.50 ACRES, MORE OR LESS" (Conditional Use No. 1800) filed on behalf of Cheryl Normandeau.**

**The Planning and Zoning Commission held a Public Hearing on this application on October 22, 2009 at which time they deferred action. On November 5, 2009, the Commission recommended that the application be approved with the following conditions:**

- a. The maximum building square footage shall not exceed 9,200 square feet. The proposed building shall be one-story.
- b. The uses shall be limited to office or retail uses. The following uses shall not occur on the premises: (1) filling stations; (2) used car lots or other lots for automobile sales or storage; (3) automobile repair; (4) liquor store; (5) tobacco store, (6) nightclub; (7) restaurants; (8) dry cleaning and laundry establishments; (9) tattoo parlor; (10) undertaking businesses or establishments or funeral homes; and (11) dog kennels.

**Public  
Hearing  
C/U  
No. 1800  
(continued)**

- c. All dumpsters and loading areas shall be screened with a 6-foot high privacy fence and landscaping. The Final Site Plan shall indicate the location of the dumpster and the type of fencing that surrounds it.
- d. A 6-foot high privacy fence shall be placed along the boundary of Parcels 111.00 and 112.01. The Final Site Plan shall indicate the type of fencing in this area.
- e. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT and within the time periods required.
- f. The project shall be served by an individual on-site wastewater disposal system as approved by DNREC until the site can be served by a Sussex County sewer district.
- g. Potable drinking water shall be provided by Tidewater Utilities, Inc.
- h. Stormwater management and erosion and sediment shall be constructed in accordance with all applicable State and County requirements and shall be operated using Best Management Practices to provide positive groundwater recharge.
- i. The site may have two (2) non-illuminated signs, one on Route 24 and one on Mulberry Knoll Road, which shall not exceed 32 square feet on any side or facing, identifying the uses permitted on the same premises. The sign along Route 24 shall include directions for entering the premises from Mulberry Knoll Road.
- j. Parking lot and security lighting will be provided and will have downward illumination and shielded so that no illumination will encroach over any property line.
- k. A landscaping plan shall be provided as part of the Final Site Plan.
- l. Any commercial ventilation fans, vents, and heating and air-conditioning units will be placed on the roofs of the building.
- m. No outside speakers, bells or ringers will be permitted for any use.
- n. No outside storage of pallets, crates or building materials will be permitted.
- o. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 22 and November 5, 2009.)

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

Mr. Lank distributed Exhibit Books which were previously provided by the Applicant.

Mr. Lank reported that nine emails were received in opposition to this application (Marina and John Reineman, Joe Szymanski, Lisa Kiracofe, Lorraine Ellis-Papp, Leonard and Clair Wade, R and J Fetterman, Arthur and Maureen Sutton, Gary Papp, and Mr. and Mrs. George Bell). The emails were made a part of the record.

Public  
Hearing  
C/U  
No. 1800  
(continued)

Mark Davidson of Design Consultants Group, LLC was present on behalf of the owners of the property, Cheryl Normandeau and 32 Blue Seas LLC. He stated that the application is for a 9,200 square foot one-story building to be used for general and medical offices and light retail uses located on 1.5 acres; that the property is located between Route 24 and Mulberry Knoll Road; that the property is adjacent to the Beacon Middle School; that the site is in close proximity to several commercial, business, and conditional use sites for business uses; that the site is located in an Environmentally Sensitive Developing Area according to the Comprehensive Plan which states that retail and office uses are an appropriate use; that the State Strategies reference that the site is located in an Investment Level 2 Area; that the site will be served by Tidewater Utilities; that they are proposing an on-site wastewater disposal system; that they will connect to central sewer, when available (Goslee Creek Sanitary Sewer District); that the entrance will be located off of Mulberry Knoll Road; that no access will be allowed off of Route 24; that there was no Traffic Impact Study required by DelDOT; that DelDOT has voiced no objection to the entrance location proposed on Mulberry Knoll Road; that right-of-way expansions are required from both Route 24 and Mulberry Knoll Road; that a 15 foot permanent easement will be provided along Mulberry Knoll Road for the use of a 10 foot wide multi-use path that will be built at the time the entrance is built; that the site is located in a good recharge area and infiltration basins are proposed; that there will be no off-site discharge of stormwater; that stormwater will be self-contained on site; that they will meet 100 percent of the TMDL reductions; that there are no floodplains on the property; that approximately .73 acres of the site is open space; that a landscaping plan will be provided with the Final Site Plan; that the use will enhance the general character of the neighborhood by providing for small scale retail shopping, i.e. small grocery/produce store, medical supplies store; that hours will depend on the use; and that the application meets the purpose of the Zoning Ordinance and Land Use Plan.

There were no public comments in support of the application.

Ken Denbow, Joe Szymanski, Marina Reineman, Maryann Bell, Eleanor Mazzio, Sue Denbow, Gary Papp, Everett Sandstrom, and Leonard Wade spoke in opposition to the application and they stated that there will be a significant increase in traffic as a result of this project; that there are existing hazardous driving conditions at the intersection of Mulberry Knoll Road and Route 24; that Mulberry Knoll Road is a dead-end road; that it is difficult to get in and out of both Route 24 and Mulberry Knoll Road due to traffic; that there are safety concerns for people riding bicycles and walking; that there is concern for the safety of children; that there is a school located nearby; that the proposal is not compatible with the residential area; that there is no need or demand for additional retail uses in the area; that the proposed project will cause the character of the neighborhood to be lost; that existing shopping centers have vacant stores; that the proposal is too vague; that flooding is a concern; that many people

**in the area were not aware of the proposed project; and that the applicant stated that she talked to the community about her project; however, no one has had this conversation with her.**

**The Public Hearing and public record were closed.**

**M 627 09  
Defer  
Action on  
C/U  
No. 1800**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1800 filed on behalf of Cheryl Normandeau.**

**Motion Adopted: 5 Yeas.**

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

**M 628 09  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Vincent, to adjourn at 7:36 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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