



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 18, 2007

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 18, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Assistant to the County Administrator
James D. Griffin	County Attorney

The meeting was opened with the Lord's Prayer and the Pledge of Allegiance.

M 734 07 Amend Agenda

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

Delete under "Old Business – Conditional Use No. 1697, the application of DANSK, LLC" to be placed on the Agenda at a later date.

Mr. Phillips asked if this property is commercially-zoned and was advised by Mr. Griffin that it is commercially-zoned, but because it is an amusement park, it must go through the Conditional Use process. Mr. Phillips also asked if there had been a change in the Zoning Code requiring amusement parks to apply for a Conditional Use. Mr. Abbott advised that there was an ordinance amendment in the early 1990's requiring amusement parks to go through the Conditional Use process.

Motion Denied: 2 Yeas, 3 Nays.

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

M 735 07

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to approve the

**Approve
Agenda**

Agenda, as distributed.

Motion Adopted: 5 Yeas.

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

**Corres-
pondence**

Mr. Griffin read the following correspondence:

LAUREL KIDS CONNECTION MENTORING PROGRAM

Letter thanking Mr. Dukes for participating in a press conference to launch this mentoring program.

CHERYL AND ANGIE HILL

Letter thanking the Council for the work that was done on their home

**COPY OF LETTER FROM TOWN OF MILTON THAT WAS SENT TO
MILTON RESIDENTS**

Letter inviting Milton residents to the celebration of Milton's 200th Anniversary on January 12, 2008 and the opening of the "time capsule" at 3:00 p.m. at the Milton Theatre, which was buried in January of 1958.

FIRST STEPS PRIMEROS PASOS FAMILY

Note thanking the Council for its donation.

THE WAY HOME, INC.

Letter thanking the Council for its contribution to their program, which helps ex-offenders integrate into the community following incarceration.

EASTER SEALS

Letter of appreciation for the Human Services Grant.

READ ALOUD DELAWARE

Letter thanking Council for support of their program.

GREATER GEORGETOWN CHAMBER OF COMMERCE

Note thanking Council for helping make the 2007 Christmas parade a success.

DELMARVA CHRISTIAN HIGH SCHOOL

Letter thanking Council for donation to offset expenses of their fitness center.

BEEBE MEDICAL FOUNDATION

Letter thanking Council for its support of the 20th Annual Thanksgiving Ball.

LOWER DELAWARE AUTISM FOUNDATION

Letter thanking Council for the Human Services Grant.

Sussex County Flag Presentation Mr. Baker announced that in 2008 Sussex County will celebrate its 325th anniversary. He stated that in 1974 Mr. Bill Scott of Selbyville, Delaware, a member of the County Bi-Centennial Committee, designed the first and only Sussex County flag. The flag is a combination of the flag of the Netherlands and the 1683 Sussex Seal, which is a sheath of wheat, adopted by William Penn. On December 3, 1974 the County Council adopted Mr. Scott's Sussex County flag and last spring Mr. Scott graciously offered the first flag he designed to the County Council. Mr. Scott presented the flag to the Council today, which has been framed and will be displayed in the Administrative Offices Building on the wall behind the Information Desk.

Sussex County Flag Presentation (continued)

Chip Guy, County Public Information Officer, read the engraved plaque on the frame, which reads as follows:

“Original Sussex County flag designed in 1974 by
Mr. William C. Scott of Selbyville, Delaware,
donated by Mr. Scott to Sussex County Council in
2007 on the eve of Sussex County's 325th Anniversary.”

Mr. Guy stated that the history of the flag is also available on the Sussex County website and will also eventually be displayed next to the flag.

Legislative Issues Mr. Baker reported on the possible legislation regarding Special Development District Financing and Tax Incremental Financing. He stated that on October 2, 2007, the Council authorized the County to prepare enabling draft legislation, which is necessary in order to use Special Development District Financing and Tax Incremental Financing.

Tax Incremental Financing

Mr. Baker reported that Hal Salmons, the County's Bond Counsel, had prepared the proposed enabling legislation and outlined some of the major points. He explained that Tax Incremental Financing would allow the County to create a TIF district and issue revenue bonds for the purpose of providing infrastructure within the district. The bonds would be paid off by the portion of County tax, which is attributable to the new property within that district. Mr. Baker stated that Tax Incremental Financing may not be practical for the County at this time.

Special Development Districts

Mr. Baker reported that the proposed legislation regarding Special Development Districts (SDD) would authorize the County to designate Special Development Districts for the purpose of various infrastructure items including storm drainage systems, sewer, water, roads, streets, sidewalks, lighting, recreation facilities, open space, farmland preservation, etc. The County would charge a special tax, which would apply only to that district, and would be in addition to County and School taxes. These monies would pay off the revenue bonds. In order to establish a district, the County would receive a request from the owners of at least two-thirds of the property, and use of the land must be consistent with the County's

**Legislative
Issues
(continued)**

Comprehensive Land Use Plan. Mr. Baker stated that this is an enabling legislation and that the Council could determine parameters at a later date or on a case by case basis. The legislation would provide a means for new developments to pay for necessary infrastructure due to the impact of the new development. If the Council is in concurrence, Mr. Baker and Mr. Godwin will attempt to attain General Assembly support for the bill.

Mr. Griffin asked if there was a minimum acreage requirement for Special Development Districts and was advised by Mr. Baker that there is no minimum size requirement in the proposed legislation; however, he stated that he has been advised that SDD's would probably not be practical for developments with less than 300 – 500 homes.

Mr. Baker stated that the improvements that are to be funded must be owned by a governmental agency and the funds could be used for off-site improvements, which must be directly related to the development.

Mr. Dukes commented that DelDOT should only require improvements that are directly impacted by a development. Mr. Griffin stated that the proposed legislation requires the developer to make the request to the Council and the Council would determine what improvements would be included, and any off-site improvements must provide a service or a benefit to the specific development for which the bonds are issued.

Mr. Cole stated that the County is responsible for the infrastructure for sewer and water and is opposed to creating additional taxes to finance off-site infrastructures, such as roads, which are the responsibility of the State. He suggested the possibility of the County collecting Impact Fees to be divided between the County and the State for respective infrastructures.

Mr. Baker stated that the County has the option to limit the amount of the bonds to the value of the off-site improvements provided. This option is not included in the enabling legislation, but the bonds could be allocated to some of the infrastructure within the development, and the total amount of the bonds would be limited to the off-site improvements.

The Council agreed to revisit this pending legislation at the January 8, 2008 Council meeting.

Overlay Zones

Mr. Baker reported that Kent and New Castle Counties are in support of an Overlay Zone bill, which would provide the Counties the authority to establish Overlay Zones.

Mr. Phillips asked if the proposed bill provided constructive notice to all property owners affected by the creation of an overlay zone. Mr. Griffin stated the bill creates the possibility for the County to create overlay districts and notification would be up to the County, depending on how the County decided to use the overlay. Mr. Phillips stated that the legislation should include a requirement that the governing entity must notify all

**Legislative
Issues
(continued)**

property owners of a zone change. Mr. Griffin explained that the decision of the Court of Chancery is that if there is no legislation allowing the creation of overlay zones, the governing agency could potentially have to notify every property owner. Mr. Griffin further explained that the pending legislation would protect the County against a claim that an overlay zone has been created without legislative authority, such as through an RPC or a Conditional Use, thereby avoiding potential court action. He stated that the legislation does not require the creation of overlay zones.

Mr. Phillips stated that property owners should be notified when an overlay zone is created and opposed the pending legislation, as written, stating that in the current form a governing entity could change property zones without proper notification to affected property owners. Mr. Griffin explained that the creation of an overlay zone does not change the underlying zone, but creates a “floating area” within that zone.

Mr. Jones pointed out that, as policy, the County currently notifies property owners of zone changes and that property owners should be notified when an overlay zone is created.

Mr. Cole stated that the County should adopt a notification Ordinance, which would require the County to notify property owners of any type of zone change, as well as overlay zones, and he does not feel that the State should legislate how the governing agencies should notify property owners.

Mr. Phillips stated that the absence of a notification clause in the legislation could potentially result in the governmental agencies stripping property owners of their rights.

Mr. Griffin read a portion of the legislation which states, “The County government shall provide for the manner in which these regulations shall be enforced”, indicating that should the County decide to create an overlay zone, the County would determine the form of notification, which may not necessarily be the same for every case.

Mr. Godwin reiterated that the intent of the pending legislation is to empower the County to continue to use the overlay zones in the subdivision processes, and stated that notification of affected landowners is always part of those processes. He explained that an overlay zone is laid over a piece of property that is under contract by a developer and it is the County’s decision whether or not to allow the overlay zone.

Mr. Griffin pointed out that property owners in environmentally-sensitive districts, which are overlay districts, are notified and stated that the Court of Chancery ruled that anything that looks like an overlay zone cannot be created without this pending legislation, as overlay zones are currently not allowed under State law. Mr. Griffin also stated that the consensus of the Council was that it does not want the State telling them how to do their part of the job.

It was the consensus of the Council that Mr. Baker would meet with Mr. Lank, Mr. Abbott, Mr. Godwin and Mr. Griffin to discuss available options for the notification process to property owners affected by the creation of overlay zones and present those options to the Council in January.

**Legislative
Issues
(continued)**

Mr. Baker gave a synopsis of four additional bills which may possibly be introduced in the upcoming session of the State Legislature.

House Bill No. 103:

This bill would require all roads and streets in subdivisions of 35 or more lots to be built to State construction standards.

House Bill No. 102:

This bill would require any road within any subdivision or new development to be built to State construction standards.

Mr. Baker stated that money has been budgeted for Fiscal Year 2008 to allow the County to revise its standards for road construction.

Mr. Cole commented that residents of subdivisions are appealing to State Legislators to have the roads within their development dedicated to the State and are being advised by the State that in order to do this, the roads must be upgraded to State standards.

Mike Izzo suggested that the County Engineering Department review a County approved plan with the State in an effort to determine what the County needs to do in order to meet State standards.

It was the consensus of the Council that Mr. Izzo would meet with the State to review the current County road construction standards. Mr. Izzo will report to the Council.

House Bill No. 239:

This bill would authorize the Office of State Planning to deny subdivisions to rezone to Conditional Uses in the absence of existing adequate public facilities.

Mr. Dukes stated that he has been informed by legislators that if HB No. 239 is passed, zoning would be state-controlled. It was the consensus of the Council to oppose House Bill No. 239.

House Bill No. 244:

This bill was previously introduced for the purpose of establishing a statewide Transfer of Development Rights (TDR) program. Mr. Baker stated that a primary concern is the transfer of development from low-density areas to high-density areas, growth areas around towns, but pointed out that this bill could also allow TDR's to occur without limitation, as opposed to the County's eight-mile limitation in its Comprehensive Land

Use Plan. Mr. Baker cited the example of transferring development rights from Greenwood to lower or eastern Sussex County that is under greater development pressure.

**Legislative
Issues
(continued)**

Mr. Baker stated that the County is creating a density bonus program, which mirrors the TDR process. He stated that the density bonus program would give the County more control of the transfer of development rights than the State TDR program.

Mr. Cole voiced opposition to all TDR programs, stating that they do not work and are being rejected nationwide.

It was the consensus of the Council not to support House Bill No. 244.

**Building
Code
Options/
Single-
Family
Building
Inspections**

Mr. Baker reported that the current contract with First State Inspection Agency, which the County uses for building code inspections for single family homes, will expire on August 31, 2008. In order to terminate the contract, the County is required to give First State six months' notice, which is February 28, 2008. Mr. Baker stated that, due to the down-turn in the economy, consideration has been given to performing single-family home inspections in-house. Mr. Baker stated that it is estimated that in-house inspections would require four additional employees - three inspectors and a clerk. He reported that the timing of the inspections would be better controlled and that the savings to the County is estimated to be approximately \$349,000.00 over the next three years. This estimation analysis was prepared by Kathy Roth, County Budget and Cost Manager, and is based on a conservative number of new homes per year. Mr. Baker stated that when the housing industry increases, the County assessors could be trained to assist with the inspections, or additional inspectors could be hired. Mr. Baker stated that if the Council is in agreement, First State Inspection would be notified as soon as possible and a training program would be scheduled for current assessors and eventually newly-hired inspectors.

Eddy Parker, Director of Assessment, explained that in-house inspections would generate additional revenue for the County. Mr. Parker stated that in-house inspections could be carried out by cross-training current employees and eventually hiring three additional inspectors, which would increase the total number of inspectors to seven. Mr. Parker stated that, if approved, in-house inspections would become effective with the Fiscal Year 2009 budget.

Mr. Dukes commended First State Inspection on its service to the County and encouraged the Council to consider the plan for in-house inspections.

Mr. Jones expressed some concern with hiring additional employees to be trained as inspectors during a decline of the housing industry. Mr. Parker explained that a conservative approach will be taken with the utilization of as many in-house employees as possible and that additional employees

would be hired only as the housing industry increases.

M 736 07
Inspections
Provision

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council approves the provision of single-family home inspections via Sussex County staff effective September 1, 2008.

M 736 07
Authorize
Inspections
Provision
(continued)

Motion Adopted: 3 Yeas, 2 Abstentions

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

Administrator's Report

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

1. Delaware Department of Transportation - Route 1 Temporary Turning Lane Closure

As per the attached Traffic Alert, the Delaware Department of Transportation has announced that effective December 19, 2007, the left turn lane from Route 1 southbound near the Midway Shopping Center will be closed for approximately six weeks. The turn lane will be reopened when the construction is complete.

- ## 2. Beneficial Acceptance

The Engineering Department has granted Beneficial Acceptance to the following projects:

- **Hawkseye Subdivision (Phase 1B), Agreement No. 391-2, was granted Beneficial Acceptance on November 27, 2007. The developer is L.T. Associates, L.L.C., and the project is located on Gills Neck Road in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of 97 single-family lots.**
- **Smithfield, Agreement No. 582, was granted Beneficial Acceptance on November 30, 2007. The developer is Rupert Smith and the project is located south of Ocean View on Woodland Avenue, approximately 1/3 mile south of Route 26, in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District, consisting of 11 three-story townhomes and two single-family lots.**

Included with this report is a fact sheet on each of the projects.

- ### 3. County Government Schedule

The County Council will not meet on December 25, 2007, or January 1, 2008. The next regularly scheduled meeting of the County Council will be held on January 8, 2008, at 10:00 a.m.

County offices will be closed on December 24 and December 25, 2007, for the Christmas holiday. County offices will also be closed on January 1, 2008. We wish everyone a *Happy Holiday and a Merry Christmas*.

**CAFR
Award**

Susan Webb announced that for the fifth consecutive year Sussex County has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for Fiscal Year 2006. This award is among the highest forms of recognition for governmental accounting and financial reporting. The award is an acknowledgement of Sussex County's Comprehensive Annual Financial Report, or CAFR. The document includes the County's annual audit and also contains information about County demographics and the local economy. That information helps those reviewing the report, such as investors, to better gauge the County's financial condition.

Mrs. Webb recognized the following County employees who helped make this award possible:

David Baker - County Administrator
Susan M. Webb – County Finance Director
Gina Jennings – Director of Accounting
Keith Moore – Assistant Director of Accounting
Kathy Roth - Budget Cost Manager
William Townsend – Finance Coordinator
Jeff James – Director of Engineering Accounting

The Council commended the recipients for their efforts in achieving this prestigious award.

**South
Coastal
Library/
Memo-
randum of
Under-
standing**

Susan Webb reported that the Friends of the South Coastal Library have pledged \$2 million to assist the County in its efforts to expand the South Coastal Library. Mrs. Webb stated that this generous contribution has greatly impacted the County's budget and the library expansion project.

Carol Fitzgerald, Director of Libraries, reported that the Friends of the South Coastal Library are responsible for the existing building and have continued to make substantial contributions to supplement the County's budget.

Mrs. Webb presented a Memorandum of Understanding between the County and Friends of the South Coastal Library, which states that "Friends" will commit capital contributions to the County to assist in the County's efforts to expand the South Coastal library located on Kent Avenue in Bethany Beach, Delaware. The MOU further states that the "Friends" will contribute 25% of the project costs and 50%, or \$62,500, of the cost to oversize the Cultural Center, and will make monthly payments to

the County beginning December 2007 through March 2009.

M 737 07
Approve
MOU

A Motion was made by Mr. Jones, seconded by Mr. Cole, to accept the Memorandum of Understanding between Sussex County and the Friends of South Coastal Library, as presented.

M 737 07
Approve
MOU
(continued)

Motion Adopted: 4 Yeas, 1 Absent.

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

Public
Hearing/
Dagsboro-
Frankford
Sanitary
Sewer
District/
Delaware
Avenue
Extension

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$73,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT – DELAWARE AVENUE EXTENSION AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”.

Mrs. Webb reported that this Ordinance authorizes the issuance of up to \$73,000 of general obligation bonds to help finance the Dagsboro-Frankford Delaware Avenue Ext. Sanitary Sewer Project. Mrs. Webb stated that the bonds are backed by the County’s full faith in credit and it is expected that the debt service on the bonds will be paid from revenues of the DFSSD. It is anticipated that the bonds will be sold to USDA at 4 ½%, or the lesser rate at closing, for 40 years. Mrs. Webb stated that the extension project consists of only 12 EDU’s and 934 billable front footage, with a Transmission Rate of .65, Collection Rate of .87, which is a total of \$1.52 per front foot, with a service charge of \$252.08. Mrs. Webb stated that these charges have been included in the Fiscal Year 2008 budget.

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

M 738 07
Adopt
Ordinance
No. 1945/
DFSSD
Delaware
Avenue
Extension

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adopt Ordinance No. 1945 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$73,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT – DELAWARE AVENUE EXTENSION AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

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

Public

A Public Hearing was held on the Proposed Ordinance entitled “AN

**Hearing/
Source
Water
Protection
Ordinance

Public
Hearing/
Source
Water
Protection
Ordinance
(continued)**

ORDINANCE TO ADOPT CHAPTER 89, SOURCE WATER PROTECTION”.

Mr. Griffin stated that State law requires all three counties to adopt a Source Water Protection Ordinance to protect groundwater, wellhead areas, and areas designated as excellent recharge areas. Mr. Griffin explained that the Ordinance applies primarily to future applications for wells and water facilities using groundwater and does not apply to existing wells, as they are grandfathered under this Ordinance. Mr. Griffin stated that the Source Water Protection Ordinance was introduced to the Council on November 27, 2007.

Public comments were heard.

Mabel Granke, who resides in Lewes, Delaware, was a member of the Source Water Protection Committee, and voiced concerns with the current Ordinance as drafted. She stated that the Ordinance is deficient in protecting public wellheads and excellent recharge areas. She stressed the importance of protecting public wellheads in the coastal areas against salt water intrusion and stated that she felt the Committee did not follow the Purpose of the Ordinance, which is to ensure that the land use activities are conducted in such a way to reduce the risk of water contamination, and that the Committee has placed the burden on DNREC to protect public wellhead areas and excellent recharge areas.

Mrs. Granke read a report into the record from the Preliminary Land Use Service (PLUS) dated March 15, 2006 regarding a current application for a parcel that falls within an excellent recharge area. Mrs. Granke also submitted a letter to the Council from the Sierra Club.

Gary Stabley, Lewes, Delaware, President of Lewes Board of Public Works, expressed his opposition to the Ordinance, as written, appealed to the Council to give due consideration to the Ordinance and how it will affect future generations. Mr. Stabley questioned why the footage of the protection area around wellheads was decreased.

Doug Rambo, Delaware Department of Natural Resources and Environmental Control, Division of Water Resources, read a letter into the record from Kevin Donnelly, Director of the Division of Water Resources, regarding the proposed Ordinance. In his letter, Mr. Donnelly states that he cannot support the current Ordinance as introduced because it is not protective of the drinking water resources of the County and does not meet the expressed purpose of the Ordinance. Mr. Donnelly stated in his letter that the Ordinance does not go far enough with land use controls inside wellhead protection areas. The letter also reiterated that Source Water Protection is one of the key criteria for the certification of Comprehensive Land Use Plans and that in its current form, the Ordinance will not pass the certification process.

In his letter, Mr. Donnelly offered the continued support of his staff to assist in modifying the current Ordinance to make it compliant with Delaware law.

**Public
Hearing/
Source
Water
Protection
Ordinance
(continued)**

Dan Kramer, a Greenwood, Delaware resident, who was a member of the Source Water Protection Committee, referenced the last sentence on Page 5, Paragraph D1 of the Source Water Protection Ordinance, stating that the word “with” should have been “without”. The sentence will be amended as follows:

“No other structures may be located within the Safe Zone ~~with~~ [without] the County Council or Planning and Zoning Commission approval.”

Mr. Kramer stated that the Ordinance does adequately protect public drinking water. He questioned why the Ordinance should set any requirements that are not required by DNREC. Mr. Kramer referenced the determination of a five-year-time of travel of water moving through the aquifer to the well (Page 4, §89-6. – B1) stating that this was not a State requirement, and questioned why it should be a County requirement. Mr. Kramer stated that the Ordinance has no effect on the City of Lewes, as their well is grandfathered in and may be replaced at its current site, if necessary.

Drew Naylor, who resides in Coolspring, Delaware, was in agreement with Mrs. Granke and asked the Council to give the Ordinance careful consideration and not rush it through.

Kevin Burdette, of Milton, Delaware, who was a member of the Source Water Protection Committee, stated that the last sentence of Paragraph C1, Page 5, should include the word “facilities”, and will be amended as follows:

“No other [facilities/]structures may be located within the Safe Zone without the County Council or Planning and Zoning Commission approval”.

Mr. Burdette emphasized to the Council that this is a land use Ordinance only and is intended to regulate the land use around wells, as set by the County Council. Mr. Burdette stated that it was the consensus of the Committee that the Department of Natural Resources and Environmental Control adequately provides regulations that safely protect our drinking water. He emphasized that the Ordinance does effectively meet the stated purpose, which is to “minimize and reduce” the risk of contamination to excellent groundwater recharge areas and wellhead protection areas, which are the source of public drinking water. Mr. Burdette expressed his disappointment that the letter from the Sierra Club was not read into the record and Mr. Dukes agreed to have the letter read into the record at the conclusion of the Public Hearing.

Wayne Baker, who resides in Lewes, Delaware, was a member of the Source

**Public
Hearing/
Source
Water
Protection
Ordinance
(continued)**

Water Protection Committee and appealed to the Council to adopt the Ordinance as submitted. Mr. Baker stated that towns should not be allowed to put wells outside their town limits and then request that the County protect the area around the wells. This denies the surrounding landowners beneficial use of their property by placing restrictions on their land use. Mr. Baker stated that the City of Lewes has now placed wells outside the city limits because of salt water intrusion to their wells within the city and now expects the County to protect their wells. Mr. Baker questioned the validity of the overlay maps provided by the Department of Natural Resources and Environmental Control, which delineate wellhead protection and excellent groundwater recharge areas.

Mr. Baker stated that he is in agreement with the safe zone distances of public water supply wells as set by the Committee.

Delores Slatcher, City Manager of Seaford, Delaware, commented that she would like to see the adoption of an ordinance that is “balanced” and uses good engineering practices to provide safe drinking water to all Sussex County residents. She stated that she thinks the current ordinance is a “start” to that effort. Ms. Slatcher stated that the City of Seaford has adopted a Comprehensive Plan, which uses the same safe zone footage as the County’s ordinance.

Gilbert Holt, a resident of Lewes, Delaware, and an employee of the Lewes Board of Public Works, wanted to clarify that the salt water intrusion of the water in the City of Lewes, as mentioned earlier by Wayne Baker, was not caused by the City – it was a natural process that occurred approximately 50 years ago. Mr. Holt appealed to the County to consider changing the wellhead protection area from 100 feet for public wells that pump 50,000 gallons a day or greater, as stated in the proposed ordinance, to 150 feet in order to further minimize the risk of contamination. Mr. Holt stated that for public wells pumping less than 50,000 per day, the safe zone should be at least 100 feet, as opposed to 20 feet required by the current draft ordinance. Mr. Holt commented in favor of the five-year time of travel.

Mr. Griffin read a letter to the Council from the Sierra Club which stated that the current draft ordinance did not implement the recommended ordinances contained in the previous Comprehensive Plan and that the Source Water Protection Committee failed to conform to the statutory mandate regarding wellhead protection.

David Baker informed the Council that, although he has not yet received the PLUS comments in writing, he has been advised that the adoption of the Source Water Protection Ordinance is one of the certification issues regarding the County’s Comprehensive Land Use Plan. Mr. Baker stated that he has been advised by Connie Holland that, although recommended by the State to adopt the Ordinance by the end of the year, the delay would not create a problem.

Mr. Griffin recommended that Council leave the record open for receipt of the PLUS report and make it part of the record.

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

M 739 07 Defer Action on Source Water Protection Ordinance	A Motion was made by Mr. Rogers, seconded by Mr. Cole, to defer action on the proposed Source Water Protection Ordinance, and to leave the record open until the PLUS report has been received and allow the City of Lewes to submit written comments.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea

Mr. Jones questioned whether or not the State had submitted its report to the County and was informed by Mr. Baker that the State has 20 days in which to do so.

Agenda Item	The Source Water Protection Ordinance will be placed on the Agenda in January 2008.
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North Coastal Planning Area/ Amendment No. 5	Russell Archut, Assistant County Engineer, reported that the County is preparing to begin sewer service to The Woods on Herring Creek. The initial design process from Whitman, Requardt & Associates will include aerial photography, and designing the facilities for a temporary treatment alternative, as well as upgrading the existing pumping station at the Woods on Herring Creek.
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M 740 07 Execute Contract Amendment No. 5/ North Coastal Planning Area	A Motion was made by Mr. Jones, seconded by Mr. Phillips, that based upon the recommendation of the Sussex County Engineering Department, the Sussex County Council President is authorized to execute Contract Amendment No. 5 to its original contract with Whitman, Requardt & Associates, L.L.P. for the North Coastal Planning Area for Angola Neck Sanitary Sewer District Pumping Station #3, Woods on Herring Creek, at a cost not to exceed \$297,724.00.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea

Dagsboro- Frankford SSD/ Banks Plaza	John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the Banks Plaza Expansion of the Dagsboro-Frankford Sanitary Sewer District. Mr. Ashman advised that the expansion includes the old Banks Hardware (to be known as Banks Plaza), the adjacent
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**Expansion/
Request to
Prepare and
Post Notices** cemetery, and two parcels north of Frankford Avenue. Mr. Ashman stated that the adjacent property owners on the north side of Frankford Avenue have been informed of the potential costs they may incur and correspondence has been received stating that they wish to be included in the expansion. Mr. Ashman reported that the total area to be annexed is approximately 6.75 acres and is contiguous to the existing sanitary sewer district.

**M 741 07
Authorize
Notices/
Banks Plaza
Expansion** A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District Boundary to include Banks Plaza and adjacent properties.

Motion Adopted: 5 Yeas.

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

**Miller
Creek
SSD/
Bayard
Expansion/
Request
Permission
to Prepare
and Post
Notices** Mr. Ashman requested permission to prepare and post notices for the Bayard Expansion of the Miller Creek Sanitary Sewer District. The proposed expansion would include the entire Bayard planning area, as described in the South Coastal Planning Study, except those areas to the southwest previously included in the Johnson's Corner Sewer District. The proposed area is contiguous to the Miller Creek Sanitary Sewer District. Mr. Ashman reported that The Estuary and The Woodlands have requested annexation into the Miller Creek Sanitary Sewer District. Mr. Ashman stated that these two projects could be annexed without including the entire outlying area, however, the Engineering Department is proposing to annex the balance of the planning area as a way to better plan and serve the large portion of the environmentally-sensitive development area for sewer service. Mr. Ashman stated that the Estuary has been approved by Planning and Zoning for 1052 lots. The annexation area being requested is approximately 2100 acres. Developers will be subject to total connection charges of \$3,235.00 per EDU based on this year's rates.

Mr. Ashman reported that a Public Hearing is scheduled for January 17, 2008, at the Roxana Fire Hall and results of the hearing will be reported to the Council for a decision on February 5, 2008.

Mr. Cole spoke in opposition to the inclusion of the areas in the proposed expansion outside The Estuary and the Woodlands, stating that these areas are at the mercy of the developers and may never get sewer. Mr. Cole asked if property owners in the outlying areas had requested to be included in the district and was advised by Mr. Ashman that there had been no requests from property owners.

Mr. Archut responded to Mr. Cole by stating that the entire area is in the South Coastal Planning Area, which allows four units per acre, as it is in an

	<p>environmentally-sensitive development zone. Mr. Archut stated the inclusion of the outlying areas to the east and the west of the Woodlands and The Estuary would give the Engineering Department and the Council the authority to prohibit private wastewater providers from coming into the area and would allow the County control of the area as it would be in a County sewer district. Mr. Archut stated that the proposed facilities would also serve the needs of the expanding Fenwick Island area.</p>
<p>Miller Creek SSD (continued)</p>	<p>Mr. Cole stated that the areas outside of The Estuary and The Woodlands should be not included in the proposed expansion until they request it.</p>
<p>M 742 07 Authorize Notices/ Bayard Expansion of the Miller Creek SSD</p>	<p>A Motion was made by Mr. Phillips, seconded by Mr. Jones, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Miller Creek Sanitary Sewer District boundary to include the Bayard Planning Area.</p> <p>Motion Denied: 4 Nays, 1 Yea.</p> <p>Vote by Roll Call: Mr. Cole, Nay; Mr. Phillips, Yea; Mr. Rogers, Nay; Mr. Jones, Nay; Mr. Dukes, Nay</p> <p>Mr. Baker asked if The Estuary and The Woodlands could still be included in the proposed expansion, as requested by the residents. Mr. Ashman will present a revised motion to include only The Estuary and The Woodlands in the expansion of the Miller Creed Sanitary Sewer District.</p>
<p>M 743 07 Revised Motion to Authorize Notices/ Bayard Expansion of the Miller Creek SSD</p>	<p>A Revised Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Miller Creek Sanitary Sewer District to include the projects known as The Estuary, The Woodlands, and the contiguous property that connects them to the Miller Creek Sanitary Sewer District.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</p>
<p>Request</p>	<p>Mrs. Webb presented a grant request for the Council's consideration.</p>
<p>M 744 07 Community Improve- ment Grant</p>	<p>A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$2,500 from Mr. Dukes' Community Improvement Grant Account to the Laurel Historical Society.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;</p>

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

**Old
Business
(C/U
No. 1703)**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GENERAL OFFICES AND MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS” (Conditional Use No. 1703) filed on behalf of RWR9, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on October 25, 2007 at which time the Commission deferred action.

The Sussex County Council held a Public Hearing on November 13, 2007, at which time they deferred action.

The Planning and Zoning Commission reviewed the application under Old Business on November 29, 2007 at which time the Commission recommended denial of this application. The reasons for denial were read by Mr. Abbott and will be made part of the record. The Commission stated that the application does not promote the health, safety, convenience, and general welfare of the neighborhood or community and the proposed uses are not consistent with the purposes of an AR-1 district as set forth in the County Zoning Code.

**M 745 07
Adopt
Proposed
Ordinance
(C/U
No. 1703)**

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GENERAL OFFICES AND MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS” (Conditional Use No. 1703) filed on behalf of RWR9, LLC. based on the record read at the Public Hearing and for the reasons contained in the Proposed Findings of Facts submitted by Mr. Lank, which were the applicant’s Proposed Findings of Fact.

Motion Denied: 5 Nays.

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

Old

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE

- Business/
C/U
No. 1752** **TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.1 ACRES, MORE OR LESS” (Conditional Use No. 1752) filed on behalf of Michael Orndorff.**
- Old
Business/
C/U
No. 1752
(continued)** **The Planning and Zoning Commission held a Public Hearing on this application on September 13, 2007, at which time action was deferred.
The Sussex County Council held a Public Hearing on October 2, 2007 at which time the Council deferred action.**
- The Planning and Zoning Commission reviewed this application under Old Business on October 17, 2007 at which time the Commission recommended approval with conditions.**
- M 746 07
Adopt
Ordinance
No. 1946
(C/U
No. 1752)** **A Motion was made by Mr. Jones, seconded by Mr. Cole, to adopt Ordinance No. 1946 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.1 ACRES, MORE OR LESS” (Conditional Use No. 1752) filed on behalf of Michael Orndorff, with the following conditions:**
- 1. The maximum number of residential dwelling units shall not exceed 16 units subject to the approval of the County Engineering Department.**
 - 2. All entrances, intersections, roadways and multi-modal improvements required by DelDOT shall be completed by the Applicant accordance with DelDOT’s determination.**
 - 3. The amenities, including gazebos and a tot lot shall be constructed and open to use by residents within two years of issuance of the first building permit for the project.**
 - 4. The project will be served by a County sewer district. It must be constructed in accordance with the requirements of the Sussex County Engineering Department including any off-site upgrades necessary to provide service to the project.**
 - 5. The project 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 and the project shall utilize Best Management Practices to construct and maintain these fixtures.**
 - 7. The project shall use individual trash cans or carts to serve the townhomes’ disposal needs, as opposed to centralized dumpsters.**
 - 8. The interior street design shall be in accordance with or exceed Sussex County street design requirements.**
 - 9. Sidewalks shall be installed along at least one side of all streets and**

street lights shall be installed.

**M 746 07
(continued)**

10. The Applicant shall submit, as part of the site plan review, a landscape plan showing the proposed tree and shrub landscape design, as well as buffers along the perimeter of the project.
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. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
13. The Final Site Plan for the project shall be subject to approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

M 747 07 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess until**
Recess **1:30 p.m. Motion adopted by Voice Vote.**

Reconvene **Mr. Dukes called the Council back into session at 1:30 p.m.**

Additional **Under Additional Business, Dan Kramer voiced his displeasure with**
Business **Council for not adopting the proposed Source Water Protection Ordinance.**

Old **The Council discussed the Proposed Ordinance entitled “AN ORDINANCE**
Business/ **TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL**
C/U **COMMERCIAL DISTRICT FOR A WATERPARK AND MINIATURE**
No. 1697 **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 Planning and Zoning Commission held a Public Hearing on this application on August 9, 2007, at which time they deferred action to allow for further consideration.

The County Council held a Public Hearing on this application on September 11, 2007, at which time they deferred action.

On September 19, 2007, the Commission recommended that the application be approved with ten conditions.

Concerns were expressed with the miniature golf course being a part of the application. Mr. Cole suggested that the Conditional Use be amended by deleting all reference to the miniature golf course.

M 748 07
Amend
C/U
No. 1697

A Motion was made by Mr. Cole, seconded by Mr. Jones, to amend Conditional Use No. 1697, filed on behalf of DANSK, LLC, by removing all reference to the miniature golf course where it appears within the title and contents of the Proposed Ordinance.

M 748 07
(continued)

Motion Adopted: 4 Yeas, 1 Nay.

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

M 749 07
Adopt
Ordinance
No. 1947
(C/U
No. 1697)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1947 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A WATERPARK 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, as amended, with the following conditions:

- 1. The number of parking spaces on the property shall be subject to site plan review. These parking spaces shall be clearly marked on the Final Site Plan.**
- 2. There shall be a stop sign located at the parking lot exit.**
- 3. The applicant shall clarify on the Final Site Plan the exact location of the DelDOT easement along Route 54.**
- 4. A barrier between the project and Route 54 shall be clearly shown on the Final Site Plan. It shall be designed to adequately separate pedestrians in the project from the vehicle traffic on Route 54.**
- 5. There shall be a boardwalk/pathway/sidewalk along the entire length of the project adjacent to Virginia Avenue for safe pedestrian access into the project and off of the Virginia Avenue right-of-way.**
- 6. The restroom facilities serving the project shall be clearly shown on the Final Site Plan and shall be enlarged and sized to adequately serve the expansion of this project.**
- 7. The park shall open no earlier than 10:00 a.m. and shall close no later than 10:00 p.m.**
- 8. All lighting serving the project, including the water slides and parking, shall be screened so that it shines only onto the project and not onto neighboring or adjacent residential properties.**
- 9. As stated during the presentation, a concept plan for the project shall be submitted to the County Engineering Department for review.**
- 10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Old
Business**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR NEW AND USED FURNITURE SALES, THRIFT SHOP AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23,899 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1701) filed on behalf of Bridget M. Nicholson.

**Old
Business
(C/U
No. 1701)**

The Planning and Zoning Commission held a Public Hearing on this application on September 27, 2007, at which time they deferred action.

The County Council held a Public Hearing on this application on October 16, 2007, at which time they deferred action.

On October 17, 2007, the Commission recommended that the application be approved with eight conditions.

**M 750 07
Approve
C/U
No. 1701
(Motion
Withdrawn)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve Conditional Use No. 1701, filed on behalf of Bridget M. Nicholson.

Mr. Cole expressed concern regarding the outdoor display of furniture and other items, and suggested that outdoor display be permitted only during hours of operation.

The Motion and Second were withdrawn.

**M 751 07
Adopt
Ordinance
No. 1948
(C/U
No. 1701)**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Ordinance No. 1948 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR NEW AND USED FURNITURE SALES, THRIFT SHOP AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23,899 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1701) filed on behalf of Bridget M. Nicholson, with the following conditions:

1. The use shall be limited to used furniture sales and a thrift shop and office.
2. The hours of operation shall be Tuesday through Saturday, with hours of operation of 9:00 a.m. to 5:00 p.m. for weekdays and 10:00 a.m. to 2:00 p.m. on Saturdays.
3. There shall be no more than two employees associated with the use.

**M 751 07
(continued)**

4. The two existing non-lighted signs shall be permitted. No further signage shall be allowed.
5. The existing concrete slab shall only be used to display barbeque grills and outdoor furniture during hours of operation. No other display will be permitted on the property.
6. Areas designated for parking shall be shown on the Final Site Plan and shall be clearly marked on the site plan.
7. There shall be no dispatching of moving vans from the site.
8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**Public
Hearing
(C/U
No. 1712)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SIGN BUSINESS, ARTS AND CRAFTS AND AN ART STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 27,758 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1712) filed on behalf of Debra Dean.

The Planning and Zoning Commission held a Public Hearing on this application on November 29, 2007, at which time the Commission recommended that the application be approved with eight conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated November 29, 2007, for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Shane Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.

Mr. Abbott reported that no additional comments have been received since the Public Hearing before the Commission.

The Council found that Debra Dean was present on behalf of the application and stated that she is proposing a small sign business to supplement her art work, and that she would like to eventually start an art gallery to show her work and the art work of other artists.

Mr. Cole expressed concern regarding the outside display of items, and suggested that outside display be allowed only during the hours of

operation.

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

M 752 07 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1949 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SIGN BUSINESS, ARTS AND CRAFTS AND AN ART STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 27,758 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1712) filed on behalf of Debra Dean, with the following conditions:

M 752 07
Adopt
Ordinance
No. 1949
(C/U
No. 1712)
(continued)

1. There shall be no more than three employees, including the Applicant, within the business at any one time.
2. The business may be open seven days per week, with hours of operation from 10:00 a.m. to 10:00 p.m.
3. No large commercial type dumpsters shall be permitted.
4. Only one (1) lighted sign shall be permitted. Said sign shall not exceed 32 square feet per side or facing.
5. Outside display of items shall be permitted, but only outside of or behind the applicable setbacks and only during hours of operation.
6. All parking and driveways shall be shown on the Final Site Plan.
7. Lighting shall be limited to the existing lighting on the property.
8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Introduction
of Proposed
Ordinances Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SPA (MASSAGE, FACIALS, ETC.) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12,750 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1779) filed on behalf of Jim and Carla Clark. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.848 ACRES, MORE OR LESS” (Change of

Zone No. 1643) filed on behalf of Landh Investments, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

**Introduction
of Proposed
Ordinances
(continued)**

Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO GR-RPC GENERAL RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 140.21 ACRES, MORE OR LESS” (Change of Zone No. 1644) filed on behalf of Brian McKinley. The Proposed Ordinance will be advertised for Public Hearing.

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1645) filed on behalf of Cellular Fish, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Rogers 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.71 ACRES, MORE OR LESS” (Change of Zone No. 1646) filed on behalf of BBC Properties, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.7482 ACRES, MORE OR LESS” (Change of Zone No. 1647) filed on behalf of SMI Long Neck Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**M 753 07
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 2:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Gaye King

Susan W. Webb

Administrative Secretary

Administrative Secretary