



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL
GEORGETOWN, DELAWARE, JANUARY 20, 2004

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, January 20, 2004, 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
Lynn J. Rogers	Member
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 062 03 Amend and Approve Agenda

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to amend the Agenda by deleting "Approval of Minutes", and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

Corre- spondence

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

Mr. Griffin read the following correspondence:

READ-ALoud DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

**Corre-
spondence
(continued)**

**SUSSEX COMMUNITY CRISIS HOUSING SERVICES, INC., GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of the County's donation of food.

DELAWARE MUSIC SCHOOL, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

BRIDGEVILLE SENIOR CENTER, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

**SCAT
Public
Service
Award**

ANKH, INC., GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

CHILDREN & FAMILIES FIRST, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

**BIG BROTHERS BIG SISTERS OF DELAWARE, INC., GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant funding.

**Adminis-
trator's
Report**

MILFORD SENIOR CENTER, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

WEST SIDE NEW BEGINNINGS, REHOBOTH BEACH, DELAWARE.

**Report
(continued)**

RE: Letter in appreciation of Human Service Grant funding.

**Old
Business/
C/U
No. 1506**

DELAWARE HOSPICE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant funding.

CONECTIV, NEWARK, DELAWARE.

RE: Hurricane Isabel Performance Report.

**M 063 04
Adopt
Proposed
Ordinance
(C/U
No. 1506)
(Denied)**

Mr. Stickels announced that on January 7, 2004 the Sussex County Association of Towns (SCAT) recognized W. Layton Johnson with a Public Service Award. Mr. Johnson has dedicated his entire adult life to public service. Mr. Johnson served in the United States Army from 1944 to 1946. During World War II he served under General Patton and was involved in the liberation of Czechoslovakia, France, and post-war Germany. Upon his discharge from the Army in 1946, he served for 36 years in the Delaware National Guard, advancing to the rank of Brigadier General. Mr. Johnson was elected Mayor of Georgetown in 1962 and served for 26 consecutive years. Currently, Mr. Johnson is serving his second year of a three-year appointment to the Sussex County Planning and

**Reasons
for
Denial**

Zoning Commission. In addition, Mr. Johnson has been an active member of many civic organizations. Mr. Johnson was one of the founding members of the Sussex County Association of Towns and was one of the pioneers in creating inter-governmental cooperation in Sussex County.

**Old
Business
(C/U
No. 1508)
Old
Business
(C/U
No. 1508)
(continued)**

Mr. Jones presented a Public Service Award plaque to Mr. Johnson on behalf of the Sussex County Council.

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

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

The Sussex County Council Advisory Committee for the Aging and Adults with Physical Disabilities will be meeting on Monday, January 26, 2004, at 10:00 a.m. The meeting will be held at the Nanticoke Senior Center, 310 Virginia Avenue, Seaford, Delaware. The guest speaker for this meeting will be Daniel Short, Mayor of the City of Seaford. The general public as well as the media is welcome to attend.

**M 064 04
Adopt
Ordinance
No. 1656
(C/U
No. 1508)**

The County Council considered the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SELF-STORAGE AND WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.4 ACRES, MORE OR LESS" (Conditional Use No. 1506) filed on behalf of Ocean Highway, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on September 25, 2003 at which time they deferred action. On October 23, 2003 the Commission recommended that the application be denied since DelDOT recommended denial of the application; since the Office of State Planning Coordination voiced objections to the application; and since the project would be out of character with the immediate area, which is primarily residential and agricultural in nature.

The County Council held a Public Hearing on this application on October 14, 2003 at which time they deferred action.

**M 064 04
(continued)**

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 SELF-STORAGE AND WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.4 ACRES, MORE OR LESS” (Conditional Use No. 1506) filed on behalf of Ocean Highway, LLC.

Motion Denied: 5 Nay.

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

Mr. Rogers, Nay; Mr. Jones, Nay;

Mr. Dukes, Nay

The Council found that the application was out of character with the residential nature of the surrounding area; that the nine-acre parcel was excessive for warehousing in a

residential area; that the project would create too much traffic in an area that is already experiencing numerous accidents; and for the reasons stated by the Planning and Zoning Commission.

**Discussion
on Proposed
Ordinance
Relating to
the
Agricultural
Residential
Zoning
District**

The County Council considered the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT FOR EXTRACTION AND REMOVAL OF SOIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 86.74 ACRES, MORE OR LESS” (Conditional Use No. 1508) filed on behalf of Ray Lewis.

**Discussion
on Proposed
Ordinance
Relating to
the
Agricultural
Residential
Zoning
District
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on October 9, 2003 at which time they deferred action. On December 7, 2003 the Commission recommended that the application be approved with fifteen conditions.

The County Council held a Public Hearing on this application on October 28, 2003 at which time they deferred action.

It was noted that, previously, there was a borrow pit on the site; however, it has been inactive.

Mr. Cole recommended that one of the conditions imposed on the application, if approved, should be an expiration date to ensure that there will be a reclamation of the borrow pit.

It was noted that conditions should also make reference to dewatering and dredging

restrictions.

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1656 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT FOR EXTRACTION AND REMOVAL OF SOIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 86.74 ACRES, MORE OR LESS" (Conditional Use No. 1508)

**Proposed
Ordinance
Relating to
Biotech
Industry/
Campus**

**Agenda
Items**

**Draft
Ordinance**

**Public
Hearing/
Register of
Wills Fees**

filed on behalf of Ray Lewis, with the following conditions:

1. No materials shall be brought from off the site for processing, mixing or similar purposes.
2. Water or a water truck shall be available to control dust from road traffic when conditions require.
3. The Applicant shall complete any entrance improvements required by DelDOT. All entrances shall be secured when the borrow pit is not in operation
4. The hours of operation for the business on this site shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday and 7:30 a.m. until 12:30 p.m. on Saturdays. There shall not be any borrow pit activities on Sundays.
5. No fuel shall be stored on-site for borrow pit operations.
6. No stumps, branches, debris or similar items shall be buried on the site of the borrow pit.
7. The borrow pit shall have 3:1 slopes and the slopes shall be seeded and planted to control erosion.
8. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance.
9. The Applicant shall comply with all State and County erosion and sediment control regulations.
10. Markers and signs shall be placed at appropriate locations to designate pit areas.
11. The borrow pit shall be surrounded by a densely landscaped unexcavated buffer strip a minimum of 100 feet from any street lines, 100 feet from proposed single family lots, 50 feet from all other property lines and 25 feet from all Federal wetlands. In addition, the borrow pit shall be at least 200 feet from any dwelling or property of other ownership.
12. Every five years after the start of excavation, the Office of Planning and Zoning shall inspect the site and request written comments from all appropriate State agencies so that the Planning and Zoning Commission can review the comments and verify compliance with all current regulations.
13. The Applicant shall comply with all of the requirements set forth in Section 115-72B

**M 065 04
Adopt
Ordinance
No. 1657
(Register
of Wills
Fees)**

of the Sussex County Zoning Ordinance.

14. The applicant shall be required to provide performance guarantees to assure completion of any approved reclamation plan, pursuant to 115-172B(6)(e).
15. The Applicant shall comply with all requirements set forth in the State DNREC letter of November 19, 2003.
16. The conditional use shall expire 15 years from the date of approval.
17. Dewatering shall only be permitted with electrical pumps.
18. Dredging shall only take place during approved hours of operation.

Motion Adopted: 4 Yea, 1 Nay.

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

**Cedar
Neck
Expansion
Project/
Contract B/
Change
Order
No. 1**

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

**M 066 04
Approve
Change
Order
No. 1/
Cedar
Neck
Expansion
Project**

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ALLOW AGRICULTURAL RELATED INDUSTRY AS A CONDITIONAL USE IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT, TO DEFINE AGRICULTURAL RELATED INDUSTRY, AND TO DELETE CONFLICTING LANGUAGE”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on September 25, 2003 at which time they deferred action to allow time for staff to confer with the Department of Agriculture on their comments.

**Airport
Terminal
Apron
Expansion
Project/
Change
Order**

The County Council held a Public Hearing on the Proposed Ordinance on October 14, 2003 at which time action was deferred.

**M 067 04
Approve
Change
Order for
Airport
Terminal
Apron
Expansion
Project**

On November 6, 2003 the Commission discussed the Proposed Ordinance again. At that time, Mr. Shafer of Shafer Consulting advised the Commission that he, along with Mr. Kautz, Sussex County's Land Use Planner, had met with representatives of the Department of Agriculture to discuss concerns expressed at the Public Hearing. The Commission discussed the revisions suggested by the Department of Agriculture and recommended that the Proposed Ordinance be approved with those revisions.

**Delta
Airport
Consultants/
Contract
Amend-
ment**

Mr. Lank, Director of Planning and Zoning, reviewed the proposed revisions including striking "115-22 – Conditional Uses" and adding a definition for the term "Local".

It was noted that the Proposed Ordinance would permit "Agricultural Related Industry" as a conditional use in the AR Zoning District.

**Delta
Airport
Consultants/
Contract
Amend-
ment
(continued)**

Mr. Phillips stated that in previous discussions on the Proposed Ordinance, two options were discussed: to proceed with the Proposed Ordinance as written or to move in the direction of permitted uses. He further stated that there was not a lot of discussion about an Overlay Zone that could be created through a public hearing process.

**M 068 04
Accept
Contract
Amendment
to Delta**

Mr. Phillips stated that the Overlay Zone option would afford the public the opportunity to comment at a public hearing on the inclusion of a parcel in the Overlay Zoning District and that it would also offer an opportunity to protect future residential communities by designating certain areas that would potentially have a use that would benefit agriculture. Mr. Phillips stressed that a permitted use established now through the overlay, gives everybody constructive notice.

**Airport
Consultants
Engineering
Agreement**

Mr. Phillips asked Mr. Kautz to consider where an Overlay Zone would be appropriate and what would be permitted in that zone.

Requests

Mr. Kautz distributed an outline, which was developed at the request of Mr. Phillips, establishing an Agricultural Industry Overlay Zoning District.

**M 069 04
Council-
manic
Grant**

Mr. Griffin stated that this amendment could not be included in the Proposed Ordinance as written.

**M 070 04
Council-
manic
Grant**

There was no discussion on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO ALLOW A BIOTECH INDUSTRY AND A BIOTECH CAMPUS AS A CONDITIONAL USE IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT AND TO DEFINE BIOTECH INDUSTRY AND BIOTECH CAMPUS".

**M 071 04
Youth
Activity
Grant**

It was the consensus of Council to place the two Proposed Ordinances on the January 27th Council Agenda for a vote.

It was also the consensus of Council to direct staff to work on a Draft Ordinance establishing an Agricultural Industry Overlay Zoning District for future discussion.

**M 072 04
Council-
manic
Grant**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR

SUSSEX COUNTY”.

**M 073 04
Council-
manic
Grant**

Mr. Clendaniel, Register of Wills, Chief Deputy Helen Wilkins, and Deputy Roberta Smith were present to discuss the Proposed Ordinance. Mr. Clendaniel advised Council that Kent County has adopted the new fees and New Castle County is in the process of adopting the fees. Mr. Clendaniel noted that if the same fee schedule is adopted by all three counties, it will result in the creation of standard fees for the Register of Wills statewide.

**Introduction
of Proposed
Ordinance**

It was noted that it has been nine years since fees have been raised.

Mr. Phillips questioned why fees are being raised when the office operates in the black.

**Introduction
of Proposed
Ordinance**

Public comments were heard. Dan Kramer commented that the Proposed Ordinance is a tax increase.

The Public Hearing was closed.

**Introduction
of Proposed
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1657 entitled “AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY”. The Ordinance shall take effect on the first day of the second month following its adoption (March 1, 2004).

**Introduction
of Proposed
Ordinance**

Motion Adopted: 4 Yea, 1 Nay.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

**Introduction
of Proposed
Ordinance**

Mr. Izzo, County Engineer, reviewed Change Order No. 1 for Contract B with Bunting and Murray Construction for the Cedar Neck Expansion Project. The Change Order, in the amount of \$7,341.00, includes the paving of the portion of Cedar Neck Road in front of the James Farm site and an upgrade of the paint striping on Cedar Neck Road at a cost of \$6,635.00. DelDOT has requested that this scope of work be performed and they will

**Introduction
of Proposed
Ordinance**

reimburse the County the amount of \$6,635.00. The Change Order also includes a second item, with a value of \$706.00, to upgrade the connection to a portable generator for Pump Station 181.

**Planning
and
Zoning
Commission
Schedule**

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that Change Order No. 1 for Sussex County Project No. 99-12B, "Quillens Point Collection and Conveyance" be approved in the amount of \$7,341.00, which increases the Contract total to \$2,302,718.50, contingent upon the approval of the Delaware Department of Natural Resources and Environmental Resources and Environmental Control and/or the Rural Utility Service.

**M 074 04
Adjourn**

Motion Adopted: **5 Yea.**

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

Mr. Sapp, Project Engineer, presented Change Order No. 4 to the Sussex County Airport Terminal Apron Expansion Project. He noted that the Change Order is the result of a price negotiated with the contractor to fix a pavement failure on the new Taxiway Terminal Apron in a timely manner. Testing results were ambiguous as a means to determine the exact cause of failure. Mr. Sapp further reported that the cost of the Change Order is \$68,604.00; \$34,302.00 is to be paid by the County and \$34,302.00 is to be paid by the contractor. The County's portion is grant fundable and remains within the current grant budget (90% Federal funds, 5% State funds, and 5% County funds).

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Change Order No. 4 for Project No. 01-09, Sussex County Airport Terminal Apron Expansion, in the amount of \$34,302.00, increasing the contract amount from \$809,280.75 to \$843,582.75, contingent on the approval of DelDOT and the FAA.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

Mr. Sapp, Project Engineer, presented Contract Amendment No. 10 to the Agreement for Professional Services between Sussex County Council and Delta Airport Consultants, Inc.

Mr. Sapp explained that the Amendment consists of the following four tasks:

- Task 4 – Expand and rehabilitate terminal apron. (compensation limited to \$157,002.00).
- Task 10 – Install airport perimeter fence (compensation will be a lump sum fee of \$52,944.00).

- Task 11 – Prepare drawings showing Airport Part 77 Imaginary Surfaces, to include surface elevations and planimetric information (compensation limited to \$6,972.00).
- Task 12 – Relocate beacon on airport, including structural analysis (compensation will be a lump sum fee of \$19,922.00).

Councilmembers commented on the excessive costs and per hour rates.

Mr. Sapp noted that the cost of all the tasks is grant eligible (95% FAA and 5% DelDOT) with the exception of Task #11, the Part 77 Zoning Exhibits.

A Motion was made by Mr. Phillips to split the costs with Delta Airport Consultants. Mr. Phillips withdrew his Motion.

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council accepts Amendment No. 10 to the Engineering Agreement between Sussex County and Delta Airport Consultants to increase the original contract amount by a maximum of \$103,620.00, pending approval of the County Finance Director, DelDOT and the FAA.

Motion Adopted: 4 Yea, 1 Nay.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

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

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Ellendale Community Civic Improvement Association, Inc. for their fundraiser for sewer hook-up fees for Ellendale residents.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$250.00 from Mr. Phillips' Councilmanic Account to the Southern Sussex Rotary for the Indian River School District Dictionary Project.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Youth Activity Grant Account) to the Sussex County 4-H for expenses associated with their Exchange Trip.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$300.00 from Mr. Phillips' Councilmanic Account to the Town of Selbyville for the new ball field or for the purchase of equipment.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$650.00 from Mr. Rogers' Councilmanic Account to the Milton Lions Club for the purchase of wheelchairs.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea; Mr. Jones, Yea;

Mr. Dukes, Yea

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS” (Conditional Use No. 1556) filed on behalf of Stanley and Linda Park. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (95 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 22.24 ACRES, MORE OR LESS” (Conditional Use No. 1557) filed on behalf of Clinton Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL

DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A USED CAR SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” (Conditional Use No. 1558) filed on behalf of Doug Myer. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION OF OUTPATIENT MEDICAL CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 33.83 ACRES, MORE OR LESS” (Conditional Use No. 1559) filed on behalf of Beebe Medical Center. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT FOR FUEL STORAGE AND LOADING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.43 ACRES, MORE OR LESS” (Conditional Use No. 1560) filed on behalf of NMB, LLC. 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE

CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.15 ACRES, MORE OR LESS” (Change of Zone No. 1553) filed on behalf of Howard Darby. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Dukes reported that he spoke with Jack Allen, Chairman of the Planning and Zoning Commission, regarding the length of time it takes for zoning applications to be scheduled for Public Hearing. Mr. Allen advised him that there are twenty-five subdivisions pending review by the Commission, which have been carried over from 2003. Mr. Allen also advised that the Commission will be scheduling additional meetings.

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 12:27 p.m.
Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith

Clerk of the Council