



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 5, 2005

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, April 5, 2005 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	Vice President
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 204 05 Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 205 05 Approve Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of March 22, 2005.

Motion Adopted: 5 Yea.

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

Corre- spondence

Mr. Griffin read the following correspondence:

**TOM CARPER, UNITED STATES SENATOR, WASHINGTON, D.C.
RE: Moderately Priced Housing Program Initiative.**

Recognition/ Sussex County EMS Paramedics	Mr. Stickels and Mr. Luedtke, EMS Director, announced that a team of four Sussex County EMS Paramedics was awarded first place in the “JEMS Games” paramedic competition held in Philadelphia, Pennsylvania on March 18 – 21, 2005 as a part of the EMS Today Educational Conference. Eighteen paramedic teams from the U.S., Australia, and Canada, were first evaluated in nine "real-life" scenarios which tested their assessment and treatment skills and knowledge. Five teams, from Canada, Australia, New York and West Virginia, advanced with the Sussex County team to the final competition. In the final competition, each team was presented with a
Recognition (continued)	hazardous materials incident involving multiple victims of an explosion who were exposed to a toxic waste agent. Teams were scored on skill, speed, technical accuracy, and their ability to control the chaotic scene. The Sussex County EMS Team included Stu Hensley, Holly Donovan, Joseph Hopple and Robert Mauch.
M 206 05 Adopt Tribute Recognizing Sussex County EMS Paramedics	A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adopt the Tribute recognizing Stuart Hensley, Holly Donovan, Joseph Hopple and Robert Mauch, for their championship performance as members of the Sussex County EMS Team during the JEMS Games International Paramedic Competition. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Delaware Agricultural Land Preservation Foundation	Mr. Stickels reported that the Budget Committee, along with Wendy Baker of the Sussex County Land Trust, met with representatives from the Delaware Agricultural Lands Preservation Foundation. The group reviewed the Foundations’ recommended selections and discussed whether the County would participate again this year. In the past 9 years, 150 permanent agricultural easements have been granted in Sussex County, totaling 25,009 acres. This year, 56 farms were entered into the program statewide; once the 56 farms were ranked, the State was able to purchase the first nine on the list (6 in Sussex County and 3 in Kent County). All of the farms in New Castle County will be purchased through the Federal, State and County match. New Castle County put up \$1 million for the program, which will be matched by the Federal government and State government; \$3 million was a sufficient amount of funding to purchase all of the farms in New Castle County that were listed in the program. Kent County has put up \$250,000 which will be matched by the Federal and State governments as well. Mr. Stickels advised that the Budget Committee is recommending funding in the amount of \$660,418 from Sussex County, as follows: \$300,000 from the Fiscal 2005 Budget, \$110,418 which was left over from past budgets and \$250,000 which represents Sussex County Land Trust’s contribution

(\$125,000 of this amount is a County Council contribution to the Land Trust). The Federal and State governments will match this amount for a total of \$1.9 million in Sussex County. This will allow for the purchase of four farms totaling 342 acres. There is also the possibility that the State will have \$1.5 million remaining in funding, which will be awarded to Sussex County.

M 207 05 A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council, having met in public session, awards \$410,418 from the Sussex County Council and \$250,000 from the Sussex County Land Trust to the Delaware Agricultural Lands Preservation Foundation to be matched on a one-to-one-to-one basis by the State of Delaware and the Federal government for properties under the Farmland Preservation Program; and Be It Further Moved that the properties will be selected based on the State's scoring formula, contingent on the availability of funds; and Be It Additionally Moved that should additional funding become available for preservation in Sussex County, properties will also be selected based on the scoring under the State program and funding availability.

M 207 05
Authorize
Funding/
Delaware
Agricultural
Lands
Preservation
Foundation/
(continued)

Motion Adopted: 5 Yea.

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

Wastewater Mr. Stickels discussed wastewater facilities to be constructed in the South
Facilities Bethany Sanitary Sewer District.

M 208 05 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 354, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Gulfstream Development for wastewater facilities to be constructed in Kensington Park, located in the South Bethany Sanitary Sewer District.

M 208 05
Execute
Wastewater
Agreements/
Kensington
Park

Motion Adopted: 5 Yea.

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

Committee Mr. Stickels reported that several vacancies exist on the Advisory
Vacancies Committee for the Aging and Adults with Physical Disabilities.

M 209 05 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to appoint Fran Smith to the Advisory Committee for the Aging and Adults with Physical Disabilities for a term of two years.

M 209 05
Advisory
Committee
Appoint-

ment **Motion Adopted: 5 Yea.**

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

**M 210 05 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to appoint
Appoint- Sally Beaumont to the Advisory Committee for the Aging and Adults with
ment Physical Disabilities for a term of two years.**

M 210 05 Motion Adopted: 5 Yea.

**Advisory Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Committee Mr. Dukes, Yea; Mr. Rogers, Yea;
Appoint- Mr. Jones, Yea
ment
(continued)**

**Fran Smith and Sally Beaumont will replace Tom Shockley and Irvin
Aydelotte, who are deceased.**

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

**trator's
Report**

1. Beneficial Acceptance

**The Sussex County Engineering Department gave Beneficial
Acceptance to the following projects on March 29, 2005:**

- Bay Farm Road Sanitary Sewer Extension, Sussex County
Project No. 81-04, Agreement No. 321, located on County Road
299 (Bay Farm Road), consisting of 43 single-family lots and
installation of Pumping Station No. 263, installation of force main
and gravity piping, including the force main for Bayshore
Subdivision, in the Long Neck Sanitary Sewer District.**
- Peninsula - Phase 1A, Sussex County Project No. 81-04,
Agreement No. 332, located on County Road 299 (Bay Farm
Road), consisting of 19 single lots and 10 multi-family buildings,
including a pumping station with a total horsepower of 60, in the
Long Neck Sanitary Sewer District.**

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

**Prayer Mr. Dukes announced that the 28th Annual Sussex County Council Prayer
Breakfast Breakfast will be held at the CHEER Community Center on May 16th
beginning at 7:00 a.m. The guest speakers will be Paul and Susie
Luchsinger of Psalms Ministries. (Susie Luchsinger is the sister of Reba
McEntire.)**

**Bid Mr. Shade, Purchasing Director, reported that I.G. Burton was the
Results/ successful bidder on the following vehicles needed by the Engineering
Engineering Department at the wastewater treatment facilities:**

**Department
Vehicles**

(1) 4x4 One Ton Crew Cab	\$34,376.00
(2) 4x4 Extended Cab Utility Body	\$30,426.00
(4) 4x4 Extended Cab Long Bed Pick-up	\$26,188.00
(2) 4x4 1/2 Ton Extended Cab Long Bed Pick-up	\$19,440.00

Mr. Shade advised that he and Kevin VanAuken of the South Coastal Regional Wastewater Facility recommend that the bids be awarded to I.G. Burton, as presented.

**M 211 05
Accept
Bids/
Vehicles
for
Engineering
Department**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council accepts the bids of I.G. Burton Chevrolet for the nine vehicles for the Engineering Department.

Motion Adopted: 5 Yea.

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

**Public
Hearing/
Issuance of
Refunding
Bonds/
West
Rehoboth
Expansion
Sewer
Project**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE REFUNDING BONDS OR GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE PURPOSE OF REFUNDING THE COUNTY’S WASTEWATER REVENUE REFUNDING BONDS (WEST REHOBOTH EXPANSION SEWER PROJECT) SERIES 1995 AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”.

Mr. Baker reviewed the Proposed Ordinance, which would give the County the authority to issue refunding bonds for the West Rehoboth Sewer Project in September or later, if it is viable, or possibly agree to a forward commitment contract. In 1994, the County issued revenue bonds to partially finance the West Rehoboth Sewer Project. In 1995, after interest rates decreased, the County issued new bonds to refinance the 1994 bonds. Due to federal tax laws, the County has not been able to refinance these bonds even though interest rates have been low. As of September 16, 2005, the County will be able to pay off the 1995 bonds and issue new bonds, if it is economically feasible to do so. Mr. Baker noted that there is another option that may be considered – a Forward Purchase Agreement. The County has received one offer from a bond underwriter to agree to refinance the bonds in September 2005 (a forward commitment contract). The amount of the refunding bonds can not exceed \$19,500,000. Any savings as a result of a refinancing would strictly benefit the West Rehoboth Sewer customers.

Mr. Baker noted that, although the Public Hearing for the Proposed Ordinance is being held today, action is not needed at this time. Work is continuing on a Preliminary Official Statement, which is needed for the refinancing. Mr. Baker recommended that the Public Hearing be held open

until a recommendation is made to the Council.

Public comments were heard.

Dan Kramer questioned the interest rate on the Forward Purchase Agreement. Mr. Stickels and Mr. Baker responded that the County would not refinance at a rate higher than the current rate.

**M 212 05
Defer
Action and
Keep the
Record
Open
on the
Proposed
Ordinance
Relating
to
Refunding
Bonds**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council keep the public record open for a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE REFUNDING BONDS OR GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE PURPOSE OF REFUNDING THE COUNTY’S WASTEWATER REVENUE REFUNDING BONDS (WEST REHOBOTH EXPANSION SEWER PROJECT) SERIES 1995 AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yea.

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

**Hazard
Mitigation
Plan**

Joe Thomas, Director of Emergency Operations, presented for the Council’s approval, the Sussex County Multi-Jurisdictional Hazard Mitigation Plan. He explained that the Stafford Act was recently amended by the Disaster Mitigation Act of 2000 to provide new and revitalized approaches to mitigation planning and to emphasize the need for state and local entities to closely coordinate mitigation planning and implementation efforts. He further explained that partnerships with all levels of government could reduce the impact of future weather-related damages and minimize costs due to disasters through hazard mitigation planning. Compliance with the new mitigation plan requirements will position the State, County and municipalities to receive pre- and post-disaster mitigation funding. Mr. Thomas reported that all of the towns in Sussex County have participated in the planning process and all of the towns, with the exception of two, have signed off on the Plan.

**M 213 05
Adopt
the
Hazard
Mitigation
Plan**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt the Sussex County Multi-Jurisdictional Hazard Mitigation Plan.

Motion Adopted: 5 Yea.

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

- Sandy Cove Road Contract** **Mr. Izzo, County Engineer, presented the Balancing Change Order (No. 4) for the Sandy Cove Road Collection & Conveyance Project (Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District. Mr. Izzo reported that the contract was completed in the Summer of 2004.**
- M 214 05 Approve Change Order**
M 214 05 Approve Change Order/ Sandy Cove Road Contract (continued) **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Balancing Change Order No. 4 for Sussex County Project No. 99-12C, Sandy Cove Road Collection & Conveyance, Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, with American Paving Corporation, be approved in the credit amount of \$137,026.28, which decreases the final contract total to \$2,768,242.42 and extends the contract time by 24 days.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea**
- Introduction of Proposed Ordinance** **Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 40,000 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1581) filed on behalf of George Coverdale. The Proposed Ordinance will be advertised for Public Hearing.**
- Introduction of Proposed Ordinance** **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GOVERNMENTAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS, OF AN 861.16 ACRE TRACT” (Conditional Use No. 1628) filed on behalf of the State of Delaware. The Proposed Ordinance will be advertised for Public Hearing.**
- Muddy Neck Annexation Request/ South Bethany SSD** **Mr. Archut, Assistant County Engineer, presented a request for an annexation into the South Bethany Sanitary Sewer District. The proposed annexation is west of the Town of South Bethany and contiguous to the South Bethany Sanitary Sewer District boundary. The request is from a 138-unit subdivision located on a parcel consisting of 64.16 acres. The density of the project is 2.15 EDUs per acre. Mr. Archut requested the Council’s approval to prepare and post notices for the proposed annexation. If approval is given, a public hearing will be scheduled.**

- M 215 05**
Prepare
and Post
Notices/
Muddy
Neck
Annexation **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the South Bethany Sanitary Sewer District boundary to include the lands now or formerly of Gilbert W. Hassell and Jocelyn A. Clements Co. – Trustees.**
- Motion Adopted: 5 Yea.**
- M 215 05**
(continued) **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;**
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea
- BB & SBB**
Sewer
Line
Renovation **Julie Cooper, Project Engineer, reviewed a change order in the amount of \$14,331.50 for maintenance work that was recently completed on the Bethany Beach and South Bethany Sewer Line. Ms. Cooper noted that there is quite a bit of the work left to do; however, it has to be done in the off-season and therefore, work will resume in the Fall of 2005.**
- M 216 05**
Grant
Substantial
Completion/
Bethany
Beach and
South
Bethany
Beach
Sewer
Line
Renovation **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion, effective March 25, 2005, to Allstate Power-Vac, Inc., for Sussex County Project No. 02-09, Bethany Beach and South Bethany Sewer Line Renovation, and Be It Further Moved that Balancing Change Order No. 1 be approved in the amount of \$14,331.50, thereby increasing the contract amount from \$168,924.00 to \$183,255.50, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;**
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea
- Table**
Grant
Requests **Mr. Rogers asked that the grant requests from the Henlopen Soccer Club, the Eastern Sussex Athletic Association and the Sussex Academy of the Arts and Sciences be tabled until the April 12th meeting.**
- M 217 05**
Council-
manic
Grant **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 from Mr. Phillips' Councilmanic Account to Sussex Technical High School for Jessica Smithson to attend the National Leadership Conference.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;**
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea

M 218 05 Councilmanic Grant **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$100.00 from Mr. Jones' Councilmanic Account to the Delaware Quarterhorse Association for the 2005 Futurity.**

Motion Adopted: 5 Yea.

M 218 05 (continued) **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

M 219 05 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from each Councilmanic Account) to First State Community Action Agency for the Kick Butts Campaign.**

Motion Adopted: 5 Yea.

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

M 220 05 Councilmanic Grant **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$250.00 (\$125.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts) to the Milford Public Library for the Strawberry Festival.**

Motion Adopted: 5 Yea.

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

M 221 05 Councilmanic Grant **A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$1,000.00 (\$200.00 from each Councilmanic Account) to the American Cancer Society to sponsor Lawrence Sammons in the Relay for Life fundraiser.**

Motion Adopted: 5 Yea.

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

M 222 05 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$250.00 (\$50.00 from each Councilmanic Account) to the Delaware Foundation Reaching Citizens (DFRD) to sponsor Danny Hamilton, a participant in the Blue-Gold All*Star Football Game.**

Motion Adopted: 5 Yea.

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

Public Comments Dan Kramer addressed the Council regarding the number of requests the Council receives for grant funding.

Public Comments/Concerns Rex Williamson addressed the Council regarding two concerns that pertain to properties adjoining his property:

(1) According to the Sussex County Code, the Shawnee Country Store (a filling station) is required to construct a fence along all property lines adjoining residential districts.

(2) A cell tower was erected in violation of the Sussex County Code.

Mr. Williamson stated that he wanted the Council to know that the infractions exist; that the uses should meet the requirements of the Sussex County Code; and that no one in the County is doing anything about them.

Mr. Griffin reported that Mr. Williamson has been advised to seek legal advice.

M 223 05 Recess At 11:37 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public Hearing (C/U No. 1595) 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 DOCTORS OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,999 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1595) filed on behalf of Surya Puja, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on March 3, 2005 at which time they recommended that the application be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated March 3, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation of approval. The summary was admitted as part of the County Council’s record.

Mr. Lank reported that a letter was received from the Sussex County Engineering Department stating that the site is not located in a County-operated sewer or water district; that it is located in a planning area; and that the Department does not have a schedule yet to extend sewer service to this parcel.

Public
Hearing
(C/U
No. 1595)
(continued)

The Council found that Dr. Jani was present with James Becker, Attorney. They stated that Dr. Jani plans to move his practice from his existing leased office to this site; that he proposes to convert the existing dwelling into office space; that he plans to maintain the residential character of the site; that he proposes to convert the deck to a handicapped accessible ramp; and that he agrees to the stipulations recommended by the Planning and Zoning Commission.

Mr. Cole suggested that a reference to the dumpster location should be included in the conditions.

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

M 224 05
Adopt
Ordinance
No. 1767
(C/U
No. 1595)

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1767 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DOCTORS OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAININ14,999 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1595) filed on behalf of Surya Puja, L.L.C., subject to the following conditions:

- (1) There will only be one unlighted sign on the premises that shall not exceed 32 square feet per side or facing.
- (2) Any security lighting shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or towards Savannah Road.
- (3) The hours of operation for the business on this site shall be limited to 8:30 a.m. to 6:00 p.m. Monday through Friday. Emergency services can be provided at any time.
- (4) The site plan shall be subject to approval of the Planning and Zoning Commission.
- (5) There shall only be one physician on the premises.
- (6) A solid fence shall be constructed along the boundary with the Portmann property as a screen, subject to site plan review.
- (7) The dumpster location is subject to site plan review.

Motion Adopted: 5 Yea.

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

Mr. Jones, Yea

Public Hearing (C/U No. 1597) **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 DOG GROOMING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1597) filed on behalf of Shirley Rawlins.**

Public Hearing (C/U No. 1597) **The Planning and Zoning Commission held a Public Hearing on this application on March 3, 2005 at which time they recommended that the application be approved with conditions.**

(continued) **(See the minutes of the Planning and Zoning Commission dated March 3, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)**

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation of approval. The summary was admitted as part of the County Council’s record.

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

The Council decided to proceed to the next public hearing.

Public Hearing (C/U No. 1598) **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 FENCING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 41,542 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1598) filed on behalf of Debbie S. Porter.**

The Planning and Zoning Commission held a Public Hearing on this application on March 3, 2005 at which time they recommended that the application be denied.

(See the minutes of the Planning and Zoning Commission dated March 3, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and their recommendation of denial. The summary was admitted as part of the County Council’s record.

The Council found that Debbie Porter and Diane Scheidly were present. They stated that the application is for a customized fencing business; that

the fences are stick built on other properties; that the only fence fabrication that takes place on the site is one or two gates a week; that they applied for the conditional use application when they purchased the property approximately one year ago; and that they have not been violated by County staff.

Jim Chaconas and Sophie Marvel spoke in support of the application.

**Public
Hearing
(continued)**

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

The Council discussed deferring action to allow time for the development of potential conditions.

**M 225 05
Defer
Action
on C/U
No. 1598**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FENCING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 41,542 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1598) filed on behalf of Debbie S. Porter.

Motion Adopted: 5 Yea.

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

**Revert to
Public
Hearing on
C/U
No. 1597**

The Council reverted to the Public Hearing on Conditional Use No. 1597 filed on behalf of Shirley Rawlins and found that there were still no parties present on behalf of the application.

Mr. Lank, Director of Planning and Zoning, stated that the applicant was notified by mail that she (or her representative) must attend the Public Hearings.

The Public Hearing was closed.

**M 226 05
Adopt
Proposed
Ordinance
(C/U
No. 1597)
DENIED**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DOG GROOMING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (Conditional Use No. 1597) filed on behalf of Shirley Rawlins.

Motion Denied: 5 Nay.

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

Reason **The Council denied this application since there were no parties present on**
for Denial **behalf of the application and since there was no record of support.**

M 227 05 **A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at**
Adjourn **2:38 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith
Clerk of the County Council