



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 30, 2004

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, November 30, 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
George B. Cole	Member
Lynn J. Rogers	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 670 04 Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the Agenda, as posted.

Motion Adopted: 5 Yea.

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

M 671 04 Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of November 9, 2004.

Motion Adopted: 5 Yea.

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

Corre- spondence

Mr. Griffin read the following correspondence:

LAUREL ALUMNI SCHOLARSHIP FOUNDATION, INC., LAUREL,

DELAWARE.

RE: Letter in appreciation of grant.

MICHAEL POWELL, NATIONAL FLOOD INSURANCE PROGRAM COORDINATOR, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, DOVER, DELAWARE.

RE: Letter commending County employee Jeff Shockley and the County's Flood Hazard Management Program.

**Corre-
spondence
(continued)**

PAMELA CONFORTH, EXECUTIVE DIRECTOR, RONALD MCDONALD HOUSE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

GEORGETOWN PUBLIC LIBRARY, GEORGETOWN, DELAWARE.

RE: Letter to Councilman Jones for his donation of the 50/50 money he won.

GEORGE KRUPANSKI, PRESIDENT & CEO, BOYS & GIRLS CLUBS OF DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant to the Georgetown Boys & Girls Club's "2005 Annual Fund".

CHIP WEST, PRESIDENT, DELAWARE BRANCH QUALITY DEER MANAGEMENT ASSOCIATION.

RE: Letter in appreciation of grant for the Farmers and Hunters Feeding the Hungry Program.

DELAWARE STORM, GREENWOOD, DELAWARE.

RE: Letter in appreciation of grant.

JAIME RIVERA, MD, DIRECTOR, DELAWARE STATE SOCIAL SERVICES, DOVER, DELAWARE.

RE: Notice regarding influenza vaccination clinics.

SECRETARY JOHN HUGHES, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.

RE: Letter announcing a working breakfast scheduled for December 9th at 7:30 a.m. at The Lighthouse at Fisherman's Wharf in Lewes to introduce the Inland Bays Pollution Control Strategy. (Mr. Stickels announced that the meeting has been rescheduled to December 10th.)

**Interfaith
Mission
Housing
Assistance
Request**

Debra Schiffer, Executive Director of Interfaith Mission of Sussex County, and Joe Myer, Executive Director of NCALL (National Council on Agricultural Life and Labor Research Funds, Inc.) were present to discuss proposed methods of creating and preserving affordable housing. They submitted a request for funds and a proposal for the Council's consideration to ease the housing crisis in Georgetown. Ms. Schiffer stated

that have recently purchased a duplex on Adams Street in Georgetown to directly address the need for single adult male housing. This need has been identified as a priority by the Sussex Housing Group and other housing organizations in Delaware. Their plan is to provide safe and decent housing for single men at a rate they are able to pay. The property will be carefully managed and monitored. The proposal has been structured to provide both a guaranty for permanent financing and an operating reserve to keep the project operating in its initial phase. It was noted that the request for funds is for the Adams Street Project.

M 672 04
Human
Service
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council, having met in public session, authorizes awarding a Human Service Grant in the amount of \$50,000 to Interfaith Mission of Sussex County.

Motion Adopted: 5 Yea.

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

Fort
Miles
Historical
Association

Dr. Gary Wray, President of the Fort Miles Historical Association, was present to submit a request for \$5,000 to assist the Association in the purchase of supplies and materials for renovations to the Fort Miles Recreational Building. Dr. Wray reported that the Fort Miles Historical Association has as its goal to work with the State of Delaware to preserve and protect the historical and cultural potential of Fort Miles, one of the Country's greatest World War II forts. Their plans include a World War II theme park with an actual museum inside one of the massive bunkers at the fort. The total project will cost several million dollars

M 673 04
Award
Human
Service
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, that the Sussex County Council, having met in public session, authorizes awarding a Human Service Grant in the amount of \$1,500.00 to the Fort Miles Historical Association.

Motion Adopted: 5 Yea.

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

Delaware
Housing
Group

Ms. Gina Miserendino of the Delaware Housing Coalition (DHC) was present to request grant funding to help them continue to serve Sussex County, especially the work of facilitating the Sussex Housing Group. Through the work of the Sussex Housing Group, DHC has become involved in many issues surrounding manufactured housing in Sussex. Ms. Miserendino distributed a pamphlet that is published by the DHC that is available to the public and is entitled "Housing in a Hurry – A Guide to

Finding Room in Delaware”.

**M 674 04
Award
Human
Service
Grant** **A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council, having met in public session, authorizes awarding a Human Service Grant in the amount of \$2,000.00 to the Delaware Housing Coalition.**

Motion Adopted: 5 Yea.

**M 674 04
(continued)** **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

**Sussex
Family
YMCA** **Mr. Stickels submitted a request for \$1,000.00 from the Sussex Family YMCA to provide assistance for 10 children in full-day child care for one month or to provide an eight-week session of swimming lessons for 16 children.**

**M 675 04
Award
Human
Service
Grant** **A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council, having met in public session, authorizes awarding a Human Service Grant in the amount of \$1,000.00 to the Sussex Family YMCA.**

Motion Adopted: 5 Yea.

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

**Wastewater
Agreements** **Mr. Stickels reviewed wastewater agreements for Millville Town Center, Villages at Herring Creek, Peninsula –Veranda, and Peninsula – The Mooring.**

**M 676 04
Execute
Agreements/
Millville
Town
Center** **A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 347, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Millville Town Center Associates, LLC, for wastewater facilities to be constructed in Millville Town Center, located in the North Millville Sanitary Sewer District.**

Motion Adopted: 4 Yea, 1 Nay.

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

M 677 04
Execute
Agreements/
Villages
at Herring
Creek

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 349, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Villages at Herring Creek Development Company, LLC, for wastewater facilities to be constructed in Villages at Herring Creek, located in the Inland Bays Regional Wastewater Facilities Sanitary Sewer District.

M 677 04
(continued)

Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 678 04
Execute
Agreements/
Peninsula-
Veranda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department , for Sussex County Project No. 81-04, Agreement No. 374, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula at Long Neck, LLC, for wastewater facilities to be constructed in the Peninsula – Veranda, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 679 04
Execute
Agreements/
Peninsula –
Parcel I –
The
Mooring

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 370, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula at Long Neck, LLC for wastewater facilities to be constructed in the Peninsula - Parcel I – The Mooring, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Committee
Vacancy

The Council discussed the fact that Ronald Lynch has resigned from his position on the Planning and Zoning Commission and that someone needs to be appointed to replace him.

M 680 04
Planning &
Zoning

A Motion was made by Mr. Cole, seconded by Mr. Jones, to appoint Rodney Smith to the Planning and Zoning Commission for a term ending on June 30, 2007.

**Commission
Appointment**

Motion Adopted: 5 Yea.

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

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

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

1. Public Workshops

- (a) The Delaware Department of Transportation (DelDOT) will be conducting a Public Workshop for the rebuilding of the Woodland Ferry. The workshop will be held at the Woodland United Methodist Church, Road 79. The public is invited to attend between 4:00 and 7:00 p.m. on Thursday, December 2, 2004.

The Department of Transportation is looking into replacing the Woodland Ferry with either a three-vehicle ferry similar to the existing ferry or a slightly larger six-vehicle ferry. The replacement ferry will address several of the current issues; namely, reliability and service. DelDOT intends to address significant mechanical downtime with the new ferry, replacing the 40-plus-year-old current ferry and addressing tidal related downtime by replacing the docking facilities and boat ramps.

- (b) DelDOT will be holding a second Public Workshop on Tuesday, December 14, 2004, from 4:00 to 7:00 p.m. at the Indian River Fire Company, Station 2, Banks Road (Road 298, next to Palmer's Shopping Center), Long Neck. The proposed work on Banks Road includes the addition of shoulders, improvement of existing pavement conditions, drainage improvements, and improvements to the existing Route 24 and Route 23 intersections.

2. State of Delaware Wastewater Facilities Advisory Council

Included with this report are copies of Appendix I and Appendix III of the State of Delaware Wastewater Facilities Advisory Council funding report.

Appendix I lists the Water Pollution Control Revolving Fund Loans from 1994 to 2004. During that period the Wastewater Facilities Advisory Council loaned \$131,478,669. Sussex County government received \$74,106,819 of this funding, approximately 56 percent of the funds available.

Appendix III lists the 21st Century Fund Wastewater Management Account Grants from 1994 to 2004. A total of \$35,026,652 was distributed in grants during that ten-year period. Sussex County government received \$21,734,000 of the available grants, or 62 percent.

Adminis-
trator's
Report
(continued)

I would like to compliment David Baker, Finance Director; Jeff James, Director of Engineering Accounting; Russell Archut, Assistant County Engineer; and Michael Izzo, County Engineer, and their staff for their assistance in securing the funds for improving the infrastructure of Sussex County.

I thought this information would be helpful to the Council. I realize that there are some media sources reporting that Sussex County lacks infrastructure, but I believe this is another example of what Sussex County government is trying to do.

Airport
Land
Acquisition
Proposal

Mr. Izzo, County Engineer, discussed the proposed purchase of land adjacent to the Sussex County Airport. He noted that this property is affected by the extension of the main runway and the runway protection zone. The FAA is requiring that the County control this property. Mr. Izzo reported that there is one residential structure on the 8 acre parcel, which is owned by Gerald Wingate. In August of 2003, the County had the property appraised. The appraisal was \$190,000. An offer was made to Mr. Wingate and he responded that he thought the amount was too low. The County then recommended that Mr. Wingate acquire his own appraisal. Mr. Wingate came back with an offer of \$288,000, based on the appraisal he had acquired, which was in excess of \$290,000. Mr. Izzo stated that negotiations ensued and an offer has been made to Mr. Wingate in the amount of \$288,000 and a contract of sale has been executed. The County's appraiser stated that an accurate appraisal of the property at this time would be in the \$240,000 - \$250,000 range. It was noted that the County will request reimbursement from the FAA for the maximum amount allowable.

M 681 04
Approve
Purchase
of Land/
Airport

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the purchase of Parcel 1-35-20-92.02 totaling 8.45 acres \pm in accordance with the contract of sale executed with Gerald E. Wingate, Jr.

Motion Adopted: 5 Yea.

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

SCRWF/
Contract

Mr. Izzo, County Engineer, reviewed a proposed contract amendment with Stearns & Wheler, LLC, the selected consultant for all projects associated

- Amend-
ment/
Stearns &
Wheler** with the South Coastal Regional Wastewater Facility. He reported that last month, a contract was awarded to allow for the expansion of the wastewater treatment plant to allow for 6 mgd's to an average daily flow of 9 mgd's and a peak flow of 14 mgd's. The value of that contract was \$15 million and the contract time is expected to be two years. Stearns & Wheler will be performing construction inspection for this contract, which will be a time and material contract with a not to exceed amount of \$899,000.
- M 682 04
Approve
Contract
Amend-
ment/
Stearns &
Wheler/
SCRWF** A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department that Amendment No. 5 to the Agreement with Stearns & Wheler, LLC be approved to provide Construction Phase Engineering Services for Treatment Upgrade No. 2 to the South Coastal Regional Wastewater Facility.
- Motion Adopted:** 5 Yea.
- Vote by Roll Call:** Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea
- Airport
T-Hangar
Extension
Project** Mr. Sapp, Project Engineer, reviewed the Balancing Change Order Request for Sussex County Airport T-Hangar Extension. The Change Order is a result of the additional asphalt required to ramp up elevations at the entrances to provide adequate coverage over new culverts and the 3-way switch and wiring that was added so that interior lights could be turned on from either entrance door of the end hangar.
- M 683 04
Approve
Balancing
Change
Order/
Airport
T-Hangar
Extension
Project** A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that that the Sussex County Council approves Change Order No. 5 (the Balancing Change Order) for Project No. 99-22, Sussex County Airport T-Hangar Extension, for an additional \$2,038.85 to increase the contract amount from \$296,095.48 to \$298,134.33, to increase the contract time by 34 days, for a total of 823 days, and to grant Substantial Completion to the overall project and to release all held retainage.
- Motion Adopted:** 5 Yea.
- Vote by Roll Call:** Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea
- The
Meadows
at Cubbage
Pond SLD
Update** Mrs. Deptula, Public Works Division, reported on The Meadows at Cubbage Pond Streetlighting District Modification Request which was first brought before the Council on October 19th. At that time, the Council deferred action and requested that Mrs. Deptula verify that there was support for the streetlighting district modification. Mrs. Deputla reported that on November 8th, an informational packet and ballot was mailed to

each all improvement owners of The Meadows at Cabbage Pond. Forty-five ballots were received by the Engineering Department: 23 Yes, 22 No. The majority vote was in favor of proceeding with the streetlighting district modification.

M 684 04
Adopt
Resolution
M 684 04
(continued)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 035 04 entitled “A RESOLUTION PROVIDING FOR THE MODIFICATION OF THE MEADOWS AT CUBBAGE POND STREETLIGHTING DISTRICT BY THE INSTALLATION OF AN ADDITIONAL STREETLIGHT”.

Motion Adopted: 5 Yea.

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

Lochwood
Subdivision/
Proposed
SLD

Mrs. Deptula reported that the Lochwood Subdivision has requested that the County initiate the process of establishing a streetlighting district. They have requested that the district boundaries include all but the final section of the development, which is currently under construction. Additionally, there will not be any new streetlightings added, only the fifteen existing colonial-style lights. The light on Route 24 and Dorman Road will not be included, nor will the metered lighting that exists at the entrance to the subdivision. A copy of the petition form was distributed to the County Council for approval.

M 685 04
Authorize
Circulation
of Petitions/
Lochwood
Proposed
SLD

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council has determined the subdivision known as Lochwood satisfies the criteria of a suburban community, as defined in Paragraph 95-1 of the Sussex County Code, and has authorized the Sussex County Engineering Department to circulate the authorized petition form for the purpose of establishing a streetlighting district, as required by Chapter 95 of the Streetlighting Code.

Motion Adopted: 5 Yea.

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

C/U
No. 1553

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAPER RECYCLING CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.35 ACRES, MORE OR LESS” (Conditional Use No. 1553) filed on behalf of Clint Phillips.

The Planning and Zoning Commission held a Public Hearing on this application on September 9, 2004 at which time they deferred action. On September 23, 2004, the Commission recommended that the application be denied since the use is not in keeping with the adjacent subdivision and the use is not part of the plan for the area.

C/U
No. 1553
(continued)

The County Council held a Public Hearing on this application on September 28, 2004 at which time they deferred action to allow the applicant time to submit a revised plan for placement of the building on the property and for comments relating to the revised plan, if submitted.

Mr. Lank reported that a revised site plan was not submitted by the applicant and no additional comments were received from the opposition.

M 686 04
Adopt
Proposed
Ordinance
(Denied)

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 A PAPER RECYCLING CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.35 ACRES, MORE OR LESS” (Conditional Use No. 1553) filed on behalf of Clint Phillips.

Motion Denied: 5 Nay.

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

The County Council denied Conditional Use No. 1553 since the property is located in a residential area and due to traffic and trash problems.

C/U
No. 1562

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.601 ACRES, MORE OR LESS” (Conditional Use No. 1562) filed on behalf of Patrick Swier, M.D.

The Planning and Zoning Commission held a Public Hearing on this application on October 14, 2004 at which time they deferred action. On September 23, 2004, the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on November 9, 2004 at which time action was deferred.

M 687 04

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt

**Adopt
Ordinance
No. 1727
(C/U
No. 1562)**

Ordinance No. 1727 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.601 ACRES, MORE OR LESS” (Conditional Use No. 1562) filed on behalf of Patrick Swier, M.D., with the following conditions:

**M 687 04
(continued)**

- 1. There will only be one lighted sign on the premises that shall not exceed 32 square feet on each side. The sign shall not be illuminated between 9:00 p.m. and 6:00 a.m.**
- 2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.**
- 3. No outside storage shall be allowed on the premises.**
- 4. There shall be a buffer of Leyland Cypress or similar vegetation along all boundaries with adjacent residential properties. Any plantings shall be at least 5-feet tall at the time of planting.**
- 5. There shall be no more than three physicians and six additional employees at the office.**
- 6. Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. Monday through Saturday.**
- 7. The site plan shall be subject to approval of the Planning and Zoning Commission.**
- 8. The building to be constructed on the premises shall have a residential character and appearance.**
- 9. The parking shall be located to the rear of the building.**
- 10. The dumpster location shall be adjacent to the building and subject to site plan review.**

Motion Adopted: 4 Yea, 1 Nay.

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

**C/U
No. 1563**

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GIFT SHOP/ART GALLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36,109 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1563) filed on behalf of George and Edith Wanda Canakis.

The Planning and Zoning Commission held a Public Hearing on this application on September 23, 2004 at which time they deferred action. On October 28, 2004 the Commission recommended that the application be approved with one condition.

The County Council held a Public Hearing on this application on October 12, 2004 at which time action was deferred.

**M 688 04
Adopt
Ordinance
No. 1728**

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1728 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GIFT SHOP/ART GALLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36,109 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1563) filed on behalf of George and Edith Wanda Canakis, with the following conditions:

**M 688 04
(continued)**

- 1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.**
- 2. The shop shall be located within the area formerly occupied by a beauty shop and there will be no additions to the residence to accommodate the business.**
- 3. There shall be one unlighted sign not to exceed 32 square feet in size.**
- 4. Hours of operation shall be Monday through Saturday, 10:00 a.m. to 5:00 p.m.**

Motion Adopted: 5 Yea.

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

**Proposed
Ordinance/
Products
Raised on
Other
Lands**

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCLUDE PRODUCTS RAISED ON OTHER LANDS OWNED BY THE OWNER OF THE PREMISES ON WHICH THE STAND IS LOCATED AS ITEMS PERMITTED TO BE SOLD IN A TEMPORARY REMOVABLE STAND IN THE AR-1 AGRICULTURAL RESIDENTIAL DISTRICT”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on August 27, 1998. On September 24, 1998, the Assistant County Attorney (Dennis Schrader) advised the Commission that the Proposed Ordinance had been revised per their instruction to reference other lands leased by the owner of the premises on which a stand is located. The Commission approved the Proposed Ordinance, as amended.

On October 15, 1998, the County Council held a Public Hearing on the Proposed Ordinance and action was deferred.

**M 689 04
Adopt
Ordinance**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1729 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCLUDE PRODUCTS

RAISED ON OTHER LANDS OWNED BY THE OWNER OF THE PREMISES ON WHICH THE STAND IS LOCATED AS ITEMS PERMITTED TO BE SOLD IN A TEMPORARY REMOVABLE STAND IN THE AR-1 AGRICULTURAL RESIDENTIAL DISTRICT”.

Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.

M 689 04
(continued)

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

(Mr. Phillips did not vote since he was not a Councilman in 1998 and therefore, did not participate in the Public Hearing.)

Proposed Ordinance Relating to the Conservation Zone

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED “ZONING”, TO AMEND PROVISIONS RELATING TO THE MINIMUM LOT SIZE WITHIN THE CONSERVATION ZONE, TO AMEND PROVISIONS RELATING TO REVISING AND CLARIFYING THE LOCATION OF THE CONSERVATION ZONE, AND TO GENERALLY CLARIFY THE ORDINANCE”.

The Planning and Zoning Commission held a Public Hearing on this application on September 23, 1999. On November 16, 1999, the Commission recommended that the Proposed Ordinance be rejected.

The Sussex County Council held a Public Hearing on the Proposed Ordinance on October 12, 1999, at which time they deferred action.

Mr. Lank noted that the Proposed Ordinance was written based on some of the recommendations of the 1997 Comprehensive Land Use Plan. The County has since created the 2002 Comprehensive Land Use Plan Update.

**M 690 04
Adopt
Proposed
Ordinance
Relating
to the
Conserva-
tion Zone
(Denied)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED “ZONING”, TO AMEND PROVISIONS RELATING TO THE MINIMUM LOT SIZE WITHIN THE CONSERVATION ZONE, TO AMEND PROVISIONS RELATING TO REVISING AND CLARIFYING THE LOCATION OF THE CONSERVATION ZONE, AND TO GENERALLY CLARIFY THE ORDINANCE”.

Motion Denied: 4 Nay, 1 Yea.

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

Proposed Ordinance Relating to Open Space

The County Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY TO REQUIRE THE PROVISION OF OPEN SPACE IN NEW DEVELOPMENTS”.

Proposed Ordinance Relating to Open Space (continued)

The Planning and Zoning Commission held a Public Hearing on this application on September 9, 2004 at which time they recommended that the Proposed Ordinance be approved, as presented.

The Sussex County Council held a Public Hearing on the Proposed Ordinance on September 28, 2004, at which time they deferred action due to the lack of public comments and due to the fact that public hearings on ordinance amendments are normally scheduled during the morning session. For these reasons, the Council continued the Public Hearing until October 19, 2004. On October 19th, the Council discussed the zoning amendment and questioned why the Proposed Ordinance did not include a definition of Open Space and questioned whether Open Space includes public sites as well as private sites. Additionally, it was suggested that the County Attorney make suggested amendments to the Proposed Ordinance in accordance with suggestions made by Council members. Mr. Griffin requested some guidance from Council members and action was deferred.

Mr. Griffin distributed and reviewed two new versions of the Proposed Ordinance. Mr. Griffin recommended that, if the Council selects one of the alternate versions, a new Public Hearing be scheduled and held.

It was the consensus of Council to defer action to allow the Council members to consider the alternate versions of the Proposed Ordinance. It was the consensus of Council to defer action to give the Council members time to review the alternate versions.

Mr. Dukes asked Council if there were any objections to putting the following zoning issues on the December 7th Agenda: Conditional Use No. 1555, Conditional Use No. 1564, Change of Zone 1548, and Change of Zone No. 1549.

Kurt Brown addressed Council and advised them of the unlawful hunting activity and construction on the rear of Concord Pond and to eliminate the unpermitted parking area in the front of the pond.

Dan Kramer questioned the content of the Ordinance that was adopted relating to produce stands, noting that the Ordinance distributed did not include a reference to leased land, only owned land.

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

M 691 04 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Sussex Tech JROTC Fund for the Army JROTC's field trip.**

Motion Adopted: 5 Yea.

M 691 04 (continued) **Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea**

Action Deferred **No action was taken on the request from the Eastern Sussex Athletic Association.**

M 692 04 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$600.00 (\$500.00 from Mr. Dukes' and \$100.00 from Mr. Cole's Councilmanic Accounts) to the Downtown Seaford Association for the 2004 Christmas Parade.**

Motion Adopted: 5 Yea.

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

M 693 04 Recess **At 12:30 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

Reconvene **Mr. Dukes called Council back into session at 1:40 p.m.**

Conflict of Interest **Mr. Dukes announced that Mr. Phillips would not be attending the Public Hearing on Conditional Use No. 1569, an application of Mountaire Farms of Delaware, Inc. due to a possible conflict of interest.**

Public Hearing (C/U No. 1569) **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 LAND APPLICATION OF BIO-SOLIDS FROM MOUNTAIRE WASTEWATER TREATMENT SYSTEMS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING A TOTAL OF 376.32 ACRES, MORE OR LESS (Conditional Use No. 1569) filed on behalf of Mountaire Farms of Delaware, Inc. (Cordrey Tract and Frame Tract).**

(Conditional Use No. 1570 filed on behalf of Mountaire Farms of Delaware, Inc. was withdrawn on November 12, 2004.)

The Planning and Zoning Commission held a Public Hearing on

Conditional Use No. 1569 on October 28, 2004 at which time the Commission deferred action. On November 18, 2004, the Commission recommended that the application be approved with ten conditions.

(See the minutes of the Planning and Zoning Commission dated October 28, 2004 and November 18, 2004 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

**Public
Hearing
(C/U
No. 1569)
(continued)**

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

The Applicant's Attorney submitted an information booklet. The information and documents contained in the booklet are detailed in the summary of the Commission's Public Hearing,

The County Council found that Robert Witsil, Attorney for the Applicant; Jeff Smith, Environmental Manager for Mountaire Farms; and Robert Kurr of CAFE Associates, were present and stated that the proposed use is for the land application of sludge; that the sludge will be limited to bio-solids from Mountaire Farms; that they really only need a conditional use approval for one percent of the activity that they propose; that septage is included as sludge; that land application means the placement of sludge within two feet below the surface of land used to support vegetative growth; that the percentage of human septic waste that will be in the bio-solids being applied is one percent; that the bio-solids being applied is 97 percent water and 3 percent solids which is produced as a result of wastewater operations at the plant; that the application consists of two tracts of land, the Cordrey farm which contains 125.8 acres and the Frame farm which contains 291 acres; that only 65 acres of the Cordrey Farm will be injected and 207 acres will be injected and 65 acres sprayed on trees on the Frame Farm; that the Frame Farm site is needed to make up for the loss of the Udell acreage in 2005 for development; that on the 291 acre Frame Farm, some of the existing trees will be cleared and grubbed for injections with the perimeter to remain wooded as a buffer; that the applicant proposes that the buffers on both sites will be 25 feet from all property lines not contiguous to other Mountaire properties, 100 feet from all off-site dwellings, 100 feet from potable wells, 25 feet from non-potable wells (with the exception of Mountaire Farms' irrigation wells and monitoring wells, 25 feet from public roads, 25 feet from streams or other bodies of water, and 25 feet from drainage ditches; that a 150 foot buffer shall be maintained on the western boundary of the Cordrey Farm from all properties not owned by Mountaire Farms; that this application became necessary since Mountaire Farms is losing one of their current sites that they use for land application of bio-solids and they need additional land; that there are no wetlands of concern on the site; that the application is done at a controlled rate; that land application is a safe proven method of the disposal of bio-solids; that there are no negative impacts to groundwater; that there are less nutrients in the bio-solids than what farmers are applying to fields now; that there is no

exposed liquid; that this is the best disposal method for bio-solids versus incineration and disposal at a landfill; that Mountaire Farms has an exemplary compliance record and no violations or any enforcement actions have been taken against them for bio-solid activities; and that the Department of Agriculture and DNREC supports the application.

Public
Hearing
(C/U
No. 1569)
(continued)

Mr. Witsil referred to Condition No. 3 recommended by the Commission which states that “There shall not be any human waste included in the sludge that is applied to the site.” Mr. Witsil stated that there would be 1 percent of human waste, which is the reason for the conditional use application.

Mr. Kurr addressed concerns presented at the Commission’s Public Hearing and stated that nutrients and minerals contained in the bio-solids are at or below an agricultural level and are acceptable to DNREC; that much of Sussex County has a high nitrate level in the groundwater and that groundwater from the Cordrey Farm and the Frame Farm does not flow towards Sharon Cook’s property; and that monitoring wells will most likely be required by DNREC once application begins.

Public comments were heard.

Robert Legates stated that he is opposed to the application; that he lives ¼ of a mile from the Frame Farm; that nitrates are already high in the area; that when his wife babysits, they have to put up signs regarding high nitrates; and that he lives south of the Farm and water will be running south.

Steve Rohm of DNREC spoke in support of the application and stated that he guarantees that this application process will be done right under his watch. He also stated that Mountaire has an excellent track record of maintaining an environmental stewardship of the land.

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

M 694 04
Adopt
Ordinance
No. 1730
(C/U
No. 1569)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1730 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF BIO-SOLIDS FROM MOUNTAIRE WASTEWATER TREATMENT SYSTEMS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING A TOTAL OF 376.32 ACRES, MORE OR LESS (Conditional Use No. 1569) filed on behalf of Mountaire Farms of Delaware, Inc. (Cordrey Tract and Frame Tract) with the following conditions:

1. The application of sludge shall be subject to DNREC and other State and Federal regulatory approvals.

M 694 04
Adopt
Ordinance
No. 1730
(C/U
No. 1569)
(continued)

2. The application of sludge shall be limited to bio-solids from Mountaire Farms.
3. There shall not be any stockpiling of sludge materials on site.
4. The maximum number of sludge applications to the property shall be subject to the approval of DNREC and other regulatory agencies with jurisdiction over this use.
5. This conditional use shall be valid concurrent with DNREC's permit for this use. If the DNREC permit shall be terminated or expire, this conditional use application shall also expire.
6. Sludge application shall be limited to the hours of 7:00 am. to 6:00 p.m. Monday through Saturday.
7. There shall be buffers of at least: 25 feet from all property lines not contiguous to other Mountaire Farms properties; 100 feet from all off-site dwellings; 100 feet from potable wells; 25 feet from non-potable wells (with the exception of Mountaire Farms' irrigation wells and monitoring wells, 25 feet from public roads; 25 feet from streams or other bodies of water; 25 feet from all drainage ditches. In addition to buffers required by DNREC Permit Regulations, a 150' buffer shall be maintained on the western boundary of the Cordrey Farm from all properties not owned by Mountaire.
8. On the Cordrey Tract property, there shall be a 100 foot buffer from all properties along the western boundaries that are not owned by Mountaire Farms.
9. Of the 125.8 acre Cordrey Tract, only 65 acres shall be injected or treated with the sludge.
10. Of the 291 acre Frame Tract, only 272 acres shall be injected or treated with sludge.
11. There shall be a 50 foot buffer on the east side of the Frame Tract.

Motion Adopted: 4 Yea, 1 Absent

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

Mr. Phillips rejoined the meeting.

Public
Hearing
(C/U
No. 1572)

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 GUEST HOUSE AND SURVEYING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.0652 ACRES, MORE OR LESS" (Conditional Use No. 1572) filed on behalf of Donald K. Miller.

The Planning and Zoning Commission held a Public Hearing on this application on October 28, 2004 at which time they recommended that the application be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated October 28, 2004 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

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

Public
Hearing
(C/U
No. 1572)
(continued)

Mr. Griffin questioned whether the recommendations that came from the Planning and Zoning Commission indicate that they are only recommending (favorably) the surveying office and not the guest house. Mr. Abbott stated that the guest house is permitted in an AR-1 District as long as the guest house does not have separate kitchen facilities, it could be permitted under this application. It was noted that the applicant can seek approval to subdivide the property, which will allow a full kitchen in the guest house.

The Council found that Donald Miller was present on behalf of the application. He stated that a residence and a pole shed currently exist on the site; that the guest house is part of the surveying office and his son currently resides there; that they want to use the upstairs of the existing dwelling for a residence and the downstairs for an office; that they do not want to have to subdivide the property; and that they want to construct a main residence on the property in the future.

The Council informed the applicant that he would have to subdivide the property in order to construct a second residence on the property.

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

M 695 04
Adopt
Ordinance
No. 1731
(C/U
No. 1572)

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Ordinance No. 1731 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GUEST HOUSE AND SURVEYING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.0652 ACRES, MORE OR LESS" (Conditional Use No. 1572) filed on behalf of Donald K. Miller, with the following conditions:

1. The hours of operation shall be from 7:30 a.m. to 5:00 p.m., Monday through Saturday.
2. One non-illuminated sign, not to exceed square feet per side, may be permitted.
3. The conditional use of the property shall be for a surveying office with a guest house in the same structure. For any new dwelling to be built on the site, the property will need to be subdivided.
4. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.
5. The Applicant shall maintain the residential appearance of the office/guest house structure.

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/U
No. 1573**

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 MEDICAL /PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.40 ACRES, MORE OR LESS” (Conditional Use No. 1573) filed on behalf of Robert Brown, Double R Holdings, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on October 28, 2004 at which time they deferred action. On November 18, 2004, the Commission recommended that the application be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated October 28, 2004 and November 18, 2004 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

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

The Applicant’s Attorney submitted an information booklet. The information and documents contained in the booklet are detailed in the summary of the Commission’s Public Hearing,

The Council found that Robert Burton was present with James Fuqua, Attorney and Ross Harris, ECI Engineering. They stated in their presentation that the application is for a conditional use for medical/professional offices; that the offices would be located in four one-story buildings; that each building would contain approximately 6,000 square feet of floor area; that the site is located on Plantation Road; that the letter from the Office of State Planning states that the State has no objections to this proposal; that County sewer is available across the road; that in the event County sewer cannot be extended to the site, the site is suitable for an on-site gravity or pressure disposal system and would be constructed in compliance with DNREC regulations; that landscaping will be provided along all boundary lines; and that a 30-foot forested buffer is proposed for the rear of the site.

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

**M 696 04
Adopt
Ordinance
No. 1732
(C/U
No. 1573)**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve Ordinance No. 1732 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL /PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.40 ACRES, MORE OR LESS” (Conditional Use No. 1573) filed on behalf of Robert Brown, Double R Holdings, LLC., with the following conditions:

**M 696 04
Adopt
Ordinance
No. 1732
(C/U
No. 1573)
(continued)**

- 1. The offices shall be limited to professional medical care or other services incidental to such a use. The offices may also be sued for professional services such as law offices, accountant offices, engineering offices and similar professions. The project shall not be occupied by general contractors, contractors, retail separations, or other uses inconsistent with the residential nature of the neighboring properties.**
- 2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties.**
- 3. The use shall comply with all DelDOT regulations and requirements.**
- 4. The site adjacent to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The Applicant will participate in the North Coastal Planning Area Study and when County sewer service is available, the Applicant will file an amendment to be included in the sewer district and will be served by the County sewer system.**
- 5. The site plan shall be redesigned so that the buildings are reconfigured with a residential appearance. As part of the site plan review, front, side and rear elevation plans shall be submitted to the Commission to confirm the residential appearance and character of the buildings.**
- 6. All parking shall be relocated to the rear of the interior of the property and screened from view from Plantation Road and neighboring properties. In addition, there shall be a landscaped buffer area along the northerly and southerly boundaries of the property.**
- 7. Hours of operation shall be limited to 7:00 a.m. until 8:00 p.m., Monday through Friday and 8:00 a.m. through 5:00 p.m. on Saturdays.**
- 8. One sign, as shown on the site plan, shall be permitted.**
- 9. The site plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/U**

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 AN ADDITION TO AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN

No. 1567) PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.09 ACRES, MORE OR LESS” (Conditional Use No. 1567) filed on behalf of William H. Prettyman, Jr.

The Planning and Zoning Commission held a Public Hearing on this application on October 28, 2004 at which time they deferred action. On November 18, 2004, the Commission recommended that the application be approved with conditions.

Public Hearing (C/U (See the minutes of the Planning and Zoning Commission dated October 28, 2004 and November 18, 2004 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

**No. 1567)
(continued()**

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

Mr. Abbott reported that a fax was received from the Office of State Planning Coordination which made reference to DelDOT’s comments: “If the County approves this application, the applicant will have to obtain an entrance approval for access to the proposed development even though the campground has an existing entrance, the proposed expansion would constitute a change in use which means that a new entrance permit is needed. The existing entrance may be adequate, but that will have to be determined.” The State Historic Preservation Office has noted that there is a potential historic property near the subject property. If any structures are planned for demolition as part of this application, it is recommended that the applicant contact their office so that the building can be documented before demolition.

The Council found that William Prettyman was present on behalf of this application; that the existing campground has been in operation for thirty years and has 273 campsites; that the park is open May 1 – September 30; that streetlights are on year-round; that there are a total of 345 sites; that 64 sites are scheduled for transient campers; that the campsites are for travel trailers and motor homes; that the proposed site is adjacent to the existing park; and that this would be the final phase of the campsite.

Public comments were heard.

There were no comments in support of the application.

The Council found that Sandy Naugle Harry Naugler were present in opposition to the proposal. They stated that seven years ago, the campsite was not visible and that the park keeps expanding and today, the campsite is open and visible; that she has concerns about the sewage; that water was tested in the area and it was almost at unacceptable levels; that additional waste will contaminate the wells; that the roads are not safe due to people speeding on the roads, that people are still camping in the park when it is supposed to be closed; that Road 254 cannot handle any more traffic; that

the tax ditch that runs along the site is not maintained; that the area is predominantly residential; that there is a lack of fire and police protection in the area; that there is a concern where the septic waste goes.

The Public Hearing was closed.

**M 697 04
Adopt
Ordinance
No. 1733
(C/U
No. 1567)**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1733 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ADDITION TO AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.09 ACRES, MORE OR LESS” (Conditional Use No. 1567) filed on behalf of William H. Prettyman, Jr., with the following conditions

1. There shall be only be 72 campsites for travel trailers and motor homes in this expansion, 25 of which will be set aside as transient or overnight sites. There shall not be any permanent or semi-permanent cabins or structures located on the campsites.
2. This expansion shall be the final phase of the Applicant’s campground.
3. The campsite shall be served by on-site septic system approved by DNREC.
4. The site plan shall be subject to the approval of the Planning and Zoning Commission
5. The annual operating season for the campground shall be between May 1s and September 30th of each year and the campground shall not be operated at other times of the year.
6. It is required by the County Zoning Ordinance that a 50 foot landscape buffer shall be established and permanently maintained along all boundaries that are not adjacent to the existing campground, so as to provide an effective screen that will make the expanded campground area less visible to the adjoining neighbors.

Motion Adopted: 5 Yea.

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

**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 USED CAR AND TRUCK SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 30,000 SQUARE FEET, MORE OR LESS (Conditional Use No. 1603) filed on behalf of John Gavrilenskowsky.

The Proposed Ordinance will be advertised for Public Hearing.

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|---------------------------|---|
| 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 MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES, MORE OR LESS” (Conditional Use No. 1604) filed on behalf of Regina A. O’Rourke. The Proposed Ordinance will be advertised for Public Hearing. |
| (continued) | |
| 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 CONSTRUCTION OF A FAMILY CENTER (PRIVATE CLUB) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS” (Conditional Use No. 1605) filed on behalf of the Loyal Order of Moose, Inc., East Sussex Lodge #2542. The Proposed Ordinance will be advertised for Public Hearing. |
| 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 RETAIL SALES AND A MULTI-FAMILY DWELLING STRUCTURE (4 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS” (Conditional Use No. 1606) filed on behalf of William F. Massey, Jr., Kevin Rogers, and James Broadhurst. The Proposed Ordinance will be advertised for Public Hearing. |
| Proposed Ordinance | Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PAINTING CONTRACTOR’S BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20,322 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1607) filed on behalf of Myra Mitchell and Cliff Burris. The Proposed Ordinance will be advertised for Public Hearing. |
| Proposed Ordinance | Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOG GROOMING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS” (Conditional Use No. 1608) filed on behalf of Leslie Carter. The Proposed Ordinance will be advertised for Public Hearing. |

Proposed Ordinance	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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 7.5736 ACRES, MORE OR LESS” (Change of Zone No. 1574) filed on behalf of Richard Wyatt.
(continued)	The Proposed Ordinance will be advertised for Public Hearing.
Request for Draft Ordinance	Mr. Cole stated that he would like an ordinance drafted requiring applications for guest houses/garage apartments to go through the Board of Adjustment process.
M 698 04 Adjourn	A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 4:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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