



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF JULY 8, 2010

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 8, 2010, in the County Council Chambers, County Administrative Office Building, in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Rodney Smith, Mr. I. G. Burton, and Mr. Michael Johnson, with Mr. Vincent Robertson – Assistant County Attorney, and Mr. Lawrence Lank – Director.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to approve the Agenda as circulated. Motion carried 4 - 0.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to approve the Minutes of June 16, 2010 as amended. Motion carried 4 - 0.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to approve the Minutes of June 24, 2010 as circulated. Motion carried 4 - 0.

PUBLIC HEARINGS

C/U #1838 – application of **BRIAN L. WHITE AND LISA D. WHITE** to consider the Conditional Use of land in a GR General Residential District for a well drilling business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 6.0 acres, more or less, lying west of Road 279 (Camp Arrowhead Road) 390 feet north of Road 277 (Angola Road).

The Commission found that comments from DelDOT were received on March 5, 2009 and that the comments reference that a Traffic Impact Study was not recommended, and that the current Level of Service “C” of Camp Arrowhead Road will not change as a result of this application.

The Commission found that comments from the Sussex Conservation District were received on July 1, 2010 and that the comments reference that the site contains three soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax

ditches affected; that off-site drainage improvements will not be required; and that it is not likely that on-site drainage improvements will be required.

Mr. Lank provided the Commission with a copy of the survey/site plan for this application and advised the Commission that the brief description on the application form references that all business will be conducted off-site; that trucks will leave the property in the am and return in the pm with no ingress/egress during normal business hours; that the proposed office will be located in the existing garage on the parcel with the dwelling; and that some vehicles will be parked at the office, and that remaining trucks and equipment will be parked on the adjoining lot.

The Commission found that Brian L. White and Lisa D. White were present and stated in their presentation and in response to questions raised by the Commission that the two wells on the site are geo-thermal, one for supply and one for return; that the building was constructed in February 2010 for personal use; that they live on the premises; that if the use is approved some vehicles will be parked in the garage building; that they are planning on erecting racks for piping and to create a concrete pad for storage of sand; that the dumpster will be screened from view; that they are planning on landscaping along the side and front of the site; that DelDOT has approved their entrance location; that the site contains three parcels, each having an entrance; that business hours will be from 7:30 a.m. to 5:00 p.m. Monday through Saturday, except for emergencies; that no noise is anticipated; that they are not planning on any signage on the site; that security lighting will be downward illuminated; that they receive deliveries of supplies twice per week and sand deliveries once per month; and that they serve the residential community and agricultural uses.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

C/U #1839 – application of **R. JOSEPH JOHNSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a shop/office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 21,962 square feet, more or less, lying north of Road 269 (Clay Road) 600 feet east of Road 276 (Shady Road).

The Commission found that comments from DelDOT were received on March 23, 2009 and that the comments reference that a Traffic Impact Study was not recommended, and that the current Level of Service “A” of Clay Road will not change as a result of this application.

The Commission found that comments from the Sussex Conservation District were received on July 1, 2010 and that the comments reference that the site contains two soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax

ditches affected; that off-site drainage improvements will not be required; and that it is not likely that on-site drainage improvements will be required.

Mr. Lank provided the Commission with a copy of the survey/site plan for this application and advised the Commission that the brief description on the application form references that the shop is intended to be used for the personal office of Shore Electric; that the survey/site plan indicates that a 3,640 square foot building is proposed to the rear of the lot with parking in front of the building; that the parking area is setback at least 40-feet from the front property line; and that the existing residence on the property is proposed to be demolished.

The Commission found that a petition in opposition to this application was received on July 6, 2010; that the petition contains 17 signatures in opposition; that the petition contains a reference that the application be denied since the use is in conflict with current applicable zoning; that the proposed use is not a listed permitted use; that allowing a commercial shop/office designation compromises the integrity and intent of the Code; that the current property is adjacent to residential uses on both sides and to the rear; that the current property lies within 12 contiguous residential properties; that land across the street is State owned and designated for agricultural in perpetuity; that bisecting existing residential properties with a business use is out of character with adjoining uses, diminishes property values, and sets a precedent whereby additional incompatible uses may be allowed; that increased setbacks and buffering will not be created; that security lighting can be obtrusive; that sight line obstructions can be created by signage; that additional traffic is a concern since Clay Road has two lanes, no shoulders and high volume traffic during peak hours; that increased impervious coverage creates problems with drainage; that the property abuts sensitive wetlands; that the site is located in a well head protection area; that there could be noise and activity associated with after hour and/or emergency services; that the area is prevalent with corridors, tracts and sites zoned and appropriate for commercial uses; and that the Code is designed to encourage development where it is appropriate.

Mr. Lank provided the Commission with copies of the petition.

The Commission found that R. Joseph Johnson was present and stated in his presentation and in response to questions raised by the Commission that the business has six vans, two of which are on-call and four will be parked during off hours on the site; that business hours are from 7:30 a.m. to 4:30 p.m. weekdays, except for emergency calls; that typically deliveries go to job sites; that he is willing to fence or landscape the property; that lighting will be kept at a minimum; that Envirotech Consulting has researched and inspected the site and found a small area of wetlands in the rear of the site; that there will be no disturbance of any wetlands; that he is proposing a sign on the building only, not a ground sign; that the parking area will be paved; that there will not be any retail sales; that he has two employees in the building and a total of ten employees; that the existing dwelling on the site will be demolished; that the business is currently located just off of Route One near the Jiffy Lube; that the dumpster will be screened with fencing; that the building will be a steel building; that they serve agricultural, residential, business, commercial and industrial uses; and that the windmill on the current site will not be relocated to this site.

The Commission found that Mr. Johnson submitted a tax map of the area showing some commercial uses along Clay Road and photographs of the commercial uses.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to defer action for further consideration and to leave the record open for a copy of the wetlands delineation. Motion carried 4 – 0.

C/U #1840 – application of **JULIANE OLBER AND WILLIAM N. HEIN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a screen printing, embroidery, vinyl sign business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 10,615 square feet, more or less, lying northeast of Route 24 (John J. Williams Highway) 275 feet southwest of Road 275 (Plantation Road).

The Commission found that on June 24, 2010 the Applicants provided an Exhibit Booklet for consideration and that the Exhibit Booklet contains a letter from Robert V. Witsil, Jr., Attorney, describing the Applicants intent, copies of the Planning and Zoning Information Sheet, a copy of the application form, a copy of the survey of the property, a Tax Map of the area, six letters of support from area residents and area businesses and services, two photographs of the site, and two photographs of the interior of the shop.

The Commission found that comments from DelDOT were received on December 15, 2008 and that the comments reference that a Traffic Impact Study was not recommended, and that the current Level of Service “E” of John J. Williams Highway will not change as a result of this application.

The Commission found that comments from the Sussex Conservation District were received on July 1, 2010 and that the comments reference that the site contains one soil type; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; and that on-site and off-site drainage improvements will not be required.

The Commission found that Juliane Olber and William N. Hein were present with Robert V. Witsil, Jr., Attorney, and that they stated in their presentation and in response to questions raised by the Commission that they had received another letter in support of the application; that they are proposing to do screen printing of shirts, etc., vinyl signs, trophy labeling, and to provide marketing accessories; that they may have two customer visits per day; that the majority of the work orders are received through the mail or computer; that most of the work is delivered by the Applicants; that Mr. Hein runs the business with one full time employee and one part time employee; that there is no noise since all activities are performed in the building; that there is no noticeable odors outside of the building; that they do not live on the site; that business hours are

from 8:00 a.m. to 6:00 p.m. Monday through Saturday, with some emergency hours to complete projects; that he has been in business for two years; that he has spoken to area residents and he is not aware of any objections from neighbors; that there are no deed restrictions that reference business uses; that the building contains approximately 1,850 square feet and is no longer used as a dwelling; that the existing six or seven square foot sign is adequate to advertise the business; that the banner hanging over the garage door will be removed; that the septic system is in the rear yard; and that the well is in the front yard.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

C/U #1841 – application of **GEORGE W. SWAIN** to consider the Conditional Use of land in a GR General Residential District for a marina and restaurant to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 4.7 acres, more or less, lying east of Road 203 (Mispillion Lighthouse Road) 0.9 mile north of Route 36 (Cedar Beach Road).

The Commission found that the original comments from DelDOT, received on January 29, 2009, referenced that a Traffic Impact Study was recommended, and that the current Level of Service “A” of Road 203 (Mispillion Lighthouse Road) will not change as a result of this application; that on April 6, 2009 a letter was received from DelDOT which referenced that State regulations allow for an alternative to a Traffic Impact Study for small developments in uncongested areas; that the Applicant choose the alternative and the County may process the application without a Traffic Impact Study; that regulations provide that if a development will generate fewer than 2,000 trips per day and fewer than 200 trips in any hour of the day, the developer may, at their discretion, pay an Area-Wide Study Fee in lieu of conducting a Traffic Impact Study; that if the Applicant choose to pay the Area-Wide Study Fee they should pay funds equal to \$5.00 per daily trip in conjunction with the Initial Stage Fees associated with the review of the site plan; that payment of the fee would not preclude their responsibility for funding and building any needed off-site improvements identified in the plan review process; that it also does not affect DelDOT’s ability to require a traffic operational analysis, and referenced a sight distance analysis where Mispillion Lighthouse Road intersects Slaughter Beach Road, to address concerns identified in the process; and because there can sometimes be a lag between the issuance of a Conditional Use approval and the submission of the site plans, DelDOT ask that payment of the Area-Wide Study Fee be made one of the conditions of the Conditional Use approval if it is granted.

The Commission found that comments from the Sussex Conservation District were received on July 1, 2010 and that the comments reference that the site contains two soil types; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no tax ditches affected; that the

potential exists for some affect on a storm flood hazard area depending on the footprint of the proposed project; that off-site drainage improvements will not likely be required; and that on-site drainage improvement may possibly be required.

The Commission found that C. Frederick Lankford, President and CEO of Lankford SYSCO Food-Services, wrote a letter to the County Economic Development Office in support of the proposed use.

Mr. Lank provided the Commission with copies of the Survey/Site Plan and copies of the conceptual building plans for the restaurant.

The Commission found that George W. Swain was present with Pete Russo, on his behalf, and that Mr. Russo stated in his presentation and in response to questions raised by the Commission that they are hoping to replace the docks on the site and to build a small restaurant; that they have reduced the size of the restaurant to allow seating for 75 to 100 patrons; that the use will be seasonal from March through November; that the docks were originally designed for 50 slips; that the docks have now been reduced to 12 slips for larger boats and 10 slips for smaller boats; that DNREC has had some problems with the number of docks; that the site has historically been a marina; that the area did have a restaurant at the Mispillion Lighthouse; that the Mispillion Lighthouse site is now a State nature center; that the use should be an asset to the Town of Slaughter Beach and the City of Milford; that the use will create jobs, tax revenue, and tourism; that the site could again become a destination; that the restaurant will contain approximately 2,500 square feet; that patrons will want to sit out on the deck to enjoy the views of the area waterways, the Delaware Bay, and the wetlands; that he currently operates a restaurant at Bowers Beach; that the restaurant will provide restaurant services only, and is not intended to become a bar; that the State classifies the use as a marina; that there will be no fuel sales; that the number of boat slips is substantially reduced to the number of boat slips that existed previously; that Mr. Swain has been dealing with DNREC for ten years trying to get approval of the marina; that the business could employ from 8 to 12 employees; that they are hoping to attract eco-tours for boat rides from the site, up the Mispillion River to the City of Milford; that the City of Milford and the Town of Slaughter Beach seem to be in support of the project; that they are not aware of any opposition to the use; that the use should be an improvement for the area; and that DNREC opposes any boat ramps.

The Commission found that Steve Masten, Robert Walls, and Charles Auman were present and spoke in support of the application and referenced that the area has historically been a fishing village with boating, fishing and crabbing, boat docks, the Lighthouse, restaurants, and tourism; that the use, along with the nature center, should bring in more tourism; that the use will create construction jobs and seasonal jobs; that the use promotes tourism and will support the area; that the restaurant and nature center will become a destination; that the use is supported by and benefits the Town of Slaughter Beach and the City of Milford; that the eco-tours will be a benefit to both the Town and the City; that the use will improve the area and should improve property values; that the use should attract tourism and other similar or supportive business uses to the area; and that the lack of maintenance of the property will erode the property.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1841 for George W. Swain for a marina and restaurant based upon the record made during the public hearing and for the following reasons:

- 1) The proposed use is consistent with the historical use of the site, Mispillion Lighthouse Road and Slaughter Beach.
- 2) The proposed dock area is similar in size and scope to previous docking areas on the site.
- 3) The use will revitalize the Slaughter Beach area, which has been in decline over the years.
- 4) The proposed use will create needed jobs through the restaurant, marina activities and eco-tourism.
- 5) The use will be an eco-tourism destination along the Mispillion River connected with the river front and downtown Milford that will benefit Milford and its businesses.
- 6) The project will have a positive impact on neighboring and adjacent properties and it will not adversely affect traffic or community facilities.
- 7) This recommendation is subject to the following conditions:
 1. The hours of operation shall be between 9:00 a.m. and 11:00 p.m. for the restaurant.
 2. There shall be seating for no more than 100 patrons within the restaurant and its decks.
 3. Parking shall comply with the requirements of the Zoning Code.
 4. There shall not be any fuel sales on site.
 5. There shall be no more than 22 boats slips on site.
 6. Any security lighting shall be screened so that it does not shine on neighbor properties.
 7. Stormwater management on the site shall comply with all DNREC and Sussex Conservation District requirements.
 8. The Applicant shall comply with DelDOT's request for payment of the Area-Wide Study Fee.
 9. The Final Site Plan shall contain a landscape plan for the site.
 10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

C/Z #1688 – application of **HARRY CASWELL, INC.** to amend the Comprehensive Zoning Map from a GR General Residential District to a GR-RPC General Residential District – Residential Planned Community for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying north of Road 297 (Mount Joy Road) 0.8 mile east of Route 30, and west of Oak Street, a subdivision street, to be located on 22.66 acres, more or less.

The Commission found that on June 10, 2010 the Applicants provided an Exhibit Booklet for consideration which included site data, a listing of contacts/representatives, a site information

summary, references to water service, sanitary sewer service, stormwater management, a letter from the County Community Development and Housing Division, PLUS comments and responses, references to compliance with Section 99-9C, utility commitment letters, a preliminary site plan, tax ditch information, Technical Advisory Committee comments, a DelDOT "Letter of No Objection", a summary of Endangered Species and Natural Heritage Assessments, a letter from Sussex County Addressing; and a soil testing for large community wastewater disposal systems.

The Commission found that the Technical Advisory Committee agencies provided comments on this application on or before August 31, 2009, and that those comments have been a part of the record of this application.

The Commission found that the on October 2, 2009 DelDOT provided a "Letter of No Objection" to the entrance location; that access to this site shall be from Oak Street, which is a private street; and advising that this letter is not a DelDOT endorsement of the project, it is a recital of the transportation improvements which the Applicant may be required to make as a pre-condition to recordation.

The Commission found that comments from the Sussex Conservation District were received on July 1, 2010 and that the comments reference that the site contains one soil type; that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; that off-site drainage improvements will not be required; and that on-site drainage improvements could possibly be required.

The Commission found that a petition in opposition to this application was received on July 7, 2010; that the petition contains 56 signatures in opposition; that the petition contains references that the application be denied since ingress and egress would have to occur on Route 297 or thru Oak Street Subdivision; that Route 297 is a heavily traveled secondary road with no shoulders, no bike lanes, and no pedestrian paths; that there is no way to move over for emergency vehicles; that traffic is already so heavy that it has one of the only three traffic safety devices on the whole of Route 30; that the others are located at Zoar Road and Route 9; that there are no public water or sewer lines available to this parcel and there are no plans at this time to service the area; that parties living and owning property on Oak Street should not be subjected to having large volumes of traffic destroy the peace and quiet of their dead-end one street subdivision; that the presence of a sewer system large enough to handle this project would endanger water wells of existing homes in the area; that emergency services, including police services, may be strained; and that the project should be postponed until infrastructure is in place to support the project.

The Commission found that Harry Caswell was present with Heidi Gilmore, Attorney with Tunnell Raysor, P.A., and Gary Cuppels, Professional Land Surveyor with Engineering Consultants International, LLC, and that they stated in their presentations and in response to questions raised by the Commission that 37 lots are proposed; that the property is zoned GR General Residential and that they are applying for a Residential Planned Community; that they are proposing to develop the site for affordable housing; that they attempted to get into the MPHU program through the County Community Housing and Development Division and did not

qualify; that they are proposing a project that has a lower density than that permitted in the GR General Residential District; that they hope that the project will be affordably priced; that the 37 lots are proposed on 22.66 acres with a density of 1.6 units per acre; that the County Comprehensive Plan depicts the site in a Low Density Area with mixed residential uses and allows for up to four dwelling units per acre; that central sewer is proposed; that water service will be provided; that both the central sewer and water will be maintained and operated by Tidewater Utilities; that they are working with all of the agencies to obtain approvals; that sidewalks are proposed on one side of all streets; that they will work with the local School District to establish if there is a need for a bus shelter; that the open space will include tot lots; that the project will provide for affordable housing with a Home Owners Association that will maintain all open spaces, buffers, and streets; that the site is contiguous to other single family lots along Route 297 and Oak Street; that the project will create jobs and will provide for work force housing; that the project should complement the area; that the RPC Residential Planned Community option was chosen for benefit in design; that the minimum lot size will be 7,500 square feet and the average lot size will be 8,100 square feet; that a tax ditch exist to the rear of the property; that they are proposing a 55-foot wide buffer along the tax ditch; that other perimeter buffers will be 30-feet wide; that no wetlands exists on the site; that 30 to 50 percent of the forest will remain; that 24-foot wide streets are proposed; that all lots either adjoin buffers or open space; that the sewer collection system will meet or exceed Sussex County Ordinance 38 construction; that the small strip of land adjacent to Route 297 will not be developed and may be conveyed to adjoining property owners, the church in the immediate area, or left in open space; that DelDOT has issued a "Letter of No Objection" for the project; that the current Level of Service "A" of Route 297 will not change as a result of this application; that the price range of the lot/home packages will not exceed \$200,000.00; that the stormwater management facilities will meet or exceed State and Sussex Conservation District requirements; that the State Strategies reference that the site is located in an Investment Level 4 area; that they disagree with the State Strategies because the area is basically a village area that has existed for years and includes existing developments; that the application complies with Section 99-9C of the Subdivision Code; that the use is needed and should be encouraged, not discouraged; that the sewer system will serve this project only and is not intended to serve other users, and will be less impacting than 37 standard septic systems; that Oak Street is a private road maintained by the property owners; that the Applicant intends to build the streets in the project to County specifications and will improve Oak Street from Route 297 to the entrance into the project; that modular homes or on-site constructed homes will be permitted in the project, not manufactured homes; that the stormwater management outfall location has not yet been determined, but it will discharge into the tax ditch; that street lighting will be provided; that stub street connections have been provided and will be reserved for future connection; that the stub street connections will not be constructed unless a future developer of adjoining properties gets approval to utilize the connections; that the bus shelter could be placed in the open area along Route 297; that the sewer treatment system approval from DNREC will include bonding guarantees for future maintenance of the system per DNREC and County requirements; and that Tidewater Utilities will operate and maintain the facility with Certified Operators.

The Commission found that Mr. Cuppels submitted elevation drawing of some conceptual dwellings proposed for the project and an aerial photograph of the site and area.

The Commission found that there were no parties present in support of this application.

The Commission found that Wayne Baker, Donald Mullin, Rudolph Daisey and Andrew Daisey were present in opposition to this application and expressed concerns that Route 297 is only 20-foot wide with no shoulders, no bike paths, and no pedestrian paths; that Route 297 is heavily travelled; that infrastructure should be in place prior to approval of this type of project; that Mt. Joy Road does not currently meet County or State street standards; that residents on Oak Street will be impacted by loss of privacy; that the project goes out onto a private street; that the area residents are concerned about the impact on their existing wells on private lots; that they agree with the petition comments in opposition; that the County has no plans to serve this area with sewer or water service at this time; that Home Owner Association fees will be needed to support the system; that there have been numerous traffic accidents in the area; that more children cause more safety concerns; that the 35 MPH speed limit is not complied with at this time; that cyclist travel this roadway at their own risk; that there are drainage problems in the area; that the area needs sewer, water and road improvements prior to any project approvals in this area; that they are concerned about housing types and crime; that they are concerned about police response time being inadequate; that this type of housing will not mix with the area residents; and that wildlife should get some considerations.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

REORGANIZATION

Mr. Wheatley appointed Mr. Lank as Acting Chairman for the purpose of holding an Election of Officers.

Mr. Lank opened nominations for Chairman.

Motion by Mr. Johnson and seconded by Mr. Burton to nominate Mr. Wheatley as Chairman.

Motion by Mr. Smith and seconded by Mr. Johnson that the nominations for Chairman be closed.

Motion was adopted to nominate Mr. Wheatley as Chairman with 4 Yea.

Vote for Mr. Wheatley, as Chairman, by roll call:

Mr. Burton – Yea
Mr. Johnson – Yea
Mr. Smith – Yea
Mr. Wheatley – Yea

Mr. Lank opened nominations for Vice-Chairman.

Motion by Mr. Johnson and seconded by Mr. Burton to nominate Mr. Smith as Vice-Chairman.

Motion by Mr. Johnson and seconded by Mr. Burton that the nominations for Vice-Chairman be closed.

Motion was adopted to nominate Mr. Smith as Vice-Chairman with 4 Yea.

Vote for Mr. Smith, as Vice-Chairman, by roll call:

Mr. Burton – Yea
Mr. Johnson – Yea
Mr. Wheatley – Yea
Mr. Smith – Yea

The meeting was turned over to Mr. Wheatley, the re-elected Chairman.

Mr., Wheatley appointed Mr. Lank as Secretary for the Commission, and authorized Mr. Lank – Director, and Mr. Abbott – Assistant Director to sign record plots for recordation on behalf of the Commission.

Meeting adjourned at 9:20 p.m.