



Planning & Zoning

Agendas & Minutes

MINUTES OF THE REGULAR MEETING OF JULY 12, 2007

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 12, 2007 in the County Council Chambers, County Administrative Office Building, 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. Benjamin Gordy, Mr. Michael Johnson, and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of June 20, 2007 as circulated and the Minutes of June 28, 2007 as amended. Motion carried 5 – 0.

OLD BUSINESS

Subdivision #2007-19 -- application of **AMERI-STAR HOMES** to consider the Subdivision of land in a MR Medium Density Residential District in Cedar Creek Hundred, Sussex County, by dividing 34.32 acres into 80 lots, located on the northwest side of Road 619, approximately 900 feet north of Shawnee Road (Route 36).

The Commission discussed this application which has been deferred since June 28, 2007.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to defer action for further study. Motion carried 5 – 0.

C/U #1688 -- application of **RICHARD BELL, III** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office, storage building, and storage yard for a contracting business to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 5.96 acres, more or less, lying south of Route 9 (Georgetown Lewes Highway), approximately 2,000 feet west of Route 321.

The Commission discussed this application which has been deferred since June 28, 2007.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1688 for Richard Bell, III for an office, storage building and storage yard for a contracting business based upon the record and for the following reasons:

1. The proposed Conditional Use is in an area where other business, commercial and Conditional Uses exist and the site is immediately adjacent to the “Sports at the Beach” complex.

2. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
3. The operation of the business will not generate a significant increase in traffic or noise, since the majority of the work will be conducted off-site.
4. This recommendation for approval is subject to the following conditions and stipulations:
 1. The office hours of operation will be from 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to Noon on Saturday. Business hours in the yard area will begin no earlier than 7:00 a.m. The business shall be closed on Sunday.
 2. Landscaping shall be installed to screen the use from adjacent residential dwellings. The landscaping shall be shown on the Final Site Plan and the screen shall extend to a minimum of 5 feet past the front corner of any dwelling on adjacent properties.
 3. One sign, no greater than 32 square feet in size and illuminated by spotlights may be installed pursuant to Sussex County Ordinance.
 4. Lighting may be installed for safety and security around the site. Any lights shall be downward screened and shall not illuminate across any property lines or onto Route 9. Because the property is adjacent to the Sussex County Airport, any lighting installed on the property shall comply with FAA regulations.
 5. Any fuel storage on site shall comply with all State, Local and Federal Guidelines.
 6. The Applicant shall comply with all roadway and entrance improvements required by the Delaware Department of Transportation.
 7. The Applicant shall not advertise or display products within the front yard area except in the form of landscaping beds and planters. The locations of the proposed display shall be described in detail on the Final Site Plan. The display shall set back at least 35 feet from the front property line.
 8. There shall be no parking in the front yard setback.
 9. The mobile home that currently exists on the property shall not be used as an office without approval of the Sussex County Board of Adjustment.
 10. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Gordy 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 5 – 0.

C/U #1689 -- application of **MICHAEL AND NANCY CHORMAN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automotive repair shop to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 30,288 square feet, more or less, lying north of Road 325, 425 feet west of Route 48, and being Lot 30 of Rawlins Manor Subdivision.

The Commission discussed this application which has been deferred since June 28, 2007.

Mr. Robertson advised the Commission that there were no restrictive covenants found in reference to the property.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1689 for Michael and Nancy Chorman for an automotive repair shop based upon the record made at the public hearing and for the following reasons:

1. The proposed Conditional Use will have no significant impact upon traffic.
2. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community. The property is directly across from the SeaCoast Speedway and there is a hair salon and masonry contractor operating from the subdivision.
3. This recommendation for approval is subject to the following conditions and stipulations:
 1. There will not be any outside storage of any type, including but not limited to, cars, equipment, tires, automotive parts, scrap metal, parts or other materials uses as part of the Applicant's business.
 2. No vehicles for sale will be displayed outside on the premises.
 3. No repair work will be performed outside.
 4. No vehicles under repair shall be operated outside.
 5. The shop will only be operated between the hours of 5:30 p.m. until 9:00 p.m. Monday through Friday and between 8:00 a.m. until 4:30 p.m. on Saturday. There shall be no Sunday hours.
 6. As stated by the Applicant, there will not be any signs on the property advertising the business.
 7. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
 8. Any dumpster on the site shall be screened from the view of neighboring properties.
 9. The site plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Smith 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 5 – 0.

PUBLIC HEARINGS

Mr. Robertson described how the public hearings would be conducted.

C/U #1690 -- application of **DELMAR PLUMBING, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a plumbing business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 10.5655 acres, more or less, lying east of Road 382 (a.k.a. Route 20), 600 feet south of Route 17.

The Commission found that the applicants had submitted, prior to the meeting, an exhibit booklet which contained a copy of the application, a site location map, a copy of the deed to the property, a copy of the DelDOT Support Facilities Report, letters in support of the application from RDM Development Group, Bergey & Company, P.A., Carl M. Freeman Communities, LLC, Miranda & Hardt Contracting Building Services, LLC, Weinstein Supply, Thos. Somerville Co., Penco Corporation, Ryan Homes, and a petition containing 6 signatures in support, suggested proposed conditions, and a series of map and aerial photographs.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service "C" of Zion Church Road will not change as a result of this application.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is not located in a County operated and maintained sanitary sewer or water district; that the site is located in the Roxana Planning Area; that the project proposes to use an on-site septic system; and that a concept plan is not required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Hammonton loamy sand, Mullica mucky sandy loam and Mullica-Berryland complex; that the applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that the site does have areas containing hydric soils; that no storm flood hazard areas are affected; that it may not be necessary for any off-site drainage improvements; that the applicant will be required to follow State Sediment and Stormwater Guidelines; and that a tax ditch may be affected.

The Commission found that Abel Rodriguez of MDP Plumbing, Inc. was present with David Hutt, Attorney, and stated in their presentations and in response to questions raised by the Commission that Delmar Plumbing, Inc. and MDP Plumbing, Inc. are the same applicants with different corporation names; that the site has been used in the past as a

poultry farm; that the applicants intend to use the property for a plumbing business office and storage facility; that the use is not inconsistent with uses in the area; that the site is in close proximity to other Conditional Use sites and commercial zones in the area; that a traffic impact study was not recommended by DelDOT; that the DelDOT Support Facilities Report did not indicate any change in the number of vehicles on Zion Church Road; that the existing dwelling on the site is intended to be converted into an office; that no retail sales are planned; that the site will be used as a staging facility for employees to obtain parts and go to job sites; that the poultry houses will be utilized for storage of materials and supplies; that they proposed the parking in a location that will not impact that portion of the site that will continue to be farmed; that they do not plan on providing a dumpster; that materials and supplies are delivered during regular business hours; that there will be one full-time employee in the office; that security lighting and cameras will be installed for security; that the existing gate at the driveway entrance will remain; that both of the poultry houses will be used for storage; that all storage of materials and supplies will be indoors, with not outside storage; and that the tax ditch easements will not be encroached upon.

The Commission found that Mr. Hutt submitted three additional letters in support of the application from RDM Development Group, Carl M. Freeman Companies, and Lloyd Christ, a neighbor.

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.

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1690 for Delmar Plumbing, Inc. for a plumbing business based upon the record made at the public hearing and for the following reasons:

1. The business has a positive impact on the local economy by their patronage to local suppliers, labor and services rendered to local contractors and by employing local tradesmen and laborers.
2. The business will utilize an otherwise abandoned and obsolete agricultural building that could have become an attractive nuisance to the area due to it's remote location.
3. The business operation will not generate a significant increase in traffic due to the off-site nature of the services rendered.
4. The proposed Conditional Use is generally similar to other uses in the vicinity of the property.
5. The Conditional Use, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.

6. This recommendation for approval is subject to the following conditions and stipulations:
 1. Hours of operation shall be from 7:00 a.m. through 6:00 p.m. Monday through Saturday.
 2. Parking to be shown on the Final Site Plan shall be provided to accommodate not less than 15 service vehicles and shall be located so as to be shielded from neighboring properties as practical.
 3. No gasoline or diesel fuel storage or waste oil storage is permitted on site.
 4. The existing home on the property may be used as an office.
 5. One, unlit sign, three feet by six feet (3' x 6') is permitted.
 6. There shall be no outside storage of materials or supplies.
 7. The office shall be limited to no more than two (2) employees.
 8. Tax Ditch Easements shall be verified on the Final Site Plan.
 9. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to forward this application with the recommendation that the application be approved with the Conditions stated. Motion carried 5 – 0.

C/U #1693 -- application of **H & L LAND COMPANY, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a multi-unit warehouse for small contractors to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 4.74 acres, more or less, lying west of U.S. Route 13, 0.3 mile north of Route 584.

The Commission found that the applicants had submitted, prior to the meeting, an exhibit booklet which contained an executive summary, a copy of the application, a copy of the deed to the property, a Sketch Plan, copy of the DelDOT Support Facilities Report and Letter, dated December 6, 2005, a copy of the Commission and County Council information sheet and site location map, and suggested proposed findings of fact and conditions.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended: that the Level of Service "C" of U.S. Route 13 will not change as a result of this application; that the site is adjacent to U.S. Route 13 and is therefore subject to the Corridor Capacity Preservation Program; that the main goal of the Program is to maintain the capacity of the existing highway; that the site is located in a Level 4 Investment Area according to the State Strategies document, where the State policies will encourage the preservation of a rural lifestyle and discourage new development; that no new or expanded access to the corridor will be permitted in a Level 4 Investment Area; that it is unlikely that the Department will approve a commercial

entrance to access U.S. Route 13 at this site; and that prior to making a final determination, the Department will require further information.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that the site is not located in a County operated and maintained sanitary sewer or water district; that the site is located in the Western Sussex Planning Area #1; that the project proposes to use an on-site septic system; and that a concept plan is not required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Longmarsh and Indiantown soils (frequently flooded), and Sassafras sandy loam; that the applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that the site does have areas containing hydric soils; that special flood hazard areas are subject to inundation by the 1% annual chance flood; that it may not be necessary for any off-site drainage improvements; that the applicant will be required to follow State Sediment and Stormwater Guidelines; and that a tax ditch may be affected.

The Commission found that John Logan of H & L Land Company , LLC was present with James Sharp, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that the existing building is proposed to be used for an office and that a steel multi-flex building is proposed to house a maximum of 9 small contractor units; that a secretary and assistant will be available in the office to provide mail services and secretarial services for the contractors; that 1.5 acres of the site is buildable uplands; that no wetlands will be disturbed; that the site is in close proximity to a pole building supply company and a business and industrial park; that the use is consistent with the area land uses; that a need exists for small business uses for a central location to and from job sites; that a well and septic system exists at the office site; that the units in the multi-flex building will not be permitted bathrooms; that the site was purchased with a small operating beauty shop in the office building; that they have been contacted by several contractors looking of space for storage; that the multi-flex building is designed for a maximum of 9 units, but can be altered to contain a lesser number of larger units; that the site will be fenced and gated; that there will be no outside storage of materials; that they will permit parking of automotive vehicles overnight; that no manufacturing will be permitted; that the contractors employees will be on the site for the purpose of picking up materials and equipment; that the existing septic and well should be adequate to serve the project; that setbacks will be in compliance with County requirements; and that they have not requested a wetlands delineation.

Mr. Kautz advised the applicant that landscaping will be required.

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.

Mr. Gordy stated that he would move that the Commission recommend approval of C/U #1693 for H & L Land Company, LLC for a multi-unit warehouse for small contractors based upon the record made at the public hearing and for the following reasons:

1. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
2. There are other businesses and structures in the area of this property with similar characteristics to those requested by the applicant.
3. The use is of a public or semi-public character and is desirable for the general convenience and welfare of the area and the County.
4. This recommendation for approval is subject to the following conditions and stipulations:
 1. The project shall be used for indoor storage purposes only. There shall not be any outside storage, including boats, RVs, or equipment within the project.
 2. Any security lights shall only be on the buildings and shall be screened so that they do not shine on any neighboring properties.
 3. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.
 4. There will be no retail sales from the site.
 5. There will be no manufacturing on the site.
 6. The facility shall not be open on Sundays.
 7. There shall be fencing around the building and parking area.
 8. The parking lot will be crusher run with an adequate area for tenants and employees.
 9. There is an on-site septic system with a bathroom in the existing office building. No bathrooms shall be permitted in the Flex building.
 10. Hours of operation will be from 6:00 a.m. until 8:00 p.m., Monday through Saturday.
 11. One sign shall be permitted, not to exceed 32 square feet in size, with directional lighting.
 12. There shall be a vegetated buffer on the northern side of the site. The buffer shall be shown on the Final Site Plan.
 13. No maintenance of vehicles or on-site fuel operations shall be permitted.
 14. The applicant will comply with all DelDOT requirements.
 15. Any vehicles parked overnight shall be located on the west end of the building.

Motion by Mr. Gordy, seconded by Mr. Smith 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 5 – 0.

Subdivision #2006-18 -- application of **BRIGGS 4, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 9.39 acres into 7 lots, located south of Road 336, 100 feet east of Road 335.

Mr. Lank advised the Commission that Technical Advisory Committee comments were received up until November 22, 2006 and that no additional agency comments have been received to date.

The Commission found that the applicants had submitted, prior to the meeting, an exhibit booklet which contained an executive summary, references to compliance with the Zoning Ordinance and compliance with 99-9(C) of the Subdivision Ordinance, suggested proposed findings of fact and conditions of approval, a copy of the deed to the property, a copy of the Declaration of Restrictions and Mr. Robertson approval of same, a copy of a letter from Capitol Development Design, Inc. to the owner of the property, a copy of the cover letter and Technical Advisory Committee comments, 8 photographs of the site and area, a copy of a NRCS soils report, a Delaware Environmental, Inc. Subdivision Feasibility Study Letter of Intent, a copy of the application form, and a copy of the Subdivision Plan.

The Commission found that Gary Butson of Briggs 4, LLC was present with James Sharp, Attorney, and stated in their presentations and in response to questions raised by the Commission that the existing dwelling on the property will remain on one of the lots; that 6 additional lots are proposed; that on-site septic and wells are proposed; that all lots contain at least 1 acre of buildable uplands; that they have addressed all recommendations of the Technical Advisory Committee in the preliminary design; that the project is located in the Environmentally Sensitive Developing Area; that a conservation easement has been designed to protect existing State wetlands and the proposed restrictive covenants protect much of the existing tree cover; that the project is in close proximity to the Pepper Creek RPC, The Landings at Pepper Creek Subdivision, and Pepper Creek Point Subdivision; that they feel that they have complied with the recommended conditions of 99-9(C) of the Subdivision Ordinance; that Lot #7 is proposed to have direct access to Piney Neck Road; that trees will be removed as needed for construction; that the elevation of the property varies from 14.5 feet to 21.0 feet above sea level; that they have not yet received septic feasibility; that it would be difficult to provide access to the subdivision street for Lot #7; that a stormwater bio-retention area may be created at the entrance; that a stone boat ramp exist on the site; that they have considered allowing the owners of the lots to apply through DNREC for piers, rather than

restrict them from applying; and that the soils drain well and it may not be necessary to create a stormwater pond.

Mr. Wheatley advised the applicant that it has been the policy of the Commission to not include any wetlands within any lots.

Mr. Kautz advised the applicant that the site is adjacent to a Tidewater Utilities, Inc. area approved with a Certificate of Public Convenience and Necessity (CPCN).

Mr. Robertson advised the applicant that he should check with the Public Service Commission for public sewer and public water access.

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. Smith, seconded by Mr. Johnson and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Subdivision #2006-19 -- application of **PAUL AND BARBARA STEELE** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 1.52 acres into 2 lots, and a waiver from the street design requirements, located south of Cubbage Mill Pond, north of an existing 50' easement, 650 feet west of Road 214.

Mr. Lank advised the Commission that this application was not required to be processed through the Technical Advisory Committee.

The Commission found that Paul and Barbara Steele were present and stated in their presentations and in response to questions raised by the Commission that they purchased the property in 1996 and that the site was improved with a duplex; that they renovated the duplex; that the duplex caught fire in 1998; that they then improved the site with a dwelling; that they propose to divide the parcel into two lots to contain the same number of units as when originally purchased; that the access road is crusher run and pavement; that there are 4 dwellings on the access road; that they are proposing to build a 2,400 square foot dwelling on the site; and that they have received septic feasibility approval for the lots.

Mr. Lank advised the Commission that the public hearing was required since multiple parcels have access to the access road and for the purpose of due notice to the other land owners.

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.

Mr. Burton stated that he would move that the Commission grant preliminary approval of Subdivision #2006-19 for Paul and Barbara Steele, for the following reasons:

1. The proposed subdivision is for only 2 lots.
2. The proposed subdivision will have no adverse impact on neighboring properties.
3. The lots are suitable for on-site individual septic systems.
4. The items in Section 99-9C will not be adversely affected, and the subdivision is in compliance with the Sussex County Subdivision Ordinance.
5. This preliminary approval is subject to the following conditions:
 1. Restrictive covenants shall be established to govern the maintenance of the road, any stormwater management and any other common areas.
 2. The applicant shall save as many trees as possible on the site and on the individual lots.
 3. 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 approve this preliminary subdivision for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2006-20 -- application of **STELLA J. MITCHELL, TRUSTEE** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred, Sussex County, by dividing 59.89 acres into 35 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located south and east of Road 242, 1,074 feet west of Road 319.

Mr. Lank advised the Commission that Technical Advisory Committee comments were received up until December 20, 2006 and that no additional agency comments have been received to date.

The Commission found that the applicants had submitted, prior to the meeting, an exhibit booklet which contained a listing of the Project Team, maps and aerial photographs, a site data sheet, references to compliance with Section 99-9C of the Subdivision Ordinance, a copy of the Preliminary Subdivision Feasibility Study from DNREC, a copy of the Preliminary Wastewater Treatment and Disposal Review by Atlantic Resource Management, Inc., a copy of a traffic analysis by Orth-Rodgers Associates, Inc., and a copy of a Wetlands Delineation Report by Envirotech Environmental Consulting, Inc.

The Commission found that Ray and Stella Mitchell were present with Roger Smith, Doug Warner and Matthew Peterson of Element and that they stated in their presentations and in response to questions raised by the Commission that they are proposing a standard subdivision of 35 single family residential lots; that on-site septic and wells are proposed; that private road built to County specifications are proposed; that there are no woodlands or wetlands on the site; that all lots will contain at least $\frac{3}{4}$ acre; that they are proposing a 25-foot wide buffer along Donovan Road; that they are proposing 30-foot wide buffers along all adjoining agricultural lands; that the site will contain 22.62 acres of open space; that the site layout was dictated by the soil conditions; that they have created curved streets to reduce traffic speed; that an entrance plan has already been submitted to DelDOT; that they are proposing 5 small stormwater ponds; that some of the septic systems will be LPP and Cap/Fill systems; that a homeowners association will be established to maintain all streets and common areas; that mobile homes will not be permitted; that homes will contain at least 1,600 square feet; that they did not chose to cluster the subdivision since most of the lots in the area are strip lots with $\frac{3}{4}$ acre; that trails could be integrated into the design of the open space; that they did not create or propose any amenities due to the cost and the small number of lots proposed; that a school bus shelter could be located at the entrance; that there is adequate area for septic in the rear of the lots; and that they can located the stormwater pond nearest Donovan Road to at least a setback of 25-feet.

Mr. Lank advised the applicants that there shall be a minimum of 30-feet of buffer between any adjacent agricultural lands and any stormwater ponds.

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. Johnson and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

ADDITIONAL BUSINESS

Mr. Lank provided the Commission with copies of Ordinance 1770 for Change of Zone #1554, the rezoning application for Marine Farm, L.L.C. as requested at the June 28, 2007 meeting.

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, seconded by Mr. Smith to nominate Mr. Wheatley as Chairman.

Motion by Mr. Johnson, seconded by Mr. Smith that the nominations for Chairman be closed. Nominations for Chairman were closed.

Motion was adopted to nominate Mr. Wheatley as Chairman: 4 Yea and 1 Abstaining.

Vote by roll call:

Mr. Burton: yea
Mr. Gordy: yea
Mr. Johnson: yea
Mr. Smith: yea
Mr. Wheatley: abstaining

Mr. Lank opened nominations for Vice-Chairman.

Motion by Mr. Smith, seconded by Mr. Johnson to nominate Mr. Gordy as Vice-Chairman.

Motion by Mr. Johnson, seconded by Mr. Wheatley that the nominations for Vice-Chairman be closed. Nominations for Vice-Chairman were closed.

Motion was adopted to nominate Mr. Gordy as Vice-Chairman: 4 Yea and 1 Abstaining.

Vote by roll call:

Mr. Burton: yea
Mr. Johnson: yea
Mr. Wheatley: yea
Mr. Smith: yea
Mr. Gordy: abstaining

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

Mr. Wheatley appointed Mr. Lank as Secretary for the Commission.

Mr. Wheatley authorized Mr. Lank – Director, Mr. Abbott – Assistant Director, and Mr. Shockley – Environmental Planner to sign record plots for recordation on behalf of the Commission.

Meeting adjourned at 8:20 p.m.