



# PLANNING & ZONING

## AGENDAS & MINUTES

### MINUTES OF THE REGULAR MEETING OF AUGUST 28, 2008

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 28, 2008 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, Mr. Rodney Smith, Mr. I.G. Burton III with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as amended by adding Additional Business prior to Old Business. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of August 6, 2008 and August 14, 2008 as amended. Motion carried 5 – 0.

### ADDITIONAL BUSINESS

Mr. Lank advised the Commission that the staff has provided them with revised “Superior Design” Criteria for their review; the Minutes for the August 20, 2008 Special Meeting for their review; and possible Evaluation Criteria for review and consideration of 99-9C for their review.

### OLD BUSINESS

**C/U #1792** -- application of **TIDEWATER ENVIRONMENTAL SERVICES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a regional wastewater collection, treatment and disposal facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 320.21 acres, more or less, lying on both sides of Route 24 (John J. Williams Highway), southeast of Road 277 (Robinsonville Road), both sides of Road 289 (Jolyns Way) and both sides of Road 279 (Camp Arrowhead Road).

The Commission discussed this application which has been deferred since June 26, 2008.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1792 for Tidewater Environmental Services, Inc. for a regional wastewater collection, treatment and disposal facility to be located on several parcels in the Indian River Hundred based upon the record and for the following reasons:

- 1) The proposed use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare of neighboring properties and the County.
- 2) The regional facility will be designed to minimize environmental impacts. Minimum 100-foot buffers will be provided from all wetland areas. Minimum tree removal is being proposed. The current land uses of agriculture and forestry will be supported by the proposed irrigation plans.
- 3) The proposed facility will: reduce the level of nutrients entering the Inland Bays; recharge the aquifer; be available to replace failing septic systems in its service area; and preserve agricultural areas, open space, and forest land.
- 4) The proposed regional wastewater collection, treatment and disposal facility will be reviewed and approved by DNREC and shall be designed and constructed in accordance with all other Federal, State and County requirements, included those mandated by DNREC and other agencies having jurisdiction over the use.
- 5) The proposed use is subject to the review and approval of the Public Service Commission.
- 6) The Sussex County Engineering Department has no objections to this application subject to the inclusion of the following conditions:
  - a. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the requirements of the Sussex County Engineering Department, if any, or the Delaware Department of Natural Resources and Environmental Control, and any other governmental agency with jurisdiction over the use of the site, or any modification thereto.
  - b. The Applicant shall submit to the Sussex County Engineering Department a regional plan that shows all the areas and/or subdivisions to be served by the wastewater treatment and disposal facility. Said plan shall include technical support that demonstrates that capacity exists at the treatment and disposal facility to serve the areas and/or subdivisions.
  - c. The facility shall not receive sanitary waste for treatment and disposal from any property or parcel that is located within a Sussex County Sewer Planning Area or Sewer District, excepting there from those properties or parcels which are currently being served by other Tidewater Environmental Services, Inc. treatment and disposal facilities or approved for service as evidenced by a CPCN (Certificate of Public Convenience and Necessity) being issued by the Public Service Commission on or before the adoption of this Conditional Use ordinance.
  - d. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.
- 7) Additional conditions as part of this recommendation include:
  - 1) The treatment plant building shall appear to be an agricultural building.
  - 2) With the exception of emergency generators that may be located on the site, all of the equipment needed in the operation of the facility shall be located indoors. The generators shall be housed in enclosures to reduce noise.
  - 3) Any security lighting shall be screened so that it does not shine onto neighboring properties or public roads.
  - 4) A minimum 50-foot buffer will be maintained around all spray irrigation areas.

- 5) A minimum 50-foot forested buffer will be maintained around the Midway Baptist Church and any adjoining residential properties.
- 6) A Minimum 50-foot forested buffer will be provided between all facilities and agricultural operations.
- 7) This regional facility shall make its services available for any failing septic system in its proposed service areas.
- 8) Any lagoons, rapid infiltration basins, spray irrigation systems or similar structures shall be located at least 100-feet from any dwellings.
- 9) One lighted sign referencing the use shall be permitted on the site containing the treatment buildings, not to exceed 32 square feet in size. Unlighted signs, not to exceed 32 square feet in size shall be permitted on other parcels that are part of this application.
- 10) The perimeter fencing will be visually screened from neighboring properties and roads through the use of native species trees.
- 11) The Final Site Plan shall include a landscaping plan to include all proposed buffers.

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/stipulations stated. Motion carried 5 – 0.

Mr. Smith stated that he will not be participating in the decisions on C/Z #1649, C/U #1781, C/U #1742 and C/U #1807 since he did not participate in the public hearings.

**C/Z #1649** -- application of **RODNEY W. SMITH** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, land lying southwest of Zoar Road (Road 48), 1,000 feet south of Sussex Pines Road (Road 324), to be located on 39.73 acres, more or less.

The Commission discussed this application which has been deferred since August 14, 2008.

Motion by Mr. Gordy, seconded by Mr. Burton and carried with 4 votes to defer action for further consideration. Motion carried 4 – 0. Mr. Smith did not participate in the discussion.

**C/U #1781** -- application of **RODNEY W. SMITH** to consider the Conditional Use of land in a CR-1 Commercial Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 39.73 acres, more or less, lying southwest of Zoar Road (Road 48), 1,000 feet south of Sussex Pines Road (Road 324).

The Commission discussed this application which has been deferred since August 14, 2008.

Motion by Mr. Gordy, seconded by Mr. Johnson and carried with 4 votes to defer action for further consideration. Motion carried 4 – 0. Mr. Smith did not participate in the discussion.

**C/U #1742** -- application of **PINE ACRES, INC.** to consider the Conditional Use of land in an

AR-1 Agricultural Residential District for an expansion of existing manufactured home park/campground by adding 24 campsites to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.0 acres, more or less, lying south of Dogwood Lane (the access road into Leisure Point Resort), 2,900 feet north of Long Neck Road.

The Commission discussed this application which has been deferred since August 14, 2008.

Motion by Mr. Gordy, seconded by Mr. Burton and carried with 4 votes to defer action for further consideration. Motion carried 4 – 0. Mr. Smith did not participate in the discussion.

**C/U #1807** -- application of **TIDEWATER ENVIRONMENTAL SERVICES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for public utilities (water and wastewater) to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 13.228 acres, more or less, lying northwest of Road 462 (Trussum Pond Road) approximately 1.8 miles southeast of Road 461 (Old Stage Road).

The Commission discussed this application which has been deferred since August 14, 2008.

Motion by Mr. Gordy, seconded by Mr. Burton and carried with 4 votes to defer action for further consideration. Motion carried 4 – 0. Mr. Smith did not participate in the discussion.

### PUBLIC HEARINGS

**C/U #1743** -- application of **JOHN AND MICHELLE BEAVER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for motor vehicle service, restoration, towing, and sales to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.0 acres, more or less, lying east of Road 277 (Robinsville Road), 1,130 feet north of Road 277A (Harts Road).

The Commission found based on comments received from DelDOT that a traffic impact study was not recommendation and that the Level of Service “A” of Robinsville Road will not change as a result of this application.

The Commission found based on comments received from the Sussex Conservation District that the soils on this site are mapped as Downer sandy loam and Greenwich loam; 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 it may not be necessary for any on-site or off-site drainage improvements.

The Commission found based on comments received from the County Engineering Department Utility Planning Division that the site is located in the Angola Neck Planning Area; that wastewater capacity is not available at this time; that the proposed use will utilize an on-site septic system; that the site is not capable of being annexed into a County operated Sanitary Sewer District at this time; that when the County provides sewer service, connection to the system shall be mandatory; and that the County does not have a firm schedule to provide sewer service at this time.

The Commission found that a letter was received from Terry Bryan in opposition to this application and that the letter referenced his surprise when seeing an auto repair shop on the parcel; questioning if the use had been approved; guessing that a business license was issued without regard to zoning; assuming that the application was filed due to a complaint; referencing that acreage in this area will certainly be developed for residential use; that property values are adversely affected by commercial activities of this type; that there are no other businesses in the Robinsonville Road area, at least with prominent signage; that the presence of this business will influence the potential of residential development; that there are more suitable locations for such businesses; and that the use will change the character of the area.

The Commission found that Michelle Beaver was present and stated in her presentation and in response to questions raised by the Commission that her husband is a collector of classic cars; that they were flagged by the DMV (Division of Motor Vehicles) due to the number of vehicles they maintained; that the cars are mostly classic or antique; that there are a few businesses in the area; that the purpose of requesting towing is only to allow them to tow classic vehicles in need of towing them to this site for minor repairs; that they do minor vehicle repairs and the installation of engines and transmissions; that they do not do any body work; that they sell classic and replica vehicles; that the cars are stored indoors; that there will not be any outside display lot; that they have a 2-cubic yard dumpster on site; that normal business hours are 9:00 a.m. to 5:00 p.m. Monday through Friday with "appointment only" hours on Saturday or Sunday; that the business is mostly a hobby for her husband; that all repair work is performed indoors; that the fuel tanks on-site are for personal use; that no additional lighting is necessary since security lighting already exists; that the existing sign, which is less than 32 square feet, will remain and was required by DMV; that her husband may sell 5 replica vehicles per year and hopes to sell more; that they own a '64 Pontiac GTO, 2 Superbees, a newer Shelby Mustang and a newer Superbee; that any parts stored outside will be screened with fencing; that they have one roll-back truck for towing; that her husband and sons run the business with no other employees; that they have few deliveries; that there is a minimum amount of noise.

Mr. Lank advised the Commission that he was not aware of any violations of the site.

The Commission found that Terry Bryan was present in opposition to this application, referenced his letter previously summarized in the Minutes, and expressed additional concerns about commercial signs; that the operator does not live on the site; that the adjacent farm land may not be farmland in the future and may be developed for residential purposes; that the business is not in keeping with the present or future use of the farm; and that a complaint must have been filed with the Planning and Zoning Department.

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 5 – 0.

**C/U #1810** -- application of **ARTESIAN WATER COMPANY, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a regional water facility to be located on

a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 74.61 acres, more or less, lying east of Route 30, 0.6 mile south of Reynolds Pond Road (Road 231).

The Commission found based on comments received from the County Engineering Department Utility Planning Division that the site is located in the North Coastal Planning Area; that the regional water facility will share a site with a previously approved regional wastewater facility (C/U #1724); and that the Department has no objections to this application.

The Commission found based on comments received from the Sussex Conservation District that there have been nine (9) soil types mapped on this site; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that the site does contain areas of hydric soils; that the Applicant will be required to follow all State and Federal wetlands requirements; that there are no storm flood hazard areas or tax ditches affected; that no off-site drainage improvements will be required; and that the Applicant will be required to follow State Sediment and Stormwater requirements.

The Commission found based on comments received from DelDOT that the Department has approved the entrance location only and does not authorize the commencement of entrance construction; that the site shall have a commercial entrance along Route 30; and that entrance plans shall be developed in accordance with the Department's rules and regulations prior to entrance approval; and that since the total site ADT (average daily trips) is less than 100-trips, the entrance plan will be reviewed and approved by the South District Entrance Permit Supervisor.

The Commission found that prior to the meeting the Applicant had provided the Commission with an Exhibit Booklet which contained references to the Conditional Use application, an owner agreement letter, a DelDOT Letter of No Objection, a copy of the Elizabethtown water CPCNs, a site plan, a map of properties requesting utility service, an Elizabethtown Regional Water CPCN Application List, references to Artesian Water Resource Management, elevation of the proposed building and existing facilities, a copy of C/U #1724 for the wastewater facility on the same site, and suggested proposed Findings of Fact and Conditions of Approval.

The Commission found that Scott Pinder of Artesian Resources was present with Dennis Schrader, Attorney, and that they stated in their presentations and in response to questions raised by the Commission that they are proposing a regional water facility to serve the Elizabethtown project and others; that the site is already approved for a wastewater treatment facility, a public utility parcel; that the site is located in a Low Density Area according to the Comprehensive Plan; that the site is located in an Investment Level 4 according to the State Strategies; that they have received a letter of no objections from DelDOT; that they have received approval of the CPCN from the Public Service Commission; that they intend to share the parcel with the wastewater treatment facility; that a 60-foot by 80-foot water treatment building is proposed; that an elevated water storage tank is proposed; that the site will be inspected one or two times per week; that they will have two wells, one primary well and one back-up well; that the site is presently used for agriculture; that the building proposed will appear to be an agricultural building; that they may have an outside generator; that if the generator is placed outside it will be located in an ultra-quiet screened area; that the generator is for emergency use only; that the elevated water storage tank will have a capacity of 1,000,000 gallons; that the height of the tank

will not exceed 150-feet; that they are planning on a height of 142-feet; that the tank will be painted a neutral blue color; that the site will be landscaped; that an alarm system will be utilized that notifies staff of any failure or emergency; that staff are on call for immediate responses; that buildings also have security alarms on doors, windows, etc.; that all ladders are secured; that the height of the tank is necessary to maintain fire protection and domestic water flows; that they hope to be able to provide water service to 3,000 or 4,000 units; that the site is appropriate as a Conditional Use since it is a public utility; that the well sites have not yet been established since they are waiting on the final approval of the wastewater treatment facility prior to locating the well sites; that they will have signage on the building to identify the operator; that they would like to have an option to permit signage on the tank; that they may locate antennas on the tank; and that the boundaries of the site for the wastewater treatment facility and the regional water facility are the same.

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.

**Subdivision #2007-2** -- application of **EVANS E. NORWOOD** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 28.70 acres into 4 lots, located south of Road 280, 2,821 feet west of Road 285.

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of June 20, 2007 will be made a part of the record for this application.

The Commission found that Evans Norwood was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that all of the lots will have access from McIntosh Way; that the proposed lots are for his grandchildren; that he will maintain the private road; that the proposed homes on the lots will be stick-built homes; that he will pave the right of way; and that the existing right of way is stone and dirt.

The Commission found that no parties appeared in support of this application.

Robert Johnson, an adjoining neighbor, was present in opposition to this application and advised the Commission that he owns 30 acres to the west of the site; that development is going to happen; and that he has concerns about trespassing and all terrain vehicle use on his property.

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

Mr. Johnson stated that he would move that the Commission grant preliminary approval of Subdivision #2007 – 2 for Evans E. Norwood, based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1, which permits low-density single-family residential development. The proposed subdivision density is less than the allowable density.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This recommendation is subject to the following conditions:
  - A. There shall be no more than 4 lots within the subdivision.
  - B. The stormwater management system, if any, shall meet or exceed the requirements of the State and County.
  - C. All entrances shall comply with all of DelDOT's requirements.
  - D. 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. Burton and carried unanimously to approve this application as a preliminary, for the reasons, and with the conditions stated. Motion carried 5 – 0.

**Subdivision #2007-3** -- application of **DONALD K. MILLER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 127.76 acres into 49 lots, located north of Road 488, 650 feet west of U.S. Route 13A.

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of June 20, 2007 will be made a part of the record for this application and that surveyor submitted a revised plan on July 30, 2008 addressing the comments made by the Technical Advisory Committee.

Don Miller, Surveyor, was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he is representing Leon Ellis; that 49 lots are proposed; that the site is adjacent to Hill N Dale Subdivision; that 2 stub streets have been provided to the adjoining Hill N Dale development; that DNREC has issued a septic feasibility statement; that the streets will be private and maintained by a homeowners' association; that the lots range in size from 0.75-acres to 1.99-acres; that the strip lots along the front of the site are all 1.0-acre or greater; that the proposed dwellings will be stick-built homes probably ranch style; that none of the lots contain any wetlands; that the site also adjoins a parcel that has received preliminary subdivision approval; that the proposed stormwater management ponds have not been sized; that infiltration ponds will probably be utilized; that the septic systems will be on-site and probably LPP systems with a few standard systems due to the soils on the site; that the items referenced in Section 99-9C have been addressed in the design of the project; that there are some wetlands in the swales along Johnson Road; that sidewalks and streetlights are not proposed at this time; that a bus shelter is not proposed; that no amenities are planned due to the size of the lots; and that if the 40-acres to the rear of the site were to be developed, central sewer would have to be available in the area.

The Commission found that no parties appeared in support of this application.



Jane Givens of Road 488 was present in opposition to this application and advised the Commission that the residents in the area are trying to keep the area agricultural; that the development will cause traffic problems since the area is already congested; and questioned the need for additional lots in the area.

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to defer action pending receipt of a septic feasibility statement from DNREC. Motion carried 5 – 0.

**Subdivision #2006-35** -- application of **2416 JOPPA ROAD, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Seaford Hundred, Sussex County, by dividing 109.45 acres into 56 lots, located north of Road 553, 1,820 feet west of Road 558 and 900 feet east of the Delaware/Maryland State Line.

Mr. Abbott advised the Commission that the Commission held a public hearing on this application on this application on October 11, 2007 and deferred action; that the Commission denied this application on March 19, 2008; that the applicants filed an appeal with the County Council; that on June 24, 2008, the Council voted to send this application back to the Commission for a rehearing; and that the applicant's attorney has submitted an Exhibit Booklet that will be made a part of the record.

James Fuqua, Attorney, Tim O'Shea, Principal Owner and Chuck Merritt, Engineer, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the Commission denied this application on March 19, 2008 and that the applicants did not agree with the reasons given for denial; that the decision was appealed to the County Council and that the Council sent the application back for a rehearing; that this application complies with both the Subdivision and Zoning Codes; that they would like the record from the hearing on October 11, 2007 be incorporated into this record; that the application is for 55 large lots; that this application is basically the same as before; that the wooded areas will remain undisturbed; that the cleared areas will be developed; that there are wetlands within the forested area and along the ditch; that Al Rizzo, Certified Soil Scientist performed a wetlands delineation; that the site is zoned AR-1 and this is a standard subdivision application; that the minimum lot size is 1.0-acre with 2.0-acres being the largest lot; that the average lot size is 1.20-acres; that there are 3 areas of open space; that a 30-foot agricultural buffer is proposed along the east and west boundaries; that the forested lands will be dedicated conservation easements; that the ordinance requires 10% open space and that 31.0-acres or 28% open space is proposed; that the open space also includes the buffer areas; that on site septic and well are proposed for the lots; that DNREC has issued a septic feasibility statement which is attached as Exhibit F in the Exhibit Booklet; that the stormwater management system will utilize bio-retention swales; that drainage will be improved on this site and on adjoining sites; that the streets will be private and built to Sussex County specifications; that there is one entrance to the project proposed; that none of the lots have direct access to Neal School Road; that DelDOT has issued a Letter of No Objection which is attached as Exhibit E in the Exhibit Booklet; that streetlights and sidewalks on both sides of all streets are proposed; that the wetlands on the site will be preserved and protected; that the site is located within the Seaford Fire

Department fire protection district with Bridgeville and Federalsburg being close by; that the site is in the Seaford School District; that a school bus stop will be provided; that there will be a homeowners' association that will be responsible for maintenance of the project; that the restrictive covenants will include the agricultural use protection notice; referenced Tabs B, C and D of the Exhibit Booklet; that the project complies with all applicable land use laws; that the proposed density is 0.5 lots/acre; that the area is mostly rural with a mix of agricultural and residential uses; that the site is located in a Level 4 investment area and that land use decisions are the County's responsibility and not the State's; that the site is zoned AR-1 and quoted the purpose of Section 115-19 and Page 11 of the Comprehensive Land Use Plan; that according to the Quality of Life Act, the Land Use Plan Map has the force of law; if the number of lots permitted is diminished, it impacts farmers rights; that the County Council sent the project back; that the developer purchased the property understanding the Zoning and Subdivision Codes; that the design complies with both codes; that 1 lot has been removed from the original design; that the proposed dwellings will be from 1,800 to 2,000 square feet with attached garages; that there will be no removal of trees from the site; and submitted proposed Findings of Fact and Conditions of Approval into the record.

The Commission found that no parties appeared in support of this application.

The Commission found that Delema Callaway, Charles Callaway, Jason Callaway, and Billy O'Day were present in opposition to this application and advised the Commission that the proposed number of wells in the project will impact irrigation wells on adjacent farms; that the number of septic systems will impact the area; that the roads in the area are not in good condition; that the roads are the last ones plowed during snow storms; that the number of lots proposed will increase traffic in the area; that there are drainage and flooding concerns; that Callaway Road is only 30 feet in width; that there will be insect impacts on new property owners; that there is no high speed internet or cable service in the area; that a traffic impact study should be done; that the buffers will not protect agricultural lands; that there will be trespassing problems; that aerial spraying is done in the area; and that the area is agricultural.

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

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

Meeting adjourned at 8:40 p.m.