

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 25, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 25, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 128 14
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of March 18, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**SEAFORD COMMUNITY FOOD CLOSET, SEAFORD, DELAWARE.
RE: Letter in appreciation of grant.**

Mrs. Deaver reported that she receives numerous emails regarding roads being littered with trash and regarding old buildings that are in ruins and need to be demolished. Mr. Phillips stated that he also receives correspondence on roads being littered with trash and he stated that he would be in favor of reviewing the County Code as it relates to this matter. Mr. Wilson warned that the State has closed roads due to littering problems.

**Valliant
Expansion/
DFSSD**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for a parcel requested to be annexed into the Dagsboro Frankford Sanitary Sewer District; it is a single parcel located on Honolulu

**Valliant
Expansion /
DFSSD
(continued)**

Road containing 15.66 acres. The County received a letter requesting that the single parcel be included in the sewer district; the owner wishes to begin the development planning process for single family homes on the parcel.

The parcel is currently served with a 6 inch lateral that was installed in 1992 as part of another project; this lateral is insufficient for development and this will be addressed at the time of the Concept Plan submittal. The owner of the parcel will be responsible for system connection charges in the amount of \$6,800.00 per EDU, based on current rates. A Public Hearing before the Council will be scheduled.

**M 129 14
Prepare
and Post
Notices/
Valliant
Expansion/
DFSSD**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District boundary to include Parcel 4-33-6.11-6.0 owned by John Valliant, as presented on March 25, 2014.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Bid Results/
Sodium
Hypo-
chlorite**

Loran George, District Manager, South Coastal, presented the bid results for Sussex County Project No. 14-02, Bulk Delivery of Sodium Hypochlorite. The apparent low bidder was Coyne Chemical of Croydon, Pennsylvania at the Base Bid of \$1.078 (\$/gal).

**M 130 14
Award
Bid for
Bulk
Delivery
of
Sodium
Hypo-
chlorite**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 14-02, Bulk Delivery of Sodium Hypochlorite, be awarded to Coyne Chemical Co. of Croydon, Pennsylvania, for the time period of one year, beginning on July 1, 2014, at the bid amount of \$1.078 per gallon.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Bid Results/
Granular
Lime**

Loran George, District Manager, South Coastal, presented the bid results for Sussex County Project No. 14-03, Bulk Delivery of Granular Lime. The apparent low bidder was Greer Lime Company of Morgantown, West Virginia, at the Base Bid of \$175.00 (\$/ton).

**M 131 14
Award
Bid/
Bulk
Deliver
of
Granular
Lime**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project 14-03, Bulk Delivery of Granular Lime, be awarded to Greer Lime Company of Morgantown, West Virginia, for the time period of one year, beginning on July 1, 2014, at the bid amount of \$175.00 per ton.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**FOIA
Present-
ation**

Jason Staib, Deputy Attorney General, gave a presentation on Delaware's Freedom of Information Act (FOIA) including an overview of public records and open meetings rights and obligations. Information presented included the purpose of FOIA, open records provisions (what documents must be made available for public inspection), open meeting provisions (what meetings and discussions must be open to the public), implementing a FOIA Policy, statutory exemptions, and public meeting requirements including publications, agendas and minutes.

Questions were asked and discussions were held throughout the presentation. This presentation can be heard in its entirety on the audio recording of the meeting (Track 2); the audio recording is available on the County's website @ www.sussexcountyde.gov. Additionally, a copy of the power point presentation is available upon request in the office of the Sussex County Council.

**Library
Advisory
Board
Vacancy**

Mr. Lawson reported that there is currently a vacancy on the County Library Advisory Board (District 5 Representative). Katherine Mento has agreed to serve in that role and to join the Board effective immediately; her term would last until June 30, 2016.

**M 132 14
Appoint-
ment to
Library
Advisory
Board**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Cathy Mento to the Sussex County Library Advisory Board effective immediately, until such time as her term expires on June 30, 2016.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Request to
Withdraw
C/Z
No. 1737**

Mr. Lawson reported that a request has been received to withdraw the pending application, Change of Zone No. 1737, filed on behalf of Robert and Julie Norwood. Since a Public Hearing before the Council has been held and action deferred, a Motion approving the request is required by the Council.

**M 133 14
Approve
Request to
Withdraw
C/Z
No. 1737**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, that the Sussex County Council approves the request to withdraw Change of Zone No. 1737 filed on behalf of Robert and Julie Norwood.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Procedure
for
Approval
of
Wastewater
Agreements**

Mr. Lawson discussed the wastewater agreements that come before the Council for approval and specifically, the need for the Council to hear each of the agreements individually. He advised that, following a discussion with the Engineering Department and the County's legal team, it was agreed that Council should still see and approve these wastewater agreements; however, procedure could be changed to include a Consent Agenda, whereby all the wastewater agreements are included in the Consent Agenda. The Consent Agenda would be considered and approved as presented and then voted on; if any members of Council wish to pull an agreement out of the Consent Agenda and consider it individually, the member would have the right to do that. Mr. Lawson noted that this procedure would require a change in the Council's Rules of Procedure, which can be placed on a future agenda for consideration. Mr. Phillips questioned if an individual member would have the unilateral authority to pull one for individual consideration. Mr. Moore responded that this could be considered in the drafting of the amended Rules of Procedure. Mr. Moore and Mr. Lawson were instructed to proceed with a proposal to amend the Rules of Procedure.

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report – February 2014

Per the attached Delaware State Police activity report for February, there were 3,663 total traffic arrests and 1,313 total criminal arrests. Of that 1,313, 428 were felony and 885 were misdemeanor criminal arrests. Of the total hours on duty spent, 42 percent were spent on criminal investigations.

2. Sussex County Workshop on Building Height Limits – April 1, 2014

Sussex County Council will host a workshop to discuss the County's current limits on building heights on Tuesday, April 1, 2014, at 1:30 P.M. at the County's West Complex in Georgetown. The workshop will provide members of the Council, Board of Adjustment, and Planning & Zoning Commission an opportunity to discuss the topic and determine if the County Code should be amended. The workshop will feature presentations from county staff and DelDOT representatives.

(continued) [Attachments to the Administrator’s Report are not attachments to the minutes.]

Pension Committee Update Mrs. Jennings presented a report on the Pension Committee meeting held on February 20, 2014.

Pension Fund – The market value of the Pension Fund was \$69,649,239 as of December 31, 2013. The year-to-date gain was \$10.2 million, or 17.7 percent (net of investment fees). The fund’s performance ranked in the top 29 percent for pension funds.

OPEB Fund – The market value of the OPEB Fund was \$31,028,918 as of December 31, 2013. The year-to-date return was \$4.1 million, or 16.0 percent, net of investment fees. The fund’s performance ranked in the top 44 percent for OPEB funds.

OPEB Actuarial Assumptions – The Pension Committee is recommending adjustments to the OPEB assumptions as a result of a study performed by the County’s actuary. The Council adopted similar changes to the Pension Fund in November. The new assumptions would lower the unfunded liability by \$658,000. This makes the funded percentage increase, bringing the funded percentage from 70.6 percent to 72.4 percent. The Committee is recommending the County change its payroll growth assumption to 0 percent, which ensures that the County amortizes its liability at a fixed 30 years. This assumption, combined with the other assumptions, increases the annual required contribution by \$135,000.

M 134 14 Approve OPEB Actuarial Assumption A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the OPEB Actuarial Assumptions as a result of the independent experience study and the recommendation by the Pension Committee.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Proposal for Pension Ordinance Amendment Mrs. Jennings presented a proposal for a Pension Ordinance Amendment. She reported that, in the FY2014 budget, the Council approved that new employees hired after January 1, 2014 would contribute 3 percent of their gross salary after the first \$6,000 is earned. The Pension Ordinance must be amended to reflect this change.

Mr. Timothy Snyder of Young, Conaway, Stargatt and Taylor was in attendance to discuss the changes and he presented a draft ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.

**Proposal
for Pension
Ordinance
Amendment**

Synopsis: This Ordinance would amend Sussex County Code, Chapter 26, which governs employee pension benefits, by amending the following code provisions: “Allowable interruptions” as set forth in § 26-3 by adding a new paragraph F; “Eligibility” as set forth in § 26-6 by adding additional language to the end of paragraphs A and E; “Computation of benefits” as set forth in § 26-7 by adding new paragraphs E and F; and “Funding” as set forth in § 26-9 by adding new paragraphs F and G.

Mr. Snyder explained the draft ordinance and he stated that the adoption of this draft ordinance would be needed to effectuate the 3 percent contribution requirement.

**Introduction
of Proposed
Pension
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”. The Proposed Ordinance will be advertised for Public Hearing.

**Legislative
Update**

Mr. Godwin presented the following legislative update:

House Bill No. 272 – “AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PARAMEDIC SERVICES”

Synopsis: This Bill, modeled after similar legislation enacted in Pennsylvania and West Virginia, clarifies paramedic immunity when consent to render care is unable to be obtained.

Mr. Godwin read Paragraph (2) – No paramedic shall be subject to civil liability, based solely upon failure to obtain consent in rendering emergency medical services to any individual, regardless of age, where the person is unable to give consent for any reason, and where there is no other person reasonably available who is legally authorized to give or refuse to give consent, if the paramedic has acted in good faith and without knowledge of facts negating consent.

Mr. Godwin advised that he has asked the County’s Paramedic Department and Legal Counsel to review and comment on the new legislation. Mr. Schoonover in the Paramedic Department has stated that there is already an implied consent law that allows the paramedics to perform their services in the event they cannot gain consent from the patient. Mr. Godwin stated that this legislation may be a duplicate authorization of the same thing.

House Bill No. 243 – “AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LEASES”

Synopsis: Currently, possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides

**Legislative
Update
(continued)**

that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.

This Bill was released by the House Committee and is on the House Floor on this date for consideration.

Mr. Godwin noted that the Council has not expressed any opposition to this legislation.

Senate Bill No. 160 – “AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE GROSS VEHICLE WEIGHT OF LIVE-HAUL POULTRY TRUCKS”

Synopsis: This Bill would increase the weight limit for live-haul poultry trucks operating on Delaware highways within 100 miles of the plant in order to accommodate the poultry industry and ensure public safety. In addition, the Bill would provide for a weight variance of 3 percent to account for variations in bird weight. Live haul poultry trucks are granted the increased weight limit and associated variance provided that these trucks are in compliance with several conditions aimed at ensuring public safety. Provided these conditions are met, this Bill would allow a live-haul poultry truck to weigh up to 92,700 pounds before any penalty is assessed for exceeding weight restrictions.

This Bill has passed the Senate and is now in the House Ag Committee.

The Council did not take a position on this proposed legislation.

**Grant
Requests**

Mrs. Jennings presented grant requests for the Council’s consideration.

**M 135 14
Countywide
Youth
Grant**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$1,000.00 from the Countywide Youth Grant Account to Delaware Ducks Unlimited for Annual Greenwing Event expenses.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;
Mr. Phillips, Yea; Mr. Wilson, Nay;
Mr. Vincent, Yea**

**M 136 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$500.00 from Mr. Phillips’ Councilmanic Grant Account to the Dagsboro Fire Department for the Alley Cat Competition Dance Troupe.

Motion Adopted: 4 Yeas, 1 Absent.

**Public
Hearing
(C/U
No. 1979)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on February 27, 2014 at which time action was deferred. On March 13, 2014, the Commission recommended that the application be approved with the following conditions:

- A. The use as a tavern shall occur between the hours of Noon and 1:00 a.m.**
- B. The hours of operation for the package store shall be between Noon and 1:00 a.m.**
- C. There shall be no restaurant or cooking facilities on the premises.**
- D. The use shall comply with all Sussex County parking requirements.**
- E. The existing signage shall be permitted.**
- F. Security lighting shall be provided. It shall be downward screened to provide safety but shall not shine on neighboring properties or roadways.**
- G. The structure shall exist in its current configuration. Any expansion shall require additional site plan approvals by the Sussex County Planning and Zoning Commission.**
- H. Any dumpsters on the site shall be screened from view of neighboring properties and roadways.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated February 27 and March 13, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission's Public Hearing on this application.

Mr. Lank reported that a letter of support was received from Jerry Brittingham and Karen Emory Brittingham.

The Council found that Mr. and Mrs. Munce were in attendance. They stated that they want to reopen the package store/tavern that has historically existed at this site; that they plan to hire 2 or 3 employees; that they are not planning on cooking any foods on premise; that they will be offering snack foods; and that DelDOT has reviewed their entrances and no changes have been determined.

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

**M 143 14
Amend
Conditions
for C/U
No. 1979**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the conditions recommended by the Planning and Zoning Commission by deleting Conditions A, B, and C.

Motion Adopted: 4 Yeas, 1 Abstention.

**M 143 14
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Abstained;
Mr. Vincent, Yea**

**M 144 14
Adopt
Ordinance
No. 2341
(C/U
No. 1979)**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2341 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL PACKAGE STORE AND TAVERN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS” (Conditional Use No. 1979) filed on behalf of Thomas and Judy Munce, with the following conditions:

- A. The use shall comply with all Sussex County parking requirements.**
- B. The existing signage shall be permitted.**
- C. Security lighting shall be provided. It shall be downward screened to provide safety but shall not shine on neighboring properties or roadways.**
- D. The structure shall exist in its current configuration. Any expansion shall require additional site plan approvals by the Sussex County Planning and Zoning Commission.**
- E. Any dumpsters on the site shall be screened from view of neighboring properties and roadways.**
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Abstention.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Abstained;
Mr. Vincent, Yea**

**Public
Hearing
(C/Z
No. 1740)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3522 ACRES, MORE OR LESS” (Change of Zone No. 1740) filed on behalf of Zhenguo Zhang.

The Planning and Zoning Commission held a Public Hearing on this application on February 27, 2014 at which time action was deferred. On March 13, 2014, the Commission recommended that the application be denied based on the following reasons:

- 1. Although this site is located along State Route One, it is in an area that has not developed with other commercial or business zoned properties. As a result, the rezoning to CR-1 would create a stand-**

**Public
Hearing
(C/Z
No. 1740)
(continued)**

- alone 2.35 acre parcel that is not compatible with the adjacent or surrounding properties.
2. The recent applications for properties in this general area have sought Conditional Use or B-1 approvals, not rezonings to CR-1. This property should be treated in a similar way.
 3. The Applicant presented this rezoning request for a specific use that does not appear to require CR-1 Zoning. Instead, it could be operated under a Conditional Use approval or possible B-1 Zoning.
 4. The property is not located in a developing area according to the Sussex County Comprehensive Plan.
 5. If the Applicant chooses to pursue a Conditional Use, the application fees for doing so should be waived by the County.

(See the minutes of the Planning and Zoning Commission dated February 27 and March 13, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing on this application.

The Council found that Miaohou Xu was present on behalf of the application and she stated that Mr. Zhang is a practicing Acupuncturist; that he needs an office in this area for his patients; that he has offices in Dover and Lewes; that he purchased this property so that he can develop an office on the premises; and that he plans to use part of the office and to rent some of the space to other businesses.

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

**M 145 14
Adopt
Proposed
Ordinance
(C/Z
No. 1740)

DENIED**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3522 ACRES, MORE OR LESS” (Change of Zone No. 1740) filed on behalf of Zhenguo Zhang.

Motion Denied: 3 Nays, 2 Yeas.

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Nay**

**Reasons
for
Denial**

Mrs. Deaver, Mr. Cole, and Mr. Vincent agreed with the reasons of the Planning and Zoning Commission to include the waiving of the fee if the Applicant reapplies for a Conditional Use for the use on this site.

**Public
Hearing
(C/Z
No. 1743)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18,886 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1743) filed on behalf of Charles and Cristy Greaves.

The Planning and Zoning Commission held a Public Hearing on this application on February 27, 2014 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated February 27, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing on this application.

The Council found that Charles Greaves was present on behalf of the application and he stated that the previous owner was unable to sell the property as residential and the property fell into foreclosure; that the residence is non-conforming with the community surrounding it; that he would like to reinstitute value for the property; that an auto repair service is on one side of the property, maintenance/construction storage units in the back of the property, and commercial storage units on the other side of the property; that across the street is also commercial; that they hope to open an antique shop on the site; that he currently has ingress and egress on the site; that it has a commercial 40 foot apron at the highway; that there is 12 car parking available; that they have restored the residential section of the structure but their preference is to have an antique store; that there would be no cooking or food service other than ice cream; that if successful, they may rent out office space in the back; and that he lives in the community.

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

**M 146 14
Adopt
Ordinance
No. 2342
(C/Z
No. 1743)**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2342 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18,886 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1743) filed on behalf of Charles and Cristy Greaves.

Motion Adopted: 5 Yeas.

**M 146 14
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Public
Hearing
(C/Z
No. 1744)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.85 ACRES, MORE OR LESS” (Change of Zone No. 1744) filed on behalf of Phillip Cross and Prentice Watkins.

The Planning and Zoning Commission held a Public Hearing on this application on February 27, 2014 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated February 27, 2014.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing on this application.

The Council found that Phillips Cross was present on behalf of the application and he stated that the property currently has a Conditional Use (for a farmers market and greenhouses – known as the Veggie Shack); that the property is currently for sale; that they currently live on the property; that they would like a Change of Zone to commercial so as not to limit the property; that they paid DelDOT \$40,000 for a commercial entrance; and that other commercial uses and zonings exist in the immediate area.

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

**M 147 14
Adopt
Proposed
Ordinance
(C/Z
No. 1744)**

A Motion was made by Mrs. Deaver to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.85 ACRES, MORE OR LESS” (Change of Zone No. 1744) filed on behalf of Phillip Cross and Prentice Watkins.

The Motion Died for the Lack of a Second.

**M 148 14
Adjourn
DENIED**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to adjourn.

Motion Denied: 3 Nays, 2 Yeas.

