

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 21, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 21, 2015, 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
Robert B. Arlett	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 273 15
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 30, 2015 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

ED SCHIMLER, DAGSBORO, DELAWARE.

RE: Letter in appreciation of the County retaining the 100 foot cap on assessment charges in the FY 2016 Budget.

MILFORD MEMORIAL AUXILIARY BOARD, MILFORD, DELAWARE.

RE: Card in appreciation of grant.

**NEW HOPE RECREATION AND DEVELOPMENT CENTER,
ELLENDAL, DELAWARE.**

RE: Letter in appreciation of grant.

**SUSSEX COUNTY FOSTER PARENT CLUSTER ASSOCIATION,
GEORGETOWN, DELAWARE.**

RE: Letter in appreciation of grant.

(continued) **DELAWARE HOSPICE, MILFORD, DELAWARE.**
RE: Letter in appreciation of grant.

**Public
Comments** **Public Comments**

Paul Reiger updated the Council on past problems on an adjacent property and concerns about barbed wire fencing.

**Council
Chambers
Technology
Demon-
stration** Mr. Lawson demonstrated various technology upgrades that have taken place in the Council Chambers, including high-definition displays, new digital audio, enhanced cameras, improved streaming and the ability to broadcast presentations. The upgrades also include new carpet and paint. All of the upgrades have been made to enhance the user experience, whether in chambers or online.

**Public
Hearing/
Issuance of
Bonds/
Concord
Road
Wastewater
Expansion** A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$850,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Mrs. Jennings reported that the Proposed Ordinance would authorize the issuance of \$850,000 of General Obligation Bonds of Sussex County for the cost of the design, construction, and equipping of the Concord Road Wastewater Expansion. A grant in the amount of \$449,000 is expected to be received for this project. The bonds are backed by the County’s full faith and credit and are expected to be paid back over 40 years through revenues from the Concord Road Wastewater Expansion. This bond issuance is within the legal debt limit of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Services. The Bonds will provide the funding for the boundaries of the area known as the Concord Road Expansion, which was adopted by Sussex County Council on September 24, 2013. This funding is in line with what was presented when the boundaries were established for this expansion.

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

**M 274 15
Adopt
Ordinance
No. 2407** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2407 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$850,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

**M 274 15
(continued)**

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

**Appoint-
ment**

Mr. Lawson presented a recommendation for an appointment to the Board of Assessment Review for District 5. The appointment of Steven McCabe, if approved, would be effective as of February 1, 2015 for a term of five years.

**M 275 15
Approve
Appoint-
ment/
Board of
Assessment
Review**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Steven McCabe to the Board of Assessment Review, effective February 1, 2015, for a term of five years.

Motion Adopted: 5 Yeas.

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

**Appoint-
ments**

Mr. Lawson presented recommendations for appointments to the Advisory Committee for the Aging and Adults with Physical Disabilities for District 1. The appointment of Janice Moseley and Helen Smith would be effective immediately, for a term of two years.

**M 276 15
Approve
Appoint-
ments/
Advisory
Committee
on Aging
and Adults
with
Physical
Disabilities**

A Motion was by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the appointments of Janice Moseley and Helen Smith to the Advisory Committee for the Aging and Adults with Physical Disabilities, effectively immediately, for a term of two years.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Bay Pines received Substantial Completion effective July 1 and Senators – Phase 2C received Substantial Completion effective July 13, 2015.

2. Delaware State Police Activity Report – May 2015

Per the attached Delaware State Police activity report for May, there were 124 violent crime arrests with 91 clearances; 1,195 property crimes with 425 clearances; and 19,809 total traffic charges with 13,744 corresponding arrests. Of those traffic arrests, 380 were for DUI. Finally, there were 1,940 total vehicle crashes investigated in May. In

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

total, there were 191 troopers assigned to Sussex County for the month of May.

3. County Pensioners Faye Webb and Janet Hill

It is with sadness that we note the passing of County pensioners Faye Webb and Janet Hill on July 7th and July 15th, respectively. Mrs. Webb began her career with Sussex County in May 1969 and retired from the Data Processing Department as a Computer Operator II in March 2006 with 36 years and 11 months of service. Ms. Hill started with the County in November 1975 and retired from the Treasury Division as a Clerk III Technician in March 2001 with 25 years and 4 months of service. We would like to extend our condolences to the Webb and Hill families.

[Attachments to the Administrator's Report are not attachments to the minutes.]

**Delaware
Transit
Reimburse-
ment
Program
Request**

Mrs. Jennings reported that DART, a division of DelDOT, has allocated \$796,862 for funding of transportation expenses for various senior centers in Sussex County. This amount has remained at the same level for a number of years. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2016 as per State law. This is an allocation of State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is the same as in previous years:

Nanticoke Senior Center	\$ 44,959.30
Indian River Senior Center	2,100.00
Laurel Senior Center	99,082.94
Lewes Senior Center	27,120.41
Cape Henlopen Senior Center	43,065.65
CHEER, Inc.	<u>580,533.70</u>

TOTAL **\$ 796,862.00**

**M 277 15
Approve
Allocation
of Funds
to Senior
Agencies**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the allocation of State funds to various senior agencies within Sussex County, as presented.

Motion Adopted: 5 Yeas.

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

**Septic
System
Relief
Policy**

Mrs. Jennings reported that, during the last Council meeting, a new septic relief policy was presented to the Council. At that meeting, it was the Council's recommendation to come back with a policy that included an income-based qualification. Mrs. Jennings stated that she added a

**Septic
System
Relief
Policy
(continued)**

provision that a property owner's income cannot exceed the medium household income level of Sussex County (\$63,000 for a family of 4). She stated that the septic system relief policy is created for property owners who are required to connect to County sewer within 5 years of installing, or upgrading, a new septic system on the same property. It is the County's hope that anyone in the five-year sewer planning area only install temporary systems until public sewer is available. The criteria to qualify for the program are: the property has no County Code violations; the property owner must be current on all County debts; the property owner must not exceed current Sussex County's medium household income levels; and the property owner purchased, or upgraded, the property's septic system by spending at least \$10,000 within five years of the required County connection date. If the criteria is met, the property owner will receive a deferred connection fee up to five years or until the property transfer, whichever comes first; and a grant for the annual front footage charge up to five years depending on the date of septic repair or installation and the required date of connection.

**M 278 15
Approve
Septic
Relief
Policy**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council approves the septic relief policy to be administered by the Sussex County Engineering Department, as presented on July 21, 2015.

Motion Adopted: 5 Yeas.

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

**Compre-
hensive
Plan
Annual
Report**

Vince Robertson, Assistant County Attorney, presented a Comprehensive Land Use Report that must be completed annually and submitted to the State of Delaware, Governor's Cabinet Committee on State Planning and the Office of State Planning Coordination. This is the fourth annual report to the State. This annual report highlights the County's accomplishments and progress in implementing its Comprehensive Plan and provides a summary of activity over the past year. The report covers the period of July 1, 2014 through June 30, 2015. The report will be posted on the County's website.

**Sign
Regulations**

Mr. Lawson referenced previous concerns expressed by Mr. Cole regarding off-premise signs (specifically, billboards and electronic signs). Mr. Cole referenced a letter to Council members from the Board of Adjustment requesting direction on sign applications. The Council discussed holding a workshop to discuss the sign ordinance and possible amendments thereto, and the possibility of placing a moratorium on new off-premise signs. Vince Robertson, Assistant County Attorney, and Lawrence Lank, Director of Planning and Zoning, responded to questions regarding the County's current sign ordinance.

M 279 15 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to direct legal**
Draft **staff to prepare a draft ordinance to place a moratorium on off-premise**
Ordinance/ **signs/billboards for consideration at the July 28, 2015 Council meeting.**
Sign
Moratorium **Motion Adopted: 4 Yeas, 1 Nay.**

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

Legislative **Hal Godwin, Deputy County Administrator, provided a legislative update**
Update **on the following bills: House Bill 140 relating to DMV fees; House Bill 151**
relating to Sussex County Sanitary and Water Districts; House Bill 171
regarding a Telecommunications Equipment Tax; House Bill 130 regarding
the establishment of transient-oriented development districts called
Complete Community Enterprise Districts; House Bill 201 relating to
regulating the possession of firearms, ammunition, etc. in county buildings
and police stations; House Bill 200 relating to defining accessible parking
spaces; and Senate Bill 166 and 167 relating to Transportation Trust Fund
money.

Dog **Mr. Godwin reported that as a part of the State's Budget, the State will take**
Control **dog control back from the counties; this will take place as contracts expire.**
Services **Sussex County's contract with First State Animal Center and SPCA expires**
on December 31, 2015. Mr. Godwin also reported that the County has a
received a letter from that agency stating that they are terminating the dog
control contract with Sussex County on September 15, 2015. Mr. Godwin
discussed options as to how the County might handle dog control in the
interim (the period of time between when the contract is terminated/expires
and when the State picks up dog control). Mr. Lawson commented that he
is not sure if First State Animal Center and SPCA can back out of the
contract.

Roadside **Mike Costello, County Constable, referenced that the Council previously**
Trash **considered proposals on how to deal with trash issues along the roadways in**
Program/ **the County. Mr. Costello commented on the reward initiative approved by**
Reward **the Council and he stated that the Department decided to utilize the services**
Initiative **of Delaware Crime Stoppers who have agreed to provide the service. Mr.**
Costello stated that the Department will display posters and flyers in
communities, include notices in County mailings, and post information on
the program on the County's social media pages. Mr. Costello explained
how the reward program will work and noted that the reward for
information leading to an arrest will be \$100.00.

In response to comments made by Mrs. Deaver, Mr. Costello reported on
the clean-up efforts in the Coolsprings community which involved the
County as well as other agencies.

**Legg-Hudson
Lease
Termination
(continued)**

Jim Hickin, Airport and Industrial Park Director, presented a proposal for a lease termination. He stated that Legg-Hudson LLC leases a one acre parcel from the County and owns a 2,500 square foot hangar on the parcel. The 20 year lease expires December 31, 2017. Legg-Hudson has agreed to terminate the lease since they no longer have an aircraft to store in the hangar. Mr. Hickin proposed that the County purchase the hangar and terminate the lease for \$11,000.00. This amount compensates Legg-Hudson for the residual value of the hangar and lost potential revenue for the sublease of the hangar. Mr. Hickin commented that approval of this hangar purchase and lease termination will provide an opportunity to develop the parcel more efficiently. In the interim, the County would lease the hangar at a higher rent than currently received.

The Council discussed the proposal and other leases at the airport.

**M 280 15
Approve
Lease
Termination
for Legg-
Hudson
Lease**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the termination of the lease between Sussex County and Legg-Hudson, LLC and the purchase of the airplane hangar and all improvements on the leased lot for the sum of \$11,000.00.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Air
Methods
Lease
Amend-
ment**

Jim Hickin, Airport and Industrial Park Director, commented that the parcel located next to the Legg-Hudson parcel is leased by Air Methods Corporation (LifeNet). In 2013, the Council approved a sublease between Legg-Hudson and LifeNet for LifeNet to lease a strip of land for placement of their modular building for sleeping quarters; part of that agreement stated that if the Legg-Hudson lease ever terminated, the County would add that strip of land to their main lease. Mr. Hickin stated that an Addendum to the Lease has been prepared reflecting this agreement.

**M 281 15
Approve
Air
Methods
Lease
Amend-
ment**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves Amendment One to the Lease Agreement between Air Methods Corporation (LifeNet) and Sussex County, as presented.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

M 282 15 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the City of Seaford for the Police Department's Annual Community Night Out.**

Motion Adopted: 5 Yeas.

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

M 283 15 Councilmanic Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$2,000.00 (\$1,000.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Accounts) to the Delaware Lions Foundation for materials to build ramps for the handicapped.**

Motion Adopted: 5 Yeas.

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

M 284 15 County-wide Youth Grant **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$2,000.00 from the Countywide Youth Grant Account to Fellowship of Christian Athletes for football program expenses.**

Motion Adopted: 5 Yeas.

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

M 285 15 Councilmanic Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give \$1,500.00 from Mrs. Deaver's Councilmanic Grant Account to the Milton Historical Society to sponsor the Best of Milton Auction fundraiser.**

Motion Adopted: 5 Yeas.

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

Representatives of the Laurel American Legion Post 19 reported on their plans for the third annual Eastern Shore Veterans Day Parade and thanked the Council for its past support.

M 286 15 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,500.00 (\$500.00 from each Councilmanic Grant Account) to the Laurel American Legion Post 19 for the Eastern Shore Veterans Day Parade.**

**M 286 15
(continued)**

Motion Adopted: 5 Yeas.

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

Bob Carey of Delmarva Teen Challenge was in attendance and updated the Council on the organization's programs and fundraising efforts.

**M 287 15
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$10,000.00 (\$2,500.00 from Mr. Arlett's Councilmanic Grant Account, \$2,500.00 from Mr. Vincent's Councilmanic Grant Account, \$4,000.00 from Mr. Wilson's Councilmanic Grant Account, and \$1,000.00 from Mr. Cole's Councilmanic Grant Account) to Delmarva Teen Challenge for a fundraising event.

Motion Adopted: 5 Yeas.

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

**M 288 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$750.00 (\$500.00 from Mrs. Deaver's Councilmanic Grant Account and \$250.00 from Mr. Arlett's Councilmanic Grant Account) to Mount Joy Community Civic Association for a back-to-school event.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT SALES, SERVICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27.84 ACRES, MORE OR LESS" (Conditional Use No. 2025) filed on behalf of Rudy South c/o T & C Properties, LLC (Tax I.D. No. 234-6.00-96.00) (911 Address: None Available).

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BASED BUSINESS (AUTO REPAIR, DETAILING, AND AUTO RESALES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.982 ACRES, MORE OR LESS" (Conditional Use No.

Introduction of Proposed Ordinances (continued) 2026) filed on behalf of Cristian Omar Hernandez Perez and Terri L. Martin (Tax I.D. No. 235-30.00-60.00) (911 Address: 26740 Lewes-Georgetown Highway, Harbeson).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BUSINESS – RETAIL GUN SHOP AND GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS OF A 14.04 ACRE TRACT” (Conditional Use No. 2027) filed on behalf of SLC Homestead, LLC (Tax Map I.D. 233-11.00-17.00 (Part of) (911 Address: 31005 Iron Branch Road, Dagsboro).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.38 ACRES, MORE OR LESS” (Change of Zone No. 1782) filed on behalf of Robert Atallian (Tax Map I.D. No. 334-4.00-88.00) (911 Address: 18501 Stamper Drive, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments

Council Members' Comments

Mrs. Deaver commented on events in District 3.

Mr. Cole and Mr. Arlett commented on their attendance at the NACo Conference in Charlotte, North Carolina.

Mr. Cole commented on vendor permits.

Mr. Cole read correspondence received from the Delaware Seaside Railroad Club in appreciation of a grant.

M 289 15 Go Into Executive Session

At 12:24 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing issues relating to personnel and pending/potential litigation.

Motion Adopted: 5 Yeas.

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

Executive Session	At 12:26 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to personnel and pending/potential litigation. The Executive Session concluded at 1:34 p.m.
M 290 15 Reconvene Regular Session	At 1:37 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session. Motion Adopted: 5 Yeas. Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Rules of Procedure	Mr. Moore read the Rules of Procedure for public hearings.
Public Hearing/ CU 2017	A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2017) filed on behalf of Eli and Victoria Zacharia (Tax Map I.D. 334-18.00-7.00) (911 Address – 20336 John J. Williams Highway, Lewes). The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2015 at which time the application was denied for the lack of any record of support since no one appeared on behalf of the application. (See the minutes of the Planning and Zoning Commission dated June 11, 2015.) Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and decision. Mr. Lank reported that the Commission received a letter of request from Mr. Zacharia for reconsideration of the application since he was unable to attend the public hearing for just cause. The letter referenced Mr. Zacharia’s health conditions and included an attachment from First State Orthopedics referencing Mr. Zacharia’s health conditions. The Commission granted the request for reconsideration and the record stated that the application will be re-advertised for public hearings. Mr. Lank noted that Mr. Zacharia was not in attendance on this date and that it may be due to the fact that he may think that both hearings were rescheduled. Mr. Lank also noted that Planning and Zoning staff prepared

**Public
Hearing/
CU 2017
(continued)**

advertisements for both hearings (one for the Commission and one for the Council).

Mr. Moore commented that this is a new process (Failure to Appear Ordinance) and he advised that because of the verbiage used at the Planning and Zoning public hearing that the public hearings (plural) would be rescheduled, and since notice was sent to the Applicant that both hearings would be rescheduled, the Council could defer action on this date until the date of the re-advertised hearing.

The new public hearings have been scheduled on August 13, 2015 for the Commission and September 22, 2015 for the Council.

There was no one in attendance in support of or in opposition to the application.

**M 291 15
Defer
Action on
CU 2017**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to defer action on Conditional Use No. 2017 filed on behalf of Eli and Victoria Zacharia until the date of the re-advertised hearing (September 22, 2015).

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2018**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPORTING GOODS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 11,473 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2018) filed on behalf of David Clark Lankford (Tax Map I.D. 331-6.00-89.00) (911 Address – 9636 Tharp Road, Seaford).

The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2015 at which time the Commission recommended that the application be denied.

(See the minutes of the Planning and Zoning Commission dated June 11, 2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's public hearing and decision.

The Council found that David Clark Lankford was present and gave a presentation on his application including information on the proposed use as a small gun shop, parking, fencing, removal of the shed and carport, and information on other commercial uses/home-based businesses in the area.

**Public
Hearing/
CU 2018
(continued)**

Mr. Lankford submitted information referencing the tags on his vehicles, drawings of the property, and pictures of the property.

It was noted that the ATF (Bureau of Alcohol, Tobacco and Firearms) requires a FFL (Federal Firearms License) and requires that an applicant have a letter from the jurisdiction that the site is located in stating that it complies with zoning regulations.

Public comments were heard.

There were no public comments in support of the application.

Richard Truitt, Doug Hearn, Cynthia Sauers, and Robert Harding spoke in opposition to the application. They expressed concerns about traffic, parking and lack of shoulders on the roadway and they stated that they do not want to live next to a gun shop; that a gun shop is not compatible with a residential area; that the use would create a disruption of a quiet neighborhood; and that the safety of the children in the area is a concern. Mr. Hearn referenced a petition in opposition to the application that was previously submitted into the record.

**M 292 15
Adopt
Proposed
Ordinance/
CU 2018

DENIED**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPORTING GOODS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 11,473 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2018) filed on behalf of David Clark Lankford.

Motion Denied: 3 Nays, 2 Abstentions.

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

**Public
Hearing/
CZ 1775**

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 AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12,394 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1775) filed on behalf of Charles R. Auman, Jr. (Tax Map I.D. No. 330-5.00-7.04 and 8.00) (911 Address: None Found).

**Public
Hearing/**

The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2015 at which time the Commission recommended

**Public
Hearing/
CZ 1775
(continued)**

that the application be approved.

(See the minutes of the Planning and Zoning Commission dated June 11, 2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's public hearing and decision.

The Council found that Tim Willard, Esq., with Fuqua, Yori and Willard, P.A., was in attendance with Charles Auman. They gave a presentation on the application including information on the purpose of the application, the Applicant's seafood business, the history of the site, and uses of nearby properties. Mr. Willard and Mr. Auman stated that they agree with the Findings of the Planning and Zoning Commission.

Mr. Willard submitted copies of an Exhibit Booklet. The Exhibit Booklet was made a part of the record.

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

**M 293 15
Adopt
Ordinance
No. 2408/
CZ 1775**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2408 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12,394 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1775) filed on behalf of Charles R. Auman, Jr.

Motion Adopted: 5 Yeas.

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

**M 294 15
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:41 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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