



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 3, 2011

**Call to Order** A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 3, 2011, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</b>	<b>Councilman</b>
<b>David Baker</b>	<b>County Administrator</b>
<b>Susan M. Webb</b>	<b>Finance Director</b>
<b>David Rutt</b>	<b>Assistant County Attorney</b>

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

Mr. Vincent called the meeting to order.

**M 238 11 Amend and Approve Agenda** A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Pending/Potential Litigation" and "Land Acquisition" under "Executive Session"; and to approve the Agenda, as amended.

**Motion Adopted:** 5 Yeas.

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

The minutes of April 19, 2011 were approved by consent.

**Minutes** Mr. Rutt read the following correspondence:

**Correspondence** MARY CATHERINE HOPKINS, CHAIRPERSON FOR "MAKING STRIDES AGAINST BREAST CANCER".  
RE: Letter in appreciation of grant.

**Present-** Cindy Phillips, Helen Skelton, and "Little Miss Poppy" were in attendance

**tation of  
Poppies**

on behalf of the Oak Orchard - Riverdale American Legion Post #28 Auxiliary to present poppies to the Council. Mrs. Phillips stated that the red poppy has been promoted to let all veterans know that their sacrifices have not been forgotten and to let all deployed military know that the American people support them. Mrs. Phillips reported that the poppies are handmade by hospitalized veterans and that all funds derived from the distribution of the poppies are used for assisting hospitalized and disabled veterans and their families.

**M 239 11  
Community  
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$100.00 from Mr. Cole's Community Grant Account to the Oak Orchard – Riverdale American Legion Post #28 Auxiliary for memorial poppies.

**Motion Adopted: 5 Yeas.**

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

**Freeman  
Foundation  
Report  
and  
Request**

Patti Grimes of the Joshua M. Freeman Foundation reported on the various programs, performances and special events scheduled during 2011 for The Freeman Stage at Bayside. She stated that the Foundation is celebrating its fourth season of bringing arts and entertainment to Sussex County, including dance, theatre, live music, and children's performances. All events are open to the public and many of the events are free. Ms. Grimes asked the Council to consider a contribution to partner with Freeman Foundation to present memorable performances and provide inspired arts education for all.

**M 240 11  
County  
Council  
and  
Community  
Grants**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$4,715.00 (\$715.00 from County Council Grants, \$2,500.00 from Mr. Phillips' Community Grant Account, \$500.00 from Mr. Cole's Community Grant Account, \$500.00 from Mrs. Deaver's Community Grant Account and \$500.00 from Mr. Vincent's Community Grant Account) to the Joshua M. Freeman Foundation for The Freeman Stage at Bayside project.

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Sussex County Airport Environmental Assessment Open House**

A public information meeting will be held on May 3, 2011, at 6:00 p.m. at the West Complex County Administrative Office Building in Georgetown. This meeting will provide the public with information on the Environmental Assessment, "which is evaluating impacts

associated with extending Runway 4-22 at the Sussex County Airport.” Representatives from the County, State, FAA, and the County’s consultants will be there to answer questions and provide information. This meeting will provide an opportunity for public comment as required.

Adminis-  
trator’s  
Report  
(continued)

2. State Rail Plan – Public Comment

DelDOT and DART have prepared a new State Rail Plan “which is currently available for public review and comment.” Public comment must be received by May 16 for this revised plan which is required by the Federal government for Federal funding. Information is attached regarding the plan.

3. Chad Spicer Memorial Dedication

A dedication will be held on May 5 on The Circle of a memorial in honor of Chad E. Spicer, sponsored by the Town of Georgetown. Attached is information regarding the program.

4. Vincent Overlook - Phase 2A – Substantial Completion

The Engineering Department granted Substantial Completion to Vincent Overlook - Phase 2A, Agreement No. 843, on April 19, 2011. The developer is Vincent Overlook, LLC, and the project is located at the intersection of County Road 88 and County Road 261 in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of 13 single-family lots. Included with this report is a fact sheet on the project.

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

American  
Portable  
Mini  
Storage/  
Request  
to Sublease

Jim Hickin, Airport Manager, presented a request from American Portable Mini Storage, Inc. to sublease a portion of their property (Lot 23) to Delaware Landscape Construction LLC. Their lease requires they obtain consent from the Sussex County Council before any sublease. American Portable Mini Storage has a 30 year lease which began in 2004; they currently pay \$1,860.00 per year in rent and are current with their payments. Mr. Hickin advised that Delaware Landscape Construction desires to sublease 1,200 square feet of warehouse space for the storage of landscape machinery and office equipment.

Mr. Hickin stated that the current lease limits the use of the property to the production and sales of portable mini storage units only. If the sublease is approved, the Lease will need to be amended to allow the property to be used for the type of activities Delaware Landscape Construction will

**conduct on the property.**

**Jeff Burton, President of American Portable Mini Storage, was present to discuss his request. He stated that the leasing of a portion of the warehouse space will assist his company during these tough economic times.**

**M 241 11  
Approve  
American  
Portable  
Mini  
Storage's  
Request  
to  
Sublease**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the use of Lot 23 at the Sussex County Industrial Airpark by American Portable Mini Storage, Inc. for the storage of landscape machinery and office equipment, and consents to American Portable Mini Storage, Inc. entering into a commercial lease agreement with Delaware Landscape Construction LLC, subject to American Portable Mini Storage, Inc.'s compliance with their existing Lease with Sussex County, dated November 1, 2004.**

**Motion Adopted: 5 Yeas.**

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

**Angola  
North  
Tower  
Project  
Bid  
Results**

**Julie Cooper, Project Engineer, presented the bid results for the Angola North Communication Tower Project (Sussex County Project No. 10-06). The low bidder was Mid Atlantic Contracting, Inc. of Woodbine, Maryland, at a bid amount of \$223,138.00. The Engineer's estimate for the project was \$280,000.00.**

**The purpose of this project is to allow the pump stations to communicate with the SCADA System so that operations can be remotely monitored and controlled. Additionally, the County's IT Department and Emergency Operations Center will benefit from the use of this tower. It was noted that tower space can be rented which would provide revenue.**

**Michael Izzo, County Engineer, stated that the tower was sized to accommodate AT&T, Verizon, etc.**

**Questions were raised regarding the fact that a public hearing was not required. It was noted that the County is exempt from zoning regulations.**

**In response to the tower's possible impact on the area, Mr. Izzo stated that the tower will only be 170 feet in height; that no lights will be required on the tower; that it will be located on the Angola Landfill property; that it is compatible with the area; and that an environmental assessment was performed.**

**M 242 11  
Award**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that**

**Bid/  
Angola  
North  
Tower  
Project**                    **Sussex County Project No. 10-06, Angola North Communication Tower, be awarded to Mid Atlantic Contracting, Inc. of Woodbine, Maryland, at the bid amount of \$223,138.00, contingent upon the approval of the funding agencies.**

**M 242 11  
(continued)**            **Motion Adopted:        3 Yeas, 2 Nays.**

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

**Johnson’s  
Corner SSD  
Contract**                    **Brad Hawkes, Director of Utility Engineering, reported on the Johnson’s Corner Sanitary Sewer District construction project (Sussex County Project No. 08-10) and he advised that the project has been substantially completed.**

**M 243 11  
Grant  
Substantial  
Completion/  
Johnson’s  
Corner  
SSD  
Contract**                    **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Sussex County Council grant Substantial Completion, effective March 29, 2011, for Sussex County Contract No. 08-10, Johnson’s Corner Sanitary Sewer District, to Bunting and Murray Construction Corporation, and that final payment be made any held retainage be released in accordance with the terms and conditions of the contract documents.**

**Motion Adopted:        5 Yeas.**

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

**Requests**                    **Mrs. Webb presented grant requests for the Council’s consideration.**

**M 244 11  
Community  
Grant**                    **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Cole’s Community Grant Account to the Bethany Beach 4th of July Parade Committee for expenses.**

**Motion Adopted:        5 Yeas.**

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

**M 245 11  
Community  
Grant**                    **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$1,000.00 (\$200.00 from each Community Grant Account) to MARKINC Ministries to provide resources to military personnel suffering from PTSD (Post Traumatic Stress Disorder).**

**Motion Adopted: 5 Yeas.**

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

**M 246 11 Community Grant** A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$400.00 (\$300.00 from Mr. Vincent's Community Grant Account and \$100.00 from Mr. Phillips' Community Grant Account) to the Gator's Men's Softball Team for tournament expenses.

**Motion Adopted: 5 Yeas.**

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

**M 247 11 Community Grant** A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Cole's Community Grant Account to the Millville Volunteer Fire Co., Inc. for their anniversary celebration.

**Motion Adopted: 5 Yeas.**

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

**M 248 11 Community Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$2,000.00 from Mrs. Deaver's Community Grant Account to the Lewes Historical Society for the Annual Chautauqua Tent Show.

**Motion Adopted: 5 Yeas.**

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

**Introduction of Proposed Ordinance** Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DIRT BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.02 ACRES, MORE OR LESS" (Conditional Use No. 1897) filed on behalf of Russell V. Banks. The Proposed Ordinance will be advertised for Public Hearing.

**M 249 11** At 10:46 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson,

**Go Into Executive Session** to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to job applicants' qualifications and personnel. Motion Adopted by Voice Vote.

**Executive Session** At 10:48 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing job applicants' qualifications and personnel. The Executive Session concluded at 11:05 a.m.

**M 250 11 Reconvene Regular Session** At 11:07 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session. Motion Adopted by Voice Vote.

There was no action required on Executive Session items.

**M 251 11 Recess** At 11:08 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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**M 252 11 Reconvene** At 1:33 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to reconvene. Motion Adopted by Voice Vote.

**Public Hearing C/U No. 1886** A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN HVAC BUSINESS AND MULTI-FAMILY DWELLING STRUCTURES (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.37 ACRES, MORE OR LESS" (Conditional Use No. 1886) filed on behalf of Clarence A. Edgens, III.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 14, 2011 at which time the Commission deferred action to allow Legal Counsel to research the deed restrictions and to report back to the Commission. On April 28th, Vince Robertson, Assistant County Attorney, reported to the Commission that he reviewed the deed restrictions; that restriction #4 references that "No commercial activity can be engaged in, except for an in home office and only then with the approval of all governmental agencies that regulate same." (also prohibited is the storing or working on of stock or race cars) and that restriction #2 references that "The property shall not be subdivided." On April 28th, the Commission recommended that the application be denied based on the restrictive covenants that prohibit commercial uses on this parcel.

(See the minutes of the meeting of the Planning and Zoning Commission dated April 14 and 28, 2011.)

Mr. Lank read a summary of the Commission's Public Hearing.

Mr. Lank advised that the site received a violation notice on January 29, 2010 for the operation of the HVAC business and that the Applicant immediately came forward and started the application process.

Public  
Hearing  
C/U  
No. 1886  
(continued)

Clarence A. Edgens, III was present on behalf of his application and he stated that he has been operating the HVAC business on the site for four years; that other business exist in the area including a landscaping business, grocery store, day care business, transmission shop, boat mechanic shop and storage, tree cutting service, plumber, horse boarding, etc.; and that the adjoining property is being considered for a housing development and the sewer management area will be located near his house; and that he was unaware of the deed restriction.

Mr. Lank noted that the Commission's concern was not about the application, but the deed restrictions.

The applicant was advised that he could work with his neighbors to have the deed restriction lifted.

There were no public comments.

M 253 11  
Defer  
Action on  
C/U  
No. 1886

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to close the Public Hearing on Conditional Use No. 1886 filed on behalf of Clarence A. Edgens, III; to defer action; and to leave the record open for a period of 90 days for receipt of written comments, either pro or con, on the restrictive covenants.

Motion Adopted: 5 Yeas.

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

[Mr. Rutt noted that any document authorizing the lifting of the deed restriction would have to be in legal and recordable form.]

Public  
Hearing  
C/U  
No. 1887

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 MONUMENT SALES AND DISPLAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 1887) filed on behalf of Mayola Clark.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 14, 2011 at which time the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated April 14, 2011.)

Mr. Lank read a summary of the Commission's Public Hearing.

Public  
Hearing  
C/U  
No. 1887  
(continued)

The Council found that Mayola Clark was present on behalf of her application. She stated that a sign has existed on the property for over 20 years; that she acts as a sales representative for a monument sales company; and that she agrees to the conditions proposed by the Commission.

Mr. Lank stated that Mrs. Clark could have a 6 square foot sign for a home occupation; however, her sign is approximately 32 square feet.

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

M 254 11  
Adopt  
Ordinance  
No. 2189  
(C/U  
No. 1885)

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2189 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MONUMENT SALES AND DISPLAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 1885) filed on behalf of Mayola Clark, with the following conditions:

1. The use shall be limited to the Applicant's business of monument sales and displays.
2. The Final Site Plan shall show the area designated for monument displays. There shall be no more than four (4) monuments on display. No monuments are to be displayed in the front yard setback.
3. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.
4. The Applicant shall comply with all DelDOT requirements.
5. The hours of operation shall be between 9:00 a.m. and 6:00 p.m. or by appointment.
6. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Public  
Hearing  
C/U

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 AND A GR

**No. 1888**

**GENERAL RESIDENTIAL DISTRICT FOR MARINE SERVICES AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.81 ACRES, MORE OR LESS” (Conditional Use No. 1888) filed on behalf of Michael Henderson.**

**Public  
Hearing  
C/U  
No. 1888  
(continued)**

**Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 14, 2011 at which time the Commission deferred action to allow Legal Counsel to research the deed restrictions and to report back to the Commission. On April 28th, Vince Robertson, Assistant County Attorney, reported to the Commission that he reviewed the deed restrictions; that restriction #4 references that “No commercial activity can be engaged in, except for an in home office and only then with the approval of all governmental agencies that regulate same.” (also prohibited is the storing or working on of stock or race cars) and that restriction #2 references that “The property shall not be subdivided.” On April 28th, the Commission recommended that the application be denied based on the restrictive covenants that prohibit commercial uses on this parcel.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated April 14 and 28, 2011.)**

**Mr. Lank read a summary of the Commission’s Public Hearing.**

**The Council found that Michael Henderson was present on behalf of his application and he stated that there are no retail sales on the site, only marine service and storage; that he received a violation notice and made application; that he was unaware of the deed restriction regarding the commercial activity restriction; that the business does not create a lot of traffic; and that he will work with Mr. Edgens (applicant of Conditional Use No. 1886) and his other neighbors to have the deed restriction (#4) lifted.**

**Public comments were heard.**

**Clarence Edgens, property owner in the same subdivision and applicant of Conditional Use No. 1886, spoke in support of the application.**

**There were no comments in opposition to the application.**

**M 255 11  
Defer  
Action on  
C/U  
No. 1888**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to close the Public Hearing on Conditional Use No. 1888 filed on behalf of Michael Henderson; to defer action; and to leave the record open for a period of 90 days for receipt of written comments, either pro or con, on the restrictive covenants.**

**Motion Adopted: 5 Yeas.**

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

**[Mr. Rutt noted that any document authorizing the lifting of the deed restriction would have to be in legal and recordable form.]**

**Public  
Hearing  
on an  
Ordinance  
Relating  
to Wind  
Turbines  
and  
Windmills**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I, IV, V, VI, VIII, IX, XI, XIA, XII, XIII, XIV, XV, XXV AND ARTICLE XXVI RELATING TO WIND TURBINE AND WINDMILLS IN SUSSEX COUNTY”.**

**Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on April 14, 2011 at which time the Commission recommended that the ordinance be approved.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated April 14, 2011.)**

**Mr. Lank read a summary of the Commission’s Public Hearing.**

**This ordinance would establish regulations for wind turbines in Sussex County as the State of Delaware has, by statute, eliminated the role of the Board of Adjustment in the process of approving wind turbines. There is a definition of wind turbine and windmill that would be placed in the Code. The ordinance takes out all references to windmills under special use exceptions as that would require Board of Adjustment review and places the reference in permitted accessory uses. A new section for wind turbines is placed in the Code to deal with all heights of requested wind turbines. This ordinance would govern wind turbines in Sussex County along with any other requirements spelled out in 29 Del.C. § 8060.**

**Public comments were heard.**

**Greg Menoche of Dagsboro stated that he is interested in the ordinance; that he thinks the ordinance is needed but he would like the opportunity to review it and comment on it; that his business has been at a standstill since July; and that he hopes the ordinance has a positive impact on businesses in Sussex County.**

**Mr. Menoche was provided with a copy of the ordinance and Mr. Lank read portions of the ordinance into the record and specifically explained portions relating to setback requirements and the elimination of the 5 acre limitation.**

**Mr. Menoche questioned requirements in agricultural areas and more**

**specifically, if multiple windmills would be allowed in an agricultural area, i.e. chicken farms. Mr. Lank stated that he would have to research this matter.**

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

**M 256 11  
Defer  
Action  
on an  
Ordinance  
Relating  
to Wind  
Turbines  
and  
Windmills**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the Proposed Ordinance relating to wind turbines and windmills and to leave the record open for a period of 30 days (for Mr. Lank to research requirements on windmills in the agricultural district).**

**Motion Adopted: 5 Yeas.**

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

**M 257 11  
Adjourn**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to adjourn at 2:33 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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



