SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 7, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 7, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	**President**
George B. Cole	**Vice President**
Robert B. Arlett	**Councilman**
Irwin G. Burton III	**Councilman**
Samuel R. Wilson Jr.	**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 088 17 Amend and Approve Agenda

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to amend the Agenda by deleting "Recognition of Former Clerk of the Peace John Brady" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

The amended minutes of February 7, 2017 were approved by consent.

Minutes

The minutes of February 21, 2017 were approved by consent.

Mr. Moore read the following correspondence:

Corre-spondence

SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of grant.

Mr. Cole referenced an email he received pertaining to improving recreational opportunities in Sussex County, i.e. putting a golf course at Henlopen State Park.

<u>Public Comments</u>

Public Comments

Dan Kramer referenced the Sussex County Code and the scheduled hearing on this date on Conditional Use No. 2073 filed on behalf of Delmarva Power

(continued) **and Light Company.**

M 089 17 Approve Consent Agenda

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the following items listed under the Consent Agenda:

Wastewater Agreement No. 638-11
Sussex County Project No. 81-04
The Estuary Amenities Area
Miller Creek Sanitary Sewer District

Wastewater Agreement No. 634-2
Sussex County Project No. 81-04
Waters Run – Phase 2A and 2B
Fenwick Island Sanitary Sewer District

Wastewater Agreement No. 878-1
Sussex County Project No. 81-04
DRC Properties, LLC – Phase 1B
Fenwick Island Sanitary Sewer District

Motion Adopted: **5 Yeas.**

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

First Quarter Recognition Awards

Mr. Lawson recommended, and the Council agreed, to move forward on the Agenda to the First Quarter Employee Recognition Awards.

Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of fifteen (15) employees received recognition for the First Quarter of 2017. Mrs. Jennings announced that three employees received special recognition for the First Quarter of 2017. Kathleen McFadden, Library Department/Bookmobile, was selected to receive the First Quarter Customer Service Award, and two employees received Honorable Mention: Chip Stevenson in Emergency Operations and Bob Stuart in Emergency Medical Services.

State/ County Finance and Revenue Committee

Mr. Lawson provided an update on the State/County Finance and Revenue Committee which is reviewing the current budget situation with the State. He reported that, on February 22nd, representatives of all three counties met with Governor Carney and his staff to discuss the budget situation. Mr. Lawson referenced the outgoing Governor's proposed budget and he noted that Governor Carney plans to introduce his budget on March 23rd. Mr. Lawson commented on discussions with the Governor and he noted that the Governor is looking at all options and is asking for assistance and ideas. He also noted that the Governor is not looking to the municipalities to solve the budget woes of the State. Mr. Lawson also commented on reassessment, which is being discussed at the State level. He noted that

State/ County Finance and Revenue Committee (continued)

reassessment would cost Sussex County $9 million and that it would take several years to complete. Additionally, Mr. Lawson referenced potential impacts on paramedic and library funding, as well as a potential change in the senior tax credit.

Mr. Cole raised questions about reassessment. Mr. Moore stated that he will prepare a memo to Council regarding reassessment (based on State Law) and how it would take place.

Adminis-trator's Report

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

1. <u>Delaware State Police Activity Reports</u>

The Delaware State Police year-to-date activity reports for December 2016 and January 2017 are attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of December and 190 troopers for the month of January.

2. <u>Project Receiving Substantial Completion</u>

Per the attached Engineering Department Fact Sheet, Bay Forest Club – Phase 4.4 (construction record) received Substantial Completion effective March 1st.

3. <u>Mulberry Knoll Area Sewer District Public Hearing</u>

Please be advised there will be a Public Hearing on the Mulberry Knoll Area sewer boundary on Saturday, March 11, 2017, at 10:00 a.m. The hearing will be held at Metropolitan Community Church, 19369 Plantations Road, Rehoboth Beach, Delaware. Sussex County staff will provide a PowerPoint presentation explaining the project, the estimated rates, and the proposed boundary. Residents will have the opportunity to ask questions and request possible adjustments to the boundary.

4. <u>Sussex County Comprehensive Land Use Plan Workshop</u>

Please be advised the Sussex County Planning and Zoning Commission will host its first Comprehensive Land Use Plan Workshop tomorrow, Wednesday, March 8, 2017, at 10:00 a.m. The workshop is open to the public and will take place in the County Council Chambers located in the Administrative Offices building at 2 The Circle. A copy of the agenda is attached and can be reviewed online at www.sussexplan.com.

Administrator's Report (continued)

5. <u>S. Roxanne Merz</u>

It is with sadness that we note the passing of County pensioner S. Roxanne "Roxy" Merz on Thursday, February 16th. Roxy began her career with Sussex County in November 1986 as a Secretary and retired from the South Coastal Regional Wastewater Facility as a Clerk III Technician in November 2016 with 30 years of service. We would like to extend our condolences to the Merz family.

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

Public Hearing/ Sussex Consortium School/ Sewer District Boundary Expansion

A Public Hearing was held on the proposed boundary extension of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) to include the Sussex Consortium School project consisting of 24.82± acres.

John Ashman, Director of Utility Planning, reported that this extension request was presented by Davis, Bowen & Friedel, Inc. on behalf of the Cape Henlopen School District. The project will be responsible for System Connection Charges of $5,775.00 per EDU based on current rates. Mr. Ashman reported that the Engineering Department has received no calls or comments in support of or in opposition to the proposed annexation.

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

M 090 17 Adopt R 008 17

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 008 17 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) WEST REHOBOTH AREA, TO INCLUDE A PROPERTY SITUATED ON THE SOUTH SIDE OF COUNTY ROAD 261 (SWEETBRIAR ROAD). THE PARCEL IS LOCATED IN THE BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

Pension Committee Appointment

Mrs. Jennings recommended renewing the term of Kathleen Ryan on the Pension Committee. Ms. Ryan was originally appointed in 2014 to complete the term of a previous member.

M 091 17 Appointment

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council reappoints Kathleen Ryan to the Sussex County Pension Committee for a term of four years, ending March 2021.

M 091 17 (continued)

Motion Adopted: **5 Yeas.**

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

Quarterly Pension and OPEB Funds Update and Recom-mendations

Mrs. Jennings presented the quarterly update on the Pension and OPEB funds. The market value of the Pension Fund as of December 31, 2016 was $77,665,280 reflecting a Fourth Quarter return of 1.5% and a 7.5% return for the year. This rate of return out-performed the set rate of return assumption (7.25%).

The market value of the OPEB (Benefits) Fund was $32,798,392 reflecting a Fourth Quarter gain of 0.9%. and a 6.9% return for the year. Mrs. Jennings noted that this return is lower than the assumed rate of return and the Pension Committee has made a recommendation to make some adjustments to bring the return rate up. Mrs. Jennings reported that the current portfolio has two active equity managers, MFS Low Volatility Global Equity and American Funds International Growth & Income; both are defensive managers and perform better in a down market. She also reported that the Committee is looking for diversification and Artisan Global Opportunities and Dodge & Cox Global Stocks were compared and considered. Mrs. Jennings presented the recommended allocations which would add two managers that offset the defensive nature of Vanguard Total International Stock Index, removes a manager that has underperformed the index in the last quarter; and reallocates funds from domestic equities to international equities to align with the Committee's adopted targets in the investment policy statement:

Vanguard Institutional Index	**35.0%**
Vanguard Mid Cap Value Index	**6.7%**
Vanguard Small Cap Value Index	**3.3%**
MFS Low Volatility	**6.3%**
American Funds International Growth	**0.0%**
Vanguard Total International Stock Index	**7.6%**
Wilmington Trust Fixed Income	**33.2%**
Cash	**0.9%**
Artesian Global Opportunities	**3.5%**
Dodge & Cox Global Stock	**3.5%**

M 092 17 Reallocate OPEB Funds

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council, based on the recommendation of the Pension Committee and Peirce Park Group, reallocates the OPEB funds, as presented.

Motion Adopted: **5 Yeas.**

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

ACS Contract Extension Request

Scott Dailey, Recorder of Deeds, presented a request to extend the County's contract for document management software titled Information Technology Products and Services, dated March 26, 2012. The agreement was made between ACS Enterprise Solutions, LLC and Sussex County for the office of the Recorder of Deeds. Mr. Dailey stated that, due to the back-scanning project not scheduled to be completed until after the expiration of the agreement; he recommends a one year extension of the current agreement. He noted that the County would be able to terminate the contract for any reason on 30 days' notice.

Mr. Dailey also requested permission to release a Request for Proposals (RFP) for new document management software. He noted that the software the office currently uses is out of date.

M 093 17 Approve Contract Extension/ ACS Enterprise Solutions

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves an extension of the Recorder of Deeds' contract with ACS Enterprise Solutions, LLC which will allow the County to terminate the agreement within 30 days' notice, allowing the Recorder of Deeds to issue a Request for Proposals for a new document management contract.

Motion Adopted: **5 Yeas.**

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

Landfills Mainten-ance Contract

Hans Medlarz, County Engineer, reported on the bid results for a landfill site maintenance contract, a five-year contract proposal that includes maintaining pathways accessing the groundwater monitoring wells installed at, or near the sites. Mr. Medlarz reported that five bids were received and that the lowest responsive bidder was William F. Betts II, with a base bid of $18,900.00 for work in 2017, which decreases to $18,200.00 for the subsequent years. Additionally, the alternate bid of $18,990.00 includes the provision of crusher run, topping stone and filter fabric, if necessary.

M 094 17 Award Bid/ Landfills Mainten-ance Contract

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Base Bid and Alternate Bid for Contract #17-13, Sussex County Landfills 2017 Site Maintenance, be awarded to William Betts of Milton in the amount of $18,900.00 and $18,990.00 respectively, for an up-to-five year contract at the discretion of the Engineering Department, based on performance.

Motion Adopted: **5 Yeas.**

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

Fencing Services

Hans Medlarz, County Engineer, presented the bid results for a one year fencing services agreement, with a possible renewal for up to five years. Mr. Medlarz noted that, each year, fencing services are solicited on multiple occasions for fence installation and repairs at various County owned properties and that many of the properties' existing fence was originally installed in the 1970's and is in need of replacement. Mr. Medlarz reported that three bids were received; the lowest responsive bidder was Seagull Fence and Concrete, with a total annual Base Bid in the amount of $50,121.80 and an Alternate Bid of $1,270.00.

M 095 17 Award Bid/ Fencing Services

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Base Bid and Alternate Bid for Contract #17-14, Fencing Services, be awarded to Seagull Fence and Concrete of Laurel, Delaware, in the amount $50,121.80 and $1,270.00 respectively, for an up-to-five year contract at the discretion of the Engineering Department, based on performance.

Motion Adopted: **5 Yeas.**

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

Herring Creek Sewer District Area/ Land Acquisition Proposal

Hans Medlarz, County Engineer, presented a summary of the establishment of the Herring Creek Sewer District Expansion Area and he submitted a proposal to purchase land for the purpose of using the parcel for a pump station site or, more likely, for a key easement connecting two existing subdivisions and to use the site for a staging area during construction. The owner of the property is Treasure Homes, LLC and the property was appraised at $87,500.00; Treasure Homes, LLC is willing to sell the property at the appraised value with the stipulation of the County assuming the appraisal and closing costs, and the stipulation of first right of refusal to buy back the property at the previous purchase price (once construction of the sewer system concludes).

M 096 17 Approve Right-of-Way Purchase/ Herring Creek Sewer District Area

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the advance right-of-way purchase of Tax Parcel 234-17.00-213.00 from Treasure Homes, LLC for the Herring Creek Sewer System Expansion in the amount of $87,500.00 plus associated appraisal and closing costs.

Motion Adopted: **5 Yeas.**

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

Grants

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

M 097 17 Council-manic Grant

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give $1,000.00 from Mr. Arlett's Councilmanic Grant Account to the Greater Millsboro Chamber of Commerce for the Millsboro Stars & Stripes event.

Motion Adopted: 5 Yeas.

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

M 098 17 Council-manic Grant

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give $1,000.00 ($500.00 each from Mr. Cole's and Mr. Burton's Councilmanic Grant Accounts) to the Mid-Atlantic Symphony Orchestra for operating funds (concert series).

Motion Adopted: 5 Yeas.

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

M 099 17 Council-manic Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give $2,000.00 ($1,200.00 from Mr. Cole's Councilmanic Grant Account, $400.00 from Mr. Arlett's Councilmanic Grant Account, and $400.00 from Mr. Burton's Councilmanic Grant Account) to the Ocean View Historical Society for building construction costs.

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Zoning Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 33.3 ACRES, MORE OR LESS" (Conditional Use No. 2079) filed on behalf of Clean Bay Millsboro I (Tax I.D. No. 234-28.00-8.00) (911 Address: Not Available).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE

Introduction of Proposed Zoning Ordinances (continued)

LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 44.675 ACRES, MORE OR LESS" (Conditional Use No. 2080) filed on behalf of Clean Bay Millsboro II (Tax I.D. No. 234-28.00-8.00) (911 Address: Not Available).

Mr. Cole 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.4890 ACRES, MORE OR LESS" (Change of Zone No. 1823) filed on behalf of WMF Watercraft & Marine, Inc. (Tax I.D. No. 234-29.00-64.00, 64.01, and 65.00) (911 Address: 27037 John J. Williams Highway, Millsboro).

Mr. Arlett 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.38 ACRES, MORE OR LESS" (Change of Zone No. 1824) filed on behalf of Tomark, LLC (Tax I.D. No. 234-32.00-73.00) (911 Address: Not Available).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments

<u>Council Members' Comments</u>

Mr. Arlett commented on President Trump's signing of an executive order on the "Waters of the U.S." rule (WOTUS), and he referenced the involvement of the National Association of Counties (NACo).

Mr. Cole and Mr. Burton commented on the National Association of Counties (NACo) conference recently held in Washington D.C. and, specifically, a workshop on the opioids problem in the country. Mr. Cole suggested that the County host public meetings to bring awareness to this problem.

Mr. Arlett commented on the trash problem that exists in the County and stated that, despite efforts, it is still a major issue that needs to be addressed.

M 100 17 Recess/ Go Into Executive Session

At 11:31 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to job applicants' qualifications, personnel and land acquisition.

Motion Adopted: 5 Yeas.

M 100 17 (continued)

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

Executive Session

At 11:35 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to job applicants' qualifications, personnel and land acquisition. The Executive Session concluded at 12:13 p.m.

M 101 17 Reconvene

At 12:16 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: **3 Yeas, 2 Absent.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Absent; Mr. Cole, Yea; Mr. Vincent, Yea**

E/S Action

There was no action on Executive Session matters.

M 102 17 Recess

At 12:16 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:30 p.m.

Motion Adopted: **3 Yeas, 2 Absent.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Absent; Mr. Cole, Yea; Mr. Vincent, Yea**

M 103 17 Reconvene

At 1:33 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconvene.

Motion Adopted: **4 Yeas, 1 Absent.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea**

Absence

Mr. Burton was absent for the afternoon session.

Rules

Mr. Moore read the Rules of Procedure for Public Hearings.

Public Hearing/ CU 2064

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 MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS" (Conditional Use No. 2064) filed on behalf of R & K Partners.

Public Hearing/ CU 2064 (continued)

The Planning and Zoning Commission held a Public Hearing on this application on January 26, 2017 at which time action was deferred. On February 9, 2017, the Commission recommended that the application be approved with seven conditions.

(See the minutes of the meetings of the Planning and Zoning Commission dated January 26 and February 9, 2017.)

Janelle Cornwell, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation of approval.

An Exhibit Book was provided by the Applicant and previously distributed to the Council members.

The Council found that Dr. Hosmane was present with David Hutt, Attorney. They reported on the history of the property, uses and zonings of other properties in the area and along Savannah Road, the need for the proposed use, a rendition of the building, and the plans for the medical offices, if approved. Additionally, they reported that the proposed use is consistent with the Land Use Plan; that it is located in an Investment Level 2 Area; that no Traffic Impact Study was required; that there are no wetlands on the site; and that there are no other sensitive areas on the site.

There were no public comments.

The Public Hearing and public record were closed.

M 104 17 Adopt Ordinance No. 2482/ CU 2064

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2482 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS" (Conditional Use No. 2064) filed on behalf of R & K Partners, with the following conditions:

A. As stated by the Applicant, there shall be no more than 9,900 square feet of medical and professional office space.

B. As stated by the Applicant, the hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall not be any Sunday hours.

C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.

D. Any dumpsters shall be screened from view of neighboring properties and roadways.

E. There shall be a buffer along the boundary of this property and adjacent residential properties using the existing vegetation, or if that

M 104 17 Adopt Ordinance No. 2482/ CU 2064 (continued)

does not provide sufficient screening, using Leyland Cypress or similar vegetation. The existing vegetation or any plantings must be at least 5 feet tall at the time of construction. The design of the buffer and the vegetation used in the buffer area shall be included in the Final Site Plan.

F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.

G. 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 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Public Hearing/ CU 2070

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 SPECIAL NEEDS SCHOOL (SUSSEX CONSORTIUM) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.0 ACRES, MORE OR LESS" (Conditional Use No. 2070) filed on behalf of Cape Henlopen School District (Tax I.D. No. 235-27.00-20.00) (17344 Sweetbriar Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on January 2, 2017 at which time the Commission recommended that the application be approved with seven conditions.

(See the minutes of the Planning and Zoning Commission dated January 2, 2017.)

Janelle Cornwell, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation of approval.

An Exhibit Book was provided by the Applicant and previously distributed to the Council members.

The Council found that Bob Fulton, Superintendent for the Cape Henlopen School District, was present with Tim Willard, Attorney. They reported on the history and background of the Sussex Consortium, the proposed school and its purpose and the students it serves, the location of the proposed school, the zonings/uses of the surrounding properties, and the size and layout of the proposed building. Additionally, they reported that no Traffic Impact Study was required; that there is an area level study recommended and the District will contribute to that; that there are no wetlands on the site; and that there are no other environmental concerns.

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

M 105 17 Adopt Ordinance No. 2483/ CU 2070

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2483 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL (SUSSEX CONSORTIUM) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.0 ACRES, MORE OR LESS" (Conditional Use No. 2070) filed on behalf of Cape Henlopen School District, with the following conditions:

A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
B. The site shall comply with all requirements of the Sussex Conservation District.
C. All lighting shall be downward screened so that it does not shine on neighboring properties and roadways.
D. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
E. All dumpsters shall be screened from view of neighboring properties and roadways.
F. A landscape plan shall be submitted as part of the final site plan.
G. The final site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Public Hearing/ CU 2073

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY FOR AN EXPANSION TO AN EXISTING ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.493 ACRES, MORE OR LESS" (Conditional Use No. 2073) filed on behalf of Delmarva Power & Light Company (Tax I.D. No. 334-6.00-496.00-497.00) (911 Address: 18200 Coastal Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on February 23, 2017 at which the Commission recommended approval with four conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated February 23, 2017.)

Janelle Cornwell, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation of approval.

Public Hearing/ CU 2073 (continued)

An Exhibit Book was provided by the Applicant and previously distributed to the Council members.

The Council found that Jim Smith, Senior Public Affairs Manager for Delmarva Power and Light Company, was present with Shannon Burton Carmean, Attorney; Sonia Manchic-Gody with McCormick Taylor; Dr. Amy Williams, Toxicologist; and Neal Baker of Delmarva Power and Light Company. They discussed the history of the project, the application's compliance with the Zoning Code; the land and surrounding area and uses; the need for the project; the site plan and the engineering aspects of the project; addressed a concern about health problems associated with the facility; and responded to a question regarding the billboards on the property.

Public comments were heard.

Florin Covaci spoke in opposition to the application and expressed his concerns about potential health problems caused by magnetic fields.

The Public Hearing and public record were closed.

M 106 17 Adopt Ordinance No. 2484/ CU 2073

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2484 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY FOR AN EXPANSION TO AN EXISTING ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.493 ACRES, MORE OR LESS" (Conditional Use No. 2073) filed on behalf of Delmarva Power & Light Company, with the following conditions:

A. The perimeter of the substation shall be fenced.
B. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.
C. Any security lighting shall be screened away from neighboring properties and roadways.
D. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

M 107 17 Adjourn

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 2:53 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

{An audio recording of this meeting is available on the County's website.}