

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 7, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 7, 2020, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

**Call to
Order**

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

Mr. Vincent called the meeting to order.

**M 001 20
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Election of
Officers**

Mr. Lawson stated that, in accordance with Delaware Code and Sussex County Code, the County Council must elect officers for 2020.

**M 002 20
Elect
President**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, for the nomination and election of Michael H. Vincent to serve as President of the Sussex County Council in 2020.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**M 003 20
Elect
Vice
President**

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, for the nomination and election of I.G. Burton III to serve as Vice President of the Sussex County Council in 2020.

Motion Adopted: 5 Yeas.

**M 003 20
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Vincent, Yea;
Mr. Burton, Yea**

**2020
Council
Member
Appoint-
ments**

Mr. Lawson noted the requirement that Council appoint members to the various boards and committees and he referenced the recommendations included in Council packets for this meeting, as follows: Michael Vincent to the Delaware League of Local Governments; I.G. Burton as the Council's representative on the National Association of Counties Board of Directors; John Rieley to the Salisbury/Wicomico County MPO (District 5); Sam Wilson as the Council's representative on the Sussex Conservation District Board of Directors; Doug Hudson as the Council's representative on the Sussex County Airport Committee; and I.G. Burton and John Rieley as the Council's representatives on the Sussex County Land Trust.

**M 004 20
Approve
the 2020
Council
Member
Appoint-
ments**

A Motion was made by Mr. Vincent, seconded by Mr. Burton, that the Sussex County Council approves the 2020 Council Member appointments, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**2020
Legal
Counsel
Recommen-
dations**

Mr. Lawson referenced the appointment of Legal Counsel and the recommendation included in Council packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; and legal representation for the Board of Adjustment, Bond Issuance, Personnel Matters, Planning and Zoning Commission, and Sussex County Council/Government, as follows: Moore & Rutt, P.A.; Parkowski, Guerke and Swayze, P.A.; Ballard Spahr, LLP; and Young Conaway Stargatt & Taylor, LLP

**M 005 20
Approve
2020
Legal
Counsel
Appoint-
ments**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the 2020 appointment of Legal Counsel, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Rules of
Procedure/
Proposed
Change**

Mr. Lawson reviewed a proposed change to the Rules of Procedure which includes a new paragraph (10A.4) to codify the manner in which the County Council must deal with an Applicant who fails to appear during a public hearing; this information, which is listed in the County Code, states that the County Council must deny an application for the lack of a record; however,

Rules of Procedure/ Proposed Change (continued)	<p>it does provide the applicant the ability to submit a petition for reconsideration within fifteen (15) days.</p> <p>The new Paragraph 10A.4 stated that “If the applicant for a change of zone or conditional use fails to appear at the County Council hearing, the County Council shall deny the application for lack of a record. The applicant may submit a petition for reconsideration within fifteen (15) days and demonstrate the failure to appear was beyond the applicant’s control.” Mr. Lawson noted that this paragraph codifies what the Code requires and reflects the County’s current practice.</p>
M 006 20 Approve 2020 Rules of Procedure	<p>A Motion was made by Mr. Rieley, seconded by Mr. Burton, that the Sussex County Council approves the 2020 Rules of Procedure, as presented.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea</p>
Minutes	<p>The minutes of December 17, 2019 were approved by consent.</p>
Corre- spondence	<p>Mr. Moore reported on correspondence received from the following: Girl Scouts of the Chesapeake Bay, Southern Delaware Therapeutic Riding, Del-Mar-Va Council – Boy Scouts of America, Multiplying Good, Dr. Martin Luther King, Jr. Celebration Organization, and West Side New Beginnings.</p>
Public Comments	<p>A public comment period was held and the following spoke: Paul Reiger, Dan Kramer, and D.J. Hughes.</p>
Retiree Rob Davis	<p>The Council recognized Rob Davis, Engineering – Utility Planning, who is retiring after 31 years and 10 months of service to Sussex County.</p>
Public Hearing/ Proposed EDU Ordinance/ Clarified	<p>A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO RESTATE AND CLARIFY THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE XIII, SECTION 110-88, SUBSECTION D RELATING TO THE ESTABLISHMENT OF ANNUAL SERVICE CHARGES; DETERMINATION OF AMOUNT OF CHARGE”.</p> <p>Mr. Medlarz reported that this Draft Ordinance clarifies and restates the contents of Ordinance No. 2677 adopted on August 20, 2019. The Draft Ordinance’s effective date shall relate back to the August 20, 2019 adoption date of Ordinance No. 2677. Mr. Medlarz noted that the adopted Ordinance on August 20, 2019 was introduced and voted on in a slightly different format than the one which was posted on the website. The correction pertains to medical facilities (1.0 EDU per overnight bed capacity and treatment room listed under Hospitals).</p> <p>There were no public comments.</p>

(continued) **The Public Hearing and public record were closed.**

M 007 20
Adopt
Ordinance
No. 2698 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2698 entitled “AN ORDINANCE TO RESTATE AND CLARIFY THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE XIII, SECTION 110-88, SUBSECTION D RELATING TO THE ESTABLISHMENT OF ANNUAL SERVICE CHARGES; DETERMINATION OF AMOUNT OF CHARGE”.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Adminis-
trator’s
Report **Mr. Lawson read the following information in his Administrator’s Report:**

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for November 2019 is 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 194 troopers assigned to Sussex County for the month of November.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, The Estuary – Phase 2-3 (Construction Record) and Governors – Phase 3B received Substantial Completion effective December 12, 2019.

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

Private
Activity
Bond
Volume
Cap
Reassign-
ment **Mrs. Jennings reported that the County has received correspondence from the State of Delaware Department of Finance requesting that the unused portion of the County’s Annual Private Activity Bond Volume Cap be reassigned back to the State. The State plans to request that the federal government carry the unused portion for an additional three years to be used for the State Housing for qualified mortgage bonds. The annual allotment of private activity bond allocation expires annually from the federal government but can be carried forward up to three years for certain purposes if requested by the State issuer. Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low cost financing for private projects that serve a public purpose. Typically, every year, the County reassigns the unused portion back to the State and in return, the State will reassign the funds back to the County in a similar amount.**

M 008 20 **A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the**
Reassign **Sussex County Council reassigns the County’s 2019 unused Private**
Private **Activity Bond Volume Cap of \$31,765,000.**

Bond **Motion Adopted: 5 Yeas.**

Volume **Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;**
Cap **Mr. Wilson, Yea; Mr. Burton, Yea;**
 Mr. Vincent, Yea

Airport
Advisory **Eric Littleton, Airport Manager, presented for Council’s approval the**
Committee **Delaware Coastal Airport Advisory Committee members for the Year**
Members **2020.**

M 009 20 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the**
Appoint- **Sussex County Council appoints Gus Croll, Garrett Dernoga, Rick**
ments to **Garner, Larry Kelley, Jeff Reed, Mark Ryan, Ray Hopkins and Scott**
Airport **Thomas to the Delaware Coastal Airport Advisory Committee for 2020.**
Advisory

Committee **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea

Sussex **Robert Stuart, Director of EMS, and Robert Mauch, EMS Manager of**
County **Quality & Standards, announced that Sussex County Emergency Medical**
EMS/ **Services has earned accreditation from the Commission on Accreditation**
CAAS **of Ambulance Services (CAAS), one of the highest marks a pre-hospital**
Accredi- **EMS service can receive when evaluating its operation and the level of**
tation **service it provides to patients. The accreditation was awarded in late**
 December 2019, recognizing that Sussex County EMS meets or exceeds
 nationally-accepted high standards for patient care in the industry. This
 accreditation is the first ever for Sussex County EMS and is only the
 second advance life support (ALS) system in Delaware to earn such a
 distinction. With an estimated 21,000 EMS agencies in the United States
 alone, SCEMS is now among the 1% that have met the highest standards
 developed by the EMS industry leaders and have successfully proven this
 to the satisfaction of the CAAS Panel of Commissioners.

Draft **Hans Medlarz, County Engineer, presented Draft Ordinances providing for**
GOB **the issuance of Sussex County General Obligation Bonds to finance or**
Ordinances **reimburse the County for all or a portion of the costs of the extension of**
 sanitary sewer services to Wolfe Runne and Mallard Creek.

Introduction **Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE**
of Proposed **AUTHORIZING THE ISSUANCE OF UP TO \$1,701,000 OF GENERAL**
Ordinances/ **OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH**
 THE EXTENSION OF SANITARY SEWER SERVICES TO WOLFE

Introduction of Proposed GOB **RUNNE AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

Ordinances/ Wolfe Runne and Mallard Creek (continued) **Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,526,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO MALLARD CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

The Proposed Ordinances will be advertised for Public Hearing.

Western Sussex Transmission Facilities **Hans Medlarz, County Engineer, presented a recommendation to award the Western Sussex Transmission Facilities, Contract 3, RT-13 Alt. & Herring Run Road Force Mains, Project 19-27.**

M 010 20 Award Bid for Western Sussex Transmission Facilities/ Contract 3 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract 19-27, Western Sussex Transmission Facilities: Contract 3: RT-13 Alternate & Herring Run Road Force Mains, be awarded to A-Del Construction Co., for their base bid of \$2,980,602.00, contingent upon DNREC concurrence.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Western Sussex District Area Exp. **Hans Medlarz, County Engineer, presented a supplemental DNREC funding request for the Western Sussex District Area Expansion.**

M 011 20 Western Sussex District Area Exp. Project/ DNREC Funding Request **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department and Finance Departments, that the Sussex County Council authorizes the submission of a supplemental funding request to DNREC in the amount of \$600,000.00 for the Western Sussex District Area Expansion Project under the same affordability standard as the original funding package.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Building Demolition and Site Restoration **Hans Medlarz, County Engineer, presented a Balancing Change Order and request to grant Substantial Completion for Building Demolition and Site Restoration, Project C20-03.**

M 012 20 Grant Balancing Change Order/ Building Demolition and Site Restoration **A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract C20-03, Building Demolition and Site Restoration, be approved, increasing the contract amount by \$2,200.00, for a new contract total of \$62,148.75 and that Substantial Completion be granted effective December 19, 2019, and any held retainage be released in accordance with the contract documents.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Belt Press Procurement Project Bid Results **Hans Medlarz, County Engineer, presented a recommendation to award the Belt Press Procurement Project (Project M20-15). Mr. Medlarz noted that this is a South Coastal project; however, the equipment would be used in several situations.**

M 013 20 Award Bid/ Belt Press Procurement Project **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract M20-15, Belt Press Procurement, be awarded to Kershner Environmental Technologies, for their Alternate Bid 1 in the amount of \$295,000.00 contingent upon a successful on-site inspection.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Report and Close Record/ CU 2186 **Janelle Cornwell, Planning and Zoning Director, reported on Conditional Use No. 2186 filed on behalf of Mountaire Farms of Delaware, Inc. stating that, at the December 17, 2019 Council meeting, the Council extended the date for comments from the public (until December 26, 2019). Ms. Cornwell reported that comments were received and included in Council's packet for this meeting. The record was officially closed.**

Old Business/ CU 2190 **Under Old Business, the Council considered Conditional Use No. 2190 filed on behalf of Steven and Helene Falcone.**

The Planning and Zoning Commission held a Public Hearing on this application on September 26, 2019; on October 10, 2019, the Commission recommended denial of the application.

The County Council held a Public Hearing on this application on October 29, 2019 at which time action was deferred and the record was left open for the submission of a new site plan. Janelle Cornwell, Planning and Zoning Director, reported that a new site plan was submitted. On December 17,

**Old
Business/
CU 2190
(continued)**

2019, the Council deferred action again for further consideration. At that meeting, Mr. Burton expressed concern that, if Council approves this application, the Applicant could still submit an application to the Board of Adjustment for a variance. Also, at that meeting, Mr. Moore stated that he would have to look into whether or not the Council can make it a condition that an applicant cannot go to the Board of Adjustment for a variance. Additionally, Mr. Moore stated that since the Commission recommended denial, no conditions were prepared for the Council to consider.

**M 014 20
Adopt
Ordinance
No. 2699/
CU 2190**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2699 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS” (Conditional Use No. 2190) filed on behalf of Steven and Helene Falcone, based upon the record made at the Planning and Zoning Commission’s public hearing and the record made at the Sussex County Council’s public hearing, and for the following reasons and with the following conditions:

- 1. The site location is appropriate for the Applicant’s proposed use as an accounting office.**
- 2. DeIDOT did not require a Traffic Impact Study because the use would have a de minimus effect on traffic.**
- 3. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 4. The proposed improvements will significantly improve the aesthetics of the intersection at Beaver Dam and Church Roads.**
- 5. The property is located in a Sussex County-operated and maintained sanitary sewer and/or water district and the proposed wastewater capacity is available for the project.**
- 6. The use as a professional office is of a public or semi-public character that will benefit present and future residents of Sussex County by providing such a use in a convenient location.**
- 7. No one spoke in favor of or in opposition to the application.**
- 8. This approval is subject to the following conditions and stipulations:**
 - a. The use shall be limited to professional offices.**
 - b. This Conditional Use is approved subject to the Applicant’s newly submitted site plan entitled, “Lands H&S Properties, LLC”**

**M 014 20
Adopt
Ordinance
No. 2699/
CU 2190
(continued)**

prepared by The Kercher Group, Inc. dated November 11, 2019 which shows the site contains sufficient space for the use and required parking.

- c. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and by appointment during tax season.**
- d. The current structure is nonconforming and shall not be permitted for this use (business vs. residential). All future improvements on the property shall comply with all setbacks. The size and characteristics of this property may pose challenges to designing a building for the use that conforms with the setbacks on the property, and variances may need to be sought from the Board of Adjustment. The approval of this Conditional Use is not determinative of whether any variances should or should not be granted for this property.**
- e. No parking shall be permitted in the front yard setbacks. All parking shall be shown on the Final Site Plan.**
- f. All parking and entrances shall be in compliance with DelDOT requirements and the Sussex County Zoning Code. DelDOT approval shall be required before the Applicant receives Final Site Plan approval.**
- g. One unlighted sign shall be permitted on the property. The sign shall not exceed 36" by 36" and shall not be permitted in the front yard setback.**
- h. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- i. All stormwater management shall meet DNREC standards and shall be shown on the Final Site Plan.**
- j. The Applicant shall be required to remove all dead trees on the site and all landscaping shall be shown on the Final Site Plan.**
- k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU 2176**

The Council considered Conditional Use No. 2176 filed on behalf of KH Sussex, LLC.

The Sussex County Council held a Public Hearing on this application on September 17, 2019 at which time action was deferred and the record was left open for comments from agencies and responses from the public. The record was closed on December 17, 2019.

The Planning and Zoning Commission recommended approval of this application with stipulations.

**M 015 20
Adopt
Proposed
Ordinance/
CU 217/6
Denied**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE WITH FUELING STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS” (Conditional Use No. 2176) was filed on behalf of KH Sussex, LLC.

Motion Denied: 4 Nays, 1Yea.

**Vote by Roll Call: Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Wilson, Yea; Mr. Burton, Nay;
Mr. Vincent, Nay**

**Introduction
of Proposed
Ordinances**

Mr. Rieley introduced 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 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 32.43 ACRES, MORE OR LESS” (Conditional Use No. 2211) filed on behalf of Indian River School District (Tax I.D. No. 133-7.00-8.01) (911 Address: Not Available).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (48 APARTMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS” (Conditional Use No. 2212) filed on behalf of Brickyard Apartments, LLC (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 15-ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX

**Introduction
of Proposed
Ordinances
(continued)**

COUNTY, CONTAINING 220.38 ACRES, MORE OR LESS” (Conditional Use No. 2213) filed on behalf of Whitetail Lane, LLC (Tax I.D. No. 135-20.00-137.00) (911 Address: 17471 Whitetail Lane, Georgetown).

Mr. Vincent 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.093 ACRES, MORE OR LESS” (Change of Zone No. 1910) filed on behalf of Brickyard Apartments, LLC (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford).

Mr. Burton 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 C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRE, MORE OR LESS” (Change of Zone No. 1912) filed on behalf of Kyle Norwood and Katie Davidson (Tax I.D. No. 334-6.00-58.00) (911 Address: 16816 and 16820 Kings Highway, Lewes).

Mr. Rieley 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 HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.60 ACRES, MORE OR LESS” (Change of Zone No. 1913) filed on behalf of FW & SW Thoroughgood Family Limited Partnership (Tax I.D. No. 233-5.00-70.00) 911 Address: 30512 and 30540 Thorogoods Road, Dagsboro.

The Proposed Ordinances will be advertised for Public Hearing.

Council Members’ Comments

Mr. Rieley commented on his first year as a Sussex County Councilmember.

**M 016 20
Go Into
Executive
Session**

At 11:14 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to personnel, pending litigation, and land acquisition.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, Yea**

Executive Session **At 11:18 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to personnel, pending litigation and land acquisition. The Executive Session concluded at 1:17 p.m.**

M 017 20 Reconvene Regular Session **At 1:19 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Absent; Mr. Burton, Absent;
Mr. Vincent, Yea**

E/S Action **There was no action on Executive Session matters.**

M 018 20 Adjourn **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 1:20 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Absent; Mr. Burton, Absent;
Mr. Vincent, Yea**

Respectfully submitted,

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

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