

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 4, 2020**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 4, 2020, 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>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**Call to Order**

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

**Mr. Vincent called the meeting to order.**

**M 049 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**

**Minutes**

**The minutes of January 28, 2020 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore reported on correspondence received from the following: The Ark of Delaware.**

**Nemours  
and  
Bayhealth  
Presenta-  
tion**

**Cathy Kanefsky, Nemours Chief Development Officer, and Lindsay Rhodenbaugh, Bayhealth Foundation President, gave a presentation on the partnership between Bayhealth and Nemours Children's Health System to provide pediatric specialty care and senior care in Sussex County. The new medical facility currently under construction at Bayhealth's Sussex Campus is scheduled to open in Fall 2020. Ms. Kanefsky and Mr. Rhodenbaugh asked Council to give consideration to supporting this project.**

**Rules**

**Mr. Rutt read the rules of procedure for public hearings.**

**Public  
Hearing/  
CDBG**

**A Public Hearing was held on the development of the 2020 Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block**

**Public  
Hearing/  
CDBG  
(continued)**

**Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.**

**Brad Whaley, Director of Sussex County Community Development & Housing, announced that the purpose of the Public Hearing is to give the citizens the opportunity to participate in the application process. Mr. Whaley stated that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application to the DSHA and that the Department has held Public Hearings in all of the municipalities listed and the projects presented represent their requests.**

**Mr. Whaley reported that, over the past five years, the County and the communities within the County have received over \$8.1 million in Community Development Block Grant and HOME funding and have been able to assist 678 households and over 1,404 residents (primarily for housing rehabilitation, demolition, and sewer and water hook-ups).**

**Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported on the allocation of the funding during FY2018: approximately \$1,680,000 was received in CDBG and HOME funding and 137 low-to-moderate income households received assistance.**

**Mike Jones, Rehab Specialist, presented a program status update for 2019, showing some before and after pictures of projects completed.**

**Mr. Whaley reviewed the income guidelines and other requirements to qualify for housing rehabilitation.**

**Mr. Whaley reported on the prioritization plan of CDBG funds in rural communities.**

**Mr. Whaley noted that the public hearing on this date is held to collect information to make application for funding.**

**Mr. Whaley presented the FY20 CDBG request which includes municipality applications and the County application (scattered sites), a list of projects to be submitted to the Delaware State Housing Authority for CDBG funding. Projects include rehabs, sewer and water hookups, roofing and emergency home repair, The total requested amount is \$2,025,000.**

**Mr. Whaley noted that the total funding available is \$2,000,000 to \$2,500,000 for Sussex and Kent Counties and that the Delaware State Housing Authority will review the applications and determine how the funding will be awarded.**

**Public Hearing/  
CDBG  
(continued)**

**Mr. Whaley stated that, over the years, the County Council has provided funding for emergency projects. Mr. Whaley reviewed the primary uses for this funding and the number of households assisted.**

**Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, was in attendance and presented two proposed Resolutions for the Council's consideration.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 050 20  
Adopt  
R 001 20**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Resolution No. R 001 20 entitled "Fair Housing Resolution".**

**Motion Adopted: 5 Yeas.**

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

**M 051 20  
Adopt  
R 002 20**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Resolution No. R 002 20 entitled "Authorization to Submit Applications".**

**Motion Adopted: 5 Yeas.**

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

**Public Hearing/  
Wolfe  
Runne/  
Issuance  
of GOBs**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,701,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO WOLFE RUNNE AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".**

**This Ordinance provides for the issuance of up to \$1,701,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs of the extension of sanitary sewer services to Wolfe Runne (the "Project").**

**There were no public comments.**

**The public record and Public Hearing were closed.**

**M 052 20  
Adopt  
Ordinance  
No. 2703**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2703 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,701,000 OF GENERAL OBLIGATION BONDS**

**M 052 20  
(continued)**

**OF SUSSEX COUNTY IN CONNECTION WITH THE EXTENSION OF SANITARY SEWER SERVICES TO WOLFE RUNNE AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Motion Adopted: 5 Yeas.**

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

**M 053 20  
Adopt  
Loan  
Resolution/  
Wolfe  
Runne**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Loan Resolution entitled “A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY COUNCIL AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER SERVICES FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE”.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Mallard  
Creek/  
Issuance  
of GOBs**

**A Public Hearing was held on 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”.**

**This Ordinance provides for the issuance of up to \$1,526,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs of the extension of sanitary sewer services to Mallard Creek (the "Project").**

**There were no public comments.**

**The public record and Public Hearing were closed.**

**M 054 20  
Adopt  
Ordinance  
No. 2704**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2704 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”.**

**M 054 20  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 055 20  
Adopt  
Loan  
Resolution/  
Mallard  
Creek**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Loan Resolution entitled “A RESOLUTION OF THE COUNTY COUNCIL OF THE SUSSEX COUNTY COUNCIL AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER SERVICES FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE”.**

**Motion Adopted: 5 Yeas.**

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

**Caroling  
on The  
Circle  
Food Drive**

**Mr. Lawson announced that over \$4,000 and 28,000 donated food items were collected during the Caroling on The Circle Food Drive held in December 2019. The Council recognized the participants who helped in this effort. Mr. Lawson reported that the food items were distributed to various food pantries throughout Sussex County.**

**Board  
Appoint-  
ment**

**Mr. Lawson announced that Mr. Stephen McCabe’s term on the Board of Assessment Review will expire this month. (District 5)**

**M 056 20  
Board of  
Assessment  
Review  
Reappoint-  
ment**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council reappoints Mr. Stephen McCabe to the Sussex County Board of Assessment Review effective immediately for a term of five (5) years or until February 2025.**

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

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

**Board  
Appoint-  
ment**

**Mr. Lawson announced that Arthur Marvel has notified the County that he is resigning from the Board of Adjustment & Appeals (a/k/a Building Code Appeal Board and Housing Code Appeal Board) and that the position needs to be filled. Mr. Vincent has recommended that Mr. Greg Hill be appointed to fill the vacancy. (District 1)**

**M 057 20  
Board of  
Adjustment  
& Appeals  
Appoint-  
ment**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council appoints Mr. Greg Hill to the Sussex County Building Code Board of Adjustments & Appeals effective immediately until such time as the term expires in December 2020.**

**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. Council Meeting Schedule**

**A reminder that Council will not meet on Tuesday, February 11th. The next regularly scheduled Council meeting will be held on February 18th at 10:00 a.m.**

**SCRWF  
and  
RBWTP  
Project**

**Hans Medlarz, County Engineer, referenced the South Coastal Regional Wastewater Facility (SCRWF) Process Upgrade No. 3 and the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program (RBWTP CIP), Phase 2 and presented a Contract Amendment with GHD for Construction Engineering and Inspection Services, a Change Order to the Electrical Construction Project C19-17, and an Authorization to Proceed for DP&L with a power service relocation.**

**M 058 20  
Approve  
GHD  
Amend-  
ment 20/  
Base  
Engineering  
Contract**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering and Finance Departments, that Amendment No. 20 to the Base Engineering Contract with GHD, Inc. be approved in the amount not to exceed \$6,589,558.49 for Construction Engineering Services for the SCRWF Treatment Upgrade No. 3 and RBWTP CIP Upgrade Phase 2 Project.**

**Motion Adopted: 5 Yeas.**

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

**M 059 20  
Approve  
C/O #1/  
Electrical  
Con-  
struction**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract C19-17, SCRWF Treatment Process Upgrade No. 3 and RBWTP Capital Improvement Program, Phase 2 – Electrical Construction, be approved, decreasing the contract by \$759,374.80, for a new contract total of \$21,419,299.20.**

**Motion Adopted: 5 Yeas.**

**M 059 20  
(continued)**      **Vote by Roll Call:**      **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 060 20**      **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon**  
**Authori-**      **the recommendation of the Sussex County Engineering Department, that**  
**zation to**      **the County Council approves Delmarva Power to perform work at the**  
**Proceed/**      **South Coastal Wastewater Facility and the Rehoboth Wastewater**  
**DP&L**      **Treatment Plant in the not to exceed amount of \$175,000.00, for services**  
**Power**      **provided by the Utility.**  
**Service**

**Relocation**      **Motion Adopted:**      **5 Yeas.**

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

**Western**      **Hans Medlarz, County Engineer, presented Change Order No. 1 for**  
**Sussex**      **Western Sussex Contract 1 – Route 13 Force Main, Project 18-12. The**  
**Contract 1/**      **Change Order is for the Cannon Road concrete patch and contingent**  
**Route 13**      **borrow material due to overrun on an item directed by DelDOT for trench**  
**Force Main**      **backfill along Route 13.**

**M 061 20**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon**  
**Approve**      **the recommendation of the Sussex County Engineering Department, that**  
**C/O #1/**      **Change Order No. 1 for Contract 18-12, Western Sussex Transmission**  
**Western**      **Facilities, Contract 1, Route 13 Force Main, be approved, increasing the**  
**Sussex**      **contract by \$254,188.92, for a new contract total of \$3,479,008.92.**  
**Contract 1**

**Motion Adopted:**      **5 Yeas.**

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

**Admin.**      **Hans Medlarz, County Engineer, presented the bid results and**  
**Building**      **recommendation to award the bid for the Sussex County Administration**  
**Cooling**      **Building Cooling Tower Project (Project C20-04).**  
**Tower**

**M 062 20**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon**  
**Award**      **the recommendation of the Sussex County Engineering Department, that**  
**Contract/**      **Contract C20-04, Sussex County Administrative Building Cooling Tower,**  
**Admin.**      **be awarded to Joseph T. Richardson, for their best value bid in the amount**  
**Building**      **of \$120,000.00.**  
**Cooling**

**Tower**      **Motion Adopted:**      **5 Yeas.**

**M 062 20  
(continued)**

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

**Sycamore  
Chase/  
Request  
to Post  
Notices**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Sycamore Chase Expansion of the Sussex County Sanitary Sewer District (Miller Creek Area). Sycamore Chase is a proposed 104 lot subdivision. The Meadows at Bayard is a 10-lot subdivision that is currently restricted to 5 lots based on their existing on-site community septic system. The Sycamore Chase project will be providing a connection point for The Meadows at which point The Meadows owner will construct infrastructure to connect to that connection point and abandon the existing on-site system.**

**M 063 20  
Authorize  
Posting  
of Notices/  
Sycamore  
Chase**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Sycamore Chase Expansion of the Sussex County Unified Sanitary Sewer District to include Parcels 134-18.00-55.00,134-19.00-5.00 and 134-19.00-6.00 and The Meadows at Bayard located along Bayard Road, 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**

**Plantation  
Medical  
Annexa-  
tion/  
Request  
to Post  
Notices**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Plantation Medical Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The expansion would include two parcels along Plantation Road north of Route 24. The Engineering Department sent letters to the neighboring parcels asking them if they wished to be included in the District at the same time. The Metropolitan Community Church parcel has requested to be included. The next parcel did not respond to two separate letters so they were notified that the County would be requiring an easement at some time in the future.**

**M 064 20  
Authorize  
Posting  
of Notices/  
Plantation  
Medical  
Annexa-  
tion**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Plantation Medical and Professional Center Expansion of the Sussex County Unified Sanitary Sewer District to include Parcels 334-12.00-53.02 and 53.03 located on Plantation Road, 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**



**Grant Request**

**Mrs. Jennings presented a grant request for the Council's consideration.**

**M 065 20 Councilmanic Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$300.00 from Mr. Wilson's Councilmanic Grant Account to the Friends of the Georgetown Public Library for library programming.**

**Motion Adopted: 5 Yeas.**

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

**Introduction of Proposed Ordinances**

**Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR (MEDIUM DENSITY RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (75 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.34 ACRES, MORE OR LESS" (Conditional Use No. 2207) filed on behalf of CBB Cedar Pines, LLC (Tax I.D. No. 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00 – 1269.00) (911 Address: None Available).**

**Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 (GENERAL COMMERCIAL DISTRICT) FOR STONE & GRANITE RETAIL, FABRICATION, CUTTING, DISPLAYING & SELLING OF GRANITE, STONE & QUARTZ TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.80 ACRES, MORE OR LESS" (Conditional Use No. 2219) filed on behalf of 32630 DuPont Boulevard, LLC (Tax I.D. No. 233-16.00-27.00 (portion of) (911 Address: 32630 DuPont Blvd., Dagsboro).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**M 066 20 Go Into Executive Session**

**At 11:24 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition and job applicants' qualifications.**

**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 11:28 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 land acquisition and job applicants' qualifications. The**

**(continued) Executive Session concluded at 12:26 p.m.**

**M 067 20** At 12:28 p.m., a Motion was made by Mr. Hudson, seconded by Mr.  
**Reconvene** Burton, to come out of Executive Session and reconvene the Regular  
**Regular** Session.  
**Session**

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

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

**E/S Action No action was taken on Executive Session matters.**

**M 068 20** At 12:29 p.m., a Motion was made by Mr. Burton, seconded by Mr.  
**Recess** Hudson, to recess until 1:30 p.m.

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

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

**M 069 20** At 1:30 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson,  
**Reconvene** to reconvene.

**Motion Adopted: 5 Yeas.**

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

**Rules Mr. Moore read the rules of procedure for zoning hearings.**

**Public** A Public Hearing was held on the Proposed Ordinance entitled “AN  
**Hearing/** ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN  
**CU 2202** AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A  
LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN  
PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK  
HUNDRED, SUSSEX COUNTY, CONTAINING 6.345 ACRES, MORE  
OR LESS” (Conditional Use No. 2202) filed on behalf of John H.  
Passwaters (Tax I.D. No. 131-15.00-17.00) (911 Address: 18956 Sussex  
Highway, Bridgeville).

The Planning and Zoning Commission held a Public Hearing on this application on December 19, 2019 at which time the Commission recommended approval with conditions.

**Public  
Hearing/  
CU 2202  
(continued)**

(See the minutes of the Planning and Zoning Commission dated December 19, 2019.)

**Jamie Whitehouse, Acting Director of Planning and Zoning, presented the application.**

**The Council found that John Passwaters was present and stated that his application is for operating a small landscaping company; that the subject property has been operating as a farm for 80+ years; that there will be similar equipment on-site but much smaller; that operating times are 8:00 a.m. to 4:00 p.m. Monday through Friday and in April through July, on Saturdays from 8:00 a.m. to 4:00 p.m.; that there are no Sunday hours; that they provide snow removal services in the winter months, as needed; that the building closest to the highway will be used as an office with one person working in there; and that he resides on the property.**

**There were no public comments.**

**The public record and Public Hearing were closed.**

**M 070 20  
Adopt  
Ordinance  
No. 2705/  
CU 2202**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2705 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.345 ACRES, MORE OR LESS” (Conditional Use No. 2202) filed on behalf of John H. Passwaters, with the following conditions:**

- A. This use shall be limited to a landscaping business.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. The hours of operation shall be limited to 6:00 a.m. through 9:00 p.m. Monday through Sunday.**
- D. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- E. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
- F. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property’s setbacks.**
- G. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

**M 070 20  
(continued)**

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

**Public  
Hearing/  
CU 2203**

**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 TREE AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.227 ACRES, MORE OR LESS” (Conditional Use No. 2203) filed on behalf of Christopher Booth (Tax I.D. No. 433-7.00-13.01) (911 Address: 30725 Omar Road, Frankford).**

**The Planning and Zoning Commission held a Public Hearing on this application on December 19, 2019 at which time action was deferred. On January 9, 2020, the Commission recommended denial.**

**(See the minutes of the Planning and Zoning Commission dated December 19, 2019 and January 9, 2020.)**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that Christopher Booth, Owner and Applicant, and wife Krystal were present on behalf of the application. Mr. Booth stated that he wants to continue to operate a small landscaping business on the property; that his wife’s family has owned the property for many years; that he has no employees; that he does have a sub-contractor that helps out; that there is no office on the property; that he lives on the site with his family; that he does cut and store firewood on the site; that they do have bonfires on the site; that he has cleaned up the site and will continue to do so; that he has removed a lot of metals and trash from the property; that the Constables have visited the site twice and found no violations during the last visit; that the Bennett’s peach orchard is located adjacent to his property and the Bennetts have no problem with the application; and that numerous commercial businesses are located in the area.**

**There were no public comments in support of the application.**

**Public comments were heard in opposition to the application. Steven Harding, who lives directly behind Mr. Booth’s property, stated that the Applicant works on the weekends running chainsaws and generators; that there are people working on the site seven days a week; that the Applicant builds fires no more than 50 feet from his property line; that he can see and smell the smoke all the time; that there is trash everywhere on the Applicant’s property; and that this use, if allowed to continue, would devalue property values in the area.**

**There were no additional public comments.**

**Public  
Hearing/  
CU 2203  
(continued)**

**The public record and Public Hearing were closed.**

**Mr. Hudson and Mr. Rieley asked to defer action on the Proposed Ordinance. Mr. Rieley suggested that conditions be prepared for consideration.**

**M 071 20  
Defer  
Action on  
CU 2203**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to defer action on Conditional Use No. 2203 filed on behalf of Christopher F. Booth.**

**Motion Adopted: 5 Yeas.**

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

**M 072 20  
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 2:11 p.m.**

**Motion Adopted: 5 Yeas.**

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