

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 5, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 5, 2019, 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
David N. Rutt	Assistant County Attorney (A.M. Session)
Vincent Robertson	Assistant County Attorney (P.M. Session)

Call to Order

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

Mr. Vincent called the meeting to order.

**M 060 19
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the Agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del.C. §10004(b)” and “Possible Action on Executive Items” and to approve the Agenda, as amended.

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 29, 2019 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on ordinances, specifically relating to public and private stables and feed lots. Mr. Reiger also commented on the Board of Adjustment and variances considered by that Board.

Dan Kramer commented on the lack of action on previous public comments relating to the Board of Adjustment and Code fixes

**Delaware
Electric
Cooperative
Check**

Bill Andrew, President and Chief Executive Officer of the Delaware Electric Cooperative (DEC), presented a check to the Sussex County Council representing a capital credit allocation.

**Caroling
on The
Circle
Food
Drive**

Mr. Lawson announced that 31,473 food items were collected during the Caroling on The Circle Food Drive held in December 2018. The Council recognized participants who helped in this effort. Mr. Lawson reported that the food items were distributed to various food pantries throughout Sussex County.

Rules

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

**Public
Hearing/
CDBG**

A Public Hearing was held on the development of a Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block 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 \$7.7 million in Community Development Block Grant and HOME funding and have been able to assist 734 households and over 1,581 residents (including 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 FY2017: approximately \$1.5 million was received in CDBG and HOME funding and 127 low-to-moderate income households received assistance. Mr. Whaley noted that more than 70% of these projects were completed by companies that qualify under Section 3 and/or WBE/MBE/VBE designations.

Mr. Whaley presented a program status update for 2018.

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

Mr. Whaley reported on a plan implemented last year – a prioritization plan in rural communities.

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

**Public
Hearing/
CDBG
(continued)**

Mr. Whaley presented a list of the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

Municipality Applications:

Blades (Rehabs)	\$ 80,000
Bridgeville (Rehabs)	\$ 80,000
Ellendale (Rehabs)	\$ 80,000
Frankford (Rehabs)	\$ 80,000
Georgetown (Rehabs)	\$105,000
Laurel (Rehabs)	\$140,000
Millsboro (Infrastructure)	\$ 99,913
Milford (Rehabs)	\$105,000
Milton (Rehabs)	\$105,000
Seaford (Rehabs)	\$140,000
Selbyville (Rehabs)	\$140,000

County Application:

Scattered Rehab	\$300,000
Scattered Demo	\$ 40,000
Scattered Emergency Rehab	\$ 78,000
Scattered Hookups	\$ 40,000
Handicapped Accessibility (Rehabs)	\$ 48,000
Scattered Roofing (Rehabs)	\$182,000
Cedar Creek (Rehabs)	\$ 44,000
Cool Springs (Rehabs)	\$ 58,000
Coverdale Crossroads (Rehabs)	\$ 64,000
Rural Ellendale/Old State Road	\$ 74,000

TOTAL REQUESTED **\$2,047,913**

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.

Mr. Whaley stated that, over the years, the County Council has provided funding for emergency projects: FY2013 - \$220,000; FY2014 - \$250,000; FY2015 - \$300,000; FY2016 - \$100,000; FY2017 - \$150,000; FY2018 - \$175,000 and FY2019 - \$250,000 (64% complete). 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 to assist with the presentation and presented two proposed Resolutions for the Council's consideration.

There were no public comments.

The Public Hearing and public record were closed.

M 061 19 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt**
Adopt **Resolution No. R 007 19 entitled “RECOGNIZING THE**
R 007 19 **IMPORTANCE OF FAIR HOUSING”.**

Motion Adopted: 5 Yeas.

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

M 062 19 **A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt**
Adopt **Resolution No. R 008 19 entitled “AUTHORIZATION TO SUBMIT**
R 008 19 **APPLICATIONS” (COMMUNITY DEVELOPMENT BLOCK**
 GRANT)”.

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/
Proposed
Ordinance/
Chapter 99/
Street
Design
Standards

A Public Hearing was held on the Proposed Ordinance entitled “AN
ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III AND VI,
§§99-5, 99-18 AND 99-31, OF THE CODE OF SUSSEX COUNTY
REGARDING STREETS, STREET DESIGN STANDARDS AND
INSPECTIONS AND CLOSEOUT PROCEDURES”.

Chapter 99 of the Sussex County Code contains certain technical
requirements for the design, submission, and subsequent approval of Final
Site Plans for subdivisions, including the provision for the approval of the
Sussex Conservation District. The street design requirements contained in
Chapter 99 of the Code were revised and improved through the adoption of
Ordinance No. 2489 on March 28, 2017. After the implementation of
Ordinance No. 2489, the Engineering Department recognized that further,
minor modifications and corrections were necessary with regard to street
design standards and inspection and closeout procedures. Mr. Medlarz
highlighted the proposed changes.

Mr. Medlarz reported that the Planning and Zoning Commission
recommended approval of the Proposed Ordinance.

There were no public comments.

The Public Hearing and public record were closed.

M 063 19 **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt**
Adopt **Ordinance No. 2629 entitled “AN ORDINANCE TO AMEND CHAPTER**
No. 2629 **99, ARTICLES I, III AND VI, §§99-5, 99-18 AND 99-31, OF THE CODE**
 OF SUSSEX COUNTY REGARDING STREETS, STREET DESIGN

M 063 19 (continued) STANDARDS AND INSPECTIONS AND CLOSEOUT PROCEDURES”.

Motion Adopted: 5 Yeas.

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

Appointment to Board of Adjustments & Appeals

Mr. Lawson presented a recommended appointment to the Board of Adjustments and Appeals (aka Building Code Appeal Board and Housing Code Appeal Board) for District 4 due to a vacancy created with Bruce Mears’ appointment to the Planning and Zoning Commission.

M 064 19 Approve Appointment to Board of Adjustments & Appeals

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council appoints Mr. Scott Edmonston to the Sussex County Building Code Board of Adjustments and 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**

Appointment to Board of Assessment Review

Mr. Lawson presented a recommended reappointment of Lester Beachy to the Board of Assessment Review for District 2.

M 065 19 Reappointment to Board of Assessment Review

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, that the Sussex County Council appoints Mr. Lester Beachy to the Board of Assessment Review, effective immediately, for a term of five years or until February 2024.

Motion Adopted: 5 Yeas.

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

Wetlands and Buffers/ Working Group Discussion

Mr. Lawson presented on update on the Buffers & Wetlands Working Group. In December 2018, the Council requested that the Group be organized to review the Sussex County Code and develop recommendations on the topic of wetlands and buffers regulations for the Council to consider. Mr. Lawson reported on the group which consists of thirteen members (stakeholders and people with expertise) and the County’s consultant, Jim Eisenhardt with RK&K, Mr. Lawson reviewed the Working Group’s timeline: Phase I – definitions – Spring 2019 and Phase II – regulations – Summer 2019. The kick-off meeting will be held on February 13, 2019 at 2:00 p.m. at the West Complex.

**Adminis-
trator's
Report**

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

1. Council Meeting Schedule

A reminder that Council will not meet on February 12th. The next regularly scheduled Council meeting will be held on Tuesday, February 19th, at 10:00 a.m.

**Draft
Ordinance/
Pension
Ordinance**

Mrs. Jennings presented a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE".

Mrs. Jennings explained that the County Code should be amended to make sure the County Pension Plan continues to be considered as a qualified Pension Plan under the Internal Revenue Code. None of the revisions contained in the Draft Ordinance change the benefits that the County's employees are receiving today. The revisions simply make sure that the pension stays in a favorable tax status with the IRS so County employees do not get taxed on the contributions the County makes annually to the Pension Fund. Mrs. Jennings reviewed the proposed Code changes.

**Introduction
of Proposed
Ordinance**

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE".

The Proposed Ordinance will be advertised for Public Hearing.

**Affordable
Housing
RFP**

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, referenced the Council's approval of the issuance of the Affordable Housing Analysis RFP on October 23, 2018. She reported that the RFP was released on October 24, 2018. Seven (7) proposals were received; the RFP Review Panel reviewed the seven proposals and selected two firms to interview. The RFP Review Panel has recommended that the RFP be awarded to Lisa Sturtevant & Associates (LSA) at a cost of \$65,160.00 and with a timeline not to exceed six months. Mrs. Nauman outlined the reasons for the Panel's recommendation of LSA.

**M 066 19
Enter Into
Contract
with LSA**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council authorizes the Community Development & Housing Department to enter into a contract with Lisa Sturtevant & Associates to provide affordable housing analysis services for an amount not to exceed \$65,160.00.

Motion Adopted: 5 Yeas.

**M 071 19
(continued)**

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

**M 072 19
Council-
manic
Grant**

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

Motion Adopted: 5 Yeas.

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

**M 073 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,000.00 (\$500.00 each from Mr. Rieley's and Mr. Hudson's Councilmanic Grant Accounts) to Selbyville Middle School for National Blue Ribbon tile flooring.

Motion Adopted: 5 Yeas.

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

**M 074 19
County-
wide
Youth
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,000.00 from Countywide Youth Grants to Delaware Technical Community College for the Sussex County Science Fair.

Motion Adopted: 5 Yeas.

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

**Intro-
ductions**

There were no introductions of proposed zoning ordinances.

Comments

There were no Council Members' comments.

**M 075 19
Recess**

At 11:42 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess until 1:30 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**

M 076 19 **At 1:34 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Hudson,**
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. Robertson read the rules of procedure for public 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 2153 **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL**
 ESTATE AND INVESTING OFFICE TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH
 HUNDRED, SUSSEX COUNTY, CONTAINING 0.5005 ACRE, MORE
 OR LESS” (Conditional Use No. 2153) filed on behalf of Cassandra
 Toroian (Tax I.D. No. 334-13.00-181.00) (911 Address: 35568 Airport
 Road, Rehoboth Beach).

The Planning and Zoning Commission held a Public Hearing on this
application on January 10, 2019 at which time the Commission
recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated January 10,
2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

Ms, Cornwell reported that four letters of support were received.

The Council found that Taylor Trapp, Attorney, was present on behalf of
the Applicant, Cassandra Toroian, and her company, Belrock Capital. She
reported on the company’s current location, number of employees,
proposed relocation to the recently purchased property on Airport Road,
the character of the neighborhood and other businesses on or near Airport
Road, the proposed use as a small office which will serve only one client at a
time or serve clients via the phone, computer, etc., the use of the existing
parking area, compliance of the application with the Comprehensive Plan,
and the fact that DelDOT did not require a Traffic Impact Study.

There were no public comments.

The Public Hearing and public record were closed.

M 077 19 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt**
Adopt **Ordinance No. 2630 entitled “AN ORDINANCE TO GRANT A**
Ordinance **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**
No. 2630

**M 077 19
Adopt
Ordinance
No. 2630/
CU 2153
(continued)**

RESIDENTIAL DISTRICT FOR A REAL ESTATE AND INVESTING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5005 ACRE, MORE OR LESS” (Conditional Use No. 2153) filed on behalf of Cassandra Toroian, with the following conditions:

- A. The use shall be limited to a real estate and investing office.**
- B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- C. Any pole-mounted lights shall be downward screened so that the lights do not shine on neighboring properties or roadways.**
- D. The hours of operation shall be weekdays only, from 8:00 a.m. until 6:00 p.m. There shall not be any weekend hours.**
- E. The Applicant shall comply with all DelDOT entrance and roadway improvement requirements.**
- F. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- G. Parking in the front yard setback shall be permitted. This is consistent with other properties in the area. No parking spaces shall have direct access to Airport Road and no vehicles shall be permitted to back out of a parking space directly onto Airport Road.**
- 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.

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

**Public
Hearing/
CU 2154**

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 CONCRETE CONSTRUCTION BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.51 ACRES, MORE OR LESS” (Conditional Use No. 2154) filed on behalf of Arturo Granados-Gonzalez (Tax I.D. No. 134-14.00-20.00, 20.03 & 20.04) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on January 10, 2019 at which time action was deferred. On January 24, 2019, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated January 10 and 24, 2019.)

**Public
Hearing/
CU 2154
(continued)**

Janelle Cornwell, Planning and Zoning Director, presented the application.

An Exhibit Booklet was previously provided by the Applicant.

David Hutt, Attorney, was present on behalf of the owner of the property and the Applicant. He stated that the Applicant wishes to operate a concrete business with equipment storage on the site; that the rear half of the corner lot and the adjacent lot will be used for the business; that the Applicant had a previous Conditional Use denied and thereafter, sought a different site to relocate his business; that a relative lives on one of the parcels; that the barn on the one property will be used for storage; that the site would be a staging area for the business; that no business would be conducted on the site; that he has 10-15 employees; that employees come to the site to pick up company vehicles and equipment and travel to work sites; that there will be fencing and screening; that the business will operate from approximately two of the parcels only (on Parcel 20.03 and a portion of Parcel 20.00); that Parcel 20.04 would not be used; and that DelDOT did not require a Traffic Impact Study. Mr. Hutt referenced the application's compliance with the Comprehensive Plan.

There were no public comments.

The Public Hearing and public record were closed.

In response to Council's questions, Mr. Robertson reported that the Applicant does not propose to use Tax Parcel No. 134-14.00-20.04, leaving only 20.00 & 20.03 for a total acreage of 2.36 acres. Mr. Robertson stated that the title of the Ordinance can be amended to reflect this change.

**M 078 19
Adopt
Ordinance
No. 2631/
CU 2154**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2631 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE CONSTRUCTION BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.36 ACRES, MORE OR LESS" (Conditional Use No. 2154) filed on behalf of Arturo Granados-Gonzalez (Tax Parcel Nos. 134-14.00-20.00 & 20.03) (Tax Parcel No. 134-14.00-20.04 having been withdrawn from this application by the Applicant), as amended, with the following conditions:

- A. This use shall be limited to the Applicant's concrete form business with equipment storage. No retail sales or other business shall be conducted from the site.**
- B. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. The hours of operation shall be limited to 7:00 a.m. through 6:00 p.m.,**

**M 078 19
Adopt
Ordinance
No. 2631/
CU 2154
(continued)**

Monday through Saturday only.

- E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- F. A fence with landscaping shall be constructed along the perimeter of the site. The fencing and landscaping shall be shown on the Final Site Plan.**
- G. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
- H. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.**
- I. As stated by the Applicant, there shall be no dumping or storage of concrete or similar materials on the site. Also, all trucks and equipment shall be cleaned off-site.**
- J. All maintenance of vehicles and equipment shall be performed indoors.**
- K. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and those areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
- L. All concrete forms shall be stored in a location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the final Site Plan.**
- M. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- N. 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**

**Public
Hearing/
CU 2162**

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A PAVING CONSTRUCTION BUSINESS WITH AN OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.630 ACRES, MORE OR LESS" (Conditional Use No. 2162) filed on behalf of Yellow Metal, LLC (Tax I.D. No. 135-11.00-31.00) (911 Address: 20288 Broadogs Place, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on January 10, 2019 at which time action was deferred. The Commission deferred action again on January 24, 2019. As of this date, February 5, 2019, the Commission has not yet acted on the application and in accordance with new Council Rules of Procedure, the record will be left open for five days after the Commission issues its recommendation (for

**Public
Hearing/
CU 2162
(continued)**

receipt of written public comments only).

(See the minutes of the Planning and Zoning Commission dated January 10 and 24, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Blake Carey, Attorney, was present on behalf of the Applicant. Mr. Carey reported that the Applicant is under contract to purchase the property; that the Applicant proposes a paving and construction business; that there will be storage of paving equipment on the site; that Applicant employs fifteen to twenty employees depending on the season; that employees arrive at the site around 5:45 a.m. to load equipment, etc. and then leave the site to go to jobs offsite; that all jobs are off site; that employees return to the site around 6:00 p.m. to unload equipment, etc. and then leave; that approximately two to four employees remain on the site; that there are two buildings on the property and the one in the C-1 area will be used as an office; that the Applicant intends to use all the existing structures on the property; that there will be no retail sales or manufacturing on the property; that the paving equipment is proposed to be stored in the AR-1 portion; that the barn in the AR-1 portion will be used for the storage of equipment; that parking for employees will be around that barn; that there will be an office on the front portion of the site; that there is a large buffer of trees between the AR-1 portion of the property and Seashore Highway (Route 9); and that a Traffic Impact Study was not required. Mr. Carey referenced the application's compatibility with the area and compliance with the Comprehensive Plan.

There were no public comments.

The Public Hearing was closed. The public record will remain open for five days following the issuance of the Planning and Zoning Commission's recommendation (for written public comments only).

**M 079 19
Defer
Action on
CU 2162**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to defer action on Conditional Use No. 2162 filed on behalf of Yellow Metal, LLC.

Motion Adopted: 5 Yeas.

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

Mr. Burton recused himself from the next Public Hearing (Change of Zone No. 1866) and left the meeting.

**Public
Hearing**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL

**Public
Hearing/
CZ 1866
(continued)**

DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18.3155 ACRES, MORE OR LESS” (Change of Zone No. 1866) filed on behalf of Triple B Farms, LLC (Tax I.D. No. 235-27.00-11.00 (portion of) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on January 10, 2019 at which time action was deferred. On January 24, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated January 10 and 24, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Gene Bayard, Attorney; and Steve Fortunato of Becker Morgan Group; and Terry Murphy, President and CEO of Bayhealth were present on behalf of the application. They reviewed the property location; the variety of retail, commercial, medical and agricultural activities in the area including a Dollar General store and a mini-storage facility that is being constructed; the number of zoning changes in the area over the years; the significant residential development in the area, the area’s growing business corridor; the woods on the property and the existing stormwater pond; proposed access from Hudson Road; sewer and water service; the application’s compliance with the Comprehensive Plan; the use of the facility for outpatient services which will improve access and convenience to patients and provide a choice to a growing and aging population; the creation of approximately 45 new jobs; the facility will provide diagnostic services, walk-in care and primary care physician office spaces, etc., and that no Traffic Impact Study was required but that a traffic study is to be done as part of the site plan approval process. Mr. Fortunato presented the preliminary concept plan.

Public comments were heard.

Peter Roomet expressed concern about lighting and asked that any lighting be downward illuminated.

Paul Reiger commented on the Institutional zoning classification. He questioned height limitations in that zoning district and also, any variances that may come to Board of Adjustment for increased height.

William Miller expressed opposition to the application due to traffic concerns.

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

The Public Hearing and public record were closed.

**M 080 19
Adopt
Ordinance
No. 2632/
CZ 1866**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2632 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18.3155 ACRES, MORE OR LESS” (Change of Zone No. 1866) filed on behalf of Triple B Farms, LLC

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 081 19
Adjourn**

At 2:40 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Rieley to adjourn.

Motion Adopted: 4 Yeas, 1 Absent.

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