

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 13, 2018**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 13, 2018, 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>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore Jr.</b>	<b>County Attorney</b>

Todd F. Lawson, County Administrator, was not in attendance.

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 145 18  
Approve  
Agenda**

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

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

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

**Minutes**

The minutes of February 27, 2018 were approved by consent.

Mr. Cole joined the meeting.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on information provided on Board of Adjustment agendas, the need for additional information in advertisements, and an error in a recent advertisement which resulted in the need for re-advertisement of a public hearing.

Dan Kramer commented on advertising errors, the number of people that do not have access to a computer, and the need for additional information on advertisements.

**Atlantic  
General  
Hospital**

**Michael Franklin, President and Chief Executive Officer of Atlantic General Hospital, presented an update on Atlantic General Hospital & Health System - 2017 in review and what's coming in 2018 to serve the growing needs of the community, including proposed facility upgrades.**

**Public  
Hearing/  
Criswell  
Expansion  
of the  
SCUSSD**

**A Public Hearing was held on the Proposed Criswell Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area).**

**John Ashman, Director of Utility Planning, reported that the proposed expansion consists of 6.84 acres, more or less. This expansion was requested by Billie and Daren Criswell, the property owners. The parcels will be responsible for System Connection Charges of \$6,360.00 based on current rates. Mr. Ashman reported that no calls or emails have been received regarding the proposed expansion.**

**There were no public comments.**

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

**M 146 18  
Adopt  
R 004 18**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 004 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCEL 533-11.00-27.00 ON THE NORTH SIDE OF COUNTY ROAD 388 (DEER RUN ROAD); THE PARCEL IS LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE" (CRISWELL EXPANSION – JOHNSON'S CORNER AREA).**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
General  
Obligation  
Bonds/  
Herring  
Creek**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".**

**This Ordinance provides for the issuance of up to \$4,287,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Herring Creek.**

**Public Hearing/  
General Obligation  
Bonds/  
Herring  
Creek  
(continued)**

**Hans Medlarz, County Engineer, reported that the Finance and Engineering Departments recommend Council's approval of the Proposed Ordinance in connection with the construction and equipping of Phase I (local transmission systems) of the Herring Creek Area Expansion of the Sussex County Unified Sanitary Sewer District.**

**There were no public comments.**

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

**M 147 18  
Adopt  
Ordinance  
No. 2552**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2552 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".**

**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  
Employee  
Recognition  
Awards**

**Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of thirty-seven (37) employees received recognition for the First Quarter of 2018. Mrs. Jennings announced that three employees received special recognition for the First Quarter of 2018. Beverly Downes (Buildings and Grounds) was selected to receive the First Quarter Customer Service Award, and two employees received Honorable Mention: Kyle Belle (Buildings and Grounds) and Lewis Sacks (Emergency Medical Services).**

**Wastewater  
Agreement**

**Mrs. Jennings presented a wastewater agreement for the Council's consideration.**

**M 148 18  
Execute  
Wastewater  
Agreement/  
Marsh  
Farm  
Estates**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 892-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Marsh Farm, LLC for wastewater facilities to be constructed in Marsh Farm Estates – PS & FM Construction, located in Angola Neck 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**

**Quarterly Pension Update** Mrs. Jennings presented a quarterly pension update including a performance summary, a recommendation to change Investment Policy Statement changes, and a recommendation to add global equity active managers.

**Performance Summary** – The market value for the Pension Fund was \$93,818,931; the Fourth Quarter return was 4.0%; the One Year return was 13.9%. The market value for the OPEB Fund was \$43,158,302; the Fourth Quarter return was 3.8%; the One Year return was 14.3%.

Mrs. Jennings reported on the Pension Committee’s recommendation to change the Investment Policy Statement to increase the national equity target by 4 percent for both funds (Pension and OPEB).

**M 149 18 Change Investment Policy Statements** A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council, based on the recommendation of the Pension Committee, changes the Investment Policy Statements of both the Pension and OPEB Funds to increase the international equities target by 4% bringing it to 18%.

**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 Update (continued)** Mrs. Jennings reported that the Pension Committee reviewed the managers for the Pension Fund and discussed the underperformance of the State of Delaware’s Investment Pool. The Committee reviewed several global managers and recommended using both MFS and Schrodgers as managers for the following reasons: solid performance since inception in 2011, most down-market protection and low cost (MFS); and solid long-term performance, well-diversified with 425 holdings and low cost (Schrodgers). Mrs. Jennings reviewed the proposed allocations in the Pension Fund based on the changes proposed (increasing International 4% and adding two global managers).

**M 150 18 Add Global Active Managers** A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Pension Committee, add Schrodgers and MFS Low Volatility as Global Active Managers in the County’s pension portfolio and allocate the funds by percentage, 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

**Pension Update** Mrs. Jennings reported that the OPEB Fund allocation would also have to

**Quarterly Pension Update (continued)**

be changed due to the 4% increase in International Stock. She noted that no new managers are added to this portfolio; however, more is being added to the current Global Equity Managers and one of the Index Funds in International.

**M 151 18 Approve Allocation of 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, allocate 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**

**Administrator's Report**

Mrs. Jennings read the following information in the Administrator's Report:

**1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet March 19<sup>th</sup> at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Mr. Patrick Carney, Outreach and Education Coordinator, Delaware Senior Medicare Patrol, will be speaking on "*What You Can Do to Prevent Medicare Fraud.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss planning for the annual conference. A copy of the agenda for each meeting is attached.

**2. Delaware State Police Activity Report**

The Delaware State Police year-to-date activity report for February 2018 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 190 troopers assigned to Sussex County for the month of February.

**3. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Sea Star Village (formerly Topsail Village) @ Millville by the Sea – Sections 1 and 2, effective February 27<sup>th</sup>; The Landings at Pepper Creek (a/k/a The Marina at Pepper's Creek) – Phase 3-5, effective March 1<sup>st</sup>; and Coastal Club – Land Bay 2A (Construction Record), effective March 2<sup>nd</sup>.

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

**Airport Advisory Committee Appointment** Jim Hickin, Airport Manager, recommended the appointment of Ray Hopkins to the Airport Advisory Committee. Mr. Hopkins would fill the Representative at Large position on the Committee; the position was recently held by Richard Wilson who resigned from the position in February.

**M 152 18 Approve Appointment to Airport Advisory Committee** A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council appoints Ray Hopkins to the Delaware Coastal Airport Advisory Committee for 2018.

**Motion Adopted:** 5 Yeas.

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

**Contract Amendment** Hans Medlarz, County Engineer, presented a request for approval of Contract Amendment No. 12 to the Base Engineering Contract for the North Coastal Planning Area.

**M 153 18 Approve Amendment to Base Engineering Contract/ North Coastal Planning Area** A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 12 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed \$329,119.00 for final design of the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District and Amendment No. 11 be reduced by \$51,242.00.

**Motion Adopted:** 5 Yeas.

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

**Bid Results/ Dual Wheel Tractor** Hans Medlarz, County Engineer, presented the bid results for a Dual Wheel Tractor with Loader (Project #18-05). Four bids were received. The Engineering Department recommends awarding the bid to Atlantic Tractor, LLC and selling the current tractor.

**M 154 18 Award Bid/ Dual Wheel Tractor** A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Contract 18-05, Dual Wheel Tractor with Loader, be awarded to Atlantic Tractor, LLC for the best value offer of \$109,500.00, and that the inoperable tractor be sold at the next auction.

**Motion Adopted:** 5 Yeas.

**M 154 18**  
**(continued)**      **Vote by Roll Call:    Mr. Arlett, Yea; Mr. Burton, Yea;**  
   **Mr. Wilson, Yea; Mr. Cole, Yea;**  
   **Mr. Vincent, Yea**

**Mr. Cole requested that a reserve amount be placed on the sale of the current tractor.**

**Request to Post Notices/Chandlee Expansion of the SCUSSD**      **John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the expansion of the Sussex County Unified Sanitary Sewer District (Bethany Beach Area) to include Parcel No. 134-17.00-10.00 owned by Josh and Sara Chandlee. Mr. Ashman reported that the parcel was provided a sewer lateral connection as part of a previous project. Mr. Ashman stated that the Engineering Department would like to include Parcel 9.00 as part of the expansion as the parcel was also provided a lateral. The expansion will consist of 1.04 acres more or less. The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.**

**M 155 18**  
**Authorize Notices/Chandlee Expansion of the SCUSSD**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Engineering Department is authorized to prepare and post notices for the Chandlee Expansion of the Sussex County Unified Sanitary Sewer District (Bethany Beach Area), 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**

**Old Business/ CU 2102**      **Under Old Business, the Council considered Conditional Use No. 2102 filed on behalf of Arturo Granados – Gonzalez.**

**The Planning and Zoning Commission held a Public Hearing on this application on September 28, 2017 at which time action was deferred; on October 12, 2017, the Commission recommended that the application be approved with conditions.**

**The County Council held a Public Hearing on this application on October 31, 2017 at which time action was deferred and the record was left open for the purpose of (1) receiving information from DNREC regarding the septic system and (2) receiving information regarding traffic accidents. Information received was reported to Council on December 12, 2017.**

**M 156 18**  
**Adopt Proposed Ordinance/ CU 2102**      **A Motion was made by Mr. Cole, 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 CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX**

**M 156 18** COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS” (Conditional  
**Adopt** Use No. 2102) filed on behalf of Arturo Granados-Gonzalez, with the  
**Proposed** conditions recommended by the Planning and Zoning Commission.  
**Ordinance/**

**CU 2102**  
**(continued)**

**Motion Denied: 4 Nays, 1 Yea.**

**DENIED**

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

**(It was noted that the County will work with the Applicant to allow time for relocation.)**

**Old**  
**Business/**  
**CU 2106**

**Under Old Business, the Council considered Change of Zone No. 1832 and Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC.**

**The Planning and Zoning Commission held a Public Hearing on these applications on November 16, 2017 at which time action was deferred; on December 14, 2017, the Commission recommended that the applications be approved.**

**The County Council held a Public Hearing on the applications on December 5, 2017 at which time action was deferred.**

**M 157 18**  
**Adopt**  
**Proposed**  
**Ordinance/**  
**CZ 1832**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the Proposed Ordinance (Change of Zone No. 1832) filed on behalf of MDI Investment Group, LLC).**

**WITH-  
DRAWN**

**Mr. Burton requested that action be deferred for one week on Change of Zone No. 1832 and Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC.**

**Mr. Arlett and Mr. Cole withdrew their Motions.**

**M 158 18**  
**Defer**  
**Action on**  
**CZ 1832**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to defer action on Change of Zone No. 1832 filed on behalf of MDI Investment Group, LLC for one week.**

**Motion Adopted: 5 Yeas.**

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

**M 159 18**  
**Defer**  
**Action on**  
**CU 2106**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to defer action on Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC for one week.**

**Motion Adopted: 5 Yeas.**



**M 159 18  
(continued)**

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

**Old  
Business/  
CZ 1836**

**Under Old Business, the Council considered Change of Zone No. 1836 filed on behalf of Softball World, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2017 at which time action was deferred; on December 21, 2017, the Commission recommended that the application be approved.**

**The County Council held a Public Hearing on this application on January 23, 2018 at which time action was deferred for information from the County's Airport Manager regarding the location of the proposed hotel in the flight path of the Airport.**

**Janelle Cornwell, Planning and Zoning Director, advised that a report was received from Jim Hickin, Airport Manager, stating that the project would have to comply with any rules and regulations that apply to the Airport and Airport area which would be addressed as part of the Site Plan process.**

**Jim Hickin, Airport Manager, was present and in response to questions, stated that, if the application is approved, one of the next steps is that the application would have to be approved by the FAA, DelDOT, and the County.**

**M 160 18  
Adopt  
Ordinance  
No. 2553/  
CZ 1836**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to Adopt Ordinance No. 2553 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS" (Change of Zone No. 1836) filed on behalf of Softball World, LLC.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

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

**M 161 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Trinity Foundation for the Heart & Sole 5K Event Fundraiser.**

**Motion Adopted: 5 Yeas.**

**M 161 18  
(continued)**

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

**M 162 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Arlett's and Mr. Vincent's Councilmanic Grant Accounts) to the Laurel Chamber of Commerce for the Bike and Brew Cycling Event Fundraiser.**

**Motion Adopted: 5 Yeas.**

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

**M 163 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$1,500.00 (\$300.00 from each Councilmanic Grant Account) to the American Cancer Society for Relay for Life of Sussex County.**

**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. 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS" (Change of Zone No. 1851) filed on behalf of The Evergreen Companies, LLC. (Tax I.D. No. 335-8.00-44.00) (911 Address: 16386 Gills Neck Road, Lewes).**

**Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.33 ACRES, MORE OR LESS" (Conditional Use No. 2134) filed on behalf of The Evergreen Companies, LLC (Tax I.D. No. 335-8.00-44.00) (911 Address: 16386 Gills Neck Road, Lewes).**

**Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL**

**Introduction of Proposed Zoning Ordinances (continued)** **PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1359, ORDINANCE NO. 1279, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 65.125 ACRES, MORE OR LESS” (Change of Zone No. 1852) filed on behalf of Canal Corkran, LLC (Tax I.D. No. 334-13.00-363.00, 363.01, and 363.02 and 334-13.00-1298.00-1414.00 and 334-13.00-1447.00) (911 Address: Not Available).**

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

**Council Members’ Comments**

**Council Members’ Comments**

**Mr. Cole commented on a Board of Adjustment issue in the Irons Lane Subdivision.**

**M 164 18 Recess**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:30 p.m.**

**Motion Adopted: 5 Yeas.**

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

**M 165 18 Reconvene**

**At 1:31 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton to reconvene.**

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

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

**Rules**

**Mr. Moore reviewed the rules of procedure for public hearings.**

**Mr. Wilson joined the meeting.**

**Public Hearing/ CU 2115**

**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 MODIFICATION OF CONDITIONAL USE NO. 1018 TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.914 ACRES, MORE OR LESS” (Conditional Use No. 2115) filed on behalf of Nanticoke Indian Association, Inc.**

**The Planning and Zoning Commission held a Public Hearing on this application on February 8, 2018 at which time action was deferred. On**

**Public  
Hearing/  
CU 2115  
(continued)**

**February 22, 2018, the Commission recommended approval with conditions:**

- A. The Electronic Message Center sign area shall not exceed 24 feet per side.**
- B. A Final Site Plan showing the location of the sign on the site shall be submitted to the Planning and Zoning Commission for approval.**
- C. The Electronic Message Center shall comply with all of the sign regulations set forth in the Sussex County Zoning Code including brightness and motion standards.**
- D. The Electronic Message Center shall be used as an on-premises Electronic Message Center and shall not be used as an off-premises Electronic Message Center.**

**(See the minutes of the Planning and Zoning Commission dated February 8 and 22, 2018.)**

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

**An Exhibit Booklet was previously provided by the Applicant and distributed to the Council.**

**The Council found that Seth Thompson, Attorney, was present with Natosha Carmine, Chief of the Nanticoke Indian Association, and Tribal Councilmember Mike Harmon. They presented information on the background and the mission of the Association; the Association's prior sign and need for a new sign; the approval of Conditional Use No. 1018 (Ordinance No. 859) which allows an on-premises electronic sign; and the compliance of the request with the County's Zoning Ordinance.**

**There were no public comments.**

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

**M 166 18  
Adopt  
Ordinance  
No. 2554/  
CU 2115**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2554 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODIFICATION OF CONDITIONAL USE NO. 1018 TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.914 ACRES, MORE OR LESS" (Conditional Use No. 2115) filed on behalf of Nanticoke Indian Association, Inc., with the following conditions:**

- A. The Electronic Message Center sign area shall not exceed 24 feet per side.**
- B. A Final Site Plan showing the location of the sign on the site shall be submitted to the Planning and Zoning Commission for approval.**

**M 166 18  
Adopt  
Ordinance  
No. 2554/  
CU 2115  
(continued)**

- C. The Electronic Message Center shall comply with all of the sign regulations set forth in the Sussex County Zoning Code including brightness and motion standards.**
- D. The Electronic Message Center shall be used as an on-premises Electronic Message Center and shall not be used as an off-premises Electronic Message Center.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1844**

**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 DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS” (Change of Zone No. 1844) filed on behalf of Boardwalk Development, LLC, aka Westridge Shores (Tax I.D. No. 234-17.00-165.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on February 8, 2018 at which time action was deferred. On February 22, 2018, the Commission recommended that the application be approved, with the following conditions:**

- A. The maximum number of lots shall not exceed 54 single family lots.**
- B. A homeowner’s association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water.**
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be opened in a manner which is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
- H. No wetlands shall be included within any individual lots. Any**

**Public  
Hearing/  
CZ 1844  
(continued)**

- wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan.
- I. As stated by the Applicant, all amenities shall be completed prior to the issuance of the 27th building permit.**
  - J. A 20 foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees.**
  - K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
  - L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
  - M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
  - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated February 8 and 22, 2018.)

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

**An Exhibit Booklet was previously provided by the Applicant and distributed to the Council.**

**The Council found that Ken Christenbury of Axiom Engineering was present with Joseph Reed on behalf of the application. He stated that they propose 54 single family dwellings on 21.32 acres with a density of 2.54 units per acre; that the project will be known as Westridge Shores Residential Planned Community; that the project is consistent with the character and trend of the area; that other densities in the area include 2.67 units per acre and 9.32 units per acre; that they are proposing 43 percent open space; that they propose a single dock for launching canoes and kayaks which will require DNREC approval; that a previous plat recorded in the 1950's was for a higher density; that the site is currently vacant wooded lands; that a Traffic Impact Study was not required; that the project will be serviced with County sewer and central water; that the project is consistent with the residential area involving a variety of housing types; and that the project will not adversely affect area waterways in that the surface and stormwater management plan will provide containment and treatment on site.**

**Mr. Reed referenced an access that is part of Shawn's Hideaway and confirmed that the proposed project adjoins Shawn's Hideaway.**

**Public  
Hearing/  
CZ 1844  
(continued)**

**Mr. Christenbury referenced the PLUS Review and commented on the application's compliance with the County's Comprehensive Land Use Plan and the Strategies for State Policies and Spending Map.**

**Mr. Cole raised a question about minimizing any taking of the trees along any of the lots facing Hopkins Prong.**

**There were no public comments.**

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

**M 167 18  
Adopt  
Proposed  
Ordinance/  
CZ 1844**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt 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-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS" (Change of Zone No. 1844) filed on behalf of Boardwalk Development, LLC, aka Westridge Shores.**

**MOTION  
WITH-  
DRAWN**

**Mr. Cole and Mr. Wilson withdrew their Motions.**

**M 168 18  
Amend  
Condition**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend Condition J recommended by the Planning and Zoning Commission by adding at the end, the following: "Trees shall be left to the extent possible and removal shall be minimized next to the Hopkins Prong."**

**Motion Adopted: 5 Yeas.**

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

**M 169 18  
Adopt  
Ordinance  
No. 2555/  
CZ 1844**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2555 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS" (Change of Zone No. 1844) filed on behalf of Boardwalk Development, LLC, aka Westridge Shores, with the following conditions, as amended:**

- A. The maximum number of lots shall not exceed 54 single family lots.**
- B. A homeowner's association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers,**

**M 169 18  
Adopt  
Ordinance  
No. 2555/  
CZ 1844  
(continued)**

- stormwater management facilities, streets, amenities and other common areas.
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
  - D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
  - E. The RPC shall be served by central water.**
  - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be opened in a manner which is consistent with Best Management Practices.**
  - G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
  - H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan.**
  - I. As stated by the Applicant, all amenities shall be completed prior to the issuance of the 27th building permit.**
  - J. A 20 foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees. Trees shall be left to the extent possible and removal shall be minimized next to the Hopkins Prong.**
  - K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
  - L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
  - M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
  - O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1845**

**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 1845  
(continued)**

**DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.0576 ACRES, MORE OR LESS” (Change of Zone No. 1845) filed on behalf of LMHT, LLC. (Tax I.D. No. 334-12.00-57.01) (911 Address: Not Available).**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on January 25, 2018 at which time action was deferred. On February 8, 2018, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated January 25 and February 8, 2018.)**

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

**An Exhibit Booklet was previously submitted by the Applicant and distributed to the Council.**

**The Council found that Eugene Bayard, Attorney, was present on behalf of the landowner, J. G. Townsend, Jr. & Co., and the Applicant, LMHT, LLC. Also present were Ring Lardner of Davis Bowen & Friedel, Inc. and Nick Hammonds and Doug Motley, Principals of LMHT, LLC. They presented a history of the property; discussed the trend of development in the area; reported on the site and site conditions; noted that the proposed change of zone is consistent with land uses in the area; stated that this 6 acre parcel is not agriculturally viable; and noted that a Traffic Impact Study was not required; however, DelDOT reserved the right to require a future study if a preliminary site plan warrants one.**

**Mr. Bayard referenced the PLUS Review and commented on the application’s compliance with the County’s Comprehensive Land Use Plan.**

**There were no public comments.**

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

**M 170 18  
Adopt  
Ordinance  
No. 2556/  
CZ 1845**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2556 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.0576 ACRES, MORE OR LESS” (Change of Zone No. 1845) filed on behalf of LMHT, LLC.**

**Motion Adopted: 5 Yeas.**

**M 170 18  
(continued)**

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

**M 171 18  
Adjourn**

**At 2:28 p.m., a Motion was made Mr. Arlett, seconded by Mr. Wilson, to  
adjourn.**

**Motion Adopted: 5 Yeas.**

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