

## **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 17, 2020**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 17, 2020, at 12:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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|--------------------------------|---|
| Call to Order                  | <p>The Invocation and Pledge of Allegiance were led by Mr. Vincent.</p> <p>Mr. Vincent called the meeting to order.</p>   |
| M 123 20<br>Approve<br>Agenda  | <p>A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to approve the Agenda, as amended on March 16, 2020.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;<br/>Mr. Wilson, Yea; Mr. Burton, Yea;<br/>Mr. Vincent, Yea</p>  |
| Minutes                        | <p>The minutes of March 10, 2020 were approved by consent.</p>  |
| Adminis-<br>trator's<br>Report | <p>Mr. Lawson read the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><li><u>Council Meeting Schedule</u><p>A reminder that Council will not meet on March 24th. At this time, the next regularly scheduled Council meeting is scheduled for Tuesday, March 31st, at 10:00 a.m. However, given the current situation related to the COVID-19 outbreak, the County's operational schedule may be affected. Members of the public are encouraged to monitor the County's status on our website at <a href="http://www.sussexcountyde.gov">www.sussexcountyde.gov</a>.</p></li><li><u>Sussex County Operations Update – COVID-19</u><p>Sussex County officials continue to monitor the COVID-19 outbreak and adjust the County's operations balancing the need to protect the safety and welfare of our employees while attempting to keep our</p></li></ol> |

**Adminis-  
trator's  
Report  
(continued)**

services available to the public and local economy.

Steps we have taken thus far include additional health screening of all members of the public who seek to access County facilities, including a questionnaire and oral temperature examination. Anyone who is sick or has a fever will be denied entry to the facility. We have modified the workspaces that require one-on-one interaction between the public and staff to help create appropriate spatial distancing.

All County buildings are receiving increased cleanings throughout the facilities and we have roaming cleaning crews who are disinfecting heavy traffic areas like the stairs, rails, doors, and elevators.

In accordance with directives given by Delaware public health officials, as well as authority granted to public bodies by Gov. John C. Carney through Proclamation No. 17-3292, the Board of Adjustment meeting held last night and today's County Council meeting have been adjusted to limit public gathering while allowing the meetings to take place. The scheduling of any future meetings for the County Council, the Board of Adjustment, and the Planning and Zoning Commission will need to be reviewed and discussed to determine if they should be held.

The three County libraries are closed until further notice.

Efforts to protect the County's 500+ employees have also been implemented. All employees who are sick or displays any symptoms of COVID-19 are forbidden to report to work. All County managers are required to screen their employees for health concerns. The County has modified its sick and leave policies. Enhanced employee health screenings for the County's essential public safety functions, including the Emergency Medical Services (EMS), Emergency Operations Center (EOC) and 911 Dispatchers, and Environmental Services have been implemented.

Finally, we have contingency plans in place should the County have to restrict public access to its facilities. If it is necessary to put these contingency plans in place, we would ask for the public's patience and understanding. More information will be communicated to the public if such actions are taken.

These steps are intended to safeguard the health and safety of elected officials, staff, and the public at-large, and are necessary to keep the County operating during these uncertain times involving COVID-19.

**MOU/  
Litter  
Collection**

Michael Costello, Government Affairs Manager, presented an update on the litter collection (July – December 2019) that has taken place in Sussex County under the Memorandum of Understanding (MOU) between the Department of Corrections, DelDOT and Sussex County.

**Delaware Coastal Airport & Business Park Property Maintenance RFP/ Ditch Bank Clearing & Mowing Services**

Hans Medlarz, County Engineer, reported that, previously, the Engineering Department solicited on three (3) different occasions, proposals for annual site maintenance at the Delaware Coastal Airport and Business Park. Most of the maintenance contracts were awarded and are effective through 2023. However, each of the three times the County awarded the ditch bank clearing and mowing, the companies were unable to perform the services as required, and subsequently, the respective contracts were cancelled. In March 2019, the Engineering Department obtained the Council's approval to utilize the Sussex Conservation District for the work through Calendar Year 2019 in an amount not to exceed \$6,800.00. Due to the fact that, again this year, no one was interested in the contract, Mr. Medlarz stated that the Engineering Department recommends continuation of the arrangement with the Sussex Conservation District for the remaining four years of the existing Property Maintenance RFP through 2023; the District has provided a quote in the amount of \$4,600.00 per year for two (2) tax ditch bank mowings each year at the Industrial Airpark.

**M 124 20 Authorize Ditch Bank Clearing & Mowing Services/ Airport and Business Park**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the 2019 Delaware Coastal Airport & Business Park Property Maintenance RFP arrangement with the Sussex Conservation District be renewed in an annual amount not to exceed \$4,600.00 for Calendar Years 2020 through 2023.

**Motion Adopted:** 5 Yeas.

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

**Bulk Delivery of Sodium Hypochlorite Project/ Recommendation to Award**

Hans Medlarz, County Engineer, stated that the County contracts the bulk delivery of sodium hypochlorite to each of the four wastewater facilities and the Airpark for treatment of the wastewater. The current contract is due to expire on June 20, 2020. Bids were requested for the annual procurement of approximately 147,565 gallons, with an alternate bid for seven 30-gallon drums per year, to begin on July 1, 2020. Three bids were received. Univar Solutions bid the lowest price at \$0.981 per gallon. George S. Coyne Chemical Co. bid the lowest price for the 30-gallon drum at \$209.1778. per container. The Engineering Department recommends the first contract year award of the base bid to Univar Solutions and the alternate bid to George S. Coyne Chemical Co. If both suppliers perform satisfactorily, the contract allows a one year extension at the discretion of the Engineering Department.

**M 125 20 Award Bid**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Base Bid for Sussex County Project M20-29, Bulk Delivery of Sodium Hypochlorite, be awarded to Univar Solutions at the bid amount of .981 per

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| <b>M 125 20<br/>Award<br/>Bid/Bulk<br/>Delivery<br/>of Sodium<br/>Hypo-<br/>chlorite<br/>(continued)</b>              | <p>gallon and George S. Coyne Chemical Co. be awarded the Alternate Bid in the amount of 209.1778 per 30-gallon drum.</p> <p><b>Motion Adopted:</b> 5 Yeas.</p> <p><b>Vote by Roll Call:</b> Mr. Hudson, Yea; Mr. Rieley, Yea;<br/>Mr. Wilson, Yea; Mr. Burton, Yea;<br/>Mr. Vincent, Yea</p>  |
| <b>North<br/>Coastal<br/>Planning<br/>Area/<br/>IBRWF/<br/>Treatment<br/>&amp; Disposal<br/>Expansion<br/>Project</b> | <p>Hans Medlarz, County Engineer, reported that Sussex County's treatment capacity expansion plans for the Inland Bays Spray Irrigation Facility Phase 2 were submitted mid-2019 but are on hold awaiting further input from the County with regards to alternative disposal options (alternate outlets and the permitting of alternate outlets): connection to Artesian's Stonewater Creek Facility, connection to agricultural spray partners, and connection to constructed wetlands. Mr. Medlarz detailed each of the alternative disposal options and noted that all three are needed to avoid building a storage lagoon.</p> |
| <b>M 126 20<br/>Approve<br/>Agricultural<br/>Spray<br/>Agreement</b>  | <p>A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department and the Sussex County Attorney, that the Sussex County Council approves the Agricultural Spray Agreements, to form, as presented, in support of the Inland Bays Regional Wastewater Facility Treatment Upgrade Project.</p> <p><b>Motion Adopted:</b> 4 Yeas, 1 Abstention.</p> <p><b>Vote by Roll Call:</b> Mr. Hudson, Yea; Mr. Rieley, Yea;<br/>Mr. Wilson, Abstained; Mr. Burton, Yea;<br/>Mr. Vincent, Yea</p>  |
| <b>M 127 20<br/>Approve<br/>Contract<br/>Amendment<br/>to Base<br/>Engineering<br/>Contract<br/>with<br/>WR&amp;A</b> | <p>A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 15 to the Base Engineering Contract for the North Coastal Planning Area with Whitman Requardt and Associates be approved in the amount not to exceed \$131,806.00 for soils work on agricultural spray sites and permitting.</p> <p><b>Motion Adopted:</b> 5 Yeas.</p> <p><b>Vote by Roll Call:</b> Mr. Hudson, Yea; Mr. Rieley, Yea;<br/>Mr. Wilson, Yea; Mr. Burton, Yea;<br/>Mr. Vincent, Yea</p>   |
| <b>Black Creek<br/>Cove<br/>Subdivision</b>   | <p>Hans Medlarz, County Engineer, reported on a proposal for swale remediation for the Black Creek Cove Subdivision. Mr. Medlarz provided a history of ownership of the subdivision and noted the expiration of a bond. Mr. Medlarz stated that the Engineering Department proposes that</p>   |

**Black Creek Cove Subdivision (continued)**      the County and Melvin L. Joseph Construction Co. both share in the expense of the remediation work. (Melvin L. Joseph Construction Co. is the contractor for Parkada Investments, LLC, the new developer of the project as of October 2014).

**M 128 20 Black Creek Cove Subdivision/ Approve Legacy Swale Remediation**      A Motion was made by Mr. Wilson, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, to assume legacy swale remediation work on a Melvin L. Joseph Construction Co. site work contract in the Black Creek Cove Subdivision in an amount not to exceed \$24,550.00.

**Motion Adopted:**      5 Yeas.

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

**Piney Neck Regional Wastewater Facility/ Diversion Trans-mission System**      Hans Medlarz, County Engineer, reported on the Piney Neck Regional Wastewater Facility (PNRWF), stating that treatment at this facility does not result in wastewater of the quality necessary to meet drinking water nitrate levels and this could not be done without a significant improvement to the facility. He stated that the facility cannot meet DNREC's permit requirements and the County has communicated to DNREC that it will be seeking renewal with an opt-out option to abandon the facility. Mr. Medlarz stated that the County needs three years to decommission the plant and end sprayed effluent operations at the PNRWF by diverting all flow to the South Coastal Regional Wastewater Facility (SCRWF). Mr. Medlarz discussed the proposed timeline and reported that the Engineering Department identified KCI as best-suited to engage with County staff to confirm project planning and complete design documents that will direct existing and future flows from the PNRWF to SCRWF, allowing the facility to be decommissioned. Mr. Medlarz stated that the County is asking for a 5-year permit from DNREC (3 years to get the flow diverted and 2 years to decommission).

**M 129 20 Approve Agreement for Piney Neck Regional Wastewater Facility/ Diversion Trans-mission System**      A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Engineering Services Agreement with KCI Technologies, Inc. be approved in the amount not to exceed \$480,000.00 for planning design and bidding phases of Sussex County Project S20-31, Piney Neck Regional Wastewater Facility Diversion Transmission System, with each project phase authorized in writing by the County Engineer.

**Motion Adopted:**      5 Yeas.

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

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| <b>Recommendation to Award Contract/ Professional Aeronautical Consultant Services</b>                     | <b>Eric Littleton, Manager, Delaware Coastal Airport and Business Park, presented a recommendation to award the contract for Professional Aeronautical Consultant Services. Mr. Littleton explained that the Airport maintains an Airport Capital Improvement Plan (ACIP) for compliance with the FAA. The ACIP is updated annually by the Engineering Department. Mr. Littleton requested Council's approval, based on the evaluation and the recommendation of the Consultant Selection Committee, for a consultant for the next five years for projects in relation to the ACIP. A RFQ (Request for Qualifications) was released and three firms responded. It is the recommendation of the Consultant Selection Committee to award the professional service agreement to Delta Airport Consultants for Aeronautical Consultant Services at the Delaware Coastal Airport to implement projects under the Airport Master Plan in accordance with the ACIP over a 5-year period.</b> |
| <b>M 130 20 Approve Selection for Aeronautical Consultant Services and Professional Services Agreement</b> | <p><b>A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Consultant Selection Committee of the Engineering Department, that the Sussex County Council approves the selection of Delta Airport Consultants for Aeronautical Consultant Services and contract negotiations to establish a Professional Services Agreement.</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea</b></p>   |
| <b>New Road Estates/ Chapter 96 Sussex Community Improvements/ Project Referendum</b>                      | <p><b>Hans Medlarz, County Engineer, reported that the Engineering Department proposed that an election be held to consider the New Road Estates Chapter 96 Sussex Community Improvement Project. New Road Estates is a small subdivision of 9 residential parcels. The community requested assistance from the County to repair and resurface their existing roads. The County has held a public meeting within the community to discuss the Chapter 96 Program, estimated project costs, and the election process for a project to advance.</b></p> <p><b>Council discussed how to handle establishing a date due to the COVID 19 impacts so that the election date can be shifted if it is necessary to delay the public meeting.</b></p>  |
| <b>M 131 20 Adopt R 006 20</b>   | <p><b>A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Resolution No. R 006 20 entitled "A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE NEW ROAD ESTATES CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT, AS AMENDED WITH PROPER NOTIFICATION OF ANY DATE, TIME AND PLACE CHANGES".</b></p>  |

**M 131 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**

**Use of  
Existing  
Infra-  
structure  
Agreements**

**John Ashman, Director of Utility Planning, presented for Council's consideration a Use of Existing Infrastructure Agreement for Coastal Tide/Arbors of Cottagedale – Coastal Tide Partners, LLC (West Rehoboth Area) and for Sycamore Chase – Charter Oak Development, LLC (Miller Creek Area). The Use of Existing Infrastructure Agreements is an arrangement that collects financial contributions based on development built-out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of oversizing credits.**

**M 132 20  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement/  
Coastal  
Tide**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Coastal Tide Partners, LLC for capacity allocation in the regional transmission system for the Coastal Tide Project, 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**

**M 133 20  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement/  
Sycamore  
Chase**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Charter Oak Development, LLC for capacity allocation in the regional transmission system for the Sycamore Chase Project, 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**

**Old  
Business/  
CU 2203**

**Under Old Business, the Council considered Conditional Use No. 2203 filed on behalf of Christopher Booth.**

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

**Old  
Business/  
CU 2203  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on December 12, 2019 on this application at which time action was deferred. On January 9, 2020, the Commission recommended that the application be denied.**

**The Council held a Public Hearing on this application on February 4, 2020 at which time action was deferred.**

**M 134 20  
Adopt  
Ordinance  
No. 2710/  
CU 2203**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2710 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, for the following reasons and with the following conditions:**

- 1. The use has been ongoing for many years. This Conditional Use will bring the use into compliance.**
- 2. The Applicant and his wife live on the property which makes it akin to a home business.**
- 3. The site location is appropriate for the Applicant’s proposed use as a small tree and landscaping business, including snow removal services and storage of firewood.**
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 5. The use is of a public or semi-public character that will benefit present and future residents of Sussex County by providing such a use in a convenient location.**
- 6. This approval is subject to the following conditions and stipulations:**
  - A. The use shall be limited to a small tree and landscaping business, snow removal services and the chopping and storage of firewood.**
  - B. Applicant shall install a 30-foot landscape buffer along the rear of the site due to the proximity of the neighboring property. The landscape buffer shall be shown the Final Site Plan.**
  - C. No burning of any of the waste associated with the landscape business shall be permitted at any time, including but not limited to tree bark, branches and the like. Ordinary domestic fires and barbeques associated with the use of the dwelling are permitted.**
  - D. The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Saturday, with no Sunday hours of operation.**
  - E. Grinding, cutting, mulching or other processing of waste from the landscape business shall only be permitted during the permitted hours of operation. All waste storage areas shall be shown on the Final Site Plan.**
  - F. A small dump truck shall be permitted on the site.**
  - G. No backup alarms shall be permitted on any vehicles.**



**M 134 20  
Adopt  
Ordinance  
No. 2710/  
CU 2203  
(continued)**

- H. 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.**
- I. All parking and entrances shall be in compliance with DelDOT requirements and the Sussex County Zoning Code. DelDOT approval shall be required before Applicant receives Final Site Plan approval.**
- J. One unlighted sign shall be permitted on the property. The sign shall not exceed 36" by 36" and shall not be permitted in the front yard setback.**
- K. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- L. Applicant shall be required to remove all metal, trash and other debris from the site within thirty (30) days of this approval.**
- M. Applicant shall, at all times, maintain the property in a neat and orderly condition, which shall include the stacking of all firewood.**
- N. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- O. The Final Site Plan shall be subject to review and approval by 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**

**Under Old Business, the Council considered Change of Zone No. 1900 filed on behalf of Michael P. Justice, Trustee.**

**Old  
Business/  
CZ 1900**

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

**The Planning and Zoning Commission held a Public Hearing on December 12, 2019 at which time action was deferred. On January 9, 2020, the Commission recommended that the application be approved with the following conditions:**

- A. The maximum number of dwelling units shall not exceed 45 single family units.**
- B. A homeowners 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 or in accordance with any further modifications required by DelDOT based on its review of the**

**Old  
Business/  
CZ 1900  
(continued)**

**Traffic Impact Study.**

- D. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water for drinking water and fire protection as required by applicable regulations.**
- 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 operated in a manner that is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be street lighting and sidewalks on at least one side of the streets within the RPC.**
- H. A 20-foot wide vegetated or forested buffer shall be established along the perimeter of the site. This may include the existing trees. There was testimony during the hearing about the need to improve the drainage along the northwest boundary of the site in an area that is currently wooded. In this area, the buffer shall be located outside of the area needed for these drainage improvements.**
- I. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district's transportation supervisor. The location of the bus stop area shall be shown on the Final Site Plan.**
- J. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.**
- K. 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.**
- L. 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. The landscape plan shall also include the existing forested areas that will be maintained.**
- M. The Final Site Plan shall include a grading plan that shall be submitted to County staff for review and approval.**
- N. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- O. The Final Site Plan shall be subject to review and approval of the Sussex County Planning and Zoning Commission.**

**The Council held a Public Hearing on this application on January 28, 2020 at which time action was deferred.**

**M 135 20  
Amend  
Condition**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, to amend Condition B to read as follows: "A homeowners association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities, and other**

**M 135 20**  
**Amend**  
**Condition**  
**(continued)**

**common areas. A copy of the executed agreement to include provisions for the maintenance of all drainage easements shall be submitted as part of the Final Site Plan.”**

**Motion Adopted: 5 Yeas.**

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

**M 136 20**  
**Adopt**  
**Ordinance**  
**No. 2711/**  
**CZ 1900**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, to Adopt Ordinance No. 2711 entitled AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16.1 ACRES, MORE OR LESS” (Change of Zone No. 1900) filed on behalf of Michael P. Justice, Trustee. with the following conditions, as amended:**

- A. The maximum number of dwelling units shall not exceed 45 single family units.**
- B. A homeowners association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas. A copy of the executed agreement to include provisions for the maintenance of all drainage easements shall be submitted as part of the Final Site Plan.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements or in accordance with any further modifications required by DelDOT based on its review of the Traffic Impact Study.**
- D. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water for drinking water and fire protection as required by applicable regulations.**
- 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 operated in a manner that is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be street lighting and sidewalks on at least one side of the streets within the RPC.**
- H. A 20-foot wide vegetated or forested buffer shall be established along the perimeter of the site. This may include the existing trees. There was testimony during the hearing about the need to improve the**

**M 136 20  
Adopt  
Ordinance  
No. 2711/  
CZ 1900  
(continued)**

**drainage along the northwest boundary of the site in an area that is currently wooded. In this area, the buffer shall be located outside of the area needed for these drainage improvements.**

- I. If requested by the local school district, a school bus stop shall be provided by the entrance to the development, with the location and any related parking to be approved by the school district's transportation supervisor. The location of the bus stop area shall be shown on the Final Site Plan.**
- J. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.**
- K. 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.**
- L. 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. The landscape plan shall also include the existing forested areas that will be maintained.**
- M. The Final Site Plan shall include a grading plan that shall be submitted to County staff for review and approval.**
- N. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- O. The Final Site Plan shall be subject to 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**

**Rules**

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

**Public  
Hearing/  
CU 2211**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 32.43 ACRES, MORE OR LESS" (Conditional Use No. 2211) filed on behalf of Indian River School District (Tax I.D. No. 133-7.00-8.01) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2020 at which time action was deferred. On February 27, 2020, the Commission recommended that the application be approved with conditions.**

**Public  
Hearing/  
CU 2211  
(continued)**

(See the minutes of the Planning and Zoning Commission dated February 13 and 27, 2020.)

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

The Council found that Joe Booth was present on behalf of the Applicant. He stated that the Indian River School District oversees this special needs school; that the existing special needs school, located on Ennis Road in Georgetown, no longer meets the needs of its clients; that they are proposing to put the new school on a State property that is centrally located and free; that the proposed site is next to the Stoakley Center and across the street from Sussex Central High School; that ownership of the site has been transferred by Delaware Health and Social Services to the District for this purpose; that existing tie-ins to the Georgetown wastewater system will be used; that a well water system will be constructed; that the immediate neighbors are the State of Delaware and the District; that there has been no opposition to this application; that they are in the process of going through agency reviews; that DelDOT has requested a traffic study; that the Conditional Use would be consistent with the area; and that the Planning and Zoning Commission Chairman asked that the Applicant consider the County's new Institutional Zoning in the future and that the District does not have a problem with that.

There were no public comments.

The Public Hearing and public record were closed.

**M 137 20  
Adopt  
Ordinance  
No. 2712/  
CU 2211**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2712 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 32.43 ACRES, MORE OR LESS" (Conditional Use No. 2211) filed on behalf of Indian River School District, with the following conditions:

1. The site shall comply with all DelDOT entrance and roadway improvements requirements.
2. The site shall comply with all requirements of the Sussex Conservation District.
3. Signage shall be permitted on the site in accordance with the sign regulations applicable to the I-1 Institutional Zone.
4. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

- M 137 20**  
**Adopt**  
**Ordinance**  
**No. 2712/**  
**CU 2211**  
**(continued)**
- 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**
- Mr. Rieley noted, and the Council agreed, that DelDOT needs to improve infrastructure in the area.**
- (Mr. Wilson was out of the room during the vote.)**
- Grant**  
**Requests**
- Mrs. Jennings presented grant requests for the Council's consideration.**
- M 138 20**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Trinity Foundation for the Annual Heart & Sole 5K Fundraiser.**
- 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 139 20**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$1,300.00 from Mr. Hudson's Councilmanic Grant Account to the Cape Henlopen Senior Center for the Rehoboth Concert Band fundraiser.**
- 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 140 20**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$800.00 from Mr. Burton's Councilmanic Grant Account to Ocean Waves Quilt Guild for Art/Quilt Show fundraiser.**
- 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 141 20**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$800.00 from Mr. Burton's Councilmanic Grant Account to the Greater Lewes Foundation for the Lewes in Bloom Children's Learning Garden.**
- Motion Adopted: 5 Yeas.**

- M 141 20  
(continued)**      **Vote by Roll Call:**      **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**
- M 142 20  
Council-  
manic  
Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give  
\$2,000.00 from Mr. Wilson's Councilmanic Grant Account to First State  
Community Action Agency for Equity Summit expenses.**
- Motion Adopted:**      **5 Yeas.**
- Vote by Roll Call:**      **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**
- M 143 20  
Council-  
manic  
Grant**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give  
\$1,000.00 (\$500.00 each from Mr. Burton's and Mr. Wilson's Councilmanic  
Grant Accounts) to The Coming Edge for the Youth Empowerment  
Program.**
- Motion Adopted:**      **5 Yeas.**
- Vote by Roll Call:**      **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**
- M 144 20  
Go Into  
Executive  
Session**      **At 2:17 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley,  
to recess the Regular Session and go into Executive Session for the purpose  
of discussing matters relating to pending litigation and land acquisition.**
- Motion Adopted:**      **5 Yeas.**
- Vote by Roll Call:**      **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**
- Executive  
Session**      **At 2:20 p.m., an Executive Session of the Sussex County Council was held in  
the Council Chambers for the purpose of discussing matters relating to  
pending litigation and land acquisition. The Executive Session concluded at  
2:45 p.m.**
- M 145 20  
Reconvene  
Regular  
Session**      **At 2:46 p.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to  
come out of Executive Session and to reconvene the Regular Session.**
- Motion Adopted:**      **5 Yeas.**
- Vote by Roll Call:**      **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 146 20**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to authorize**  
**Negotiate**      **the County Administrator to negotiate and enter into a contract for**  
**Contract**      **Property known as Land 2020-A.**  
**for Land**

**Acquisition**      **Motion Adopted:          5 Yeas.**

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

**M 147 20**      **At 2:53 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson,**  
**Adjourn**      **to adjourn.**

**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**

**\*\*\*\*\***

**As permitted by Gubernatorial authority, in order to limit the risk of**  
**potential COVID-19 exposure, the public was denied entry to the Council**  
**meeting except for the 1:30 p.m. public hearing. The public was encouraged**  
**to watch or listen to the Council meeting electronically at**  
**<https://sussexcountyde.gov>.**

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