

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 17, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 17, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 222 18
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of April 10, 2018 were approved by consent.

**Public
Comments**

Public Comments

Dan Kramer commented on traffic on Route One.

**DTCC
Production
Agriculture
Education
Center**

Dr. Bobbi Barends, Vice President and Campus Director, Delaware Technical Community College, was in attendance with staff and students representing the College's Production Agriculture Education Center to present a plaque to Council in appreciation of the Council's support and \$50,000 donation to the Program.

**Procla-
mation/
National
Service
Recognition
Day**

The Council presented a Proclamation entitled "PROCLAIMING APRIL 3, 2018, AS NATIONAL SERVICE RECOGNITION DAY IN SUSSEX COUNTY" to Nancy Greene, Programs Manager for Sussex County Habitat for Humanity. Ms. Greene reported that over 100 people serve in Sussex County in agencies such as Teach For America, Reading Assist, Habitat for Humanity, Senior Assist Program, Foster Grandparents, and Senior Corps.

Wastewater Agreement

Mr. Lawson presented a wastewater agreement for Council's consideration.

**M 223 18
Execute
Wastewater Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 53-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Breakwater Beach, LLC for wastewater facilities to be constructed in Breakwater Beach (Parcels 421-428), located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Years.

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

**Adminis-
trator's
Report**

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

1. Sussex County Council Comprehensive Land Use Plan Workshop

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, April 18th, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for March 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 March.

3. 2018 Emergency Services Awards

The 2018 Sussex County Emergency Services Awards banquet was held on Saturday, April 7th, at the Blades Fire Hall. This annual banquet is sponsored by the Sussex County Volunteer Ambulance Association, Sussex County Paramedic Association, and Sussex County EMS. The following county employees were recognized this year by their peers for their performance in 2017:

SCEMS Awards

- Emergency Communications Specialist of the Year – Dave Perrine**
- Administrative Excellence – Rob Mauch**
- Field Training Officer of the Year – Wayne Jester**

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

- **District Supervisor of the Year – Russell Hooper**
- **SCEMS Paramedic of the Year – Chaz Tennermann**

Sussex County Volunteer Ambulance Association Award

- **SCVAA Paramedic of the Year – Greg Bell**

SCEMS Director's "Caring People" Awards

(Call in Ocean View – successful resuscitation of a 42-year-old female in cardiac arrest with a full recovery)

- **Dispatcher – Ryan Fletcher**
- **SCEMS Paramedics – Jordan Dattoli and Amanda McCloskey**

A copy of the press release listing all of the individuals recognized during the banquet is attached. We would like to extend our congratulations to each of the award winners.

4. Ira Hitchens

It is with sadness that we note the passing of county pensioner Ira Hitchens on Monday, April 16th. Mr. Hitchens began his career with Sussex County in October 2001 and retired from the Constable's Office as a Constable in January 2015 with 13 years of service. We wish to extend our condolences to the Hitchens family.

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

**Insurance
Broker
Recommen-
dation**

Mrs. Jennings and Scott Agar from Insurance Buyers' Council (IBC) discussed a recommendation to hire Alliant as the County's insurance broker. As a result of a Request for Proposals (RFP) for an insurance broker issued in March, the County received six proposals. They reported that four of the six firms were interviewed and that staff and Mr. Agar are recommending that Alliant be selected.

**M 224 18
Hire
Alliant/
Broker
Services**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council hire Alliant to provide broker services for the next three years, with the option to renew for two additional one year periods, as recommended by IBC and the Finance Department.

Motion Adopted: 5 Yeas.

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

Comprehensive Plan/Scope of Work

Janelle Cornwell, Planning and Zoning Director, reported on an expanded scope of work with McCormick Taylor regarding the 2018 Comprehensive Plan. She reported that the expanded scope includes an additional 224 hours of work for an additional cost not to exceed \$35,213.08.

**M 225 18
Accept Expanded Scope of Work/
Comprehensive Plan**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council accepts the expanded scope of work for the 2018 Comprehensive Plan for an amount not to exceed \$35,213.08.

Motion Adopted: 5 Yeas.

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

Fair Housing Presentation and Proclamation

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, gave a presentation on the 50th Anniversary of the Fair Housing Act, including Sussex County's Fair Housing efforts. The Council presented a Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN SUSSEX COUNTY".

Proposed Diamond Acres Streetlighting District

Patti Deptula, Director of Special Projects, presented a request for the Proposed Diamond Acres Proposed Streetlighting District. The subdivision is located on Irons Branch Road; there are a total of 23 tax parcels in the district boundary with 22 residential improvements. Ms. Deptula reported that a written request for petitions was received from the Diamond Acres Community Association in September 2017 asking that a streetlighting district be formed within the community and that the petition forms were mailed out and six (6) valid forms were received.

Ms. Deptula reported that at a meeting with the Community Association, a question was raised as to extending the district boundaries to include all of the strip lots located along Iron Branch, Bunting, and Power Plant roads. Thereafter, a written request was received from several property owners asking to extend the district boundaries. Engineering staff decided to proceed with the September 2017 request for East and West Diamond Street and if this Proposed Streetlighting District is approved, the County can proceed with an extension request.

Ms. Deptula presented information and preliminary estimated costs relating to the electric provider, and installation and layout of equipment.

**M 226 18
Estimated Billing Rates/
Diamond Acres SLD**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council, based upon the recommendation of the Sussex County Engineering Department, approves an estimated annual billing rate of \$69.11 for each assessable residential or commercial improvement within the boundaries of the Proposed Sussex County Chapter 95 Diamond Acres Streetlighting District; as required by Chapter 95 of the Sussex County Code, if the streetlighting district is formed, the annual billing rate will be

M 226 18 **adjusted each billing year, based upon all streetlighting costs and the actual**
(continued) **number of assessable improvements within the district boundaries.**

Motion Adopted: 5 Yeas.

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

M 227 18 **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt**
Adopt **Resolution No. R 007 18 entitled “A RESOLUTION TO ESTABLISH THE**
R 007 18 **DATE, TIME, AND PLACE OF AN ELECTION TO BE HELD TO**
 CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED
 DIAMOND ACRES STREETLIGHTING DISTRICT”.

Motion Adopted: 5 Yeas.

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

Arbor-Lyn/ **John Ashman, Director of Utility Planning, presented for Council’s**
Use of **consideration a Use of Existing Infrastructure Agreement with Arbor-Lyn**
Existing **Rehoboth Beach, LLC for the Arbor-Lyn project in the West Rehoboth**
Infra- **Area. This agreement allows the wastewater originating from the approved**
structure **project, as well as off-site equivalent dwelling units, to be conveyed through**
Agreement **the existing transmission system previously constructed by the County.**
 Under the proposed arrangement, Arbor-Lyn development will construct a
 gravity collection system that will connect to existing regional
 infrastructure. In return for utilization of said infrastructure, Arbor-Lyn
 Rehoboth Beach, LLC will contribute \$31,936.28 for the perpetual use of
 these transmission facilities to serve 144 Equivalent Dwelling Units.

M 228 18 **A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the**
Approve **recommendation of the Engineering Department, that Sussex County**
Use of **Council approves the Use of Existing Infrastructure Agreement between**
Existing **Sussex County and Arbor-Lyn Rehoboth Beach, LLC for capacity**
Infra- **allocation and the regional transmission system, as presented on this date.**
structure
Agreement

Motion Adopted: 5 Yeas.

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

Magee **Hans Medlarz, County Engineer, presented a proposal for an expanded**
Farms **farm lease with Magee Farms, noting that this is a result of two parcels**
Lease **becoming available on Park Avenue in Georgetown (airport related parcels)**
Amend- **for a non-irrigated farm land lease. The Engineering Department contacted**
ment

Magee Farms (continued)

three of the current lease holders for a proposal and Magee Farms offered the highest lease price at \$100 per acre. It was noted that the Magee's have a current lease, valid through the year 2021 for two properties on Route 24.

**M 229 18
Approve Lease Modification/
Magee Farms**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves a modification to the Magee Farms Lease Agreement, 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**

**IBRWF/
Contract Amendment**

Mr. Medlarz presented Contract Amendment 7A for design modifications in the amount of \$300,553.00 for the Inland Bays Regional Wastewater Facility – Additional Facility Design – Dryer Design Modifications.

**M 230 18
Approve Contract Amendment/
IBRWF/
North Coastal Planning Area**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Amendment 7A to the Base Engineering Contract for the North Coastal Planning Area with Whitman Requardt and Associates be approved in the amount not to exceed \$300,553.00 for the expanded final design scope at the Inland Bays Regional Wastewater Treatment Facility.

Motion Adopted: 5 Yeas.

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

Love Creek Woods Contract

Mr. Medlarz presented bid results and award recommendation for the Love Creek Woods – Master Plumber Services Contract.

**M 231 18
Award Master Plumbing Contract/
Love Creek Woods**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that the Love Creek Woods – Master Plumbing Contract be awarded to WM Water & Sewer, LLC for their low bid of \$101,180.00 for the Base Bid, Bid Alternate 5 and 6, contingent upon receipt of third party funds.

Motion Adopted: 5 Yeas.

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

Wolfe Runne Sewer Service Request

Mr. Medlarz reported on a request made by the Wolfe Runne Homeowners Association (HOA) that Sussex County consider a capital project allowing them to be integrated in the Sussex County Unified Sanitary Sewer District. The HOA conducted a formal ballot vote which depicted 81% of the lot owners are in favor of transitioning from private on-site septic systems to a central County run sewer system. The Engineering Department is requesting the Council's concurrence to proceed with an application for funding to provide sanitary sewer service to the Wolfe Runne community.

M 232 18 Proceed with Funding Application/ Wolfe Runne Sewer Service

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council grants the Engineering Department permission to proceed with an application for funding to provide central sanitary sewer service to the Wolfe Runne community, as presented on this date.

Motion Adopted: 5 Yeas.

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

Freezer/ Cooler Unit/ Bid Results

Mr. Medlarz presented the bid results and award recommendation for a Walk-In Freezer/Cooler Unit, (Project #18-18) for the procurement and installation of a freezer unit at the County owned Arena's Coastal Airport Restaurant.

M 233 18 Award Freezer/ Cooler Unit Contract

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Contract #18-18, Walk-In Freezer/Cooler Unit, be awarded to Douglas Food Stores, Inc., for their low bid of \$36,344.56.

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

Fencing Services/ Project C/O

Mr. Medlarz presented Change Order No. 1 in the amount of \$69,711.30 to the Sussex County Fencing Services Contract, Project 17-14, to accommodate additional fencing around the boundaries of the Angola Landfill for enhanced access control.

M 234 18 Approve Change Order/ Fencing Services Contract

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Contract #17-14, Sussex County Fencing Services, be approved, which increases the contract amount by \$18,319.50, for a new total of \$69,711.30.

Motion Adopted: 5 Yeas.

**M 234 18
(continued)**

**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 235 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$200.00 (\$50.00 each from Mr. Arlett's, Mr. Cole's, Mr. Vincent's, and Mr. Wilson's Councilmanic Grant Accounts) to the Delaware Seaside Railroad Club for rental costs associated with school workshops.

Motion Adopted: 5 Yeas.

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

**M 236 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,200.00 (\$600.00 each from Mr. Cole's and Mr. Burton's Councilmanic Grant Accounts) to the Greater Lewes Foundation for The History Book Festival.

Motion Adopted: 5 Yeas.

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

**M 237 18
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to give \$600.00 from Mr. Burton's Councilmanic Grant Account to the Slaughter Neck Community Action Organization for Senior Center kitchen upgrades.

Motion Adopted: 5 Yeas.

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

**M 238 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$400.00 (\$200.00 each from Mr. Cole's and Mr. Burton's Councilmanic Grant Accounts) to the Lewes Rehoboth Rotary Club for advertisement in the *Great Walks & Trails in Sussex County* publication.

Motion Adopted: 5 Yeas.

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

M 239 18 Councilmanic Grant A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the Town of Laurel (on behalf of the Independence Day Committee) for the Fourth of July fireworks show.

Motion Adopted: 5 Yeas.

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

M 240 18 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to Seaford Tomorrow for 1st Saturdays in Seaford events.

Motion Adopted: 5 Yeas.

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

M 241 18 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Art League for the arbor project.

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 Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS" (Change of Zone No. 1855) filed on behalf of Kirk Salva; KH Sussex, LLC (Tax I.D. No. 234-11.00-56.09, 56.03, and 56.02) (911 Address: Not Available).

The Proposed Ordinance will be advertised for Public Hearing.

M 242 18 Go Into Executive Session At 11:21 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation and land acquisition.

Motion Adopted: 5 Yeas.

**M 242 18
(continued)** **Vote by Roll Call:** **Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Executive Session **At 11:28 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending/potential litigation and land acquisition. The Executive Session concluded at 12:33 p.m.**

**M 243 18
Reconvene** **At 12:34 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: **3 Yeas, 2 Absent.**

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

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

**M 244 18
Recess** **At 12:35 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess until 1:30 p.m.**

Motion Adopted: **3 Yeas, 2 Absent.**

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

**M 245 18
Reconvene** **At 1:34 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconvene.**

Motion Adopted: **5 Yeas.**

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

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

**Public Hearing/
CU 2119** **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 AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS” (Conditional Use No. 2119) filed on behalf of Chad Hayes (Tax I.D. No. 135-15.00-40.00) (911 Address: 22091 Lewes-Georgetown Highway,**

**Public
Hearing/
CU 2119
(continued)**

Georgetown).

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

- A. The hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- G. No more than 12 cars shall be displayed for sale on the site at any one time.**
- H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.**
- I. The use shall be subject to any DeIDOT entrance and roadway requirements.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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

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

Chad Hayes, Applicant, was present and stated that the existing Conditional Use for the property is for a go-kart business with parts and repairs and a contractor's office with building material storage; that the go-kart business is dying off and he now wants to sell automobiles and make minor repairs to automobiles that he wishes to sell; that he wishes to keep the existing contractor's office on the site; that the same buildings will remain; that there is adequate parking; and that he wishes to be able to have at least 20 vehicles, instead of the 12 recommended by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 246 18
Amend
Recom-
mended
Condition**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend Condition G recommended by the Planning and Zoning Commission to read as follows: No more than 20 cars shall be on the site at any one time excluding customer or employee vehicles.

Motion Adopted: 5 Yeas.

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

**M 247 18
Amend
Recom-
mended
Condition**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend Condition F recommended by the Planning and Zoning Commission to read as follows: No junked or permanently inoperable vehicles or salvaged vehicles or trailers shall be stored on the site.

Motion Adopted: 5 Yeas.

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

**M 248 18
Adopt
Ordinance
No. 2571/
CU 2119**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2571 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS" (Conditional Use No. 2119) filed on behalf of Chad Hayes, with the following conditions:

- A. The hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked or permanently inoperable or salvaged vehicles or trailers shall be stored on the site.**
- G. No more than 20 cars shall be on the site at any one time excluding customer or employee vehicles.**
- H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.**
- I. The use shall be subject to any DelDOT entrance and roadway**

**M 248 18
Adopt
Ordinance
No. 2571/
CU 2119
(continued)**

requirements.

J. 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. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2121**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CARE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 3.9713 ACRES, MORE OR LESS” (Conditional Use No. 2121) filed on behalf of Cheryl Webster and Kenna Nethken (Tax I.D. No. 331-6.00-134.00) (911 Address: 10404 Old Furnace Road, Seaford).

The Planning and Zoning Commission held a Public Hearing on this application on April 12, 2018 at which time the Commission recommended approval with the following conditions:

- A. As stated by the Applicant, most of the work shall occur offsite. There shall be no retail sales from this site, and there shall not be any stockpiles of dirt, mulch or similar materials on the site.**
- B. There shall be one lighted sign advertising this use on the site. The sign shall not exceed 32 square feet per side.**
- C. The hours of operation shall be from 7:00 a.m. until 5:00 p.m., Monday through Saturday, with extra hours permitted for emergency needs.**
- D. All security lighting shall be screened so that it does not shine onto neighboring properties or roadways.**
- E. All dumpsters shall be screened from view from neighboring properties or roadways.**
- F. All required parking spaces shall be clearly marked on the Final Site Plan and on the site itself, including areas set aside for equipment parking and storage.**
- G. The application shall comply with all DelDOT entrance or roadway improvement requirements.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated April 12, 2018.)

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

Kenna Nethken, Applicant, was present and stated that the business has been in existence on this site for 23 years; that he did not know he was in

**Public
Hearing/
CU 2121
(continued)**

violation; that an entrance exists and he is aware he needs approval from DelDOT; that there is adequate buffering; that he has had no complaints from neighbors; and that he found out he needed a Conditional Use when the new building on his property was inspected.

Public comments were heard.

Ricky Thurman spoke in support of the application.

There were no public comments in opposition to the application.

The Public Hearing and public record were closed.

**M 249 18
Amend
Condition**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to delete Condition B recommended by the Planning and Zoning Commission and to replace it with the following: The existing sign shall be allowed to remain. If the sign is removed, it may be replaced with a sign of the same size.

Motion Adopted: 5 Yeas.

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

**M 250 18
Adopt
Ordinance
No. 2572/
CU 2121**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2572 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CARE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 3.9713 ACRES, MORE OR LESS" (Conditional Use No. 2121) filed on behalf of Cheryl Webster and Kenna Nethken, with the following conditions:

- A. As stated by the Applicant, most of the work shall occur offsite. There shall be no retail sales from this site, and there shall not be any stockpiles of dirt, mulch or similar materials on the site.**
- B. The existing sign shall be allowed to remain. If the sign is removed, it may be replaced with a sign of the same size.**
- C. The hours of operation shall be from 7:00 a.m. until 5:00 p.m., Monday through Saturday, with extra hours permitted for emergency needs.**
- D. All security lighting shall be screened so that it does not shine onto neighboring properties or roadways.**
- E. All dumpsters shall be screened from view from neighboring properties or roadways.**
- F. All required parking spaces shall be clearly marked on the Final Site Plan and on the site itself, including areas set aside for equipment parking and storage.**
- G. The application shall comply with all DelDOT entrance or roadway improvement requirements.**

**M 250 18
(continued)**

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. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2122**

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 PLANT, TREE, AND LAWN CARE DIAGNOSTIC CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS” (Conditional Use No. 2122) filed on behalf of Richard Thurman Jr. (Arbor Care) (Tax I.D. No. 234-6.00-88.01) (911 Address: 20182 Robinsonville Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on March 22, 2018 at which time the Commission recommended approval with the following conditions:

- A. As stated by the Applicant, most of the work shall occur offsite. There shall be no retail sales from this site, and there shall not be any stockpiles of dirt, mulch or similar materials on the site.**
- B. As stated by the Applicant, there shall not be any sign advertising this use on the site.**
- C. The hours of operation shall be from 6:00 a.m. until 8:00 p.m., 7 days per week, with extra hours permitted for emergency needs such as snowplowing.**
- D. All security lighting shall be screened so that it does not shine onto neighboring properties or roadways.**
- E. All dumpsters shall be screened from view from neighboring properties or roadways.**
- F. All required parking spaces shall be clearly marked on the Final Site Plan and on the site itself, including areas set aside for equipment parking and storage.**
- G. The application shall comply with all DelDOT entrance or roadway improvement requirements.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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

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

**Public
Hearing/
CU 2122
(continued)**

Ricky Thurman, Applicant and President of the Company, was present and stated that his residence is located on the site; that he has planted trees around the entire parcel; that the surrounding area is agriculture; that his business is a lawncare diagnostic and consulting business; and that equipment (trucks, trucks with sprayers, and four wheelers) is parked in the garage or on the other side of the building.

There were no public comments.

The Public Hearing and public record were closed.

**M 251 18
Adopt
Ordinance
No. 2573/
CU 2122**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2573 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLANT, TREE, AND LAWN CARE DIAGNOSTIC CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS" (Conditional Use No. 2122) filed on behalf of Richard Thurman Jr. (Arbor Care), with the following conditions:

- A. As stated by the Applicant, most of the work shall occur offsite. There shall be no retail sales from this site, and there shall not be any stockpiles of dirt, mulch or similar materials on the site.**
- B. As stated by the Applicant, there shall not be any sign advertising this use on the site.**
- C. The hours of operation shall be from 6:00 a.m. until 8:00 p.m., 7 days per week, with extra hours permitted for emergency needs such as snowplowing.**
- D. All security lighting shall be screened so that it does not shine onto neighboring properties or roadways.**
- E. All dumpsters shall be screened from view from neighboring properties or roadways.**
- F. All required parking spaces shall be clearly marked on the Final Site Plan and on the site itself, including areas set aside for equipment parking and storage.**
- G. The application shall comply with all DelDOT entrance or roadway improvement requirements.**
- 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. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1847**

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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS” (Change of Zone No. 1847) filed on behalf of Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins (Tax I.D. No. 132-12.00-102.01) (911 Address: 28506 Sussex Highway, Laurel).

The Planning and Zoning Commission held a Public Hearing on this application on March 8, 2018 at which time the Commission recommended approval.

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

Josephine Hutchins, Applicant, was present and stated that her and her husband currently operate a bicycle shop on the property; that they tried to sell the property, however, potential buyers were interested in commercial property as the parcel is located on Route 13; that if they do not sell the property, they will have to hire help to continue their business and, therefore, they will need commercial zoning; and that their son may want to place a real estate office on the site.

There were no public comments.

The Public Hearing and public record were closed.

**M 252 18
Adopt
Ordinance
No. 2574/
CZ 1847**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2574 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS” (Change of Zone No. 1847) filed on behalf of Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins.

Motion Adopted: 5 Yeas.

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

**M 253 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 2:13 p.m.

Motion Adopted: 5 Yeas.

**M 253 18
(continued)**

**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.}