

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 30, 2019**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 30, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 209 19  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the Agenda by deleting "Mobile Integrated Health Care Memorandum of Understanding with Beebe Hospital" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**Minutes**

The minutes of April 16, 2019 were approved by consent.

**Public  
Comments**

**Public Comments**

Jim Martin commented on the need for tiny home communities for the homeless and unsheltered. He asked the County to consider permitting the use of 3 acres of County-owned property for a limited time for legal over-night parking/camping for home-less car dwellers (Sussex County Vehicular and Workforce Safe Sleeping Parking Lot Proposal).

Michelle Williams spoke in support of tiny home communities.

Gregory Lake spoke in support of tiny home communities.

Cheryl Vince spoke in support of CHEER's Meals On Wheels Program.

**Public Comments (continued)**      **Dan Kramer stated that over-development does not exist in Sussex County. Mr. Kramer also commented on land purchased by the County, stating that the price paid needs to be divulged (per the Attorney General's Office).**

**Public Hearing/ Proposed Tanager Woods Expansion of the SCUSSD**      **A Public Hearing was held on the Proposed Tanager Woods Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The annexation was requested by Solutions IPEM on behalf of their clients, Bryton Homes of Delaware, LLC, for Parcels 234-6.00-58.00 and 85.00 to connect the project to existing infrastructure installed by the County. An Infrastructure Use Agreement will be required. The expansion will consist of 56.46 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.**

**John Ashman, Director of Utility Planning, stated that no calls or comments have been received.**

**There were no public comments.**

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

**M 210 19 Adopt R 009 19**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to Adopt Resolution No. R 009 19 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 234-6.00-58.00 AND 85.00 ON THE EAST SIDE OF WIL-KING ROAD AND THE WEST SIDE OF ROBINSONVILLE ROAD, THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".**

**Motion Adopted:      5 Yeas.**

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

**Library Advisory Board**      **Mr. Lawson reported on a vacancy on the Library Advisory Board (District 1 Appointment). Mrs. Calio has advised that she does not wish to continue to serve on the Board. Mr. Vincent recommends the appointment of Dr. Steve Schwartz.**

**M 211 19 Approve Library Advisory Board Appointment**      **A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the appointment of Dr. Steve Schwartz to the Sussex County Library Advisory Board until such time that the term expires in June 2020.**

**Motion Adopted:      5 Yeas.**

**M 211 19  
(continued)**

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

**Adminis-  
trator's  
Report**

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

**1. New Double Eagle, LLC**

**On Friday, April 5, 2019, Sussex County settled with New Double Eagle, LLC, for the purchase of a certain piece of property identified as Tax ID 234-16.00-23.00 for \$1,592,500.00. This purchase was needed for the continued operation of the Inland Bays Regional Wastewater Facility in Angola. Since the property acquisition was previously discussed by Council in Executive Session, the Attorney General's office has advised the County that it should disclose the identity and price of the property when the need for confidentiality has ended. Today's announcement follows the Attorney General's guidance.**

**2. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for March 2019 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 196 troopers assigned to Sussex County for the month of March.**

**3. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Marsh Farm Estates - PS & FM (Plan Review and Construction), effective April 15<sup>th</sup>; Showfield - Phase 5, effective April 17<sup>th</sup>; Governors - Phase 2, effective April 17<sup>th</sup>; Saddle Ridge - Phase 1B PS & FM, effective April 23<sup>rd</sup>; and Coastal Club - Land Bay 2B (Construction Record), effective April 24<sup>th</sup>.**

**4. Delaware/Maryland Library Association Conference**

**On Thursday, May 2<sup>nd</sup>, most public libraries in Sussex County will be closed for the annual Delaware/Maryland Library Association Conference. The professional associations of both states share resources and expenses for this multi-state continuing education event. Libraries will reopen at their regularly scheduled times on Friday, May 3<sup>rd</sup>.**

**5. Sussex County Council FY 2020 Budget Workshop**

**On Tuesday, May 7<sup>th</sup>, the Sussex County Council will meet for its annual budget workshop. The Fiscal Year 2020 Budget Workshop will**

**Administrator's  
Report  
(continued)**

be held at 9:00 a.m. at the Sussex County Emergency Operations Center. The next regularly scheduled Council meeting will be held on Tuesday, May 14<sup>th</sup>, at 10:00 a.m.

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

**Lease  
with  
J&Y  
Limited  
Family  
Partnership/  
Medic 103**

Bobby Schoonover, EMS Manager of Logistics, reported that with the completion and move of the new EMS Special Operations Station to Georgetown, EMS will be terminating, effective May 31, 2019, a portion of the current lease with J&Y Limited Family Partnership. The lease would continue with the current approximate 3900 square feet Medic 103 station in Dagsboro at a monthly rate of \$2,100.00. The proposed amended and restated lease is for a five-year period with a 60 day opt-out clause.

**M 212 19  
Approve  
Amended  
and  
Restated  
Lease/  
Medic 103**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves a new amended and restated lease agreement for Medic Station 103 between Sussex County Council and J&Y Parker Family Limited Partnership for a period of five years, from June 1, 2019 through May 31, 2024, per the terms and conditions of the Lease.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Winding  
Creek  
Village  
Water  
District  
Project/  
General  
Obligation  
Bonds  
Issuance**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Hans Medlarz, County Engineer, reported that this Ordinance provides for the issuance of up to \$2,000,000 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 the Winding Creek Village Water District Project, consisting of the (a) installation of a water main from the existing Tidewater Utilities Meadows Pump District to a master meter at the entrance to the Winding Creek Village Subdivision (the "Subdivision"), and (b) construction of a distribution system throughout the Subdivision, along with the installation of relevant valves and fire hydrants (collectively, the "Project"), with the expectation that up to \$1,000,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,000,000 upon Project completion.

There were no public comments.

**(continued) The Public Hearing and public record were closed.**

**M 213 19**  
**Adopt**  
**Ordinance**  
**No. 2650**

**A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Ordinance No. 2650 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Motion Adopted: 5 Yeas.**

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

**Time**  
**Extension**  
**Request/**  
**CU No.**  
**2045**

**Janelle Cornwell, Planning and Zoning Director, presented a request for a time extension for Conditional Use No. 2045 filed on behalf of Robert and Deborah Reed (Riverside Plaza). The Conditional Use was granted approval by the Council on May 3, 2016 for the construction of 142 townhomes. The Planning and Zoning Commission approved a preliminary site plan on September 8, 2016; however, since that time they have changed engineers; therefore, they are asking for a one-time six-month time extension. Ms. Cornwell stated that, at this time, they do have State Fire Marshal approval and DNREC approval pending with the Engineering Department. They are expecting other agency approvals within the next few months and they anticipate being under construction within the six-month time frame.**

**M 214 19**  
**Approve**  
**Time**  
**Extension**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves a one-time six-month time extension for Conditional Use No. 2045, application of Robert and Deborah Reed for Riverside Plaza.**

**Motion Adopted: 5 Yeas.**

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

**James Farm**  
**Master Plan**  
**Implemen-**  
**tation**  
**Phase I/**  
**Change**  
**Order/**  
**Substantial**  
**Completion**

**Hans Medlarz, County Engineer, presented a Balancing Change Order and request to grant Substantial Completion for the James Farm Master Plan Implementation Phase I – Cedar Neck Road Entrance – Project C19-02A. Change Order No. 2 includes various signage for the parking area, striping for ADA parking, crosswalk striping and balancing final quantities in the amount of \$5,165.00 bringing the final contract cost to \$372,102.50. Mr. Medlarz reported that construction began on November 26, 2018 and was declared substantially complete on April 9, 2019. The Engineering Department recommends approval of Change Order No. 2 and the granting of Substantial Completion.**

**M 215 19  
Approve  
Change  
Order and  
Grant  
Substantial  
Completion/  
James Farm  
Master Plan  
Implemen-  
tation  
Phase I/  
Contract  
C19-02A**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Contract C19-02A, James Farm Master Implementation Phase 1, Cedar Neck Road Entrance, be approved, which increases the contract amount by \$5,165.00 for a final contract total of \$372,102.50 and that Substantial Completion be granted effective April 9, 2019, and any held retainage be released in accordance with the contract documents.

**Motion Adopted: 5 Yeas.**

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

**WR&A/  
North  
Coastal  
Planning  
Area Base  
Contract  
Amend-  
ments**

Hans Medlarz, County Engineer, presented a revised Amendment 10 for the Angola North Expansion Construction Administration and Project Inspection and Amendment 10A for the Angola North Expansion Construction Administration and Resident Project Representation Close-Out Services. The proposed amendments are for the Base Engineering Services Contract for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Mr. Medlarz noted that an excess of design funds remains in Amendment 4 and a shortfall exists in Amendment 10, construction administration and inspection. Therefore, a transfer of \$5,480.87 from Amendment 4 to Amendment 10 is proposed to supplement a portion of the additional contract administration costs. In addition to the transfer, the Engineering Department requests funding approval of Amendment 10A in the amount of \$82,924.00 to cover the remaining inspection costs for work that occurred beyond the original contract completion date and the additional inspection services provided for the Love Creek Woods master sewer lateral connections contract. On April 16, 2019, Council approved Change Order No. 2 to the Pact One, LLC construction contract in the credit amount of \$506,601.82. This change order included a \$40,000.00 credit towards additional field engineering and inspection services provided by WRA partially offsetting Amendment 10A expenses. In addition, the Engineering Department has been tracking the Love Creek Woods related inspection services provided by WRA separately, further offsetting Amendment 10A costs.

**M 216 19  
Approve  
Amend-  
ment 10A/  
North  
Coastal  
Planning  
Area/  
Base  
Contract**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 10A to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed \$82,924.00 to provide Contract Administration and Construction Inspection Services for the Angola North Expansion Project.

**Motion Adopted: 5 Yeas.**

**M 216 19  
(continued)**

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

**M 217 19  
Approve  
Transfer/  
Angola  
North  
Expansion  
Project/  
North  
Coastal  
Planning  
Area**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, the Sussex County Council hereby approves a transfer of \$5,480.87 from Whitman, Requardt and Associates, LLP, Contract Amendment No. 4 to Contract Amendment No. 10 to supplement a portion of additional contract administration costs for the Angola North Expansion Project.**

**Motion Adopted: 5 Yeas.**

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

**The Owl's  
Nest  
Proposed  
Chapter 96  
SCI  
Project**

**Patrick Brown, Project Engineer, presented a request from The Owls Nest Homeowners Association to organize a Streetlighting District in accordance with Sussex County Code, Chapter 95 – Streetlighting. Mr. Brown presented the proposed Streetlighting District boundaries. Mr. Brown reported that there are 17 tax parcels in the District boundaries and that 11 valid petitions were received, which is a majority. The next step is the scheduling of a referendum.**

**M 218 19  
Adopt  
R 010 19**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Resolution No. R 010 19 entitled "A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE OWL'S NEST PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT".**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

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

**M 219 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the Delaware Community Foundation for Georgetown-Millsboro Rotary Club's Flags for Heroes 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 220 19 Councilmanic Grant**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,000.00 from Mr. Rieley's Councilmanic Grant Account to Indian River High School for Business Professionals of America, Indian River Chapter, for conference 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 221 19 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the Delaware Community Foundation for the Melody Joy Foundation fundraiser to benefit Cancer Support Community Delaware.**

**Motion Adopted:      5 Yeas.**

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

**M 222 19 Countywide Youth Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$2,000.00 from Countywide Youth Grants to La Esperanza for youth program trip expenses (YELL 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 223 19 Councilmanic 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 Carlisle Fire Company for equipment costs.**

**Motion Adopted:      5 Yeas.**

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

**M 224 19 Councilmanic Grant**      **A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Rieley's Councilmanic Grant Accounts) to the Town of Laurel for fireworks display costs.**

**Motion Adopted:      5 Yeas.**



**M 224 19**

(continued)

**Vote by Roll Call:**

**Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

<p><b>Introduction of Proposed Ordinances</b></p>	<p>Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS, OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS” (Conditional Use No. 2179) filed on behalf of Joseph H. Jr. and Patricia Prettyman (Tax I.D. No. 334-11.00-47.00) (911 Address: 18583 Robinsonville Road, Lewes.</p>
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**Mr. Rieley 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.015 ACRES, MORE OR LESS” (Change of Zone No. 1885) filed on behalf of 36191 DWB, LLC (Tax I.D. No. 533-19.00-15.00) (911 Address: 36191 Lighthouse Road, Selbyville).**

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

**M 225 19**      **At 11:02 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton,**  
**Go Into**        **to recess the Regular Session and go into Executive Session for the purpose**  
**Executive**       **of discussing matters relating to collective bargaining, pending litigation,**  
**Session**        **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

<b>Executive Session</b>	<b>At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to collective bargaining, pending litigation, and land acquisition. The Executive Session concluded at 12:09 p.m.</b>
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**M 226 19**      **At 12:13 p.m., a Motion was made by Mr. Burton, seconded by Mr.**  
**Reconvene**      **Hudson, to come out of Executive Session and to reconvene the Regular**  
**Regular**          **Session.**

**Motion Adopted: 5 Yeas.**

**M 226 19**  
**(continued)**

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

**M 227 19**  
**Authorize**  
**Land**  
**Acquisition**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to authorize the County Administrator to negotiate and enter into a contract and proceed to settlement for a parcel of land identified as Land 2019-C.**

**Motion Adopted: 5 Yeas.**

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

**M 228 19**  
**Recess**

**At 12:13 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess until 1:30 p.m.**

**Motion Adopted: 5 Yeas.**

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

**M 229 19**  
**Reconvене**

**At 1:34 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to reconvene.**

**Motion Adopted: 5 Yeas.**

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

## Rules

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

**Public  
Hearing/  
CU 2163**

**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 AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS” (Conditional Use No. 2163) filed on behalf of William H. McQueen Jr. (Tax I.D. No. 235-15.00-4.01) (911 Address: 26285 Broadkill Road, Milton).**

**The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended denial.**

**(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)**

**Public  
Hearing/  
CU 2163  
(continued)**

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

**The Council found that William McQueen, Jr. was present on behalf of his application. He stated that they are proposing an event venue at the same location that they operate their Bed and Breakfast; that they want to become a wedding venue for an attendance of up to 100 people; that parking was a concern and the reason for denial at the Public Hearing before the Planning and Zoning Commission; that they are proposing a reconfigured parking plan on the proposed site of the event venue; that the existing driveway would be used; and that no new buildings are proposed as they plan to use tents only. Mr. McQueen submitted the reconfigured parking plan into the record.**

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

**Ken Bock, CEO of CHEER, spoke in opposition to the application, referencing the Milton CHEER Center located on Route 16. He expressed concern with parking; that CHEER is an event venue also and needs access to their entire parking lot to support the size of their events; that it was previously mentioned that their site could be used for parking for this proposed event venue; that they wish to preserve their capacity for parking; and that the proposed application should not be permitted to impinge upon CHEER's ability to satisfy their own parking needs.**

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

**M 230 19  
Adopt  
Proposed  
Ordinance/  
CU 2163**

**A Motion was made by Mr. Burton, 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 AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS" (Conditional Use No. 2163) filed on behalf of William H. McQueen, Jr.**

**Denied**

**Motion Denied: 5 Nays.**

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

**Public  
Hearing/  
CU 2166**

**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 PROFESSIONAL OFFICE AND BUSINESS SERVICES AND RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS" (Conditional Use No. 2166) filed on behalf of Deborah Townsend.**

**Public  
Hearing/  
CU 2166  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)**

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

**The Council found that Deborah Townsend was present on behalf of her application. She stated that a storage facility is located adjacent to her property; that she has renovated bedrooms in her house (on the side adjacent to the storage facility) into a conference room, office space, and a bathroom and segregated it from the other part of the house; that she proposes to rent office space; that people may be there from time to time but most of the time there would not be anyone there; that it could be a virtual office – that some clients will only want to use the address; that some will use it only a few times a month; and that the existing driveway will be used and a parking area exists.**

**Council commented on parking requirements including handicapped parking. Ms. Cornwell explained the site plan approval process.**

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

**M 231 19  
Adopt  
Ordinance  
No. 2651/  
CU 2166**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2651 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE AND BUSINESS SERVICES AND RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.58 ACRES, MORE OR LESS” (Conditional Use No. 2166) filed on behalf of Deborah Townsend (Tax I.D. No. 134-11.00-226.01) (911 Address: 34745 Burbage Road, Frankford), with the following conditions:**

- A. The use shall be limited to professional offices, business services, and a residence.**
- B. As stated by the Applicant, the use shall occur within the existing structure that will be renovated by the Applicant, while maintaining its residential appearance.**
- C. The hours of operation shall be between 7:00 a.m. and 9:00 p.m. Monday through Friday, and 9:00 a.m. until 5:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.**
- E. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic, and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not**

**M 231 19  
Adopt  
Ordinance  
No. 2651/  
CU 2166  
(continued)**

shine on neighboring properties or roadways.

- G. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1868**

The next scheduled Public Hearing was on Change of Zone No. 1868 filed on behalf of Ronald Nanney; however, it was noted that the Applicant was not in attendance. For this reason, Council proceeded to the next Public Hearing with the understanding that this Public Hearing would be held thereafter if the Applicant was in attendance.

**Delayed**

**Public  
Hearing/  
CZ 1869**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL 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 1.194 ACRES, MORE OR LESS" (Change of Zone No. 1869) filed on behalf of WMF Watercraft and Marine (Tax I.D. No. 234-34.08-45.00) (911 Address: 32676 Oak Orchard Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)

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

The Council found that Tim Willard, Attorney, was present with William Forenski, the Applicant, and Ring Lardner of Davis, Bowen & Friedel. Mr. Willard stated that the Applicant currently uses the site as a boat service and boat storage area; that the Applicant is planning to keep the same use; that rezoning the site to Commercial will help with financing; that the Applicant has a pontoon boat sales office at another location (on Route 24); and that no Traffic Impact Study was required.

There were no public comments.

The Public Hearing and public record were closed.

**M 232 19  
Adopt  
Ordinance  
No. 2652/  
CZ 1869**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2652 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL 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 1.194 ACRES, MORE OR LESS" (Change of Zone No. 1869) filed on behalf of WMF Watercraft and Marine.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1868**

The Council returned to the Public Hearing on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL 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 1.194 ACRES, MORE OR LESS" (Change of Zone No. 1868) filed on behalf of Robert Nanney.

The Planning and Zoning Commission held a Public Hearing on this application on March 28, 2019 at which time action was deferred. On April 11, 2019, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated March 28 and April 11, 2019.)

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

It was noted that the Applicant, Ronald Nanney, was not present.

Ms. Cornwell stated that attempts to reach the Applicant were unsuccessful.

No one was present in support of or in opposition to the application.

**M 233 19  
Adopt  
Proposed  
Ordinance/  
CZ 1868**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL 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 1.194 ACRES, MORE OR LESS" (Change of Zone No. 1868) filed on behalf of Robert Nanney.

**Denied**

**Motion Denied: 5 Nays.**

**M 233 19  
(continued)**

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

**M 234 19  
Adjourn**

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

**Motion Adopted:     5 Yeas.**

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

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**

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