

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 3, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 3, 2016, 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>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Robert B. Arlett</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 200 16  
Approve  
Agenda**

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

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

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

**Minutes**

The minutes of April 19, 2016 were approved by consent.

**Corre-  
spondence**

Mr. Moore reported that the following correspondence was received:

**TRINITY FOUNDATION, SEAFORD, DELAWARE.**

**RE: Letter in appreciation of the Council's support of the 6th Annual Heart & Sole 5K fundraiser.**

**PATRICIA FADELEY, WINDING CREEK VILLAGE, MILLSBORO.**

**RE: Letter on the issue of the Proposed Herring Creek Sanitary Sewer District. (Mr. Moore noted that the letter would be forwarded to the County Engineering Department.)**

**Public  
Comments**

**Public Comments**

Joseph Marino, Eileen Marino, and Rhonda Manship raised concerns about a barking dog and kennel problem on Gravel Hill Road in Milton. Mr. Marino informed the Council of the various agencies that have been contacted regarding the problem.

**Public  
Comments  
(continued)**

**Paul Reiger commented on dog kennel regulations and violations, and on appointments to the Planning and Zoning Commission.**

**Dan Kramer commented on Council's budget workshop held on May 2, 2016.**

**Jeanette Cosgrove commented on the Proposed Winding Creek Water District and asked that Council vote to cancel the referendum for the proposed water district. Ms. Cosgrove also asked that Council allow Winding Creek to opt out of the proposed sewer district, as requested on March 1st.**

**Joyce Jason commented on the Proposed Winding Creek Water District and asked that Council allow Winding Creek Village to opt out of the proposed water district.**

**Lewes  
Scenic  
and  
Historic  
Byway  
Presenta-  
tion**

**Barbara Vaughn and Jeff Green (Delaware Greenways) presented information on the Lewes Scenic and Historic Byway and asked for Council's endorsement of the Lewes Scenic and Historic Byway Corridor Management Plan. The Byway winds through the City of Lewes and extends into Sussex County on the following roads: New Road, Pilot Town Road, Savannah Road, Cape Henlopen Drive, Gills Neck Road and Kings Highway. The Corridor Management Plan spells out how the community intends to keep the Byway scenic or historic; it is not a regulatory document and neither grants nor detracts from property rights.**

**Due to Councilwoman Deaver's absence, the Council deferred action on the Lewes Scenic and Historic Byway Corridor Management Plan for one week.**

**Consent  
Agenda**

**Consent Agenda**

**M 201 16  
Approve  
Consent  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to approve the following items listed under the Consent Agenda:**

**Wastewater Agreement No. 597-1  
Sussex County Project No. 81-04  
The Woodlands – Phase 1  
Miller Creek Sanitary Sewer District**

**Wastewater Agreement No. 856-8  
Sussex County Project No. 81-04  
Millville By The Sea – Lakeside Village Ext.  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 1027  
Sussex County Project No. 81-04  
Silver Woods  
Miller Creek Sanitary Sewer District**

<b>M 201 16 (continued)</b>	<b>Motion Adopted:</b> 4 Yeas, 1 Absent.  <b>Vote by Roll Call:</b> Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
<b>Defer Procla- mation</b>	<b>Presentation of the Proclamation for Soil &amp; Water Stewardship Week</b> was deferred as no one was in attendance to accept the Proclamation.
<b>Interview/ Hudson</b>	The Council conducted a public interview for Planning and Zoning Commission nominee Doug Hudson.
<b>M 202 16 Approve Appoint- ment of Doug Hudson to the P&amp;Z Commission</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Mr. Douglas Hudson to the Sussex County Planning and Zoning Commission, effective May 3, 2016, for the balance of the seat's current term until June 30, 2017.</b>  <b>Motion Adopted:</b> 4 Yeas, 1 Absent.  <b>Vote by Roll Call:</b> Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea  [Mr. Hudson will fill the seat vacated by Rodney Smith, who resigned in March 2016.]
<b>Adminis- trator's Report</b>	<b>Mr. Lawson read the following information in his Administrator's Report:</b>  <b>1. <u>Delaware Solid Waste Authority Reports</u></b>  There were 25,709 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of January, February, and March 2016. Attached are reports received for each month.  <b>2. <u>Project Receiving Substantial Completion</u></b>  Per the attached Engineering Department Fact Sheet, Batson Creek Estates – Phase 3 received Substantial Completion effective April 21, 2016.  [Attachments to the Administrator's Report are not attachments to the minutes.]
<b>Proposed Winding Creek Village Water District</b>	Hans Medlarz, County Engineer, provided an update and a recommendation on the Proposed Winding Creek Village Water District. Mr. Medlarz reported that 190 confirmed affidavits were received in opposition of the Winding Creek water referendum (51%). The Engineering Department recommends that the County discontinue any

(continued)      **efforts in implementing a water district for Winding Creek.**

**M 203 16**  
**Discontinue**  
**Referen-**  
**dum/**  
**Winding**  
**Creek**  
**Village**  
**Water**  
**District**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council instructs the Sussex County Engineering Department to discontinue the steps towards the Winding Creek Village Water District referendum, based on information as presented on May 3, 2016.**

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

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

**Herring**  
**Creek**  
**Tunnell**  
**Properties**  
**MOU**

**Hans Medlarz, County Engineer, presented a Memorandum of Understanding with Tunnell Properties. He noted that this document formalizes an existing understanding. Mr. Medlarz reported that the Engineering Department is in the process of developing a boundary for the proposed Herring Creek Sanitary Sewer District. As a result of this effort, several parcels owned by Sussex Realty Company, Inc. and Baywood LLC were needed to provide a contiguous path. These parcels had previously received a Certificate of Public Convenience and Necessity (CPCN) by the State's Public Service Commission for central sewer service by the Inland Bays Preservation Company. In an effort to maintain the contiguous path and establish one sewer district, Sussex Realty Company, Inc. and Baywood LLC indicated their willingness to permit the inclusion of the parcels in the boundary, with the full understanding that the County would not provide capacity in the system to serve them since a CPCN had been previously issued. The owners agreed to the proposal and a letter outlining said arrangement was sent to the owners. Mr. Medlarz reported that the official Public Hearing was held on February 13, 2016 and since that date, there have been a number of inquiries about service to these parcels. Concern was expressed that Sussex Realty Company, Inc. and Baywood LLC were to benefit without contributing to the expense. In order to address these concerns, a Memorandum of Understanding (MOU) with Sussex Realty Company, Inc. and Baywood LLC was developed further defining the sole reason of continuity for inclusion in the boundary. The MOU states that the County will include a narrow portion of the parcels along Banks Road into the proposed sewer district boundary but, will neither provide capacity in the system nor require connection now or in the future. Mr. Medlarz stated that a public information meeting will be held on Saturday, May 7th.**

**M 204 16**  
**Authorize**  
**MOU/**  
**Herring**  
**Creek**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson that the Sussex County Council President is authorized to execute the Herring Creek Tunnell Properties Memorandum of Understanding (MOU) between Sussex Realty Company, Inc., Baywood LLC, and Sussex County, as presented on May 3, 2016.**

- M 204 16**  
**(continued)**
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- Route 54  
Sewer  
Expansion**
- Hans Medlarz, County Engineer, presented Scope Amendment No. 1 to the Engineering Services Contract with Hazen and Sawyer for the Route 54 Expansion of the Fenwick Island Sanitary Sewer District (Project 14-10).
- M 205 16**  
**Approve**  
**Amend-**  
**ment/**  
**Route 54**  
**Sewer**  
**Expansion**  
**FISSD**
- A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Exhibit A-2, an Amendment for Additional Services to the Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District, in the amount of \$42,424.00 be approved, effective May 3, 2016.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- Bid  
Results/  
Portable  
Generator**
- Hans Medlarz, County Engineer, reported on the bid results for the Portable Generator Project (Project 16-24). Mr. Medlarz noted that considerable effort was taken to reach out to electrical contractors; however, only one company bid the project. The one bid was received from Cummins Power Supply in the amount of \$75,339.00. The Engineering Department considers the bid to be a fair price and recommends procuring the generator from them.
- M 206 16**  
**Award**  
**Bid/**  
**Portable**  
**Generator**
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the base bid for Contract 16-24, Portable Generator, be awarded to Cummins Power Systems, LLC, of Bristol, Pennsylvania, in the amount of \$75,339.00.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- Sussex  
Shores  
Subdivision/  
Chapter 96  
SCI  
Project**
- Joe Wright, Assistant County Engineer, presented a request to (1) grant Substantial Completion and (2) approve the Final Balancing Change Order for Sussex Shores Subdivision - Chapter 96 Sussex Community Improvement Project (Project 14-13A). Project 14-13A involves placing the aerial utilities underground. Mr. Wright reported that this project was finished by A. P. Croll Construction within the allotted 120 calendar days. Mr. Wright also reported on the Final Balancing Change Order in the amount of \$6,241.75 for adjustments of conduit amounts and locations

(continued) during construction.

**M 207 16**  
**Approve**  
**Change**  
**Order &**  
**Substantial**  
**Completion**  
**for**  
**Sussex**  
**Shores**  
**Subdivision/**  
**Chapter 96**  
**SCI**  
**Project**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Contract No. 14-13A, Sussex Shores Subdivision - Chapter 96 Sussex Community Improvement Project – Utility Relocations be approved, which increases the contract amount by \$6,241.75 for a new total of \$581,184.75 and that Substantial Completion be granted effective March 2, 2016 and any held retainage be released in accordance with the contract documents.

**Motion Adopted:** 3 Yeas, 1 Abstention, 1 Absent.

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

**Pump**  
**Station 207**  
**and Force**  
**Main**  
**Revised**  
**Change**  
**Order**

Joe Wright, Assistant County Engineer, presented Change Order No. 3 for Contract 12-23, Pump Station 207 and Force Main Project. Mr. Wright noted that the Final Change Order was approved and Substantial Completion was granted in August 2016. During the final closeout, it was determined that the Engineering Department had inadvertently taken a credit back twice. Therefore, the Department recommends the approval of Change Order No. 3 which will pay back the amount of \$4,062.10.

**M 208 16**  
**Approve**  
**Change**  
**Order/**  
**Pump**  
**Station 207**  
**and Force**  
**Main**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for Contract No. 12-23, Pump Station 207 and Force Main, be approved, which increases the contract amount by \$4,062.10 for a new total of \$3,986,127.69.

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

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

**Old**  
**Business/**  
**CZ 1795**

Under Old Business, the Council considered Change of Zone No. 1795 filed on behalf of Bay Forest Club, LLC c/o Natelli Communities, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on February 25, 2016 at which time action was deferred. On March 10, 2016, the Commission recommended that the application be approved.

The County Council held a Public Hearing on this application on April 5, 2016 at which time action was deferred.

**M 209 16  
Adopt  
Ordinance  
No. 2445/  
CZ 1795**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2445 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR THE PURPOSE OF CORRECTING THE NUMBER OF UNITS FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385 ACRES, MORE OR LESS" (Change of Zone No. 1795) filed on behalf of Bay Forest Club, LLC c/o Natelli Communities, Inc.

**Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.**

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

**Grant  
Requests**

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

Rebecca Lowe, Girl Scout Leader, was in attendance with one of the team members of the Girl Scout Troop 1482 Odyssey of the Mind Team to present their grant request.

**M 210 16  
Council-  
manic  
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 (\$500.00 from Mrs. Deaver's Councilmanic Grant Account and \$125.00 each from Mr. Cole's, Mr. Arlett's Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to the Girl Scouts of the Chesapeake Bay Council for Girl Scout Troop 1482 Odyssey of the Mind Team.

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

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

**M 211 16  
Council-  
manic  
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,200.00 (\$600.00 each from Mr. Arlett's and Mr. Vincent's Councilmanic Grant Accounts) to the Town of Laurel for the Laurel Fireworks Celebration.

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

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

Eddie Sherman and Peggy Raley were in attendance to present the grant request from True Blue Jazz, Inc.

**M 212 16 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 from Mr. Cole's Councilmanic Grant Account to True Blue Jazz, Inc. for concert expenses and operating expenses.**

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

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

**M 213 16 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Friends of the Bridgeville Library for program expenses.**

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

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

**M 214 16 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$3,000.00 (\$1,500.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Lower Sussex Little League for operating expenses and registration fees.**

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

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

**M 215 16 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$300.00 from Mr. Wilson's Councilmanic Grant Account to the Friends of the Georgetown Public Library for the Annual 5K Race/Walk fundraiser.**

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

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

**Introduction of Proposed Zoning Ordinances**      **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.5052 ACRES, MORE OR LESS" (Conditional Use No. 2049) filed on behalf of Blue Claw, LLC (Tax I.D. No. 234-34.00-298.01 & 292.00) (911 Address: 30842 Downs Landing Road, Millsboro).**



**Introduction  
of Proposed  
Zoning  
Ordinances  
(continued)**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE WITH GAS DISPENSERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.8573 ACRES, MORE OR LESS” (Conditional Use No. 2050) filed on behalf of Two Farms, Inc. c/o Jack Whisted (Tax I.D. No. 135-11.00-78.00) (911 Address: 24616 Lewes-Georgetown Highway, Georgetown).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.236 ACRES, MORE OR LESS” (Conditional Use No. 2051) filed on behalf of Dale Thaxton (Tax I.D. No. 234-12.14-54.00) (911 Address: 22874 Cypress Drive, Lewes).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES, MORE OR LESS” (Conditional Use No. 2052) filed on behalf of Delaware Electric Cooperative, Inc. (Tax I.D. No. 530-14.00-13.00, 14.00, 16.00 and 18.01) (911 Address: 14198 Sussex Highway, Greenwood).**

**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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS” (Change of Zone No. 1801) filed on behalf of Long Neck Road, LLC (Tax Map I.D. No. 234-23.00-307.02) (911 Address: 32549 Long Neck Road, Millsboro).**

**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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.66 ACRES, MORE OR LESS” (Change of Zone No. 1802) filed on behalf of J.G. Townsend Jr. & Co. (Tax Map I.D. No. 335-12.00-Part of Parcel 3.00) (911 Address: None Available (Acreage)).**

**(continued) The Proposed Zoning Ordinances will be advertised for Public Hearing.**

**There were no Council Members' Comments.**

**M 216 16**  
**Go Into**  
**Executive**  
**Session**  
**At 11:33 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 personnel, pending litigation, and land acquisition.**

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

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

**Executive**  
**Session**  
**At 11:40 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel, pending litigation, and land acquisition. The Executive Session concluded at 1:26 p.m.**

**M 217 16**  
**Reconvene**  
**Regular**  
**Session**  
**At 1:36 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.**

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

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

**Rules**  
**Mr. Moore read the Rules of Procedure for Public Hearings.**

**Order of**  
**Public**  
**Hearings**  
**Mr. Moore announced that the order of the Public Hearings was changed as follows: Change of Zone No. 1792, Conditional Use No. 2042, Conditional Use No. 2045.**

**Public**  
**Hearing**  
**CZ 1792**  
**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 20,833 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1792) filed on behalf of Ray C. & Candice E. Sammons (Tax Map I.D. No. 531-8.00-26.01) (911 Address: 2568 Oak Grove Road, Seaford).**

**The Planning and Zoning Commission held a Public Hearing on this application on January 28, 2016 at which time the Commission recommended that the application be approved.**

**Public  
Hearing  
CZ 1792**

**(continued)**

(See the minutes of the Planning and Zoning Commission dated January 28, 2016.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation.

The Council found that Ray and Candice Sammons were in attendance and stated that they own the property; that the property was originally rezoned to C-1 General Commercial so that he could operate his heating and air conditioning business; that the business has been closed since 1993; that they have been advised that if they sell the property, the buyers would be required to obtain a commercial loan since the property is zoned commercial; that there is a home and garage on the property; and that the use is a private residence and will remain a private residence.

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

**M 218 16  
Adopt  
Ordinance  
No. 2446/  
CZ 1792**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2446 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 20,833 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1792) filed on behalf of Ray C. & Candice E. Sammons.

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

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

**Public  
Hearing  
CU 2042**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC. (Tax Map I.D. No. 334-13.20-24.00) (911 Address: 19841 Central Avenue, Rehoboth).

The Planning and Zoning Commission held a Public Hearing on this application on January 28, 2016 at which time the Commission deferred action. On February 11, 2016, the Commission recommended that the application be approved, with the following conditions:

- a. The Applicant must comply with all State and Federal requirements for the brewery and tasting room operations.
- b. There shall not be any outside storage of materials associated with the

**Public  
Hearing  
CU 2042  
(continued)**

- brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.**
- c. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.**
  - d. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.**
  - e. 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 January 28 and February 11, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation.**

**The Council found that Harold Dukes, Attorney, was present with Harry Metcalfe of Beachfire Brewing Company, LLC. Mr. Dukes and Mr. Metcalfe provided information on the proposed use of the property. They explained the reasons why this site was selected, commented on the surrounding area, and advised of the existing small building currently located on the site. They stated that once the product line is established, they hope to create a production facility at a larger site more centralized in the County. They stated that the proposal is not for a restaurant or bar, but for a tasting room, and that any distribution from the site will be minimal. They stated that the concept behind this site is an extension of their project in Belltown; that the original plan is to have a small test brewing system; that the Belltown project will have a 15 barrel brewing system; that a 3 1/2 barrel system is proposed for this site; that, on this site, they propose to brew smaller batches of beers for testing and tasting; that they only needed a small building and this building is 1,500 square feet; that they were looking for a location with walk-through / drive-through traffic, and a place for people to get to conveniently; that the site is located right off of the bike trail; and that the site is already zoned C-1. Mr. Metcalfe stated that he believes they have everything completed, with the exception of the Certificate of Occupancy which they expect to receive on May 4th. Mr. Metcalfe provided a copy of their agency approvals and he stated that they are in compliance with Federal and State laws and they will obtain a liquor license. They explained that the site plan depicts the parking; that they need 8 spaces since they have 820 square feet of public space; that the tasting room only has 20 seats; that at most, they will have 2 people working; and that they can rent parking on adjacent properties. Mr. Metcalfe stated that the only requirement that they have not met is submission and approval of a Final Site Plan and they ask Council to waive that requirement since the building on the site is an existing building and they did not change anything on the exterior of the building. They stated that they will have non-public hours and public hours and they do not anticipate being open past 10:00 p.m.; that this will be the first retail type business in the area that invites people to the community; that they will**

**Public  
Hearing  
CU 2042  
(continued)**

lease the property on a yearly basis with automatic renewals from year to year; that their intent is to maintain their presence at this site into the future; and that, in the future, they plan to purchase a large piece of land for a larger brewing system.

The Council discussed the Final Site Plan requirement and parking requirements.

Mr. Cole suggested a 3 to 5 year limit on the Conditional Use.

There were no public comments in support of the application.

Reverend Janet Maull Martin and Brenda Melbourne spoke in opposition to the project. They expressed concerns about the impact on the West Rehoboth community, especially the children. They also expressed concern about the impact on traffic and the streets. They stated that the proposed use would not benefit the community, would not bring money into the community, and would not be compatible with the area.

The Public Hearing and public comment were closed.

**M 219 16  
Defer  
Action  
CU 2042**

A Motion was made by Cole, seconded by Mr. Wilson, to defer action on Conditional Use No. 2042 filed on behalf of Beachfire Brewing Company, LLC for further information on parking requirements.

**Motion Failed:            2 Yeas, 2 Nays, 1 Absent.**

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

**M 220 16  
Adopt  
Proposed  
Ordinance  
  
MOTION  
DIED**

A Motion was made by Mr. Arlett to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC., with conditions a through e, as recommended by the Planning and Zoning Commission.

The Motion Died due to the lack of a Second.

**M 221 16  
Defer Action  
CU 2042**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to defer action for one week on Conditional Use No. 2042 filed on behalf of Beachfire Brewing Company, LLC for the purpose of obtaining a parking schematic.

**WITH-  
DRAWN**

Mr. Cole and Mr. Wilson withdrew their Motions.

**M 222 16**      **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action**  
**Defer Action**      **for one week on Conditional Use No. 2042 filed on behalf of Beachfire**  
**CU 2042**      **Brewing Company, LLC for the purpose of obtaining a parking schematic**  
                         **and for additional parking information from Planning and Zoning.**

**WITH-**  
**DRAWN**      **Mr. Arlett and Mr. Cole withdrew their Motions.**

**M 223 16**      **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action**  
**Defer Action**      **for one week after the Planning and Zoning Commission has made a**  
**CU 2042**      **decision on this application (Conditional Use No. 2042 filed on behalf of**  
                         **Beachfire Brewing Company, LLC) referencing parking requirements.**

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

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

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing**      **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1**  
**CU 2045**      **NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY**  
                         **DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN**  
                         **PARCEL OF LAND LYING AND BEING IN INDIAN RIVER**  
                         **HUNDRED, SUSSEX COUNTY, CONTAINING 21.34 ACRES, MORE**  
                         **OR LESS” (Conditional Use No. 2045) filed on behalf of Robert and**  
                         **Deborah Reed RE/MAX Realty Group (Tax I.D. No. 234-29.00-69.01 and**  
                         **69.08 – 69.11) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on February 25, 2016 at which time action was deferred. On March 10, 2016, the Commission recommended that the application be approved, with the following conditions:**

- a. There shall be no more than 142 multi-family units constructed on the site.**
- b. All entrances, intersections, roadways and multi-modal improvements required by the Delaware Department of Transportation shall be completed by the applicant in accordance with the Department’s requirements.**
- c. The development shall be served by Sussex County sewer as part of the Oak Orchard Sanitary Sewer District.**
- d. The residential development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- e. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex**

**Public  
Hearing  
CU 2045  
(continued)**

**Conservation District.**

- f. The applicant shall submit as part of the Final Site Plan review a landscape plan showing the proposed tree and shrub landscape design.**
- g. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sediment control facilities and other common areas.**
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- i. Construction, site work, grading and deliveries of construction materials, landscape materials and fill on, off or to the property shall only occur between Monday and Friday during the hours of 8:00 a.m. and 6:00 p.m. and on Saturday between the hours of 9:00 a.m. and noon.**
- j. As stated by the applicant, there shall be a recreation area that will include a pool, pool house, and playground areas. These amenities shall be open and available to the residents prior to the issuance of the 96<sup>th</sup> residential building permit.**
- k. As stated by the applicant, sidewalks shall be provided throughout the development as shown on the perimeter site plan, with the addition of the sidewalk connecting to the Boys and Girls Club.**
- l. A landscape buffer shall be provided between this property and the Nanticoke Indian Museum. Details of the buffer shall be shown on the landscape plan included as part of the Final Site Plan review process.**
- m. As proposed by the applicant, a six-foot high privacy fence shall be erected along the west side of the property and landscaping and a multi-modal path shall be installed along Route 24. Also, a 10 foot wide landscaping strip with screening shall be provided along the south side of the project, adjacent to the Oak Meadows Subdivision.**
- n. Any streetlights associated with the project shall be downward screened so that they do not shine on adjacent properties or roadways.**
- o. This preliminary approval is contingent upon the applicant submitting a revised preliminary site plan either depicting or noting the conditions of this approval upon it. The staff shall review and approve the revised site plan upon confirmation that the conditions of approval have been depicted or noted on it.**
- p. 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 February 25 and March 10, 2016.)**

**Public  
Hearing  
CU 2045  
(continued)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation.**

**Copies of an Exhibit Book presented by the Applicant were distributed to Council members.**

**The Council found that James Fuqua, Attorney, was present with the Applicant, Mr. Reed. Also in attendance was Ring Lardner, Professional Engineer of Davis, Bowen and Friedel, Inc. They stated that they are proposing a 142 unit townhouse community on 21.34 acres of land; that access to the site will be from Oak Orchard Road; that the parcel contains approximately 1,000 feet of road frontage along Route 24; that the site is zoned B-1 Neighborhood Business; that the west side of the site borders undeveloped property zoned C-1 General Commercial; that the south side of the property is adjacent to The Meadows and the Oak Meadows Residential developments; that the properties to the east include the Nanticoke Indian Museum and the Boys and Girls Club and Oak Orchard Road; that the entrance will be limited to Oak Orchard Road; that multi-family use can be considered permitted if the Conditional Use is approved; that the property was purchased in 2002 with the B-1 Neighborhood Business zoning, and a 24 lot business park subdivision was proposed; that the business park subdivision never developed; that in 2005 a mixed use business and multi-family proposal was submitted proposing 99 units; that the Planning and Zoning Commission had recommended approval of a Conditional Use for that purpose for a reduced 79 units in March of 2006; that the mixed use proposal never developed; that another site plan was filed for a shopping center with nine (9) buildings and 800 parking spaces, which never developed; that the area has grown with multiple rezoning applications providing commercial space for large groceries, convenience stores, drug stores, etc.; that the real estate market for commercial space in the area has decreased along with the economic slowdown in the County; that the Oak Orchard Sewer District also caused delay in planning for construction; that the Applicants feel that a multi-family use is a more appropriate use of this property at this time; that proposing 142 units conforms to the Sewer District capacity allocation; that the site is located in the Oak Orchard Sanitary Sewer District; that central water will be provided by Tidewater Utilities; that the land is cleared, not wooded; that the site is not in a flood zone; that there are no wetlands on the property; that no historical or cultural issues have been found on the property; that the stormwater facilities will be designed per the Sussex Conservation District regulations; that the site is located in the Indian River Volunteer Fire Company service area; that the site is in the Indian River School District; that DelDOT has advised them that the only vehicular access to the site will be from Oak Orchard Road; that there will not be any vehicular access from Route 24; that the use is less impacting than commercial uses; that the Delaware State Housing Authority supports the intended use; that they are proposing to create a boulevard drive with internal access; that the drives will be built to County specifications; that the recreation area will include a pool, pool house, and tot lots; that they are proposing set-asides**



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(continued)**

for possible interconnection to the adjacent property to the west; that they are planning an open space area adjoining the Nanticoke Indian Museum; that sidewalks will be provided on both sides of the roadway; that a 10-foot wide landscape strip/screen will be provided on the south side, adjacent to Oak Meadows Subdivision; that a 6-foot high privacy fence is proposed to be erected on the west side; that landscaping and a multi-use path are proposed along Route 24; that stormwater management facilities will be designed subject to the approval of the Sussex Conservation District with wet ponds and infiltration areas; that there will be no more run-off than what already exists; that the use is appropriate and conforms to the Comprehensive Land Use Plan and the Zoning Code; that they are submitting suggested proposed Findings of Fact for consideration; that water currently settles near the center of the property and then runs off toward the southwest corner of the property and then drains toward the Indian River Bay to the south; that they will not be impacting any wellhead protection areas; that the Department of Education did not comment on the application when the application was reviewed by PLUS; that they will be submitting plans to the Indian River School District for information on the need and location of a bus stop; that DelDOT requires that the entrance plan be reviewed by DART; that DelDOT estimates that the proposed project will generate 90% less traffic than a large scale commercial use; that the project will actually improve drainage in the area and on adjacent properties; that there should be no negative impact on adjacent developments; that there is an existing sewer line easement between the site and the museum property; that the developer is proposing additional landscaping along the property line with the museum and the Boys and Girls Club; that there should be approximately 40 feet between the property line to the south and any buildings; that an existing Tidewater Utilities easement along the rear line will be extinguished; that sidewalks can be extended to the Boys and Girls Club entrance and/or Oak Orchard Road; that the buildings will be either two or three stories tall; that the project will provide affordable housing / workforce housing; and that the units may be sold in the below \$200,000.00 price range.

Mr. Fuqua asked Council to consider revising Condition I recommended by the Planning and Zoning Commission to read as follows: "As proposed by the Applicant, a six foot high privacy fence shall be erected between this property and the Nanticoke Indian Museum." He stated that the Nanticoke Indian Museum property already has a landscape screen located on the property and that the privacy fence would augment that landscape screen.

Mr. Cole suggested a new condition requiring additional overflow parking.

Public comments were heard.

There were no public comments in support of the application.

Patrick Gede (representing Oak Meadows Homeowners Association) spoke in opposition to the application and expressed concerns about flooding and

**Public  
Hearing  
CU 2045  
(continued)**

drainage problems in the area. Mr. Gede also expressed concern about subsidized housing in the area.

John Braun spoke in opposition to the application. He commented on the 10 foot fence proposed on the south side and suggested a 5 foot berm to prevent flooding. He stated that a 10 foot fence will not stop water from coming across to his property and other properties; that he doesn't think the proposed retention ponds will be sufficient to handle water that flows from this property; that in regard to the turning lane proposed on the Royal Farms side of Mt. Joy Road, he questions what will be done about a turning lane or signal on the Oak Orchard side to help with the additional traffic from the proposed community; that additional sidewalks and lighting are needed in the area especially in the area of the Boys and Girls Club; that the safety of children is a concern; and that the proposed community needs a school bus shelter for children.

Robert Buckley stated that he is not necessarily in opposition to the application but that he has questions and comments. He commented on the proposed 10 foot wide landscaping screen and stated that there would be traffic through their property without an impassible barrier of some sort; that all previous uses involved an entrance from Route 24 and he questioned the proposed entrance to this development being located on Oak Orchard Road; that Oak Orchard Road has pedestrians and bikers all the time and the numbers will increase during the summer months; and that he questions if there are any regulations regarding a development requiring a certain amount of owner-occupancy.

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

**M 224 16  
Amend  
Condition/  
CU 2045**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend Condition "I" recommended by the Planning and Zoning Commission to read as follows: "A six foot high privacy fence shall be provided between this property and the Nanticoke Indian Museum. Details of the fence shall be shown on the landscape plan included as part of the Final Site Plan review process".

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

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

**M 225 16  
Amend  
Condition/  
CU 2045**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to add a new Condition "q" to read as follows: "The site plan shall depict up to an additional 20 parking spaces for the purpose of overflow parking for guests of the residents of the community."

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

**M 225 16  
(continued)**

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

**M 226 16  
Adopt  
Ordinance  
No. 2447/  
CU 2045**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2447 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.34 ACRES, MORE OR LESS” (Conditional Use No. 2045) filed on behalf of Robert and Deborah Reed RE/MAX Realty Group, subject to the following conditions, as amended:**

- a. There shall be no more than 142 multi-family units constructed on the site.**
- b. All entrances, intersections, roadways and multi-modal improvements required by the Delaware Department of Transportation shall be completed by the applicant in accordance with the Department’s requirements.**
- c. The development shall be served by Sussex County sewer as part of the Oak Orchard Sanitary Sewer District.**
- d. The residential development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- e. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- f. The applicant shall submit as part of the Final Site Plan review a landscape plan showing the proposed tree and shrub landscape design.**
- g. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sediment control facilities and other common areas.**
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- i. Construction, site work, grading and deliveries of construction materials, landscape materials and fill on, off or to the property shall only occur between Monday and Friday during the hours of 8:00 a.m. and 6:00 p.m. and on Saturday between the hours of 9:00 a.m. and noon.**
- j. As stated by the applicant, there shall be a recreation area that will include a pool, pool house, and playground areas. These amenities shall be open and available to the residents prior to the**

**M 226 16  
Adopt  
Ordinance  
No. 2447/  
CU 2045  
(continued)**

issuance of the 96<sup>th</sup> residential building permit.

- k. As stated by the applicant, sidewalks shall be provided throughout the development as shown on the perimeter site plan, with the addition of the sidewalk connecting to the Boys and Girls Club.
- l. A six foot high privacy fence shall be provided between this property and the Nanticoke Indian Museum. Details of the fence shall be shown on the landscape plan included as part of the Final Site Plan review process.
- m. As proposed by the applicant, a six-foot high privacy fence shall be erected along the west side of the property and landscaping and a multi-modal path shall be installed along Route 24. Also, a 10 foot wide landscaping strip with screening shall be provided along the south side of the project, adjacent to the Oak Meadows Subdivision.
- n. Any streetlights associated with the project shall be downward screened so that they do not shine on adjacent properties or roadways.
- o. This preliminary approval is contingent upon the applicant submitting a revised preliminary site plan either depicting or noting the conditions of this approval upon it. The staff shall review and approve the revised site plan upon confirmation that the conditions of approval have been depicted or noted on it.
- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- q. The site plan shall depict up to an additional 20 parking spaces for the purpose of overflow parking for guests of the residents of the community.

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

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

**M 227 16  
Adjourn**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at 3:42 p.m.**

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

**Vote by Roll Call: Mrs. Deaver, Absent; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, 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.}*