

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 5, 2018**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 5, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>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 310 18  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting “Town of Delmar Presentation and Infrastructure Request” and to approve the agenda, as amended.

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

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

**Minutes**

The minutes of May 22, 2018 were approved by consent.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on regulations relating to public versus private stables, the number of chickens/ducks etc. permitted on a private versus commercial property, setbacks in AR and GR districts, etc.

Dan Kramer commented on farmers/farming.

**Employee  
Recognition  
Awards**

Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of forty-one (41) employees received recognition for the Second Quarter of 2018. Mrs. Jennings announced that three employees received special recognition: Joel Marshall (Mapping and Addressing) was selected to receive the Second Quarter Customer Service Award and Denise Draper (Constables Office) and Renee Davidson (Collections Division) received Honorable Mention.

**Public Hearing/  
Sussex Shores Chapter 96 SCI Project Assessment Roll**

A Public Hearing was held on the final assessment rate for the Sussex Shores Chapter 96 Sussex Community Improvement Project (Project #14-13). The Public Hearing is to allow property owners within the Sussex Shores project area an opportunity to comment on the final assessment rate to be levied against each assessable unit in order to finance the project.

Joe Wright, Assistant County Engineer, and Patti Deptula, Director of Special Projects, were present to discuss the project and assessment. The final assessment rate is determined to be \$1,211.51 annually per assessable parcel for a twenty (20) year time period, or if preferred, a one-time lump sum payment of \$16,464.87 may be made.

Mrs. Deptula reported that one public comment was received by telephone from Jeanette Golden of The Pilot House Condos who wanted to be on record stating that the Condominium Association would not benefit from the roads and therefore, should not be a part of the assessment.

Public comments were heard.

Rob Witsil spoke in support of the project on behalf of the Sussex Shores Beach Association Board of Directors.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 311 18 Approve Assessment Roll/ Sussex Shores Chapter 96 SCI Project**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineer and the Sussex County Finance Director, and in accordance with Sussex County Code, Chapter 96 Sussex Community Improvements, that Sussex County Council approves the Sussex Shores Chapter 96 Sussex Community Improvement Project #14-13 Assessment Roll, as presented, and that each assessable property within the Project pay the final assessment rate of \$1,211.51 annually for a twenty (20) year time period, with the option to make a one-time lump sum payment of \$16,464.87; Sussex County Council authorizes the Director of Finance to proceed with the billing for each assessable property in accordance with the Chapter 96 Code.

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

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

**(Mr. Cole "deferred" his vote due to a conflict.)**

**Wastewater Agreement**

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

**M 312 18  
Execute  
Wastewater  
Agreement/  
The Estuary**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 638-17, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Estuary Development, LLC for wastewater facilities to be constructed in The Estuary – Phase 1C-1C (Construction Record), located in the Miller Creek Sanitary Sewer District.

**Motion Adopted: 5 Yeas.**

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

**Planning  
and Zoning  
Commission  
Appointment**

Mr. Lawson reported on an upcoming vacancy on the Planning and Zoning Commission, stating that an appointment to the Commission will be necessary by the end of June due to the retirement of Marty Ross (District 5 – Councilman Arlett’s appointment). Mr. Arlett reported on the process for appointments to the Planning and Zoning Commission and noted that the process of appointment has been changed due to time constraints. Staff was asked to provide a new application – a digital application – with a link on the County’s website; and that for future appointments, the application will be posted and there will be a vetting process. However, with this vacancy, and due to the time constraints, the application was created and an application link was created; that Mr. Arlett shared the link with people who have expressed interest in serving on the Commission; and that three people have applied. Mr. Arlett reported that the applications were given to Mr. Lawson and Mr. Lawson forwarded the applications to Mr. Arlett (since the vacancy is in Mr. Arlett’s District). Mr. Arlett stated that the three applications were shared with each Councilmember. Mr. Arlett noted that due to the qualifications of the applicants, additional time is needed to consider the applicants and it was decided that the matter will be placed on the next agenda for a decision on who the candidate will be and, thereafter, a public interview will be scheduled in public session with the candidate selected.

**Delaware  
Agricultural  
Lands Pre-  
servation  
Program**

Mr. Lawson presented for discussion the 2018 Delaware Agricultural Lands Preservation Program. On May 16, 2018, the Delaware Agricultural Lands Preservation Foundation released its selections for Round 22 of the Preservation Program. On May 22, 2018, the Council voted to participate in Round 22 and approved the expenditure of funds for the acquisition of easements totaling just over \$536,000. By joining the State, the County Council added to the property easements purchased in Sussex County and brought the total to nearly 800 acres, comprising 10 farms and \$1.3 million. Mr. Lawson presented the list of the farms selected in Sussex County; on average, the Sussex farms provided nearly a 74 percent discount for the easement purchases. Mr. Lawson

**Program  
(continued)**

reported that, throughout the State, this year's program saw a total purchase of the development rights of 41 farms totaling 3,534 acres. Since 2003, including the most recent effort, the County has contributed approximately \$2.1 million to protect more than 2,800 acres of farmland in Sussex County.

**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, June 6th, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

2. Robert "Bob" Parson

It is with sadness that we note the passing of county employee Robert "Bob" Parson on Tuesday, May 22nd. Bob worked at the Sussex County Emergency Operations Center as a dispatcher for 13 years. We wish to extend our condolences to the Parson family.

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

**MOU with  
State of  
Delaware/  
Roadside  
Trash  
Removal**

Michael Costello, Government Affairs Manager, presented a Memorandum of Understanding (MOU) between the State of Delaware Department of Correction (DOC), Delaware Department of Transportation (DelDOT) and Sussex County relating to roadside trash removal. Currently, a formal arrangement between the State and the County for roadside trash removal does not exist. This MOU codifies the arrangement and allows the County to direct where roadside trash is removed. Mr. Costello noted that the MOU spells out how the County can provide funding for positions dedicated to the supervision of inmate crews used to collect litter and trash in the State right-of-ways and the disposal of trash. He also noted that one of the components of this program is the County would provide input on roadways needing attention. The amount of funding will not exceed \$120,000 annually. If the MOU is approved, an online submission form will be available for citizens to report on roadside trash/littering; additionally, citizens can also call the County Constable Office.

**M 313 18  
Approve  
MOU with  
the State  
of Delaware**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council, in an effort to promote a cleaner, litter-free, community does hereby approve a Memorandum of Understanding between the County and the State of Delaware, specifically the Department of Correction and Department of Transportation, for roadside litter and trash collection.

**Motion Adopted: 5 Yeas.**

**M 313 18  
(continued)**

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

**Sussex  
County  
Chapter 95  
Diamond  
Acres  
Street-  
lighting  
District**

**Patti Deptula, Director of Special Projects, reported that on April 17, 2018, the Council approved a Resolution to establish an election to be held for the Proposed Diamond Acres Proposed Streetlighting District. At that time, an estimate annual billing rate of \$69.11 was proposed for each assessable property within the proposed district. Mrs. Deptula reported on the election results: out of a total of 22 eligible votes, 11 voted “Yes” in support of the streetlighting district and 5 voted “No” in opposition of the streetlighting district. Based on the affirmative results of the election and in accordance with Chapter 95 of the Sussex County Code, Mrs. Deptula requested approval of the Resolution establishing the District, with the boundaries shown on Sussex County Tax Map 2-33-6 Parcels 48, 49.10 through 49.13, 49.20 through 49.35, 50, 65, and 66, and requested approval to allow the County Engineer to have Delaware Electric Cooperative to proceed with the installation of seven cobra head LED streetlights and wooden poles, and to authorize the County Finance Director to send an annual billing to the owners of all assessable properties within the district boundaries.**

**M 314 18  
Adopt  
R 008 18**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 008 18 entitled “A RESOLUTION ESTABLISHING THE 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**

**Millville  
SSD  
Project C/O**

**Hans Medlarz, County Engineer, presented the Final Balancing Change Order for the Millville Sanitary Sewer District, Northwest Expansion II – Irons Lane and Pump Station No. 311 (Project No. 15-10).**

**M 315 18  
Approve  
Change  
Order/  
Millville  
SSD  
Project/  
Northwest  
Expansion  
II**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Change Order No. 2 for Contract #15-10, Millville Sanitary Sewer District: Northwest Expansion II – Irons Lane and Pump Station No. 311, be approved, which increases the contract amount by \$11,285.00, for a new total of \$1,072,259.60.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CZ 1846**

**Under Old Business, the Council considered Change of Zone No. 1846 filed on behalf of CMF Bayside, LLC.**

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

**The County Council held a Public Hearing on this application on March 20, 2018 at which time action was deferred and the record was left open to allow for a new plan to be submitted showing a reduction in the size of two large ponds in the upland area and for the submittal of proposed environmentally sensitive conditions of approval; thereafter, following receipt of the information requested and a report to Council, the record remained open for 15 days for public comment. The Applicant submitted a new plan showing the removal of the two large ponds in the upland area; the Applicant is now proposing to leave the land as woodland; the other small ponds shown on the plan are for stormwater management purposes. Comments received during the 15 day period were passed on to the Council members. The record was closed by the Council on April 10, 2018.**

**M 316 18  
Adopt  
Ordinance  
No. 2579/  
CZ 1846**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2579 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.379 ACRES, MORE OR LESS” (Change of Zone No. 1846) filed on behalf of CMF Bayside, LLC, with the following conditions:**

- a. The maximum number of residential dwelling units on this property shall be 122.**
- b. The 122 units approved as part of this extension of the MR-RPC shall be part of the uses approved in conditions #1 and #3 of CZ #1393 and shall not be in addition to these conditions previously imposed on the Americana Bayside MR-RPC project.**
- c. The development shall be served as part of a Sussex County Sanitary Sewer District.**
- d. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- e. The RPC shall be served by central water.**
- f. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be designed and operated in a manner consistent with Best Management Practices.**
- g. The Final Site Plan for each phase of the development shall contain the approval of the Sussex Conservation District upon it.**
- h. The project will be incorporated as part of the existing Americana**

**M 316 18  
Adopt  
Ordinance  
No. 2579/  
CZ 1846  
(continued)**

**Bayside MR-RPC (CZ #1393) and shall be subject to, and benefited by, the conditions imposed upon that development, except as modified herein.**

- i. All entrance, roadway, intersection and multi-modal improvements required by DeDOT shall be completed in accordance with DeDOT's determinations.**
- j. The interior street design and parking areas shall meet or exceed Sussex County street design specifications and requirements.**
- k. The residential units in this development shall be part of the Americana Bayside Homeowners Association responsible for the maintenance of streets, roadways, buffers, stormwater management areas and community areas.**
- l. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Department.**
- m. The Final Site Plan shall include a landscape plan for all the buffer areas, showing all the landscaping and vegetation to be included in those areas.**
- n. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

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

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

**Grant  
Requests**

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

**M 317 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$2,000.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for a portable public address system.**

**Motion Adopted: 5 Yeas.**

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

**M 318 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$5,000.00 (\$4,500.00 from Mr. Burton's Councilmanic Grant Account and \$500.00 from Mr. Wilson's Councilmanic Grant Account) to the Milton Little League for a field lighting project.**

**Motion Adopted: 5 Yeas.**

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

**M 319 18 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 from Mr. Wilson’s Councilmanic Grant Account to Grace-N-Mercy for summer youth camp expenses.**

**Motion Adopted:    5 Yeas.**

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

**M 320 18 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$600.00 (\$120.00 from each Councilmanic Grant Account) to the Marine Corps League for Delaware Devil Dogs Detachment #780 golf tournament fundraiser.**

**Motion Adopted:    5 Yeas.**

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

**M 321 18 Councilmanic Grant**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$2,000.00 from Mr. Burton’s Councilmanic Grant Account to the Greater Lewes Community Village for the Reduced Fee Program.**

**Motion Adopted:    5 Yeas.**

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

**M 322 18 Councilmanic Grant**      **A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$2,000.00 from Mr. Burton’s Councilmanic Grant Account to the Lewes Senior Citizens Center for Activity Center construction and expansion.**

**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 Ordinances**      **Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PETROLEUM FUEL STORAGE AND OFFICE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.9475 ACRES, MORE OR LESS” (Conditional Use No. 2143) filed on behalf of Tri Gas & Oil Co.,**

**Introduction  
of Proposed  
Ordinances  
(continued)**

**Inc. (Tax I.D. No. 135-14.00-66.10 and 135-14.00-66.07 (portion of) (911 Address: 20205 DuPont Boulevard, Georgetown).**

**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 TREE COMPANY OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.5851 ACRES, MORE OR LESS” (Conditional Use No. 2144) filed on behalf of William Caldwell (Tax I.D. No. 230-5.20-55.00 and 56.00) (911 Address: 18576 Greely Avenue, Lincoln).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (2 DUPLEXES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.169 ACRE, MORE OR LESS” (Conditional Use No. 2145) filed on behalf of 105 Seagull Drive, LLC (Tax I.D. No. 334-23.06-10.00) (911 Address: 38737 Seagull Drive, Dewey Beach).**

**Mr. Arlett 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 HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” (Change of Zone No. 1858) filed on behalf of OA Oaks, LLC (Ashton Oaks) (Tax I.D. No. 533-11.00-82.00) (911 Address: 36161 Zion Church Road, Frankford).**

**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 AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 60 ACRES, MORE OR LESS” (Change of Zone No. 1859) filed on behalf of Boardwalk Development, LLC, c/o Joseph Reed (Henlopen Meadows) (Tax I.D. No. 234-12.00-3.00 and 6.00) (911 Address: Not Available).**

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

**Comments**

**Council Members’ Comments**



**M 326 18**      **Motion Adopted:    3 Yeas, 2 Absent.**  
**(continued)**

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

**Mr. Arlett was absent during the afternoon session.**

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

**The Council found that the Applicant for the first Public Hearing was not in attendance and, therefore, the Council proceeded with the next Public Hearing.**

**Mr. Cole joined the meeting.**

**Public**            **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing/**        **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**CU 2127**        **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT**  
**VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING**  
**AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,**  
**CONTAINING 25.60 ACRES, MORE OR LESS” (Conditional Use No.**  
**2127) filed on behalf of Wine Worx, LLC (Tax I.D. No. 134-11.00-53.00)**  
**(911 Address: 32512 Blackwater Road, Frankford).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval with conditions and granted Preliminary Approval with Final Site Plan approval by the Commission.**

**(See the minutes of the Planning and Zoning Commission dated May 10 and 24, 2018.)**

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

**The Council found that Adrian Mobilia was present on behalf of his application. He stated that his Conditional Use request is to shore up the differences between what the State of Delaware farm winery license permits, i.e. activities, and what is permitted / not permitted on an AR-1 zoned property; that he is requesting a Conditional Use for an event venue at a farm winery; that they have been doing other things in addition to wine tastings to keep the customers’ interest such as live entertainment, food trucks, craft nights, weddings, family events, etc.; that some events are indoors and some are outdoors; that he was notified by the Planning and Zoning Department that some of the activities are not permitted on AR-1 property; and that he filed a Conditional Use application. Mr. Mobilia commented on septic, parking spaces, hours of operation, employees, and**

**Public  
Hearing/  
CU 2127  
(continued)**

**internal guidelines/limits.**

**In response to questions raised by Council, Mr. Mobilia stated that he does not want any restrictions on days or number of events. He also stated that the events are proposed to take place only on the front portion of the parcel.**

**Mr. Cole stated that he would like to defer action and suggested that Council members take a look at the site.**

**Mr. Moore stated that he would like to look at the current regulations for special events, i.e. special events that are allowed now as part of a farming operation. Mr. Moore advised that he would forward information to the Council.**

**There were no public comments in favor of or in opposition to the application.**

**The Public Hearing was closed.**

**M 327 18  
Defer  
Action on  
CU 2127**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2127 filed on behalf of Wine Worx, LLC and to leave the record open for receipt of information from Legal relating to special events and vineyard/winery regulations, and to allow time for Council members to look at the site.**

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

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

**It was noted that the Applicant was still not present for the first scheduled Public Hearing (Conditional Use No. 2126) and that the Applicant was in transit to the meeting.**

**M 328 18  
Recess**

**At 2:03 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to recess for 15 minutes.**

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

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

**M 329 18  
Reconvene**

**At 2:15 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to reconvene.**

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

**M 329 18  
(continued)**

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

**Public  
Hearing/  
CU 2126**

**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 COMMERCIAL VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS” (Conditional Use No. 2126) filed on behalf of Nikolajs Lituinenkous (Tax I.D. No. 233-11.00-172.00) (911 Address: 30028 Vines Creek Road, Dagsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 10, 2018 at which time action was deferred. On May 24, 2018, the Commission recommended approval, with conditions, and granted Preliminary Approval with Final Site Plan approval by the Commission.**

**(See the minutes of the Planning and Zoning Commission dated May 10 and 24, 2018.)**

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

**The Council found that Nikolajs Lituinenkous was present and stated that car sales and repairs currently exists on the property; that car sales takes place on the front portion of the property; that they would like to provide a location for people to rent space to store commercial vehicles and equipment (approximately 50); that this storage would be on the back portion of the property; that they propose to cut the trees in the middle portion of the property; that they have had approximately 80 to 100 cars for sale on the property and they have had up to 70 vehicles on the property for repair; that an 8 foot fence exists between this parcel and the junk yard on the adjacent parcel; that, if required, they will leave a tree-line buffer.**

**There was a discussion on the proposed use of the site, on the legal non-conforming uses on the site including the mechanic shop currently located on the site; and on bringing the entire parcel into conformance.**

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

**The Public Hearing was closed.**

**M 330 18  
Defer  
Action on  
CU 2126**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action on Conditional Use No. 2126 filed on behalf of Nikolajs Lituinenkous and to close the record with the exception of receiving from Legal proposed**

**M 330 18** findings and information on bringing the application into conformance.  
**(continued)**

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

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

**M 331 18** A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at  
**Adjourn 2:32 p.m.**

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

**Vote by Roll Call: Mr. Arlett, Absent; 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.}*