

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 9, 2020**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 9, 2020, at 1:00 p.m., by teleconference, 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.

**Agenda**

Mr. Vincent noted that the Agenda is approved, as is.

**Minutes**

The minutes of June 2, 2020 were approved by consent.

**Comments**

There were no public comments.

**COVID-19  
County  
Update**

Mr. Lawson provided a COVID-19 County Update which included the following information: the State currently operating under the Governor's Phase 1 guidelines, the Governor's release of his Phase 2 guidelines which will take effect on June 15th, and current County operations under Phase 1 and recommended operations under Phase 2, including returning staff and public meetings.

**Adminis-  
trator's  
Report**

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

**1. Projects Receiving Substantial Completion**

Per the attached Engineering Department fact sheets, the following projects have received Substantial Completion: Peninsula Lakes – Phase 18 (Construction Record) effective May 29th, Stream's Edge Estates, effective May 29th; and The Villas at Walden (formerly Burton's Pond & Walden II) – Phase 1 (Construction Record), effective May 29th.

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

**Request to Post Notices/ Camp Arrowhead Section III**      **John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Camp Arrowhead Section III Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). This is the third expansion requested by the Diocesan Council for Camp Arrowhead; the previous expansions brought in only the facilities they planned to connect immediately. The current request is to expand the boundary to include the area designated for the existing office. The expansion will consist of 20,930 square feet more or less. A Public Hearing will be scheduled.**

**M 203 20 Post Notices/ Camp Arrowhead Section III**      **A Motion was made by Mr. Hudson, seconded by Mr. Burton, that the Sussex County Engineering Department is authorized to prepare and post notices for the Camp Arrowhead Phase III Expansion of the Sussex County Unified Sanitary Sewer District, Angola Neck Area, as presented.**

**Motion Adopted:      5 Yeas.**

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

**Grant Request**      **Mrs. Jennings presented a grant request for the Council's consideration.**

**M 204 20 Councilmanic Grant**      **A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to give \$1,500.00 from Mr. Hudson's Councilmanic Grant Account to the Rehoboth Beach Historical Society for construction of a historical exhibit at the museum.**

**Motion Adopted:      5 Yeas.**

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

**Agenda**      **Mr. Vincent noted an oversight at the beginning of the meeting when the Agenda should have been formally approved.**

**M 205 20 Approve Agenda**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to approve the Agenda of June 9th, as posted.**

**Motion Adopted:      5 Yeas.**

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

**Introduction of Proposed Ordinances**      **Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS**

**Introduction of Proposed Ordinances (continued)**

**VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.024 ACRES, MORE OR LESS” (Conditional Use No. 2226) filed on behalf of Jonathan E. and Karen M. Hearn (Tax I.D. No. 131-18.00-33.00 (Part of) (911 Address: 8275 Cannon Road, Lewes).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (Conditional Use No. 2232) filed on behalf of Covered Bridge Inn, LLC (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available).**

**Mr. Burton 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-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.57 ACRES, MORE OR LESS” (Change of Zone No. 1920) filed on behalf of J.G. Townsend, Jr. & Co. (Tax I.D. No. 334-12.00-52.00 (part of) (911 Address: None Available).**

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

**M 206 20  
Go Into  
Executive  
Session**

**At 1:16 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session to discuss matters relating to personnel and land acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 1:18 p.m. an Executive Session of the Sussex County Council was held by teleconference to discuss matters relating to personnel and land acquisition. The Executive Session concluded at 1:29 p.m.**

**M 207 20  
Reconvene  
Regular  
Session**

**At 1:31 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

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

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

**Public Hearings** All of the following public hearings were held by teleconference.

**Public Hearing/  
CU 2222** 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 AN OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRES, MORE OR LESS” (Conditional Use No. 2222) filed on behalf of Jessica Peake (Tax I.D. No. 134-17.11-40.00) (911 Address: 32967 Coastal Highway, Bethany Beach).

The Planning and Zoning Commission held a Public Hearing on this application on March 12, 2020 at which time action was deferred. On March 26, 2020, the Commission recommended approval with conditions.

(See the Planning and Zoning Commission meeting minutes of March 12 and March 26, 2020.)

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

Mr. Whitehouse reported that seventeen (17) letters were received from adjoining property owners and businesses in support of the application.

The Council found that Mackenzie Peet, Attorney, was present with the Applicant, Nick Geracimos and with Dean Geracimos (Project Consultant) and Jack Burbage (Business Partner). Ms. Peet stated that Mr. Geracimos is the founder of Nick’s Mini Golf, a family owned business which has been in business since 2016; that Mr. Geracimos currently has six other miniature golf course locations in the Delmarva region that employ approximately 30 people; that he has partnered with Jack Burbage in this venture to construct a miniature golf course in Bethany; that Mr. Burbage leases the property (from Jackie Peake) where the miniature golf course is proposed; that Mr. Geracimos is seeking approval for the 18-hole miniature golf course to be located on this property on Coastal Highway; that the property is situated near residential and commercial uses; that the Applicant previously appeared before the Board of Adjustment and was denied variances; that he has submitted a request for a rehearing and the Board is scheduled to hear this request on June 15, 2020; that the proposed use is compatible with surrounding uses and will have no adverse impact on other area properties; that as part of the golf course design, safety was considered and the golf course is separated a total of 15 feet from the highway; that a shared use path may be required by DelDOT; that they propose to provide landscaped buffers around the golf course; that they plan to install a 42 inch net to prevent stray balls from leaving the site; that no Traffic Impact Study was required; that they have partnered with the

**Public  
Hearing/  
CU 2222  
(continued)**

**adjacent motel (owned by Mr. Burbage) for a shared parking arrangement; and that 18 parking spaces will be provided, which includes handicapped parking.**

**Public comments were heard.**

**Keith Steck commented on parking requirements, including handicapped parking, and pedestrian crossings.**

**Paul Reiger commented on procedures for variance applications, stating that applications for variances should not go to the Board of Adjustment prior to an application going to the Planning and Zoning Commission and the Sussex County Council.**

**There were no additional public comments.**

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

**M 208 20  
Adopt  
Ordinance  
No. 2713/  
CU 2222**

**A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to Adopt Ordinance No. 2713 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRES, MORE OR LESS” (Conditional Use No. 2222) filed on behalf of Jessica Peake, with the following conditions:**

- A. The use shall be limited to a mini golf course and uses associated with that activity.**
- B. The signage shall comply with the sign requirements for the underlying C-1 zone.**
- C. There shall be fencing along the Route One boundary of the property to prevent golfers and golf balls from inadvertently leaving the property and getting near the Route One right of way. The location and type of fencing shall be shown on the Final Site Plan.**
- D. The Applicant shall comply with all of DelDOT’s requirements.**
- E. At least 18 parking spaces shall be provided for the use. These spaces must either be on-site or on an adjacent property pursuant to a Shared Parking Agreement.**
- F. All lighting shall be downward screened and shielded so that it does not shine on neighboring properties or roadways.**
- G. Any dumpsters shall be screened from view from neighboring properties or roadways.**
- H. The entrance to the site shall be oriented to the north and east side so that families and golfers enter from that side and are discouraged from walking along Route One to get to the use.**
- I. The Applicant shall comply with all requirements of the Sussex Conservation District regarding stormwater management on the site. The Final Site Plan shall contain the approval of the Sussex**

**M 208 20  
Adopt  
Ordinance  
No. 2713/  
CU 2222  
(continued)**

**Conservation District.**

- J. The Site Plan shall include a landscape plan that identifies the landscaping within the buffer area required by the Combined Highway Corridor Overlay Zone.**
- K. Failure to comply with any of these conditions shall be grounds for the termination of the Conditional Use approval.**
- L. 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/  
CU 2224**

**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 REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS” (Conditional Use No. 2224) filed on behalf of Pamela Price (Tax I.D. No. 332-7.00-22.00) (911 Address: 34590 Sussex Highway, Laurel).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 14, 2020 at which time action was deferred. On May 28, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated May 14 and May 28, 2020.)**

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

**The Council found that the Applicant, Pamela Price, was present. She stated that her application is for a real estate office; that she currently rents space in Delmar for her existing real estate office; that she desires to own her own office building with frontage on the highway for her business and has found this property; that this site used to be the location of the office for the raceway; that there is a small house on the site that they have remodeled; that adequate parking exists; and that a letter of support has been received from a neighbor.**

**There were no public comments.**

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

**M 209 20  
Adopt  
Ordinance  
No. 2714/  
CU 2224**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to Adopt Ordinance No. 2714 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS” (Conditional Use No. 2224) filed on behalf of Pamela Price, with the following conditions:**

- A. The use shall be limited to a real estate office.**
- B. As stated by the Applicant, the hours that the office shall be open to clients shall be between 8:30 a.m. and 7:00 p.m. This shall not prohibit the Applicant or other real estate agents from working in the office at other hours.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. There shall not be any outside storage on the site.**
- F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- G. All parking areas for the Conditional Use shall be shown on the Final Site Plan and clearly marked on the site itself.**
- 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/  
CU 2198**

**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 INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS” (Conditional Use No. 2198) filed on behalf of Jeffrey Myer (Tax I.D. No. 430-22.00-10.01) (911 Address: 10595 and 10609 Seashore Highway, Bridgeville).**

**The Planning and Zoning Commission held a Public Hearing on this application on May 14, 2020 at which time action was deferred. On May 28, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 14 and 28, 2020.)**

**Public  
Hearing/  
CU 2198  
(continued)**

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

**The Council found that Jeffrey Myer was present on behalf of his application and stated that he has been operating the market for indoor/outdoor retail sales for 32 years and that he wants to continue to run it as he has done in the past; that he does not propose any changes to the existing store; that there is sufficient parking available; that the site has access to the highway; and that no Traffic Impact Study was required.**

**There were no public comments.**

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

**M 210 20  
Adopt  
Ordinance  
No. 2715/  
CU 2198**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, to Adopt Ordinance No. 2715 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS” (Conditional Use No. 2198) filed on behalf of Jeffrey Myer, with the following conditions:**

- A. This use shall be limited to the location and scope of the existing indoor and outdoor sales that occur on the site. This limitation does not affect the pre-existing general store that is also located on this property.**
- B. As requested by the Applicant, one lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- C. The hours of operation shall be limited to 7:00 a.m. through sundown, seven days per week.**
- D. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- E. The Applicant shall comply with all DeDOT requirements, including any entrance or roadway improvements.**
- F. There shall not be any dumping on the site. Also, no junk or unsold items shall accumulate outdoors on the site.**
- G. Any dumpsters associated with the use shall be screened from view from neighboring properties or roadways.**
- H. The Final Site Plan shall clearly show all parking areas, buildings, storage containers and other structures as well as the areas set aside for the indoor and outdoor sales. The outdoor sales and parking areas shall also be clearly marked on the site itself.**
- I. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**



**M 210 20  
(continued)**

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

**Public  
Hearing/  
CZ 1904**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS” (Change of Zone No. 1904) filed on behalf of Dry Acres, LLC (Jill Cicierski) (Tax I.D. No. 235-30.00-51.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on January 23, 2020 and a further hearing was held on May 14, 2020 at which time action was deferred. On May 28, 2020, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated January 23, May 14, and May 28, 2020.)**

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

**Mr. Whitehouse stated that letters of support and a petition in support of the application have been received and made a part of the record.**

**The Council found that Mark Davidson of Pennoni was present on behalf of the application with the Applicant, Jill Cicierski. Mr. Davidson stated that the property is under contract for sale; that the site is bordered on the south by the Delaware Central Railroad and also bordered by a mini-storage facility, a Dollar General store, and lands of Bayhealth; that a shopping plaza / community retail plaza is proposed; that PLUS comments have been received; that DelDOT is limiting access on Route 9; that a right-in and right-out will be permitted by DelDOT; that a cross access easement could connect to future sites for interconnection; that a connection to the rail to trail path will eventually take place; that the proposed use will not impact property values in the area; that water and sewer utilities are available in the area; that the application complies with the Zoning Ordinance and the Comprehensive Plan; and that support letters have been made a part of the record.**

**Public comments were heard.**

**Keith Steck commented on pedestrian and bicycle safety concerns.**

**There were no additional public comments.**

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

**M 211 20**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt**  
**Adopt**      **Ordinance No. 2716 entitled “AN ORDINANCE TO AMEND THE**  
**Ordinance**      **COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN**  
**No. 2716/**      **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM**  
**CZ 1904**      **COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND**  
      **LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY,**  
      **CONTAINING 10.88 ACRES, MORE OR LESS” (Change of Zone No.**  
      **1904) filed on behalf of Dry Acres, LLC (Jill Cicierski).**

**Motion Adopted:      5 Yeas.**

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

**M 212 20**      **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to adjourn at**  
**Adjourn**      **2:58 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.}*