

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 16, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 16, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 348 19
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve the Agenda, 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**

Minutes

The minutes of June 25, 2019 were approved by consent.

**Public
Comments**

A public comment period was held and the following spoke: Jim Martin.

**Corre-
spondence**

Correspondence

Sussex Conservation District, Georgetown, Delaware.

Re: Letter thanking Council for its support of the Conservation Program in the County's FY20 Budget.

**Recognition
of former
Board**

The Council recognized Dale Callaway for his service on the Board of Adjustment from 1992 to 2019.

Members

The Council recognized John Mills for his service on the Board of Adjustment from 1992 to 2019.

The Council recognized Bruce Mears for his service on the Board of Adjustment from 2017 to 2019 and for his service on the Building Code

(continued) **Appeal Board from 1996 to 2019.**

Airport Manager Mr. Lawson introduced the County's new Airport Manager, Eric Littleton, who will take over as manager of airport and business park operations in October when the current manager retires.

Legislative Update Mr. Lawson presented a legislative update, noting the end of the General Assembly's session on June 30th. Mr. Lawson reviewed House Bill 118 (property maintenance), House Bill 228 (lodging tax), HB 260 (grant-in-aid) and SB 180 (bond bill).

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

1. **DelDOT 2021-2026 Capital Transportation Program**

Sussex County invites the public to offer suggestions for the upcoming 2021-2026 Capital Transportation Program (CTP) request, which the County Council will submit to the Delaware Department of Transportation in September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions.

Please visit www.sussexcountype.gov and click on the link to fill out a suggestion form, as well as to view last year's County request.

Submissions will be accepted now through August 2nd. County staff will review all suggestions and then compile a draft report for County Council's review before submitting the final recommendation to DelDOT for their public hearing in September.

2. **Sussex County Aaa Bond Rating**

On Friday, July 12, 2019, Moody's Investors Service issued its Credit Opinion for Sussex County resulting in an increase in the County's bond rating to Aaa, the highest rating score possible.

The Credit Opinion highlighted the extremely strong financial position the County maintains and the conservative budgeting estimates the management team follows. Moody's cited the County's practice of only budgeting for 70% of what it expects to be collected from realty transfer tax in the current fiscal year and utilizing the excess funds for capital projects; and on the expenditure side, the fact that the County actively monitors its expenditures to generate operational savings.

The credit for this great accomplishment goes to the County Finance Director, Ms. Gina Jennings, for her management of the County's finances and oversight of its operations. Her practices are the reason for the County accomplishing a Aaa bond rating. Congratulations to Ms. Jennings and her staff. A copy of the Credit Opinion is attached.

Administrator's
Report
(continued)

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Estuary – Phase 1D-1A (Construction Record), effective June 25th; Seabrook (aka Deerbrook) – Phase 2, effective June 29th; and Ocean View Beach Club – Phase 3B Sewer, effective July 9th.

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

Public
Hearing/
Smith
Annexation/
Chapel
Branch
Area

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Chapel Branch Area, to include one parcel of land along the east side of Wil King Road.

John Ashman, Director of Utility Planning, reported that a request was received from Charles and Gladys Smith, property owners of Parcel 234-6.00-74.05, stating their interest in having the County extend the current sewer district boundary to include their parcel, which is contiguous to the existing boundary.

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

M 349 19
Adopt
R 015 19

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to Adopt Resolution No. R 015 19 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) CHAPEL BRANCH AREA, TO INCLUDE A PARCEL LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

Delaware
Coastal
Airport/
Old
Terminal
Building
Redevelop-
ment
Update

Hans Medlarz, County Engineer, presented an update on the Delaware Coastal Airport, Old Terminal Building Redevelopment. On May 21, 2019, Council approved a Memorandum of Understanding (MOU) with Georgetown Air Services, LLC as well as the release of a Request for Proposals (RFP) for the ground lease and hangar development on Lot A3-2. Thereafter, the RFP was released and a single proposal was received; the sole respondent was Schell Brothers LLC. They propose a ±22,000 square foot hangar facility with a lease term of 30 years and two 10-year renewal options. Mr. Medlarz reported that the Airport Manager is in the process of obtaining FAA approval of the proposed change to the Airport Layout Plan. Once FAA approval is received, the Engineering Department will

(continued) seek Council's approval of the Schell Brothers LLC ground lease and an amendment to Georgetown Air Services, LLC's current lease. No action was necessary on this date.

Bid Results/ Bulk Delivery of 50% Caustic Soda Hans Medlarz, County Engineer, presented the bid results for the Bulk Delivery of 50% Caustic Soda (Project M19-33). Four bids were received. Intercoastal Trading, Inc. offered the lowest overall bid at \$153,505.50. The Engineering Department recommends award of Bid Item 1 for bulk delivery of caustic soda and Alternate Bid Item 1 for containerized caustic soda delivery to Intercoastal Trading, Inc. at the unit prices bid not to exceed \$125,000 per year. If the company's performance is satisfactory, the contract allows a one year extension at the unit price bid at the discretion of the Engineering Department.

M 350 19 Award Bid / Bulk Delivery of 50% Caustic Soda A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project M19-33, Bulk Delivery of 50% Caustic Soda, be awarded to Intercoastal Trading, Inc. of Cambridge, Maryland, at the bid amount of \$2.96 per gallon (bulk) and \$7.15 per gallon for containerized caustic soda, with a not to exceed amount of \$125,000.00.

Motion Adopted: 5 Yeas.

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

Proposed Ordinances/ Issuance of General Obligation Bonds/ Spray Irrigation and Land/ Joy Beach Sewer Annexation Project/ Mulberry Knoll Sewer District Project Hans Medlarz, presented the following three (3) proposed ordinances for discussion and possible introduction:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

SYNOPSIS: This Ordinance provides for the issuance of up to \$8,808,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs for the purchase of a spray irrigation system and land (collectively, the "Project").

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

SYNOPSIS: This Ordinance provides for the issuance of up to \$5,691,821 of Sussex County General Obligation Bonds in order to finance or

Proposed Ordinances/ Issuance of General Obligation Bonds (continued)

reimburse the County for a portion of the costs for the design, construction and equipping of the Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the "Project"), with the expectation that up to \$3,396,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$2,295,821 upon Project completion.

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

SYNOPSIS: This Ordinance provides for the issuance of up to \$3,135,379 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Mulberry Knoll Sewer District Project, which will finance a gravity collection system, sub-regional pump station, and force main to serve 63 Equivalent Dwelling Units in the area south of Route 24, along Mulberry Knoll Road, an area which is a peninsula in the Rehoboth Bay, with the wastewater being pumped to the County's Inland Bays Regional Wastewater Facility for treatment and disposal, an area which has been created and is now a part of the Sussex County Unified Sanitary Sewer District (collectively, the "Project"), with the expectation that up to \$1,941,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,194,379 upon Project completion.

Introduction of Proposed Ordinances

Mr. Burton introduced the Proposed Ordinance entitled **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

Mr. Burton introduced the Proposed Ordinance entitled **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

Mr. Burton introduced the Proposed Ordinance entitled **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT**

Introduction of Proposed Ordinances (continued) **PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

The Proposed Ordinances will be advertised for Public Hearing.

Infra-structure Agreements **John Ashman, Director of Utility Planning, presented four proposed Use of Existing Infrastructure Agreements for the Council’s consideration.**

M 351 19 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon Approve Use of Existing Infra-structure Agreement/ Frankford Business Park** **the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Chesapeake Plumbing and Heating, Inc. (Frankford Business Park) for a capacity allocation in the regional transmission system, 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

M 352 19 **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon Approve Use of Existing Infra-structure Agreement/ Bishops Landing** **the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Dove Barrington Development, LLC (Bishops Landing, aka Dove Landing) for a capacity allocation in the regional transmission system, 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

M 353 19 **A Motion was made by Mr. Hudson, seconded by Mr. Burton, based upon Approve Use of Existing Infra-structure Agreement/ Ocean View Beach Club** **the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Lighthipe, LLC (Ocean View Beach Club North) for a capacity allocation in the regional transmission system, 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

M 354 19
Approve
Use of
Existing
Infra-
structure
Agreement/
Beebe
Healthcare
Rehoboth
Health
Campus

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Beebe Medical Center, Inc. (Beebe Healthcare, Rehoboth Health Campus) for a capacity allocation in the regional transmission system, 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
Requests

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

M 355 19
Council-
manic
Grant

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,500.00 from Mr. Burton's Councilmanic Grant Account to Mariner Middle School for Business Professionals of America for conference expenses.

Motion Adopted: 5 Yeas.

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

M 356 19
Council-
manic
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 West Rehoboth Community Land Trust for affordable low income housing.

Motion Adopted: 5 Yeas.

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

M 357 19
Council-
manic
Grant

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$1,000.00 from Mr. Hudson's Councilmanic Grant Account to ITN Southern Delaware for the Quality of Life: Aging in Place program.

Motion Adopted: 5 Yeas.

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

M 358 19
Council-
manic
Grant

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to give \$1,500.00 (\$1,000.00 from Mr. Hudson's Councilmanic Grant Account and \$500.00 from Mr. Burton's Councilmanic Grant Account) to West Side New

M 358 19 **Beginnings for community safety and minor renovations.**
(continued)

Motion Adopted: 5 Yeas.

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

M 359 19 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give**
Countywide **\$1,500.00 from Countywide Youth Grants to Coastal Concerts for musical**
Youth **scholarships.**
Grant

Motion Adopted: 5 Yeas.

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

M 360 19 **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give**
Council- **\$1,000.00 (\$500.00 each from Mr. Wilson’s and Mr. Burton’s Councilmanic**
manic **Grant Accounts) to the Chamber of Commerce of Greater Milford for the**
Grant **Riverwalk “Freedom” Festival.**

Motion Adopted: 5 Yeas.

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

M 361 19 **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give**
Council- **\$1,000.00 from Mr. Wilson’s Councilmanic Grant Account to First State**
manic **Community Action Agency for Kimmeytown Community Day.**
Grant

Motion Adopted: 5 Yeas.

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

Introduction **Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE**
of Proposed **to GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
Ordinances **AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND**
CONDITIONAL USE NO. 1979 TO ALLOW FOR NIGHTCLUB TYPE
ACTIVITIES AND AN ELECTRONIC MESSAGE CENTER SIGN TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033
ACRES, MORE OR LESS” (Conditional Use No. 2192) filed on behalf of
Thomas and Judy Thomas and Judy Munce (Napoleon Hernandez) (Tax
I.D. No. 230-26.00-35.01) (911 Address: 12327 DuPont Boulevard (Route

**Introduction
of Proposed
Ordinances
(continued)**

113), Ellendale).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (128 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS” (Conditional Use No. 2193) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FURNITURE MAKING AND REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2194) filed on behalf of Imagination-Renovation, LLC (Tax I.D. No. 234-4.00-10.32) (911 Address: 20601 Rust Road, Harbeson).

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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS” (Change of Zone No. 1891) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton).

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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS” (Change of Zone No. 1892) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 (portion of) (911 Address: 30511 Cave Neck Road, Milton).

The Proposed Ordinances will be advertised for Public Hearing.

**M 362 19
Recess**

At 11:10 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

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

M 363 19 Reconvene At 1:31 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to reconvene.

Motion Adopted: 5 Yeas.

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

Rules Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/
CU 2178** 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 WELDING AND FABRICATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.605 ACRES, MORE OR LESS” (Conditional Use No. 2178) filed on behalf of Steven and Carrie Coleman (Tax I.D. No. 232-19.00-30.00) (911 Address: 14716 Laurel Road, Laurel).

The Planning and Zoning Commission held a Public Hearing on this application on June 13, 2019 at which time action was deferred. On June 27, 2019, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated June 13 and 27, 2019.)

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

The Council found that Steven Coleman was present on behalf of his application. He stated that he operates a welding and fabrication business; that his business is growing and he wishes to expand; that he currently works out of his garage and he wants to build a larger fabrication shop on the adjacent parcel; that he is proposing a 40 foot by 60 foot (or 40 foot by 80 foot) building; that he currently has four (4) full time employees and two (2) office staff; and that all work would take place inside or under cover.

There were no public comments.

The Public Hearing and public record were closed.

**M 364 19
Adopt
Ordinance
No. 2667/
CU 2178**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2667 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING AND FABRICATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.605 ACRES, MORE OR LESS” (Conditional Use No. 2178) filed on behalf of Steven and Carrie Coleman, with the following conditions:

- A. No outside repair work shall be performed on site.**
- B. All used, junked parts, equipment, etc. shall be screened from view of neighboring properties and roadways and shall be appropriately discarded or recycled.**
- C. The property shall have security lighting that is downward screened so that it does not project onto neighboring properties or roadways.**
- D. If desired by the Applicant, one lighted sign not to exceed 32 square feet per side shall be permitted.**
- E. The Applicant shall comply with all DelDOT requirements concerning access and roadway improvements.**
- F. All dumpsters or trash disposal containers shall be screened from view from neighboring properties, adjacent properties and roadways.**
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1877**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 49.94 ACRES, MORE OR LESS” (Change of Zone No. 1877) filed on behalf of Schiff Land Development Company, LLC (Tax I.D. No. 234-29.00-66.00, 66.01 & 66.02) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on June 13, 2019 at which time the Commission deferred action. On June 27, 2019, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated June 13 and 27, 2019.)

**Public
Hearing/
CZ 1877
(continued)**

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

The Council found that David Hutt, Attorney, was present with Phil Tolliver of Morris and Ritchie Associates and Jim Schiff, one of the Principals. Mr. Hutt reviewed the application which consists of three tax parcels located on Route 24; the project name is Patriots Glen. He reviewed the history of the site (several other land use applications) and noted that a previously approved RPC has lapsed; however, the underlying zoning remains. He reviewed the land use in the area surrounding the parcels; compatibility with the surrounding community; and the RPC approved in 2007 and the underlying zoning. Mr. Hutt presented the proposal for 161 single family units, which is 3.22 units per acre. He stated that the property is currently used for agriculture purposes; that it is located in an Investment Level 3 Area according to the Strategies for State Policies and Spending; that a small portion to the rear of the property is wooded; that the Applicant proposes 13.5 acres of open space which is 27 percent of the site; that amenities include a clubhouse with a pool; that there will be sidewalks on both sides of the streets; that the entrance to the community will be enhanced with a landscaped berm; that construction will occur in three phases; that the County will provide sanitary sewer services and Tidewater will provide water; and that the proposed project is consistent with the character and trend of the area. Mr. Hutt referenced DelDOT's response which was submitted in the Exhibit Book; and it was noted that the Applicant can pay into an area-wide traffic study in lieu of a Traffic Impact Study.

There were no public comments.

The Public Hearing and public record were closed.

**M 365 19
Adopt
Ordinance
No. 2668/
CZ 1877**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Ordinance No. 2668 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 49.94 ACRES, MORE OR LESS" (Change of Zone No. 1877) filed on behalf of Schiff Land Development Company, LLC, with the following conditions:

- A. There shall be no more than 161 residential units with the project:**
- B. The bulk area standards for the 161 units shall be as follows:**
 - 1. Front yard – 24 ft.**
 - 2. Side yard – 10 ft.**
 - 3. Rear yard – 10 ft.**
 - 4. Corner yard – 15 ft.**
 - 5. Minimum lot width – 60 ft.**

M 365 19
Adopt
Ordinance
No. 2668/
CZ 1877
(continued)

- 6. Minimum lot area – 7,500 sf.**
- C. Site plan review shall be required for each phase of the development.**
 - D. All entrances, intersection, interconnection, roadway and multi-modal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT’s requirements or in accordance with any further modifications required by DeIDOT.**
 - E. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department’s specifications and regulations.**
 - F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
 - G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with the applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of Sussex County’s Conservation District.**
 - H. The interior street design shall be in accordance with or exceed Sussex County’s street design requirements and specifications. The street design shall include sidewalks on both sides of the street.**
 - I. There shall be a 30-foot forested landscaped buffer around the entire perimeter of the site.**
 - J. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design, including landscaping in all of the buffer areas.**
 - K. Construction and deliveries shall only occur from Monday through Friday and only between the hours of 6:00 a.m. and 6:00 p.m.**
 - L. The Applicant shall form a Homeowner’s Association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**
 - M. The Restrictive Covenants and Final Site Plan shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice.**
 - N. The amenities shall include a clubhouse/multi-purpose building, pool and patio area, with at least 24 off-street parking spaces set aside for these areas. These amenities shall be completed and open to use by the residents of the development prior to the issuance of the 81st building permit.**
 - O. If required by the Indian River School District, a protected school bus shelter with related parking shall be installed at the entrance to the development. Alternatively, the Developer shall coordinate with the school district for another location, with a preference for the clubhouse building.**
 - P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Nay.

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

**Public
Hearing/
CZ 1878**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO ALLOW FOR GARAGE STUDIO APARTMENTS FOR CHANGE OF ZONE NO. 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS” (Change of Zone No. 1878) filed on behalf of Captain’s Way Development, LLC (Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08 and 235-13.00-32.00 through 332.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on June 13, 2019 at which time action was deferred. On June 27, 2019, the Commission deferred action again.

(See the minutes of the Planning and Zoning Commission dated June 13 and 27, 2019.)

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

The Council found that Preston Dyer, a member of the Developer, was present with Mark Davidson with Pennoni Associates and Mason Dyer, a member of the Developer. Mr. Dyer stated that applications for garage studio apartments are special use exceptions and requests are usually heard by the Board of Adjustment; however, because the application is a proposed amendment to a RPC approval (Ordinance No. 2295), the application must be heard by the Planning and Zoning Commission and the Sussex County Council. Mr. Dyer stated that the application is for an amendment to the conditions of approval of Ordinance No. 2295 to allow for garage studio apartments; that there are 301 lots in the Captains Way subdivision which is zoned GR with a RPC overlay designation; that they are currently finishing the construction of Phase One and are proposing the sale of lot/home packages at \$199,990.00; that the beginning prices accommodate the moderately priced housing market; that this project will target an active adult lifestyle community and will integrate the blending of generations which will benefit the elderly and those needing child care; and that there is a need for senior housing. Mr. Dyer discussed several rental options that would be available, i.e. non-market rentals and third party market rentals. Mr. Dyer referenced Ordinance No. 1959 and he stated that this is enabling legislation for accessory uses (garage/studio apartments with parking). Mr. Dyer stated that this proposal is for accommodation and not for profit, and that the proposal provides for affordable housing. Mr. Dyer reviewed qualifications which are in accordance with the Fair Housing Act and

**Public
Hearing/
CZ 1878
(continued)**

proposed restrictions, i.e. limited to at least a one year lease and owner has to live on the site and manage the lease. Mr. Davidson reviewed the proposed layout and engineering of the site and a typical garage/studio apartment floor plan. Mr. Dyer asked that the Council grant this Special Use Exception for all of the lots.

Ms. Cornwell stated that, if the application is approved, the Applicant will have to revise the site plan and the master plan; additionally, updated information will be requested from agencies.

Council members discussed with the Applicant the increase in density and the increased load on infrastructure.

There were no public comments.

The Public Hearing and public record were closed.

**M 366 19
Defer
Action on
CZ 1878**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to defer action on Change of Zone No. 1878 filed on behalf of Captain's Way Development, LLC.

(The record will remain open for the Planning and Zoning Commission's recommendation; thereafter, the record will remain open for a period of 5 calendar days following the issuance of the Commission's recommendation during which time written comments only from the public can be submitted.)

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1880**

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (Change of Zone No. 1880) filed on behalf of Craig Kormanik (Tax I.D. No. 234-23.00-261.00) (911 Address: 31792 Indian Mission Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on June 13, 2019 at which time action was deferred. On June 27, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated June 13 and 27, 2019.)

**Public
Hearing/
CZ 1880
(continued)**

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

Tammy Rust, Realtor, was present on behalf of the application. She reported that the surrounding properties are zoned commercial and that a commercial use would be the best use for this property.

There were no public comments.

The Public Hearing and public record were closed.

**M 367 19
Adopt
Ordinance
No. 2669/
CZ 1880**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2669 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS” (Change of Zone No. 1880) filed on behalf of Craig Kormanik.

Motion Adopted: 5 Yeas.

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

**M 368 19
Adjourn**

At 3:10 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Wilson, to adjourn.

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.}