

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 18, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 18, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	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 312 17
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 27, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

Deborah Botchie, Town Manager, Town of Millville.

RE: Letter in appreciation of the Council approving the revenue sharing grant for municipalities that do not have a police department.

**Public
Comments**

Public Comments

Paul Reiger commented on his concerns regarding the appointment and reappointment of Commission members. (Mr. Reiger submitted his concerns/questions in writing).

Dan Kramer commented on a discussion held at the June 27th meeting during the public comment period regarding FOIA complaints and decorum at meetings.

**Public
Comments
(continued)**

Gail Shaffer, Armand Zinnato, and Dick Harp commented on and spoke in opposition to the proposed Winding Creek Village Water District boundary.

**Public
Hearing/
Route 54
Williams-
ville
Phase II
Expansion**

A Public Hearing was held on the Route 54 Williamsville Phase II Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area).

John Ashman, Director of Utility Planning, reported that the proposed expansion includes parcels along Route 54 (Lighthouse Road) primarily from West Line Road to Dickerson Road. The Engineering Department has received requests from three property owners interested in having the County extend the District boundary; one of the on-site systems is failing and requires frequent pumping. Mr. Ashman reported that this limited extension can be completed at a 5 percent additional construction cost to the Route 54 project. System connection charges would be rolled into the financing for all existing residential customers.

Mr. Ashman stated that a call was received from an area property owner (Nolen Graves) in support of the expansion. Also received was a call from property owner Anita Adkins in support of the expansion but concerned about this expansion delaying the initial project.

Public comments were heard.

Carroll Brasure spoke in support of the proposed expansion.

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

**M 313 17
Adopt
R 014 17**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Resolution No. R 014 17 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (FENWICK ISLAND AREA) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, SITUATED ON THE NORTH AND SOUTH SIDE OF STATE ROUTE 54, (LIGHTHOUSE ROAD) PRIMARILY FROM WILLIAMSVILLE RD TO DICKERSON ROAD, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

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

**Public
Hearing**

A Public Hearing was held on the Middle Creek Preserve Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).

**Public
Hearing/
Middle
Creek
Preserve
Annexation**

John Ashman, Director of Utility Planning, reported that the expansion was requested by Solutions IPeM, LLC for their client BDRP, LLC. The project consists of six parcels; the remaining four parcels are already part of the sewer district. The project is proposing 314 single family lots and a pool house. The project will be responsible for System Connection Charges in place at the time of connection. Mr. Ashman reported that no correspondence has been received in support of or in opposition to the proposed expansion.

Public comments were heard.

Richard Raynic, an adjacent property owner, questioned who will pay for the infrastructure (pipes, pumping station) and asked if the Developer of Middle Creek Preserve has filed plans with the Soil Conservation District and where he can look at the plans.

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

Mr. Ashman stated that the infrastructure will be the responsibility of the Developer.

Janelle Cornwell, Director of Planning and Zoning, stated that prior to final plan approval, the Developer will have to go to the Sussex Conservation District for approval. She noted that if anything has been filed with the Sussex Conservation District, it can be viewed in their office.

**M 314 17
Adopt
R 015 17**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 015 17 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE TWO (2) PROPERTIES SITUATED ON THE NORTH SIDE OF ANGOLA ROAD. THE PARCELS (234-11.00-51.00 & 234-12.00-14.00) ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Millsboro
Fire
Company/
Bonds**

A Public Hearing was held on the Millsboro Fire Company's request to issue up to \$500,000 in tax-exempt bonds or notes to purchase a rescue truck. In order to obtain tax-exempt financing, the debt must be approved by the applicable governmental unit with which the fire company has entered into an agreement to provide firefighting services. This agreement is entered through an adopted resolution after a public hearing. Mrs.

**Public
Hearing
(continued)**

Jennings reported that these bonds shall be an obligation of the fire company and shall never be a debt of the County. The County shall not be liable for any payment on the debt incurred by the Millsboro Fire Company. The County's approval of the issuance of bonds or notes by the Millsboro Fire Company will have no fiscal impact on the County.

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

**M 315 17
Adopt
R 013 17**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 013 17 entitled "RESOLUTION APPROVING AGREEMENT TO PROVIDE FIREFIGHTING SERVICES AND APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE MILLSBORO FIRE COMPANY".

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Proposed
Ordinance/
Commercial
Zonings**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW "B-2 BUSINESS COMMUNITY" DISTRICT; "B-3 BUSINESS RESEARCH" DISTRICT; "C-2 MEDIUM COMMERCIAL" DISTRICT; "C-3 HEAVY COMMERCIAL" DISTRICT; "C-4, PLANNED COMMERCIAL" DISTRICT; "C-5, SERVICE/LIMITED MANUFACTURING" DISTRICT, AND "I-1, INSTITUTIONAL" DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS".

Janelle Cornwell, Director of Planning and Zoning, gave a brief overview of the commercial zoning expansion initiative that will address the following problems: no predictability within the commercial zones, too few commercial zone categories, too many permitted uses, and a one size fits all approach to commercial development. Ms. Cornwell reviewed the current four commercial zoning districts, which will be closed, and the proposed new seven districts. She noted that the proposed ordinance does not change any existing zonings.

Council members, Ms. Cornwell, and Vince Robertson, Assistant County Attorney, discussed the Draft Ordinance relating to the establishment of new commercial zoning districts.

**Public
Hearing/
Proposed
Ordinance/
Commercial
Zonings
(continued)**

Council raised questions about the following: (1) the term “quasi-public”, (2) two business uses on one lot, (3) the need for additional input from the private sector, i.e. from the various Chambers in the County, (4) customizing height, setbacks, etc., (5) sunseting in the commercial districts, and (6) conditions on RPCs, (7) flexibility in the ordinance; and (8) streamlining the process.

Mr. Robertson stated that a workshop was held several months ago with realtors, developers, and the public. He also stated that comments and input received from stakeholders have been considered in the proposed ordinance. Ms. Cornwell stated that recently, they met with some commercial realtors; however, they have not reached out to the Chambers.

Ms. Cornwell reported that the Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on June 22, 2017 at which time the Commission deferred action. (See the minutes of the Planning and Zoning Commission dated June 22, 2017.)

Mr. Robertson noted that there is going to be constructive recommendations from the Planning and Zoning Commission in regards to the Proposed Ordinance, including clarification of some of the tables. Mr. Robertson recommended that the Council leave the record open for additional comments, which would give the Chambers the opportunity to comment.

Public comments were heard.

Dan Kramer referenced the supplement (table) and he questioned if it is a part of the Proposed Ordinance. Dan Kramer also questioned: (1) the ability to farm land (B-1, B-2, and B-3 does not permit farming), and (2) the ability to have a produce stand. Mr. Kramer also raised a question about the working group, stating that the meetings were never posted, and he requested all of the names of the people attending all of the meetings that were held.

Mr. Robertson stated that the table is a part of the Proposed Ordinance; however, it is one of the issues that the Planning and Zoning Commission will be looking at for the purpose of making corrections.

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

**M 316 17
Defer
Action on
Proposed
Ordinance/
Commercial
Zonings**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW

**M 316 17
(continued)**

SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS” and to leave the record open for 15 days after the Planning and Zoning Commission makes a recommendation.

Motion Adopted: 5 Yeas.

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

**Public
Comments**

The Council moved back on the Agenda to complete the Public Comment portion of the meeting.

Bob Taney commented on the proposed Winding Creek Village Water District boundary and referenced the 67% petition response of interest. He stated that they are asking the Council to take the matter to referendum.

Jack Berberian spoke in regards to the “special events ordinance discussion” on this meeting’s agenda and he spoke in support of Hudson Fields and commented on how they give back to the community and their support of small business.

Joyce Jason commented on the number of residents that want and do not want the proposed optimized water district and she distributed a map reflecting the numbers reported. Ms. Jason also commented on previously quoted costs (\$608 per year) and the costs now being presented (\$1,375). Ms. Jason asked that the County poll the people in the reduced boundary district prior to the referendum process.

Ward Cross commented on the proposed Winding Creek Village Water District and he stated that with the proposal to split the community, the County is setting a dangerous precedent.

**League of
Women
Voters of
Sussex
County/
Annual
Report**

Dr. Janet Ambrose, Vice President of the League of Women Voters of Sussex County and Observer Corps Coordinator, presented the League’s Annual Report (Sunshine Day Report) to the Sussex County Council. As part of the League of Women Voters’ support for openness in government, its Observer Corps monitors the activities of governmental bodies for issues of importance to the League and to the County. The Observer Corps has completed its eighth year of activity; observers attended County Council and Planning and Zoning Commission meetings.

League of Women Voters of Sussex County/ Annual Report (continued)

Highlights and observations included the following: water quality; realty transfer tax, new sign ordinance, ordinance amendments, Transportation Improvement District; Council districts and Planning and Zoning Commission districts; appointment of female Planning and Zoning Commissioner and diversification of members of the Planning and Zoning Commission and Board of Adjustment; GIS zoning maps; affordable housing, 2018 Comprehensive Plan process; Administrator's Report; agenda items relating to land use matters; amplification system in Council Chambers; grants; and complimenting staff.

Consent Agenda

Dr. Ambrose presented copies of the report to the Council.

M 317 17 Approve Consent Agenda

Mr. Lawson presented the Consent Agenda for Council's approval.

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

- 1. Wastewater Agreement No. 993
Sussex County Project No. 81-04
Lighthouse Beach / AKA Rehoboth Shores Campsites – Phase 1
Long Neck Sanitary Sewer District**
- 2. Wastewater Agreement No. 925-2
Sussex County Project No. 81-04
Deerbrook – Phase 1
Long Neck Sanitary Sewer District**
- 3. Wastewater Agreement No. 638-13
Sussex County Project No. 81-04
Estuary – Phase 1C-28 (Construction Record)
Miller Creek Planning Area**

Motion Adopted: 5 Yeas.

P&Z Commission Appointments

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

M 318 17 Approve Appointment to P&Z Commission

Mr. Lawson reported that three members of the Planning and Zoning Commission were selected and appointed to fill terms that expired in June 2017. Two of those appointments were considered on this date.

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Mr. Douglas Hudson to the Sussex County Planning and Zoning Commission, effective immediately, until the term concludes in June 2020.

Motion Adopted: 5 Yeas.

**M 318 17
(continued)** **Vote by Roll Call:** **Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Reference
to Public
Comment/
Appoint-
ments to
P&Z
Commission** **Mr. Burton referenced Paul Reiger’s comments on this date about the State Statute relating to the appointment of Planning and Zoning Commission members in the month of June. Mr. Moore agreed, however, he noted that the Statute also states that “each member shall serve until that member’s successor is appointed and qualified”. Mr. Moore also referenced and reported on a Supreme Court ruling on this issue. Mr. Moore clarified that members continue to serve until their successor is appointed.**

**M 319 17
Approve
Appoint-
ment to
P&Z
Commission** **A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Mrs. Kim Hoey Stevenson to the Sussex County Planning and Zoning Commission, effective immediately, until the term concludes in June 2020.**

Motion Adopted: 5 Yeas.

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

**Special
Events
Ordinance
Discussion** **Mr. Lawson stated that staff was asked to work on updating the County’s current ordinance and language contained in the County Code relating to special events. Mr. Lawson reported that research was conducted and feedback received, i.e. from surrounding municipalities in Delaware, Maryland and Virginia. He also reported that there is no real model that exists; each jurisdiction uses its own judgement in creating their regulations.**

Mr. Lawson noted that, currently, the County has a small reference in County Code relating to special events and he explained the current process.

Mr. Lawson presented a framework for moving forward with a new ordinance, including a tentative definition of Special Events as well as some ordinance considerations and parameters. A new ordinance would amend Section 115 of the County Code, thereby requiring a Public Hearing before the Planning and Zoning Commission and the County Council.

**M 320 17
Return to
Public
Comments** **A Motion was made by Mr. Arlett, seconded by Mr. Burton, to delay further discussion on a Special Events Ordinance to return to Public Comment.**

Motion Adopted: 4 Yeas, 1 Not Voting.

**M 320 17
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Not Voting**

**Public
Comments
Relating to
Special
Events**

Alex Pires, Amber Peck, Christian Hudson and Stephen Spence spoke in support of special events, commenting on the need for special events and commenting on the benefits to the residents of and visitors to the County, as well as speaking in support of Hudson Fields. Christian Hudson also commented on ordinance parameters and cautioned the Council that they could be opening up a can of worms and creating problems for other events in the County, i.e. weddings in fire halls and political events. Mr. Hudson also referenced indoor versus outdoor events and a concern about putting a cap on a certain property which would make property owners have to choose which events to allow.

**M 321 17
Return to
Regular
Business**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to return to Regular Business.

Motion Adopted: 5 Yeas.

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

**Special
Events
Ordinance
(continued)**

Mr. Lawson asked for Council's feedback so that a Draft Ordinance can be written for consideration. Council discussed special events and considerations for drafting a new ordinance.

**Legislative
Update**

Mr. Lawson presented a legislative update as of the conclusion of the General Assembly's legislative session, including budget decisions that will impact the County. Mr. Lawson reported on two pieces of legislation passed which formed task forces that the County is a member (House Concurrent Resolution No. 39 and Senate Concurrent Resolution No. 20). Mr. Lawson also reported that the legislation requested by the County relating to EDUs was passed; the County will now have to amend the County Code.

**Adminis-
trator's
Report**

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

1. DelDOT 2019-2024 Capital Transportation Program

Sussex County invites the public to offer suggestions for the upcoming 2019-2024 Capital Transportation Program 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.sussexcountydela.gov and click on the link to fill out a suggestion form, as well as to view last year's

**Administrator's
Report
(continued)**

County request. Submissions will be accepted now through July 28th. County Administration will review all suggestions and then compile a draft report for County Council's consideration before submitting it to DelDOT in September.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for May 2017 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 191 troopers assigned to Sussex County for the month of May.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Americana Bayside - Village C - Phase 1C, effective June 27th; Lewes Crossing (aka Deep Valley Farm) - Phase 6, effective July 3rd; and Somerset Green (aka Lewes Townhouse Project), effective July 14th.

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

**Winding
Creek
Village/
Water
District
Boundary**

Hans Medlarz, County Engineer, and John Ashman, Director of Utility Planning, presented the proposed water district boundary for Winding Creek Village. They also discussed and reviewed the process of receiving petitions and the history of the proposed project. Mr. Ashman reported that, since Council passed a Motion to discontinue steps towards the creation of a community-wide water district on May 3, 2016, the residents affected by the water quality issue formed a committee and sent out a survey to the community; based on the results of the survey, they then circulated new petitions. The committee submitted 142 notarized petitions to the County in favor of submitting the question of organizing an optimized water district to referendum. Mr. Ashman reported that the Engineering Department received seven requests to opt-in to the boundary and eight requests to opt-out and explained the basis for the Department's decision to add only two parcels which requested to opt-in. Mr. Ashman presented a Proposed Resolution setting the boundaries for referendum.

**M 322 17
Adopt
R 016 17**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 016 17 entitled "DISTRICT BOUNDARIES FOR THE PROPOSED WINDING CREEK VILLAGE WATER DISTRICT".

Motion Adopted: 5 Yeas.

M 322 17
(continued)
Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Winding
Creek Ref-
erendum
Based on this approval, Mr. Ashman reviewed the proposed schedule for
the referendum.

Grant
Requests
Mrs. Jennings presented grant requests for Council's consideration.

M 323 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give
\$2,000.00 (\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and
\$500.00 from Mr. Burton's Councilmanic Grant Account) to the Friends of
Milford Museum for the annual fundraising campaign.

Motion Adopted: 5 Yeas.

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

M 324 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give
\$2,000.00 from Mr. Wilson's Councilmanic Grant Account to the Historic
Georgetown Association for improvements to Georgetown's First Fire
House.

Motion Adopted: 5 Yeas.

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

M 325 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$6,000.00
(\$5,000.00 from Mr. Wilson's Councilmanic Grant Account, \$500.00 from
Mr. Cole's Councilmanic Grant Account and \$500.00 from Mr. Burton's
Councilmanic Grant Account) to the Georgetown Historical Society for
improvements to the stable building.

Motion Adopted: 5 Yeas.

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

M 326 17
Council-
manic
Grant
A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give
\$1,000.00 (\$500.00 each from Mr. Wilson's and Mr. Burton's Councilmanic
Grant Accounts) to CHEER for the Car, Truck & Bike Show.

Motion Adopted: 5 Yeas.

**M 326 17
(continued)**

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

**M 327 17
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the Police Department's Annual National Night Out.

Motion Adopted: 5 Yeas.

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

**M 328 17
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$2,000.00 (\$1,200.00 from Mr. Burton's Councilmanic Grant Account and \$200.00 each from Mr. Arlett's, Mr. Cole's, Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to Autism Delaware for the Blue Jean Ball Fundraiser.

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
Ordinance**

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 COMMERCIAL LANDSCAPING BUSINESS WITH OUTDOOR PARKING, STORAGE OF VEHICLES, EQUIPMENT AND OTHER ANCILLARY STORAGE RELATED TO THE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.156 ACRES, MORE OR LESS" (Conditional Use No. 2105) filed on behalf of Thomas R. Engel (Tax I.D. No. 235-30.00-103.09) (911 Address: 20132 Doddtown Road, Harbeson).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.21 ACRES, MORE OR LESS" (Conditional Use No. 2107) filed on behalf of Galbraith Development Group (Tax I.D. No. 134-17.00-8.09) (911 Address: Not Available).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF

Introduction of Proposed Ordinances (continued)

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 4.484 ACRES, MORE OR LESS” (Change of Zone No. 1835) filed on behalf of HKLS, LLC (Tax I.D. No. 334-12.00-51.00) (911 Address: Not Available).

Mr. Wilson 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS” (Change of Zone No. 1836) filed on behalf of Softball World, LLC. (Tax I.D. No. 135-15.00-82.00 (portion of) (911 Address: 22518 Lewes Georgetown Highway, Georgetown).

The Proposed Ordinances will be advertised for Public Hearing.

Council-members’ Comments

Council Members’ Comments

Mr. Burton asked that two old business matters be placed on the July 25th agenda: Conditional Use No. 2071 filed on behalf of Blessing Greenhouses and Compost and Conditional Use No. 2074 filed on behalf of Quail Valley 1525, LLC. It was noted that in regard to Conditional Use No. 2071, the record was left open for additional information and that a packet of information has been provided to Council members.

Mr. Arlett stated that he is looking forward to the upcoming NACo Conference.

Request to Withdraw CU 2079 CU 2080

Mr. Vincent commented on the Public Hearings scheduled for 1:30 p.m. and stated that the Council has received a letter requesting permission to withdraw Conditional Use No. 2079 and Conditional Use No. 2080. He noted that the Council will vote on this matter at the beginning of the afternoon session (1:30 p.m.).

M 329 17 Go Into Executive Session

At 12:55 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and potential litigation.

Motion Adopted: 5 Yeas.

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

Executive Session **At 1:04 p.m., an Executive Session was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition and potential litigation. The Executive Session ended at 2:00 p.m.**

M 330 17 Reconvene Regular Session **At 2:05 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

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

E/S Action **There was no action on Executive Session matters.**

Request to Withdraw CU 2079 CU 2080 **Mr. Moore reported on the letter received on July 17, 2017 from Dennis L. Schrader, Esquire, on behalf of Clean Bay Renewables, LLC, Sussex I and II, requesting permission to withdraw their applications for conditional uses (Conditional Use No. 2079 and Conditional Use No. 2080).**

M 331 17 Permit the Withdraw of CU 2079 CU 2080 **A Motion was made by Mr. Wilson, seconded by Mr. Burton, to permit the withdraw of Conditional Use No. 2079 and Conditional Use No. 2080.**

Motion Adopted: 5 Yeas.

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

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

Public Hearing CZ 1821 **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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS” (Change of Zone No. 1821) filed on behalf of Nechay Ventures (Tax I.D. No. 532-6.00-86.00 & 87.00) (911 Address: Not Available).**

The Planning and Zoning Commission held a Public Hearing on this application on June 22, 2017 at which time the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated June 22, 2017.)

Janelle Cornwell, Director of Planning and Zoning, referenced the Commission’s Public Hearing and recommendation of approval.

**Public
Hearing
CZ 1821
(continued)**

It was noted that an Exhibit Booklet was previously submitted by the Applicant.

The Council found that Mike Smith of The Smith Firm was present with Frank Nechay, President of Nechay Ventures, and Robert Palmer of Beacon Engineering. They stated that the parcel is located adjacent to Route 13 in Delmar and near the business known as Solid Image; that the parcel has 1,000 feet of frontage; that DelDOT did not require a Traffic Impact Study; that the project is subject to the Corridor Capacity Program; that the project will not have a traffic impact on Route 13; that they are now in discussions with DelDOT with respect to access points; that the property is located in an Investment Level 4 Area according to State Strategies but they do not anticipate that any spending will be needed; that the proposed change of zone is consistent with the trend of development in the area; that the proposed project is in accordance with the Comprehensive Plan; and that the proposal is for a general refrigeration business on the site.

Mr. Cole commented on the size of the parcel to be rezoned and stated that a buffer is needed between the site and the residential area. Ms. Cornwell stated that a setback of 30 feet from a residential area is required.

In response to concerns expressed by Council members, the representatives of the application stated that a site evaluation shows that soils on the site are limiting; that it is their intention to create a buffer from the residential area; that they plan to maintain a majority of the woods and plan to farm the site as much as possible; and that they propose a water feature in the woods that will also serve as stormwater management.

There were no public comments.

The Public Hearing and public record were closed.

**M 332 17
Adopt
Ordinance
No. 2510/
CZ 1821**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2510 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS" (Change of Zone No. 1821) filed on behalf of Nechay Ventures.

Motion Adopted: 5 Yeas.

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

M 333 17
Go Into
Executive
Session

At 2:31 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and potential litigation.

Motion Adopted: 5 Yeas.

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

Executive
Session

At 2:31 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to land acquisition and potential litigation. The Executive Session concluded at 3:09 p.m.

M 334 17
Reconvene
Regular
Session

At 3:09 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: 5 Yeas.

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

E/S Action

There was no action on Executive Session matters.

M 335 17
Adjourn

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 3:09 p.m.

Motion Adopted: 5 Yeas.

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