

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 19, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 19, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Councilman Robert Arlett was absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 350 16
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of June 28 and July 11, 2016 were approved by consent.

**Beebe
Health Care
Presentation**

Jeff Fried, President and CEO, and Richard Schaffner, COO, of Beebe Health Care were in attendance to give a presentation on plans to expand the size and services of its medical center in Lewes. The two-phase project, estimated to cost nearly \$200 million will include the construction of a 5-story patient wing to allow the medical center to provide more private rooms to its patients.

**Public
Hearing/
Proposed
McCabe
Expansion
of the
SCUSSD**

A Public Hearing was held to consider the Proposed McCabe Expansion of the Sussex County Unified Sanitary Sewer District. Aref Etemadi, Planning Technician, reported that the purpose of this Public Hearing is to consider the annexation of a vacant 1.4 acre property (Tax Map & Parcel # 233-7.00-29.00) to the district; the property is located along Piney Neck Road and is adjacent to The Marina at Peppers Creek subdivision. The developer/owner, Dennis R. McCabe, will be responsible for payment of all applicable fees to include system connection charge, and annual service and front footage assessments per EDU based on rates established for July 1,

**Public
Hearing/
Proposed
McCabe
Expansion
of the
SCUSSD**

2015 through June 30, 2016. Additionally, the developer/owner will be responsible for making the connection to the existing main and extension of a lateral to the parcel. Mr. Etemadi reported that the parcel and the surrounding areas were posted with Public Hearing notices in accordance with State Law. To date, the County Engineering Department has received no comments in support of or in opposition to the proposed expansion.

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

**M 351 16
Adopt
R 010 16**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 010 16 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCEL 233-7.00-29.00 OWNED BY MR. DENNIS R. MCCABE, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 4 Yeas, 1 Absent.

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

**Consent
Agenda**

Consent Agenda

**M 352 16
Approve
Consent
Agenda**

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

**Wastewater Agreement No. 918-14
Sussex County Project No. 81-04
Bay Forest Club – Phase 4.3 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 918-15
Sussex County Project No. 81-04
Bay Forest Club – Phase 4.4 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 918-16
Sussex County Project No. 81-04
Bay Forest Club – Phase 5.1 (Construction Record)
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 990-1
Sussex County Project No. 81-04
Ocean View Beach Club – Phase 2A
Bethany Beach Sanitary Sewer District**

Motion Adopted: 4 Yeas, 1 Absent.

M 352 16
(continued)

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

Public
Comments

Public Comments

Paul Reiger commented on barbed wire fencing regulations and the definition of a farm.

Dan Kramer commented on Councilman Rob Arlett's absence.

John Welsh commented on problems in Herring Bay; he commented on some problems that County officials have helped to correct and he commented on a new issue involving ponds/wetlands in the development. Mr. Vincent asked Mr. Welsh to provide his questions to Mr. Lawson following the meeting.

Public
Hearing/
Proposed
Route 13
Commercial
Expansion
of the
SCUSSD

A Public Hearing was held to consider the Proposed Route 13 Commercial Expansion of the Sussex County Unified Sanitary Sewer District. Hans Medlarz, County Engineer, reported that the purpose of the Public Hearing is to consider this extension of an existing district. He reported that a petition consisting of a total of 9 requests were received out of 16 parcels overall; that mostly all of the properties in the area are commercially zoned; and that this ties into the ongoing Concord Road Project. The expansion consists of approximately 120 acres. Mr. Medlarz noted that everyone within the area, if and when they are connected to sewer, will be subject to the sewer connection charges at the time.

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

M 353 16
Adopt
R 011 16

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Resolution No. R 011 16 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS SITUATED ON THE EAST AND WEST SIDE OF STATE ROUTE 13, SUSSEX HIGHWAY, AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE".

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

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

Adminis-
trator's
Report

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

**Adminis-
trator's
Report
(continued)**

1. Sussex County Emergency Operations Center Call Statistics – June 2016

Attached please find the call statistics for the Fire and Ambulance Callboard for June 2016. There were 10,093 total calls handled for the month of June. Of those 9-1-1 calls in June, 83 percent were made from wireless phones.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Warrington Creek – Phase 10 (a/k/a/ Sawgrass South) received Substantial Completion effective July 11th.

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

**Report
on Time
Extensions**

Lawrence Lank, Director of Planning and Zoning, provided an update on time extensions that were previously given consideration in January 2016. Mr. Lank reported that, of the applications approved for extensions, there were two applications for the purpose of confirmation both of which were Conditional Use applications that have active mitigation sites (brownfields). Additionally, there were thirty-five (35) subdivision, Conditional Use and RPC applications that requested extensions; of those, there are fourteen (14) under construction, five (5) that have expired, and four (4) that have been recorded. Mr. Lank noted that, on June 29th, three (3) projects were recorded. Mr. Lank reported that a total of 2,230 lots/units have been extended.

Mr. Lank reported that he has received five (5) requests for time extensions for projects. Four (4) of the extensions are for subdivision or residential planned community (RPC) projects, and one (1) is for confirmation on a Conditional Use project that has been in litigation for several years and has finally received a decision from the Court. Mr. Lank reported that the subdivision applications are for Ingram Point, Tidewater Landing (aka Love Creek Landing), Captain's Way (aka Captain's Run), and The Estates at Sandhill Valley; the Conditional Use application is for Oyster House Village (the application of Sunrise Ventures, LLC, Conditional Use No. 1642). Mr. Lank provided a short summary on each project. Mr. Lank referenced the project known as The Estates at Sandhill Valley and reported that it was to be substantially underway by September 16, 2016 and therefore, a six month time extension would result in an extension to March 16, 2016.

**M 354 16
Grant
Extension/
Ingram
Point
Subdivision**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Ingram Point Subdivision shall be granted a six month time extension until December 31, 2016 (Subdivision

**M 354 16
(continued)**

No. 2005-18, an application of JLC, LLC).

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 355 16
Grant
Extension/
Tidewater
Landing
(aka Love
Creek
Landing)**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Tidewater Landing (aka Love Creek Landing) Subdivision shall be granted a six month time extension until December 31, 2016 (Subdivision No. 2008-8, an application of VESCO, LLC.)

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 356 16
Grant
Extension/
Captain's
Way (aka
Captain's
Run)**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that Captain's Way (aka Captain's Run) Subdivision shall be granted a six month time extension until December 31, 2016 (Change of Zone No. 1721, an application of Captain's Way Development, LLC).

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 357 16
Grant
Extension/
Sandhill
Valley
Subdivision**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Estates at Sandhill Valley Subdivision shall be granted a six month time extension from the September 16, 2016 date until March 16, 2017 (Subdivision No. 2006-73, an application of Anthony Sposato).

Motion Adopted: 4 Yeas, 1 Absent.

M 357 16
(continued)

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

Time
Extension
Request/
Oyster
House
Village

Mr. Lank commented on the time extension request for Oyster House Village, the application of Sunrise Ventures, LLC (Conditional Use No. 1642). He noted that this project was previously granted a confirmation in March 2016. He noted that the application has been involved in pending litigation for several years and the Courts required recordation of certain documents and easements which were just recently recorded. Mr. Moore advised that the time of the start of the extension should be the date of recordation of the required documents.

M 358 16
Grant
Extension/
Oyster
House
Village

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Oyster House Village multi-family project shall be granted a three year time extension from the date of the recordation of the documentation required by the Court.

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

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

Air
Methods
Corporation
Lease
Extension

Jim Hickin, Director of Airport and Industrial Park Operations, presented for the Council's consideration a Lease Extension for Air Methods Corporation. He reported that Air Methods is the parent company of LifeNet and operates an air ambulance service, with flight and medical crews on duty 24 hours a day; they have leased Lot A-2 at the Airport since September 2007, which includes a 2,500 square foot County-owned hangar. They are requesting to exercise the third and final three-year extension allowed under the lease. If approved, the rent amount will increase by 3 percent, to \$19,607 annually, in accordance with the lease.

M 359 16
Approve
Lease
Extension/
Air
Methods
Corporation

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Third Extension to the Lease Agreement with Air Methods Corporation for Lot A2 at Delaware Coastal Airport, dated September 5, 2007.

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

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

**Justin
Tanks
Lease
Agreement**

Jim Hickin, Director of Airport and Industrial Park Operations, presented for the Council's consideration a Lease Agreement with Justin Tanks, LLC for Lots 15 and 16 at the Industrial Park. Mr. Hickin reported that Justin Tanks (originally Justin Fiberglass) is one of the original tenants in the Industrial Park; their lease expired in 2014 after 40 years in the Park. Mr. Hickin reviewed the terms of the proposed lease including the following: term would be five years, with three five-year options; rent would be \$4,500 per year with a 10 percent increase each option period; permitted uses would be manufacturing and maintaining equipment for the fiberglass industry and other uses as permitted by the County; no assignment or sublease without County approval, etc.

**M 360 16
Execute
Lease
Agreement/
Justin
Tanks**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council authorizes the Council President to execute the Lease Agreement with Justin Tanks, LLC for Lots 15 and 16 in the Sussex County Industrial Park, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

**WRSSD
Irrigation
Rigs
Replace-
ment/
Cancellation
of Bid
Award**

Hans Medlarz, County Engineer, presented a recommendation for the cancellation of an award for the West Rehoboth Sanitary Sewer District Irrigation Rigs Replacement Project (Contract 15-18). Mr. Medlarz reported that the bid was awarded to Sussex Irrigation Company on March 1, 2016 and, while within budget, they were the only bidder for the project. Mr. Medlarz advised that events led to a complete reanalysis of the system at Wolfe Neck to a conclusion that the facility would be much better served with a number of smaller irrigation rigs which would be more efficient and more environmentally friendly. Mr. Medlarz reported that they tried to negotiate with the low bidder to extend the contract, keep the price in line, and work with the bonding requirements under the contract. The low bidder was unable to meet the three conditions. Mr. Medlarz recommended declaring the award in default and removing the award from the contractor, and authorizing the engineers to redesign and re-advertise. Mr. Medlarz stated that the work will be planned in the Fall after the crops have been harvested.

**M 361 16
Cancel
Bid and
Rebid/
WRSSD
Irrigation
Rigs
Replace-
ment**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the award for Contract 15-18, West Rehoboth Sanitary Sewer District Irrigation Rigs Replacement Project, be cancelled and that the project be redesigned and rebid at a later date.

Motion Adopted: 4 Yeas, 1 Absent.

M 361 16
(continued)

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

Award
Recommen-
dation/
Appraisal
Services

Hans Medlarz, County Engineer, reported that a Request for Proposals (RFP) was advertised in June for appraisal services to be provided on an as needed basis for a one year period. The services include, but are not limited to, inspecting and investigating properties to provide certified appraisal reports for fee simple land acquisitions and any type of easement in support of engineering projects. Three proposals were received; only two of the responses received met the advertised criteria. The Appraisal Committee interviewed the qualified bidders and recommended that the Engineering Department negotiate a contract with W.R. McCain & Associates.

M 362 16
Approve
Contract
for
Appraisal
Services

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Appraisal Committee, that the Sussex County Council approves the Engineering Department to initiate a contract with the top ranking firm, W.R. McCain & Associates, to provide appraisal services, as needed, for a one year period, effective August 1, 2016.

Motion Adopted: 4 Yeas, 1 Absent.

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

IBRWF
Effluent
Disposal &
Treatment
Expansions

Hans Medlarz, County Engineer, gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades accordingly. Mr. Medlarz explained that the Inland Bays Regional Wastewater Facility (IBRWF) and the Wolfe Neck Regional Wastewater Facility (WNRWF) serve the North Coastal Planning Area. The proposed transmission system, currently under construction, will tie the two treatment facilities together allowing a diversification of wastewater treatment options including utilization of other existing wastewater service providers in addition to the County facilities. The plan detailed the anticipated expansion of wastewater treatment and treated wastewater disposal at IBRWF. In addition to the treatment and disposal upgrades, a Regional Biosolids Drying Facility and a central septage receiving facility are envisioned. Mr. Medlarz reviewed the proposed schedule and estimated costs of all the projects at the IBRWF.

M 363 16
IBRWF
Design
Engineering/
Effluent
Disposal
Expansion

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 6A for design engineering of the Inland Bays Regional Wastewater Facility effluent disposal expansion in an amount not to exceed \$408,128.00 be approved, effective July 19, 2016.

Motion Adopted: 4 Yeas, 1 Absent.

M 363 16
(continued)

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

**M 364 16
IBRWF
Central
Septage
Receiving
Facility**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of Sussex County Engineering Department, that the Sussex County Council approves the development of one central septage receiving facility at the Inland Bays Regional Wastewater Facility under a self-supporting rate with associated customer outreach; final rate determination to be presented at a later date for Council's approval.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 365 16
IBRWF
Treatment
Capacity
Expansion**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department that Council authorizes the negotiation of Amendment No. 7 with Whitman, Requardt & Associates to the North Coastal base contract for the design of the Inland Bays Regional Wastewater Facility treatment capacity expansion, the regional bio-solids, and the septage receiving facilities; Amendment No. 7 to be presented to the Council on August 13, 2016 for the Council's consideration.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 366 16
Approve
Negotiations
for the
Utilization
of
Seasonally
Available
Existing
Wastewater
Treatment
Capacity**

A Motion was made Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the negotiation of contracts with other regional wastewater service providers for the utilization of seasonally available existing wastewater treatment capacity as well as one regional bio-solids handling facility at Inland Bays Regional Wastewater Facility; Agreements to be presented to Council for consideration no later than September 2016.

Motion Adopted: 4 Yeas, 1 Absent.

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

Grant Requests

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

- M 367 16 Councilmanic Grant**
- A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to Historic Georgetown Association for fencing around the First Fire House.**
- Motion Adopted: 4 Yeas, 1 Absent.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 368 16 Councilmanic Grant**
- A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the Police Department's National Night Out.**
- Motion Adopted: 4 Yeas, 1 Absent.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 369 16 Councilmanic Grant**
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Arlett's Councilmanic Grant Account to the Greater Millsboro Chamber of Commerce for event expenses.**
- Motion Adopted: 4 Yeas, 1 Absent.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 370 16 Councilmanic Grant**
- A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$3,000.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Laurel for the Police Department's K-9 Program.**
- Motion Adopted: 4 Yeas, 1 Absent.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea**
-
- M 371 16 Councilmanic Grant**
- A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to Autism Delaware for summer camp expenses.**
- Motion Adopted: 4 Yeas, 1 Absent.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea**

M 372 16 **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give**
Countywide **\$1,000.00 from Countywide Youth Grants to Trap Pond Partners for the**
Youth **Healthy Kids Day Event.**
Grants

Motion Adopted: 4 Yeas, 1 Absent.

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

Introduction **Mrs. Deaver introduced the Proposed Ordinance entitled “AN**
of Proposed **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
Zoning **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE**
Ordinances **AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING**
 AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
 AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY,
 CONTAINING 5.7 ACRES, MORE OR LESS” (Conditional Use No. 2055)
 filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman (Tax
 I.D. No. 330-8.00-46.00 (Part of) (911 Address: Not Available).

Mr. Wilson introduced the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE,
STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF
EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX
COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional
Use No. 2056) filed on behalf of Raynol E. Garcia (Tax I.D. No. 330-15.00-
20.01) (911 Address: 7411 Marshall Street, Lincoln).

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 NORTHWEST
FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.034 ACRES,
MORE OR LESS” (Change of Zone No. 1806) filed on behalf of WYWJ
Ventures, LLC (Tax Map I.D. No. 530-14.00-21.00) (911 Address: 14392
Sussex Highway, Bridgeville).

Mr. Vincent 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 NORTHWEST
FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES,
MORE OR LESS” (Change of Zone No. 1807) filed on behalf of WYWJ
Ventures, LLC (Tax Map I.D. No. 131-19.00-4.00) (911 Address: None
Available).

Introduction of Proposed Zoning Ordinances (continued) **Mrs. Deaver 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS” (Change of Zone No. 1808) filed on behalf of William T. Peden III (Tax Map I.D. No. 235-30.00-63.00 and 63.01) (911 Address: 26526 Lewes Georgetown Highway, Harbeson).**

The Proposed Ordinances will be advertised for Public Hearing.

Council Members’ Comments **Council Members’ Comments**
Mrs. Deaver complimented the new signs in the building.

Mr. Cole stated that he would not be in attendance at the July 26th Council meeting as he will be attending a NACo Conference.

M 373 16 Recess Regular Session/ Go Into Executive Session **At 12:06 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to Job Applicants’ Qualifications, Personnel, Pending Litigation, and Land Acquisition.**
Motion Adopted: 4 Yeas, 1 Absent.
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Absent; Mr. Wilson, Yea;
Mr. Vincent, Yea

Executive Session **At 12:10 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Job Applicants’ Qualifications, Personnel, Pending Litigation, and Land Acquisition. The Executive Session concluded at 1:25 p.m.**

M 374 16 Reconvene **At 1:42 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**
Motion Adopted: 4 Yeas, 1 Absent.
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Absent; Mr. Wilson, Yea;
Mr. Vincent, Yea

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

Public Hearing **A Public Hearing was held on the Proposed Ordinance entitled “AN ON ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR**

**Public
Hearing/
CU 2051
(continued)**

BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.236 ACRES, MORE OR LESS” (Conditional Use No. 2051) filed on behalf of Dale Thaxton (Tax I.D. No. 234-12.14-54.00) (911 Address: 22874 Cypress Drive, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on June 9th at which time action was deferred for further consideration.

(See the minutes of the Planning and Zoning Commission dated June 9, 2016.)

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

The Council found that Dale Thaxton was in attendance on behalf of his application and he stated that he has owned a computer business for 16+ years; that he moved the business to his home; that he travels to work sites; that he does not have any employees; that a complaint was made and he filed an application for a Conditional Use to come into compliance; that there is little traffic associated with his business; that he uses his existing driveway for the few drop-offs and deliveries that occur; and that he has not heard any complaints from his neighbors.

A discussion was held regarding whether or not this proposed use qualifies as a home occupation. Mr. Lank stated that it does not in accordance with the existing Code and that the Code relating to home occupations needs to be brought up to date as it has been in existence since 1970. Mr. Lank noted that the Commission is also looking at the issue of home occupation and is one of the reasons the Commission deferred action.

In response to questions raised, Mr. Lank stated that there are no deed restrictions on the parcel or in the development.

Public comments were heard.

Dan Kramer of Greenwood stated that there is no reason that this Applicant should have had to file a Conditional Use application; that the process is costly; that the Council could fix it; that the Council should have an ordinance written and introduced to change the ordinance so the Applicant can continue his business; and that the Council should not wait for the Land Use Plan to make the necessary ordinance changes.

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

Mr. Cole suggested deferring action for the purpose of looking into the home occupation classification in the Sussex County Code.

**M 375 16
Defer
Action/
CU 2051**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to defer action on Conditional Use No. 2051 filed on behalf of Dale Thaxton.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2052**

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

The Planning and Zoning Commission held a Public Hearing on this application on June 9, 2016 at which time the Commission recommended that the application be approved with the following condition: The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated June 9, 2016.)

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

Mr. Lank distributed an Exhibit Book that was previously provided by the Applicant.

The Council found that Barratt Edwards, Attorney, was present on behalf of the Applicant. Also in attendance were several representatives from Delaware Electric Cooperative (DEC), including Bill Andrew, President and CEO. Mr. Edwards described the intent of the application, described the history of the site; described the uses of surrounding parcels which are largely zoned C-1 Commercial. Mr. Edwards stated that the Applicant is proposing a 20,000+ square foot warehousing expansion on the site; that they propose that all four parcels be consolidated into one parcel; that DEC is running out of storage space and needs increased supplies on hand; and that they intend to combine all of the parcels into one parcel. Mr. Edwards reviewed a site plan of the building and a preliminary floor plan depicting the layout of the interior of the building.

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

**M 376 16
Adopt
Ordinance
No. 2458/
CU 2052**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to Adopt Ordinance No. 2458 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES, MORE OR LESS” (Conditional Use No. 2052) filed on behalf of Delaware Electric Cooperative, Inc., with the following condition:

- 1. 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 Absent.

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

**M 377 16
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 2:16 p.m.

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

{An audio recording of this meeting is available on the County’s website.}