

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 30, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 30, 2022, at 1:15 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
Mark G. Schaeffer	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 411 22
Approve
Agenda**

A Motion was made by Mr. Hudson seconded by Mr. Schaeffer, to approve the Agenda as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the August 23, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

There were no public comments.

**Public
Comment**

Mr. Lawson reported that there were two considerations for committee appointments. The first one being a reappointment of Ms. Antoinette Wright-Johnson to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities for District 5. Mr. Lawson noted this is a reappointment for two years.

**Reappoint-
ment/Aging
Committee**

**M 412 22
Approve
Appointm-
ent/Aging
Committee**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved that the Sussex County Council approve the reappointment of Ms. Antoinette Wright-Johnson to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities effective immediately for a term of two years.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**Reappointment/
Personnel Board**

Mr. Lawson reported that it is being recommended to reappoint Kathy Newcomb to the Personnel Board for a three-year term.

**M 413 22
Approve
Appointment/
Personnel
Board**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved that Sussex County Council approves the reappointment of Ms. Kathy Newcomb to the Sussex County Personnel Board effective immediately for a term of three years.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**Disposition
of County
Property/
Park
Avenue**

Mr. Lawson discussed disposition of County owned property that consists of multiple properties in the area of the Delaware Coastal Airport along Park Avenue. The disposition is required for the Delaware Department of Transportation's (DelDOT) preferred realignment of Park Avenue around the Airport. There are several properties involved and DelDOT is either acquiring fee simple title or an easement for access.

The respective tax parcel IDs are: 135-15.00-138.00; 135-20.00-75.00; 135-20.00-152.01; 135-20.00-153.00; and 135-20.00-154.03. In total, it is a fee acquisition of less than 3 acres from DelDOT.

Per the County Property Disposition Policy, County Directors were asked if they had a need for the properties and they do not.

The Park Avenue realignment is a joint effort between DelDOT, and Sussex County. The Park Avenue project will improve traffic around Georgetown and will ultimately allow the County to extend Runway 4-22 at the Delaware Coastal Airport.

Through the appraisal process, DelDOT estimates the value of its acquisitions from Sussex County to be worth approximately \$109,000. However, given the benefits to the County and DelDOT's commitment to construct necessary road improvements in Phase II of the Park Avenue project including two entrance ways to the business park, the County will donate the property to DelDOT to forego the acquisition payment.

**M 414 22
Approve
Disposition
of County**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approves the disposition of certain pieces of land associated with Park Avenue realignment Phase 2 being

Property/
Park
Avenue

performed by the Delaware Department of Transportation for the respective tax parcels addressed during the presentation.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Adminis-
trator's
Report

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2022 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 July.

2. Delaware Animal Services Performance Report – First Quarter

The Delaware Animal Services Performance Report for the second quarter of 2022 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 1,539 calls for service in the second quarter for Sussex County.

3. Sussex County – DeIDOT Permit Tracker

I am pleased to announce that the international Urban and Regional Information Systems Association (URISA) announced the County as a winner of its Exemplary Systems in Government (ESIG) award for enterprise systems for a custom online portal that tracks building permits and road improvements in Sussex County. The portal allows the County and the Delaware Department of Transportation (and anyone else using the public product) to view real-time information on projects, specifically agreements for triggering road improvements based on the number of building permits issued for new housing.

The GIS-based application, developed in 2021 by the County's Geographic Information office, DeIDOT, and the Delaware Information Technology department, aims to bridge the

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

information gap between the State, responsible for managing roads, and the County, which governs land use.

Congratulations to Mrs. Megan Nehrbas and her staff along with DelDOT staff for their efforts in achieving this award.

4. Council Meeting/Holiday Schedule

A reminder that Council will not meet on Tuesday, September 6th or Tuesday, September 13th. The next regularly scheduled Council meeting will be held on Tuesday, September 20th at 10:00 a.m.

County offices will be closed Monday, September 5th, for the Labor Day holiday.

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

**ESRI
Enterprise
Agreement**

Megan Nehrbas, Senior Manager of GIS presented a ESRI Enterprise Agreement for Council's consideration. Mrs. Nehrbas discussed the functions of the Geographic Information Office.

Mrs. Nehrbas explained that the County typically renews the licensing agreement annually through the State contract. However, due to the County's growth, usage patterns and overall critical dependencies throughout County departments as well as public face applications, it is being recommended to move into an enterprise agreement. This agreement will accommodate the growth and provides a cost saving. A full rehost of the entire architecture is needed due to servers being outdated.

Mrs. Nehrbas showed the departments within the County that have critical GIS dependencies. The ESRI portals allow staff to bring in feeds from other agencies such as weather reports, watches, and warnings as well as overlay with internal information such as 911 calls. Post storm, the ESRI portal is used to quickly collect and assess storm damage which impacts the ability to apply and qualify for FEMA funding. Another internal use is damage prevention. Miss Utility tickets are put through the system so that they can be tracked, monitored, and automatically assigned to the field crew.

Mrs. Nehrbas provided a graph showing the public facing usage growth

**ESRI
Enterprise
Agreement
(continued)**

which continues to increase.

Mrs. Nehrbas explained how the ESRI products are used as a collaboration with State agencies.

Mrs. Nehrbas shared a report of savings examples. She added that the overall savings will be based on usage.

**M 415 22
ESRI
Enterprise
Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved that Sussex County Council enter into an Enterprise License Agreement with ESRI at the recommendation of IT and GIO for a three-year commitment for a price not to exceed \$140,000 per year.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
Ordinance
No. 22-05/
CZ1949/
CU2304**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented Ordinance No. 22-05, CZ1949 and CU2304 filed on behalf of J.G. Townsend Jr., Co. Mr. Whitehouse reminded Council that at the last County Council meeting, action was deferred for further consideration after closing the record.

The gavel was given to Mr. Hudson.

Mr. Vincent stated that he has a concern about the right-of-way issues that were brought up by Mr. Schaeffer and referenced during the public hearing. Mr. Vincent added that the record was not left open.

Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04”.

**M 416 22
Defer
Action/
Ordinance
No. 22-05**

A Motion was made Mr. Vincent, seconded by Mr. Hudson to defer action, and ask Mr. Moore to research and draft a suitable condition to protect the right-of-way.

The gavel was given back to Mr. Vincent.

Mr. Schaeffer expressed a concern that the issue discussed is not in the purview of the County Council and whether or not action should be delayed on an applicant’s project. Mr. Vincent replied that he believes that there is purview. In addition, there was confusion by both parties of where the

**M 416 22
Defer
Action/
Ordinance
No. 22-05
(continued)**

right-of-way was located. Mr. Moore reported that typically, the County does not get into private agreements between parties unless they are known. In this case, it is known, and it would be appropriate to have a condition drafted that would address the issue. Mr. Moore added that the record was not left open to bring more information forward.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ1949**

Mr. Whitehouse presented a 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” filed on behalf of J.G. Townsend Jr. & Co.

**M 417 22
Defer
Action/
CZ1949**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to defer action, and ask Mr. Moore to research and draft a suitable condition to protect the right-of-way.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU2304**

Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” filed on behalf of J.G. Townsend Jr. & Co.

**M 418 22
Defer
Action/
CU2304**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to defer action, and ask Mr. Moore to research and draft a suitable condition to protect the right-of-way.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Grant Requests

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

**M 419 22
Rehoboth Beach Historical Society**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,500 (\$1,500 from Mr. Schaeffer's Councilmanic Grant Account) to Rehoboth Beach Historical Society for the Rehoboth Beach Museum's 150th Anniversary Exhibit.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 420 22
Chamber of Commerce for Greater Milford, Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$500 (\$500 from Mrs. Green's Councilmanic Grant account) to Chamber of Commerce for Greater Milford, Inc. for their Riverwalk Festival.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 421 22
Town of Greenwood, Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mrs. Green's Councilmanic Grant Account) to the Town of Greenwood Inc. for a playground handicap upgrade.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 422 22
Great Futures Fund**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,500 (\$1,250 from Mr. Rieley's Councilmanic Grant Account and \$1,250 from Mr. Hudson's Councilmanic Grant Account) to Great Future Funds for their Great Futures Gala for the Oak Orchard/Riverdale Boys and Girls Club program.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 423 22
Laurel Women's Civic Club**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$250 (\$250 from Mr. Vincent's Councilmanic Grant Account) to Laurel Women's Civic Club for Wreathes Across America project.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 424 22
American
Cancer
Society**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500 (\$300 from each Councilmanic Grant Account) to American Cancer Society Inc. for Relay for Life of Sussex County.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Council
Members'
Comments**

A discussion was held regarding the 5th District Council member race.

Mr. Moore read the procedures for public hearings on zoning matters.

**Public
Hearing/
CU2309**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" (property lying on the north side of Coastal Highway [Route 1] approximately 0.14 mile southeast of Deep Branch Road [S.C.R. 234]) (911 Address: 12537 Coastal Highway, Milton) (Tax Parcel: 235-8.00-62.00)

The Planning and Zoning Commission held a Public Hearing on this application on July 28, 2022, and on August 11, 2022, the Planning & Zoning Commission recommended approval of the application for the six reasons stated and subject to the eight recommended conditions.

(See the minutes of the Planning and Zoning Commission dated July 28 and August 11, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Mackenzie Peet, Esq., with Baird Mandalas Brockstedt Federico & Cardea, spoke on behalf of the Application; that Rockswitch Properties, LLC submitted a Conditional Use application on August 13, 2021, to request the Conditional Use of land for a small office space, located within the AR-1 (Agricultural Residential) Zoning District; that the office space is proposed for their real estate services, property management and construction business out of an existing single family dwelling located on the property; that adjacent properties to the site are

**Public
Hearing/
CU2309
(continued)**

zoned AR-1 (Agricultural Residential) and GR (General Residential); that properties located across the street are zoned C-1 (General Commercial); that these properties, located along the southbound side of Rt. 1 include the Valero Gas Station and an auto repair shop; that the applicant appeared before the Planning and Zoning Commission on July 28, 2022; that on August 11, 2022, the Commission recommended approval for the Conditional Use application; that the Applicant request the Council recommend approval for the proposed Conditional Use of an office for Rockswitch Properties, LLC's real estate service, property management and construction business; that the Applicant is okay with the conditions provided by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 425 22
Adopt
Ordinance
No. 2881/
CU2309**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt Ordinance No. 2881 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" for the reasons given by the Planning and Zoning Commission and conditions as follows:

1. The site was previously approved as a Conditional Use for a marine sales business at this location. This Application is for a less intensive use as a real estate service business office. There will not be any sales from the site. This Application is consistent with the previous use of the site for business and commercial purposes.
2. The Applicant intends to use the existing residential-style structure for a real estate services office.
3. The Applicant has stated that this site will only be used for real estate services, property management, and construction management uses and that a majority of the work will occur off-site. This is a low-impact use that is appropriate for this location.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature within the existing residential-style structure, and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to this application.
7. This recommendation is subject to the following conditions:
 - a. The use shall be limited to use as an office within the existing structure for real estate services, property management, and construction management.
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.

**M 425 22
Adopt
Ordinance
No. 2881/
CU2309
(continued)**

- c. The Applicant shall comply with any DelDOT entrance and roadway improvement requirements.**
- d. No parking shall be permitted in the front yard setback.**
- e. No outside storage of construction equipment, materials, or other items associated with the business shall be permitted. This site shall be used only as an office.**
- f. Any dumpsters or trash receptacles on the site shall be screened from the view of neighboring properties and roadways.**
- g. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.**
- h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2310**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A FOOD PANTRY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.966 ACRES, MORE OR LESS” (property lying on the west side of Union Street Ext. [Rt. 5], approximately 0.24 mile south of Reynolds Pond Road [S.C.R. 231] (911 Address: 12898 Union Street Ext.) (Tax Parcel: 235-7.00-18.00)

The Planning and Zoning Commission held a Public Hearing on this application on July 28, 2022 and on August 11, 2022, the Planning & Zoning Commission recommended approval of the application for the nine reasons stated and subject to the twelve recommended conditions.

(See the minutes of the Planning and Zoning Commission dated July 28, and August 11, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Timothy Willard, Esq. spoke on behalf of the Application; that also present were Ms. Donna Murawski, President, Mr. Lawrence Bivens, Vice President and Ms. Barbara (Bobbi) Hemmings, Treasurer; that the Planning and Zoning Commission recommended approval; that there are no problems with any of the conditions given by the Planning and Zoning Commission; that the intention is to demolish the two sheds located in the back of the property which is a change in the findings; that Milton Community Food Pantry, Inc. is a 501(c)(3); that they currently serve about 50 families; that it is all run by volunteers; that there is a need for central storage in the area; that the request is for a food pantry; that

**Public
Hearing/
CU2310
(continued)**

they gather all of the food and distribute it once a week to those in need; that he requested to present a video on behalf of the Milton Food Pantry; that the video stated the mission began after a minister received a request for help from a mother and her children who had not eaten in over a day; that the minister supplied the mother and children food from her own pantry; that the next day the church began a food pantry ministry; that the property is located north of Milton along Union St. Extended; that the property is located within a Coastal Area which calls for a variety of uses; that the property is located within the GR General Residential Zoning District; that there is one house located on the property; that the site plan was shown; that the house will be used for the preparation and storage of the food; that the two sheds in the back will be demolished due to their condition; that there is a pole barn proposed on the site plan, to be used for food storage; that the applicant has purchased the property; that the DelDOT Service Level Evaluation (SLE) did not require a Traffic Impact Study (TIS); that an entrance only access is proposed at the northern section of the horseshoe driveway; that an exit only is proposed for the other entrance to the property; that there will be six extra parking spots in addition to the driveway for incoming cars; that the distribution will only be held one day a week from 9:00 a.m. until 1:00 p.m.

Ms. Donna Murawski spoke on behalf of the Application; that she is the President and Executive Director of the Milton Community Food Pantry; that since COVID, the distribution is done in a drive thru model where nobody gets out of their vehicle; that for the day of distribution the volunteers use a walkie talkie system; that as vehicles arrive, the volunteers relay how many people are in the family; that volunteers in the building bring out bags of food, which were already prepackaged for the family size in need; that the volunteers place the food in the vehicle; that the vehicle then leaves with their food; that the driveway can accommodate about 12 vehicles; that on distribution days, there will be volunteers at the entrance and exit of the site to help manage traffic flow; that on distribution day, there are about 12-15 volunteers present.

Mr. Timothy Willard, Esq. spoke on behalf of the Application; that the Planning Commission did find that this serves an essential public purpose; that it is limited in nature and would not adversely affect neighboring properties; that it is appropriate for the location; that the conditions that were imposed were limited to just distribution which indicates there will be no loitering; that there will be no parking along Route 5; that lighting shall be inward facing; that the dumpsters will be screened; that all storage will be indoors; that a lighted 2'x3' sign, located on the building is requested; that the Final Site Plan is subject to the review and approval of the Planning & Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 426 22
Amend
Findings/
CU2310**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to amend finding No. 6 to remove the following line “There are also existing garages on the property that will remain and be utilized for storage”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 427 22
Adopt
Ordinance
No. 2882/
CU2310**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2882 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A FOOD PANTRY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.966 ACRES, MORE OR LESS” for the reasons and conditions given by Planning and Zoning as amended:

- 1. This use is for a community food bank serving the area around Milton and northeastern Sussex County. It is a 501(c)(3) organization that relies upon in-kind donations of canned and packaged goods and monetary donations.**
- 2. The food pantry began on a small scale in 2014. It grew to the point where it currently provides food to approximately 50 families, with an all-volunteer staff of 10-12 people. There is an established need for this service in this area of Sussex County.**
- 3. The food pantry has grown to the point where it needs a centralized building for storage, organization, and distribution. Currently, the food is stored in refrigerators, freezers, and garages in homes owned by volunteers. There is also outdoor storage at a community church. By having one centralized location, the Applicant will be able to operate more efficiently in an appropriate location.**
- 4. This proposed use satisfies the stated purpose for granting a Conditional Use: it has a public or semi-public character, and it is essential and desirable for the general convenience and welfare of Sussex County and its residents.**
- 5. This use will be limited in nature and will not adversely affect the neighboring properties or neighborhood. It will be a food pantry, or food storage and distribution center. No meals will be offered for consumption on-site and it will be prohibited from becoming a soup kitchen or similar operation. There was testimony in the record from the Applicant that the food pantry will only occur on limited days in any given week, and the process is very organized.**
- 6. The use is limited to the existing dwelling and that will be converted to offices and space to organize food donations for distribution and an additional pole building. The property will generally maintain its residential appearance at all times except for days when food distribution occurs. The pole building will also be permitted on the site for additional space to store food awaiting distribution.**

M 427 22
Adopt
Ordinance
No. 2882/
CU2310
(continued)

- 7. The location along Route 5, just north of Milton, is an appropriate location for this limited type of use. Route 5 is considered a major collector roadway by DelDOT, which makes it an appropriate location for this use.**
- 8. The property is in the Coastal Area according to the Future Land Use Map within the Sussex County Comprehensive Plan. The Coastal Area permits a variety of uses, including commercial uses that are more intensive than this food pantry.**
- 9. There were numerous letters in support of this operation at this location from the Town of Milton, area churches, the Milton Community Foundation, and other organizations and individuals supporting not only the need for this operation but also the proposed location for it. While there was opposition to the location of the food pantry, the stated concerns will be mitigated by the conditions placed upon this use.**
- 10. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to a food pantry where donated food is collected for distribution. The food shall be distributed for off-site consumption only. No soup kitchen-type operations or food service for on-site consumption shall occur on the site.**
 - B. No loitering shall be permitted on the site, and there shall be signage on the site confirming that loitering is prohibited.**
 - C. As stated by the Applicant, food distributions shall only occur one day per week, and shall only occur between the hours of 9:00 a.m. through 1:00 p.m. This shall not prohibit the use of the building on other days to receive and organize donations for later distribution or for office use.**
 - D. The Applicant shall comply with all roadway and entrance improvement requirements established by DelDOT.**
 - E. The Applicant shall not permit parking along Route 5 or stacking of vehicles within the Route 5 Right of Way waiting to access the property. In addition to volunteers directing traffic, there shall be signage placed on the site confirming that no parking or stacking of vehicles shall be permitted along Route 5.**
 - F. There shall be parking for at least 6 client vehicles on the site in addition to the driveway area and parking for staff and volunteers. These parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself. There shall also be directional signage installed throughout the site to direct the flow of vehicles to and from the site in an orderly manner.**
 - G. Any security lighting shall be designed so that it does not shine on neighboring properties or roadways.**
 - H. All dumpsters shall be screened so that they cannot be seen from area properties or roadways.**
 - I. All donations shall be stored indoors.**
 - J. One lighted sign, not to exceed 2 feet by 3 feet in size, shall be permitted on the building.**
 - K. The failure to abide by these conditions of approval may result in the termination of this Conditional Use.**

**M 427 22
Adopt
Ordinance
No. 2882/
CU2310
(continued)**

L. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to adjourn at 2:29 p.m.

**M 428 22
Adjourn**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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