

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 11, 2020**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 11, 2020, at 10:00 a.m., in Council Chambers, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 312 20  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of July 28, 2020 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore reported on correspondence received from the Georgetown Historical Society.**

**Mr. Rieley reported on correspondence received from the Town of Fenwick Island.**

**Public  
Comments**

**Public comments were heard and one person spoke via the phone line (name indecipherable) regarding the inability to be connected to the Council meeting via the phone line during the July 28th Council meeting to speak regarding the DelDOT MOU Revision.**

**Appoint-  
ments**

**Mr. Lawson reported on a Building Code Appeal Board (Board of Adjustments and Appeals) appointment for Council's consideration.**

**M 313 20  
Appoint-  
ment**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Bradley Layfield to the Sussex County Building Code Appeal Board (Board of Adjustments and**

**M 313 20  
Approve  
Appoint-  
ment  
(continued)**

**Appeals), effective immediately, until such time as the term expires in April 2024.**

**Motion Adopted: 5 Yeas.**

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

**Appoint-  
ment**

**Mr. Lawson reported on an appointment to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities for Council's consideration.**

**M 314 20  
Approve  
Appoint-  
ment**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Linda Forte to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities, effective immediately, until such time as the term expires in May 2022.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Downs Property Purchase**

**On August 6, 2020, Sussex County settled with the Downs families for the purchase of a certain piece of property identified as Tax ID 135-20.00-92.01 for a purchase price of \$880,000, which includes relocation costs as permitted by the FAA. This property is necessary to acquire for the County's airport expansion. Since the property acquisition was previously discussed by Council in Executive Session, the Attorney General's office has advised the County that it should disclose the identity of the property when the need for confidentiality has ended. Today's announcement follows the Attorney General's guidance.**

**2. DelDOT Sussex County Project Updates**

**The Delaware Department of Transportation (DelDOT) provided an update on the agency's transportation projects as well as the paving and rehabilitation projects in Sussex County. A copy of the report is attached, and more information can be found on DelDOT's website. This information has been provided for the benefit of the County Council and the public to better understand the status of DelDOT's projects here in Sussex County.**

**Administrator's Report (continued)**

**3. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Ocean View Beach Club – Phase 4B received Substantial Completion effective July 27<sup>th</sup>.

**4. Council Meeting Schedule**

A reminder that Council will not meet on Tuesday, August 18<sup>th</sup>. The next regularly scheduled Council meeting will be held on August 25<sup>th</sup> at 10:00 a.m.

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

**Delaware Transit Reimbursement Program Request**

Mrs. Jennings reported that DART, a division of DelDOT, has allocated \$796,862.00 for funding of transportation expenses for various senior centers in Sussex County. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2021 as per State law; this is an allocation of State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is similar to previous years:

Nanticoke Senior Center	\$ 44,959.00
Indian River Senior Center	2,100.00
Laurel Senior Center	99,083.00
Lewes Senior Center	27,120.00
Cape Henlopen Senior Center	43,066.00
CHEER, Inc.	<u>580,534.00</u>
<b>TOTAL</b>	<b>\$796,862.00</b>

**M 315 20 Approve Allocation of State Funds/ Senior Agencies**

A Motion was made by Mr. Burton, seconded Mr. Wilson, that the Sussex County Council approves the allocation of State funds to various senior agencies within Sussex County, as presented.

**Motion Adopted: 5 Yeas.**

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

**Kitchen Incubator Initiative**

Bill Pfaff, Economic Development Director, reported on funding that the Economic Development Office received from the State of Delaware for a business incubator. Mr. Pfaff reported that an Advisory Group was established in 2019 to form a kitchen incubator in Sussex County. Mr. Pfaff gave a presentation on the launching of the kitchen incubator program in Sussex County. The kitchen incubator is a commercial kitchen that allows small food business owners a way to expand production without large expenses for commercial equipment and supplies, and provides a training

**Kitchen  
Incubator  
Initiative  
(continued)**

ground for restaurant employees. Mr. Pfaff stated that he wants to market the incubator to small business owners and farmers looking to expand their operations, noting that the kitchen incubator can be a platform to grow a company. Companies using the kitchen incubator will pay a membership fee and an hourly fee for using the kitchen. Mr. Pfaff stated that he will report back to Council within the next six months with a design and a budget for the kitchen incubator.

**Vehicle  
Purchases  
RFP**

Bobby Schoonover, Manager of EMS Logistics, presented the bid results for the Vehicle Purchases RFP. Three bids were received, two for vehicles and one for EMS response truck up-fits.

**M 316 20  
Accept  
Vehicle  
Bids**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council accepts from the lowest bidder, Hertrich Fleet Services of Milford, Delaware, the request for various vehicle proposals, for specifications A, C, D, E, F, G-1, G-2-1, H-1, 2, 3, 4 and 5, I-1, I-2, and J; and Winner Ford of Cherry Hill, New Jersey, for specification B, for the 2020-2021 model year.

**Motion Adopted: 5 Yeas.**

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

**M 317 20  
Accept  
Vehicle  
Bid**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council accepts from the lowest bidder, First Due Customs, LLC of Seaford, Delaware, the up-fit for specifications K and L.

**Motion Adopted: 5 Yeas.**

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

**Request to  
Withdraw  
CZ 1914**

Jamie Whitehouse, Planning and Zoning Director, presented a request that Sussex County Council accept the withdraw of the application known as Change of Zone No. 1914 filed on behalf of Ronald E. and M. Candace Gray. The Council held a public hearing on this application on June 30, 2020 at which time action was deferred.

**M 318 20  
Accept  
Request  
to Withdraw  
CZ 1914**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council accepts the request to withdraw Application Change of Zone No. 1914 filed on behalf of Ronald E. and M. Candace Gray.

**Motion Adopted: 5 Yeas.**

**M 318 20  
(continued)**

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

**Carl M.  
Freeman/  
CMF  
Tidewater  
Landing**

**Hans Medlarz, County Engineer, presented a request from Carl M. Freeman Companies for the surrender of oversizing credits, an Infrastructure Use Agreement (Weidman Parcel), and CMF Tidewater Landing, LLC's payment in lieu offer.**

**M 319 20  
Accept  
Surrender  
of Over-  
sizing  
Credits/  
CMF  
Bayside,  
LLC**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering and Finance Departments, that Sussex County Council accepts Carl M. Freeman's, AKA CMF Bayside, LLC's, offer to surrender any and all oversizing credits for sewer utility improvements above and beyond Americana Bayside's requirements in exchange for exempting active and proposed development activities within Americana Bayside, capped at 2033 EDUs per the original RPC approval, from the Infrastructure Use Agreement requirement under Ordinance No. 2577.**

**Motion Adopted: 5 Yeas.**

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

**M 320 20  
Approve  
Infra-  
structure  
Use  
Agreement**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Infrastructure Use Agreement between Sussex County and CMF Bayside, LLC for the Americana Bayside Weidman parcel (No. 533-19.00-297.00).**

**Motion Adopted: 5 Yeas.**

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

**M 321 20  
Accept  
CMF  
Tidewater  
Landing's  
Offer of  
Payment  
In Lieu**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council accepts CMF Tidewater Landing, LLC's offer of \$549,900.00, as a one-time contribution in lieu of sewer infrastructure installation along a segment of Robinsonville Road.**

**Motion Adopted: 5 Yeas.**

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

**Chesapeake Utilities/ Utility Easements**      **Hans Medlarz, County Engineer, presented a request for granting a Natural Gas Utility Easement on Parcel Nos. 234-11.00-56.11 (Route 24 from Angola Road to Hollymount Road – Chapel Branch crossing) and 135-20.00-75.00 (Delaware Coastal Business Park).**

**M 322 20 Approve Easements/ Chesapeake Utilities**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the granting of easements to Chesapeake Utilities Corporation for Tax Parcel 234-11.00-56.11 in the consideration of \$7,551.00 and Tax Parcel 135-20.00-75.00, in the consideration of \$2,000.00.**

**Motion Adopted:    5 Yeas.**

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

**Herring Creek & Chapel Branch SSDs/ C/O #1**      **Hans Medlarz, County Engineer, presented Change Order No. 1 to the Herring Creek & Chapel Branch Sanitary Sewer Districts with Robinsonville Road Development Area Pump Stations, Project S20-06. Change Order No. 1 in the amount of \$51,460.00 is for bank slope stabilization repairs along an unnamed lagoon tributary to Burtons Prong in Millsboro; repairs are required as a result of Tropical Storm Faye.**

**M 323 20 Approve Change Order/ Herring Creek & Chapel Branch SSDs/ C/O #1**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract S20-06, Herring Creek and Chapel Branch Sanitary Sewer Districts with Robinsonville Road Development Area Pump Stations, Phase 2, be approved, increasing the Contract up to \$51,460.00, for a new contract total of \$5,308,220.00.**

**Motion Adopted:    5 Yeas.**

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

**Herring Creek SSD/ Bid Award**      **Hans Medlarz, County Engineer, presented a recommendation to award Project S20-07, Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main. Eight bids were received; JJID, Inc. of Bear, Delaware submitted the low base bid of \$5,091,000.00.**

**M 324 20 Award Bid/ Herring Creek SSD/ Project S20-07**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Contract S20-07, Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main, be awarded to JJID, Inc. for their base bid of \$5,091,000.00, contingent upon USDA concurrence.**

**M 324 20  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Forcemain  
Consoli-  
dation/  
SCRWF/  
Project  
M20-11**

**Hans Medlarz, County Engineer, presented a Final Balancing Change Order (No. 3) in the credit amount of \$18,139.50 and Request for Final Acceptance for Project M20-11, Materials – Forcemain Consolidation at SCRWF. A design change resulted in an overrun of materials which could be returned for credit. The new contract amount represents final balancing and final acceptance to close out the contract.**

**M 325 20  
Award  
Bid/  
Forcemain  
Consoli-  
dation/  
SCRWF/  
Project  
M20-11**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for Contract M20-11, Materials Purchase for Forcemain Consolidation at South Coastal Regional Wastewater Facility, be approved, decreasing the contract by \$18,139.50, for a new final contract total of \$321,805.09, with the reissuance of Final Acceptance effective August 11, 2020.**

**Motion Adopted: 5 Yeas.**

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

**Cherry  
Walk  
Annexation/  
Public  
Hearing  
Results**

**John Ashman, Director of Utility Planning, presented the public hearing results for the Cherry Walk Annexation of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). The Engineering Department had annexed the majority of the parcels responding in favor to the Cherry Creek Valley polling letter; other residents came to the public hearing asking for additional information. Council directed the Engineering Department to again poll the area; the Department mailed out a polling letter to the balance of the property owners. The results of the poll show sufficient interest to request permission to prepare and post notices for parcels on Cherry Walk Drive and David Drive. The area was posted and advertised. The Department received a call in support of the expansion from one property owner who owns ten parcels in the proposed boundary area. A Public Hearing was held on July 30, 2020; the current status after the Public Hearing and polling letters show 15 in favor, 11 opposed and 1 undecided. Mr. Ashman noted that this project can be added to the County's Joy Beach project.**

**M 326 20  
Adopt  
R 009 20**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Resolution No. R 009 20 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ANGOLA NORTH AREA, TO INCLUDE THE CHERRY WALK AREA LOCATED IN INDIAN RIVER HUNDRED,**

**M 326 20  
(continued)**

**SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council’s consideration.**

**M 327 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$5,500.00 (\$3,500.00 from Mr. Hudson’s Councilmanic Grant Account, \$1,500.00 from Mr. Burton’s Councilmanic Grant Account and \$500.00 from Mr. Rieley’s Councilmanic Grant Account) to West Side New Beginnings for community health and safety expenditures.**

**Motion Adopted: 5 Yeas.**

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

**M 328 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Rieley’s Councilmanic Grant Account to Millsboro Little League for a new speaker system.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (Tax I.D. No. 134-9.00-67.00) (911 Address: 30430 & 30432 Cedar Neck Road, Ocean View).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)”.**

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



**M 329 20**            **At 11:30 a.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.**  
**Go Into**  
**Executive**  
**Session**

**Motion Adopted:    5 Yeas.**

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

**Executive**            **At 11:34 a.m., an Executive Session of the Sussex County Council was held**  
**Session**            **in the Council Chambers for the purpose of discussing matters relating to**  
**land acquisition. The Executive Session concluded at 12:04 p.m.**

**M 330 20**            **At 12:05 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton,**  
**Reconvene**            **to come out of Executive Session and reconvene the Regular Session.**  
**Regular**  
**Session**

**Motion Adopted:    5 Yeas.**

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

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

**M 331 20**            **At 12:05 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,**  
**Recess**                **to recess until 1:30 p.m.**

**Motion Adopted:    5 Yeas.**

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

**M 332 20**            **At 1:34 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley,**  
**Reconvene**            **to reconvene.**

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

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

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

**Introduction**        **Jamie Whitehouse, Planning and Zoning Director, introduced two new**  
**of P&Z**                **employees in the Planning and Zoning Department, Chase Phillips and Nick**  
**Employees**            **Torrance.**

**Public  
Hearing/  
CU 2223**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (Conditional Use No. 2223) filed on behalf of A&W Burbage, LLC (Tax I.D. No. 134-14.00-36.00 (Part of) (911 Address: 32855 Jones Road, Frankford).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 11, 2020 at which time action was deferred. On June 25, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated June 11 and 25, 2020.)**

**The Sussex County Council held a Public Hearing on this application on July 14, 2020 at which time the Council denied the application since there was no one present on behalf of the application and due to the lack of a record before the Council. The Applicant submitted a request for a re-hearing in a timely manner and the Council granted the request on July 28, 2020.**

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

**The Council found that Gerald Burbage was present on behalf of the application. Mr. Burbage stated that the request is for boat and RV storage; that approximately 4 acres of the property will be used; that there would be an electronic gate to secure the property; that boat storage is needed in the area; that storage will be located behind the chicken houses and the residence on the site; and that there will be no impact on traffic.**

**There were no public comments.**

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

**M 333 20  
Adopt  
Ordinance  
No. 2728/  
CU 2223**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2728 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (Conditional Use No. 2223) filed on behalf of A&W Burbage, LLC, with the following conditions:**

- A. The site shall be limited to boat and RV storage only.**
- B. The perimeter of the site shall be fenced with a 7-foot high chain linked type of fencing. The entrance shall be gated with electronic access.**

**M 333 20  
Adopt  
Ordinance  
No. 2728/  
CU 2223  
(continued)**

- C. No maintenance of boats or RVs shall be performed on the site.**
- D. Security lighting shall be provided on the site and shall be directed away from neighboring properties.**
- E. No junked or inoperable boats, boat trailers or RVs shall be kept on the site.**
- F. There shall be no more than 145 spaces for boat and RV storage. Those parking or storage spaces shall be shown on the Final Site Plan and marked on the site itself.**
- G. One lighted sign shall be permitted near the entrance. It shall not be larger than 32 square feet per side.**
- H. Violation of any condition of approval may be grounds for terminating this conditional use approval.**
- I. 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: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Absent; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2210**

**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 MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2210) filed on behalf of Dewey Beer Company, LLC (Tax I.D. No. 235-30.00-21.00) (911 Address: 18499 Harbeson Road, Harbeson).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 9, 2020 at which time action was deferred. On July 23, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 9 and 23, 2020.)**

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

**Mr. Whitehouse reported that, prior to the Planning and Zoning Commission’s public hearing, six letters of support and eleven letters of opposition were submitted into the record. Since that time, one additional letter was received stating concerns about the application.**

**The Council found that Fred Townsend, Attorney, was present on behalf of the application with Mike Riley and Brandon Smith of Dewey Beer Company. They stated that Dewey Beer Company is currently located in Dewey Beach (a brewpub); however they have outgrown the space and have**

**Public  
Hearing/  
CU 2210  
(continued)**

**found this location which will allow them to accommodate demand; that they plan to keep the existing location in Dewey Beach; that the site is an appropriate location for a microbrewery; that this location will be an ancillary operation for the production of beer; that microbreweries are regulated by the State; that they will be limited to production of beer, not the sale of beer or alcohol produced offsite by other manufacturers; that there will not be a bar on the site; that there will be a patron area, tasting room, and a patio outside; that this will be a manufacturing use that takes place on this site; that the types of uses will be low density; that there will be no food manufacturing within the boundaries of the building; that any live music on the patio will be low-key, i.e. acoustic; that there will be five to six people per day working in the brewery to start off and then two to three employees per day thereafter; that all waste will be disposed of appropriately; that proposed hours of operation for patron use is 11:00 a.m. to 11:00 p.m.; that actual hours of operation are projected to be shorter than that; and that the Applicant agrees to the conditions proposed by the Planning and Zoning Commission.**

**Public comments were heard.**

**Linda Gumeny commented on the number of dumpsters needed, the placement of the dumpsters, and questioned how often trash will be picked up. Ms. Gumeny stated that she is not opposed to the application as long as the site plan is designed properly to accommodate the use and that landscaping is installed between this commercial activity and the residential area.**

**Jacqueline Conklin stated that she does not oppose the application; however she would like to see the hours of operation limited to 11:00 a.m. to 9:00 p.m.**

**There were no additional public comments.**

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

**M 334 20  
Amend  
Condition  
C/  
CU 2210**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend Condition C recommended by the Planning and Zoning Commission to read as follows: “Any usage of the outdoor patio and any outdoor entertainment and music or the use of outdoor speakers shall end at 9:00 p.m. each night. All outdoor entertainment and music or outdoor speakers shall be oriented away from the residential properties to the north and east of the site.”**

**Motion Adopted: 5 Yeas.**

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

**M 335 20  
Adopt  
Ordinance  
No. 2729/  
CU 2210**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2729 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2210) filed on behalf of Dewey Beer Company, with the following conditions, as amended:**

- A. The Applicant must comply with all State and Federal requirements for the brewery and testing room operations.**
- B. The hours of operation for public access to the micro-brewery shall be between 11:00 a.m. and 11:00 p.m. daily.**
- C. Any usage of the outdoor patio and any outdoor entertainment and music or the use of outdoor speakers shall end at 9:00 p.m. each night. All outdoor entertainment and music or outdoor speakers shall be oriented away from the residential properties to the north and east of the site.**
- D. The signage shall comply with the sign requirements of the underlying C-1 Zone**
- E. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.**
- G. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.**
- H. The use shall comply with all parking requirements contained in the Sussex County Zoning Code.**
- I. The failure to abide by these conditions shall result in the termination of the conditional use approval.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU 2217**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF UTILITIES EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.16 ACRES, MORE OR LESS” (Conditional Use No. 2217) filed on behalf of Israel Bravo (Tax I.D. No. 331-2.00-44.07) (911 Address: 20871 Sanfilippo Road, Bridgeville).**

**Public  
Hearing/  
CU 2217  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on July 9, 2020 at which time action was deferred. On July 23, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 9 and 23, 2020.)**

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

**The Council found that Israel Bravo was present on behalf of his application. He stated that he needs a space to store his trucks, trailers and materials; that he proposes to use only about 1 acre of the 6 acre parcel; that the majority of the lot is wetlands and unusable; that the site is limited to the current cleared area; and that he is willing to add trees to screen the area where he has the storage.**

**There were no public comments.**

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

**M 336 20  
New  
Condition/  
CU 2217**

**A Motion was made by Mr. Vincent, seconded by Mr. Burton, to add a new Condition C (and renumber the remaining conditions) to the recommended conditions of the Planning and Zoning Commission, to read as follows: "There shall be either a privacy fence or landscape buffer behind the house and in front of the proposed storage area."**

**Motion Adopted: 5 Yeas.**

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

**M 337 20  
Amend  
Condition/  
CU 2217**

**A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition A recommended by the Planning and Zoning to read as follows: "The use shall be limited to the parking and storage of vehicles, equipment, trailers, and conduit reels associated with the utility installation company, all of which shall be located and confined to the current cleared area."**

**Motion Adopted: 5 Yeas.**

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

**M 338 20  
Adopt  
Ordinance  
No. 2730**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2730 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF UTILITIES"**

**M 338 20  
Adopt  
Ordinance  
No. 2730/  
CU 2217  
(continued)**

**EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.16 ACRES, MORE OR LESS” (Conditional Use No. 2217) filed on behalf of Israel Bravo, with the following conditions:**

- A. The use shall be limited to the parking and storage of vehicles, equipment, trailers, and conduit reels associated with the utility installation company, all of which is to be located and confined to the current cleared area.**
- B. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.**
- C. There shall be either a privacy fence or landscape buffer behind the house and in front of the proposed storage area.**
- D. As confirmed by the Applicant, no sign for the business shall be located on the site.**
- E. All chemicals associated with the use shall be stored indoors and in appropriate containers.**
- F. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
- G. The failure to abide by these conditions shall result in the termination 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: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CZ 1917**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS” (Change of Zone No. 1917) filed on behalf of Iacchetta Development Corporation (Tax I.D. No. 533-18.00-28.01) (911 Address: 33175 Lighthouse Road, Selbyville).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 9, 2020 at which time action was deferred. On July 23, 2020, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated July 9 and 23, 2020.)**

**Public  
Hearing/  
CZ 1917  
(continued)**

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

**The Council found that Ray Tomasetti, Attorney, was present on behalf of the Applicant. Mr. Tomasetti stated that the site is adjacent to other C-1 properties, including boat storage and a shopping center (site of shopping center is owned by the Applicant); that a portion of the rear of the property is adjacent to AR-1 property and is used for agricultural use; that the plan is to exit through the shopping center (owned by the Applicant); that up to 21 parking spaces are proposed; that the proposed building will most likely be used for an office and a warehouse for the Applicant's business; and that the application is in compliance with the Comprehensive Plan.**

**There were no public comments.**

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

**M 339 20  
Adopt  
Ordinance  
No. 2731/  
CZ 1917**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2731 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS" (Change of Zone No. 1917) filed on behalf of Iacchetta Development Corporation.**

**Motion Adopted: 5 Yeas.**

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

**M 340 20  
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 2:58 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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





