

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 13, 2019**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 13, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, 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 399 19  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to amend the Agenda by deleting “Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, AND VII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 AND 115-48 TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR THE USE OF A MANUFACTURED HOME TYPE STRUCTURE, STUDIO/GARAGE APARTMENT OR EMERGENCY HARDSHIP SITUATION”, and to approve the Agenda, as amended.**

**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 30, 2019 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read the following correspondence:**

**AMERICAN CANCER SOCIETY, RELAY FOR LIFE OF SUSSEX  
COUNTY AND SUSSEX COUNTY CRUSADERS.**

**RE: Letter in appreciation of grant.**

**Public  
Comments**

**A public comment period was held and the following spoke: Paul Reiger.**

**Adminis-  
trator's  
Report**

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

**1. FY 2020 Human Service Grant Program**

Applications for the Fiscal Year 2020 Human Service Grant Program are now being accepted. The Human Service Grant Program provides grants to county-wide nonprofit agencies for the purpose of enhancing health and human services which contribute to a safe, healthy, and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

To be eligible for a grant, organizations must fill out an application which is available on the County's website at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

The deadline for filing grant requests is Monday, September 30<sup>th</sup>.

**2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

The Advisory Committee on Aging & Adults with Physical Disabilities Conference Planning Subcommittee will meet on Monday, August 19<sup>th</sup>, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

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

**Mobile  
Integrated  
Healthcare  
MOU with  
Beebe  
Healthcare**

Robbie Murray, Deputy Director of Administration, EMS, presented a Memorandum of Understanding between Sussex County EMS and Beebe Healthcare to participate in the Mobile Integrated Healthcare Paramedic Pilot Program. The purpose of this Agreement is to allow trained Sussex County paramedics the opportunity to pilot a program to function as a transitional care provider team serving a targeted chronic obstructive pulmonary disease (COPD) population with a common history of frequent Emergency Department (ED) admissions. Beebe Healthcare will provide medical oversight of the program. Mr. Murray reported on the funding for the program; grant funding will be secured through the Jessie Ball DuPont Fund, Discover Bank, and Beebe Healthcare, including additional funding opportunities secured by Beebe Medical Foundation. Also present to participate in the discussion was Rick Schaffner, Interim CEO of Beebe Healthcare.

**M 400 19  
Enter Into  
Mobile  
Integrated  
Healthcare  
Pilot  
Program**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that Sussex County, through the EMS Department, enter into an approximate one-year Mobile Integrated Healthcare Pilot Program with Beebe Healthcare and the State of Delaware through the Office of EMS, with the goal of reducing readmission of select COPD patients and improving their overall quality of life.

**M 400 19  
(continued)**

**Motion Adopted: 4 Yeas, 1 Nay**

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

**Public  
Hearing/  
Issuance  
of GOBs/  
Spray  
Irrigation  
System**

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

**Hans Medlarz, County Engineer, reported that this Ordinance provides for the issuance of up to \$8,808,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs for the purchase of a spray irrigation system and land.**

**There were no public comments.**

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

**M 401 19  
Adopt  
Ordinance  
No. 2673**

**A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt Ordinance No. 2673 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Motion Adopted: 5 Yeas.**

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

**M 402 19  
Approve  
USDA Loan  
Resolution/  
Inland Bays  
RWF Spray  
Irrigation  
System**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering and Finance Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Inland Bays RWF Spray Irrigation System and Land Acquisition Project be approved.**

**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/  
Issuance  
of GOBs/  
Joy Beach  
Sewer  
Annexation  
Project**

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

**Hans Medlarz, County Engineer, reported that this Ordinance provides for the issuance of up to \$5,691,821 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the "Project"), with the expectation that up to \$3,396,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$2,295,821 upon Project completion.**

**Mr. Medlarz explained the terms of the funding.**

**Public comments were heard.**

**Dan Kramer raised a question in regard to the loan “forgiveness”.**

**Ms. Jennings responded to Mr. Kramer’s question.**

**There were no additional public comments.**

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

**M 403 19  
Adopt  
Ordinance  
No. 2671**

**A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Ordinance No. 2671 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**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/  
Issuance  
of GOBs/  
Mulberry  
Knoll**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN**

**Public  
Hearing/  
Issuance  
of GOBs/  
Mulberry  
Knoll  
Sewer  
District  
Project  
(continued)**

**CONNECTION THEREWITH”.**

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

Mr. Medlarz explained the terms of the funding.

There were no public comments.

The Public Hearing and public record were closed.

**M 404 19  
Adopt  
Ordinance  
No. 2672**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2672 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

**Motion Adopted: 5 Yeas.**

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

**James Farm  
Master Plan  
Implemen-  
tation  
Phase II/  
FY 2020  
ORPT  
Grant  
Request**

Hans Medlarz, County Engineer, referenced the County's long-standing relationship with regards to the James Farm Ecological Preserve, and the Master Plan Implementation Phase II. He reported that the County, on behalf of the Center for the Inland Bays (CIB), pre-applied for an Outdoor Recreation, Parks and Trail Grant through DNREC in the amount of \$82,500.00, which the County would partially match with FY 20 funds while the CIB contributes the balance required for the match. The State funding will allow the County and CIB the partial implementation of Phase II of the Master Plan.

**M 405 19**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the submission of an application to

**M 405 19**  
**Approve**  
**ORPT**  
**Grant**  
**Application**  
**and Adopt**  
**R 017 19**  
**(continued)**

**DNREC for an ORPT Grant in the amount of \$82,250.00, and Adopt Resolution No. R 017 19 entitled “TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL’S (DNREC’S) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A 50% MATCHING GRANT TO FINANCE PART OF PHASE II CONSTRUCTION OF THE JAMES FARM ECOLOGICAL PRESERVE MASTER PLAN”.**

**Motion Adopted: 5 Yeas.**

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

**Proposed Ordinances/  
Manufactured  
Homes/  
Housing  
and  
Temporary  
Buildings**

**Janelle Cornwell, Planning and Zoning Director, presented two Proposed Ordinances for discussion and possible introduction. One relates to manufactured homes/housing and one relates to temporary buildings incidental to construction operations for the sale of lots.**

**In regard to the manufactured homes/housing ordinance, Mr. Hudson asked if the following could be amended: §115-20 A (h) All multi-sectional manufactured homes, initially placed pursuant to the provisions of this section, shall be not more than ~~ten (10)~~ fifteen (15) years old. It was noted that this change can be made during the public hearing.**

**Introduction of Proposed Ordinances**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF, XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-54, 115-70, 115-75.3, 115-75.10, 115-83.12, 115-19, 115-83.27, 115-83.34, 115-83.41, 115-95, 115-103, 115-112 AND TABLE IV REGARDING THE USE OF MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE SALE OF LOTS”.**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, XXV, XXVI, AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-187, 115-196 AND 115-210 REGARDING MANUFACTURED HOMES AND MANUFACTURED HOUSING”.**

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

**Grant Requests**

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

**M 406 19 Councilmanic Grant**      **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to Autism Delaware for the Blue Jean Ball fundraiser.**

**Motion Adopted:      5 Yeas.**

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

**M 407 19 Councilmanic Grant**      **A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$1,200.00 (\$240.00 from each Councilmanic Grant Account) to Mason Dixon Woodworkers for their Christmas toy program.**

**Motion Adopted:      5 Yeas.**

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

**M 408 19 Councilmanic Grant**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to American Youth Football for the Seaford Elite Travel Football Club's expenses.**

**Motion Adopted:      5 Yeas.**

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

**M 409 19 Councilmanic Grant**      **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,500.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Public Library for festival expenses.**

**Motion Adopted:      5 Yeas.**

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

**M 410 19 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$10,000.00 (\$2,000.00 from each Councilmanic Grant Account) to the Georgetown Historical Society for Marvel Museum building maintenance.**

**Motion Adopted:      3 Yeas, 2 Nays.**

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

**Introduction of Proposed Ordinances**      **Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS” (Conditional Use No. 2198) filed on behalf of Jeffrey Myer (Tax I.D. No. 430-22.00-10.01) (911 Address: 10595 and 10609 Seashore Highway, Bridgeville).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.8016 ACRES, MORE OR LESS” (Change of Zone No. 1899) filed on behalf of Harbeson Farm Revex, LLC (Tax I.D. No. 235-30.00-10.01 - portion of) (911 Address: 18865 Harbeson Road, Harbeson).**

**The Proposed Ordinances will be advertised for public hearing.**

**M 411 19**      **At 11:00 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton,**  
**Go Into**      **to recess the Regular Session and go into Executive Session for the purpose**  
**Executive**      **of discussing matters relating to land acquisition.**  
**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 11:04 a.m., an Executive Session of the Sussex County Council was held**  
**Session**      **in the Basement Caucus Room for the purpose of discussing matters**  
relating to land acquisition. The Executive Session concluded at 11:54 a.m.

**M 412 19**      **At 11:56 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson,**  
**Reconvene**      **to come out of Executive Session and to reconvene the Regular Session.**  
**Regular**  
**Session**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

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



**M 413 19**      **At 11:56 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson,**  
**Recess**      **to recess until 1:30 p.m.**

**Motion Adopted:      3 Yeas, 2 Absent.**

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

**M 414 19**      **A Motion was made by Mr. Rieley, seconded by Mr. Burton, to reconvene**  
**Reconvene**      **at 1:30 p.m.**

**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 public hearings.**

**Mr. Wilson joined the meeting.**

**Public**              **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing**              **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**CU 2179**              **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-**  
                             **FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS,**  
                             **OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE**  
                             **BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND**  
                             **LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX**  
                             **COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS” (Conditional**  
                             **Use No. 2179) filed on behalf of Joseph H. Jr. and Patricia Prettyman (Tax**  
                             **I.D. No. 334-11.00-47.00) (911 Address: 18583 Robinsonville Road, Lewes).**

**The Planning and Zoning Commission held a Public Hearing on this**  
**application on July 11, 2019 at which time action was deferred. On July 18,**  
**2019, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 11 and**  
**18, 2019.)**

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

**The Council found that Mark Davidson with Pennoni Associates was**  
**present with the Applicants. Mr. Davidson reported that the Conditional**  
**Use application is for multi-family (two dwelling units; main dwelling and**  
**an accessory dwelling unit), lawn mower/small engine repair business,**  
**outdoor storage, self-storage units and public stables for boarding and**  
**riding lessons; that the property consists of the existing main dwelling,**  
**existing historical milk-house, circa 1890 – used for a tenant house, 16**

**Public  
Hearing  
CU 2179  
(continued)**

leased self-storage units, storage warehouse, horse stables and barns, pastures and an assemblage of other farm buildings that were once used as part of a larger working farm; that the property is bordered on the north and east by the Bridle Ridge Subdivision, property which was once part of the Prettyman Farm and lands owned by the Applicant and family; that the property is bordered on the south by lands owned by Mr. and Mrs. Prettyman's daughter; that the property is located in a Coastal Area according to the Comprehensive Plan; that the proposed use will not increase the congestion on roads or streets as confirmed by DelDOT; that DelDOT did not require a Traffic Impact Study; and that the proposed use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan.

Public comments were heard.

Paul Reiger stated that he is not opposed to the project but he questions the application process and the possibility of setting a precedent of a Special Use becoming a Conditional Use.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 415 19  
Adopt  
Ordinance  
No. 2674/  
CU 2179**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2674 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS, OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS" (Conditional Use No. 2179) filed on behalf of Joseph H. Jr. and Patricia Prettyman, with the following conditions:

- A. This use shall be limited to a lawnmower and small engine repair business, outdoor storage and leased storage units and storage buildings. No other businesses shall be conducted from the site. No retail sales shall be conducted from the site.
- B. There shall not be any Conex-type metal storage containers, metal shipping containers, roll-off containers or dumpsters brought to the site or stored on the site, other than one dumpster to be used for refuse associated with the business.
- C. One lighted sign shall be permitted. It shall be no larger than 32 square feet per side.
- D. The hours of operation for the lawnmower and small engine repair business shall be from 8:30 a.m. until 5:00 p.m., Monday through Friday, with no weekend hours. The storage areas shall be accessible 7 days per week from dawn until dusk.
- E. Any security lighting shall be screened so that it does not shine on

**M 415 19  
Adopt  
Ordinance  
No. 2674/  
CU 2179  
(continued)**

- neighboring properties or roadways.
- F. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
  - G. The Final Site Plan shall clearly show all areas for outdoor storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any outdoor storage within the property's setbacks.**
  - H. All lawnmower and small engine maintenance and repair shall occur indoors. Also, any fluids associated with this use shall be safely stored and disposed of in accordance with all State and Federal requirements. No fluids shall be stored outdoors.**
  - I. The indoor leased storage shall only occur within the existing structures on the site. No additional storage buildings shall be permitted.**
  - J. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
  - K. 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 2180**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.11 ACRES, MORE OR LESS" (Conditional Use No. 2180) filed on behalf of Robert J. Palmer and Laura M. Hudson (Tax I.D. No. 133-3.00-1.00 and 1.10) (911 Address: 23318 Cedar Lane, Georgetown).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 11, 2019 at which time the Commission deferred action; on July 18, 2019, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 11 and 18, 2019.)**

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

**The Council found that the Applicants, Robert J. Palmer and Laura M. Hudson, were present on behalf of their application. Mr. Palmer stated that the application is to allow a professional office to be located inside the home on the subject property; that the professional office would be for the purpose of conducting professional engineering services with a maximum of ten employees (including the Applicants); that traffic will be minimal; that**

**Public  
Hearing/  
CU 2180  
(continued)**

DelDOT did not require a Traffic Impact Study; that the area is residential with a mixture of uses; that the property has buffers on all three sides; that no complaints have been received from neighbors; that the hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday, and staff hours will be from 7:00 a.m. to 7:00 p.m.; that the property is located in the Developing Area; and that the application is consistent with the Comprehensive Plan.

Mr. Palmer reviewed a history of his business, Beacon Engineering; reviewed the surrounding area including the Woods at Walls Creek, the Georgetown Reclamation Plant, and Mulligans Point; discussed potential future plans to construct a new building on the property to be used as a professional office; and stated that they may wish to put up a sign in the future.

Public comments were heard.

Rowland Scott, a neighbor, spoke in support of the application.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 416 19  
Adopt  
Ordinance  
No. 2675/  
CU 2180**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2675 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.11 ACRES, MORE OR LESS" (Conditional Use No. 2180) filed on behalf of Robert J. Palmer and Laura M. Hudson, with the following conditions:

- A. As stated by the Applicant, there shall be no more than 1,500 square feet of professional office space.
- B. As proffered by the Applicants, the new office space shall be located no closer than 200 feet from the front or rear property line. In addition, all existing perimeter buffers shall be maintained.
- C. As stated by the Applicant, the hours of operation shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday. This shall not prohibit the Applicants from working in the office at other hours of the day or on weekends.
- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted. It shall be located so that it does not shine upon the residential lots on either side of the property's entrance road.
- E. Any dumpsters shall be screened from view of neighboring properties and roadways.
- F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
- G. All parking areas for the Conditional Use shall be shown on the Final

**M 416 19  
Adopt  
Ordinance  
No. 2675/  
CU 2180  
(continued)**

- Site Plan and clearly marked on the site itself.**
- H. The Applicants shall comply with all DNREC requirements concerning any upgrades that are necessary to the existing septic system as a result of the construction of this new office space.**
- I. 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 1884**

**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 CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS” (Change of Zone No. 1884) filed on behalf of ABC Storage, LLC (Tax I.D. No. 231-5.00-24.00 and 231-6.00-6.00 - portion of) (911 Address: 13049 and 13039 Seashore Highway, Georgetown).**

**The Planning and Zoning Commission held a Public Hearing on this application on July 11, 2019 at which time action was deferred. On July 18, 2019, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated July 11 and 18, 2019.)**

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

**The Council found that Mark Davidson with Pennoni Associates was present with the Applicant, Francis Warrington III, Manager Member of ABC Storage, LLC. Mr. Davidson reviewed the history of the construction of the self-storage buildings, the fruit stand on the property, the outside storage of campers, boats and trailers within the property, and the entrance to the property. Mr. Davidson stated that the application is for a rezoning of a portion of lands (2.5 acres, more or less, of 3.95 acres); that the subject properties, Parcels 231-6.00-6.00 and 231-5.00-24.00), have been owned by Mr. Warrington since 2016 and 2019 respectively, that the two parcels will be combined into one property; that the proposed rezoning to C-2 will be an extension of existing commercial zoning already located on a portion of Parcel 6.00 which currently has retail sales, office and self-storage facility; that the property is in the vicinity of other commercially zoned property and uses; that the zoning change will not impact property values; that the business uses will be largely confined to businesses addressing the needs of nearby homes and agricultural activities; that the Applicant proposes to utilize and remodel the existing building on Parcel 24.00 for his existing**

**Public  
Hearing/  
CZ 1884  
(continued)**

**grocery retail tenant; that the Strategies for State Policies and Spending Map identifies the area as Investment Level 4; and that the proposed rezoning is consistent with the Zoning Ordinance and the Comprehensive Plan.**

**There were no public comments.**

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

**M 417 19  
Adopt  
Ordinance  
No. 2676/  
CZ 1884**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2676 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 CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS” (Change of Zone No. 1884) filed on behalf of ABC Storage, LLC.**

**Motion Adopted: 5 Yeas.**

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

**M 418 19  
Adjourn**

**At 2:43 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to adjourn.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

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