

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 25, 2020**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 25, 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 341 20  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, 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 August 11, 2020 were approved by consent.

**M 342 20  
Approve  
Consent  
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to approve the following item listed under the Consent Agenda:

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA1129  
El Rancho – P&R Lands, LLC**

**Motion Adopted: 5 Yeas.**

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

**Land Use  
Master  
Planning**

Mr. Lawson, along with Vince Robertson, Assistant County Attorney, and Jamie Whitehouse, Planning and Zoning Director, gave a presentation on Land Use Master Planning. Mr. Lawson noted that this is something that the staff has been working on at Council's request.

**Land Use  
Master  
Planning  
(continued)**

**Mr. Robertson reported that Master Planning is supported by the Comprehensive Plan. In the Plan it states “encourage master planning for large scale development on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area, and Commercial Area land use classifications to provide flexibility in design”.**

**Mr. Robertson noted that it will require an Ordinance to give the County the authority; staff has developed a framework to begin the initiative. Mr. Robertson noted that it is like a Residential Planned Community (RPC), but with more diverse development types and design flexibility. It is not intended to replace RPCs, subdivisions or more typical types of commercial development; it is intended to promote unified, integrated large-scale developments where appropriate, rather than multiple, unrelated subdivisions and commercial developments and the separate approval processes associated with each of these. It is intended to incorporate the following areas as part of a single unified development plan: residential areas, neighborhood commercial areas, professional and medical and financial office areas, and civic areas. Additionally, it is intended to promote interconnectivity throughout the development and with existing DelDOT roadways, with primary interconnecting roads dedicated to DelDOT.**

**Mr. Robertson reviewed the 4-step process that is being considered: pre-application planning cooperation and coordination between the developer’s planners and the County’s planners; public hearing before Planning and Zoning and the County Council on the Master Plan Zone Ordinance, which can include conditions of approval (general overall master plan, master manual, and spatial distribution plan); administrative review by Planning and Zoning (implementation plan and implementation manual), and Planning and Zoning staff review (final site development plans).**

**Mr. Robertson reviewed the next steps in the process: an ordinance to implement Master Planning, continue working on draft of ordinance, consult with DelDOT on road coordination within Master Planned Community, and public hearings on the Code revisions in Chapter 115.**

**Public  
Hearing/  
Camp  
Arrowhead  
III Annexa-  
tion of the  
SCUSSD**

**A Public Hearing was held on the Proposed Camp Arrowhead Expansion III of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). John Ashman, Director of Utility Planning, reported that this is the third expansion requested by the Diocesan Council for Camp Arrowhead. The previous expansion brought in only the facilities they planned to connect immediately. The current request is to expand the boundary to include the area designated for the existing office. There is an existing Memorandum of Understanding associated with the previous annexation that defines what buildings on the Camp parcel will be connected and fees to be paid. If approved, this annexation would add to the number of connection fees that would need to be paid prior to connection. The expansion will consist of 20,930 square feet, more or less.**

**Public  
Hearing  
(continued)**

**There were no public comments.**

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

**M 343 20  
Adopt  
R 010 20**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Resolution No. R 010 20 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ANGOLA NORTH AREA, TO INCLUDE THE CAMP ARROWHEAD AREA LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Owls Nest  
Paving  
Improve-  
ments  
Assessment  
Roll**

**A Public Hearing was held on The Owl’s Nest Paving Improvements, Chapter 96, Sussex Community Improvement Project (T20-01). This Public Hearing was held to provide an opportunity for real property owners of the community to make comments on the rates determined for the Assessment Roll.**

**Patrick Brown, Project Engineer, stated that this project started in June 2019; there was a petition process whereby the County received a majority of petitions back from the community. Following the election process, Council passed a Resolution to proceed with design and construction of the paving improvements. Since that time, the improvements have been built and the project was closed out, with Substantial Completion granted in January 2020.**

**Mr. Brown presented the Assessment Roll based on all final project costs and funding. It has been determined that the final project balance owed to be \$73,676.36. The Assessment Roll identifies an equal sharing of this balance by the 17 parcels affected by the project and allows for a 10-year repayment option at a 3.75% fixed rate.**

**Public comments were heard.**

**Gayle Hughes inquired about the interest rate on the loan compared to the Federal Reserve interest rate at the time of project completion and she questioned if the interest rate can be lowered.**

**Mrs. Jennings responded to Ms. Hughes’ question and stated that the rate is established at the time of Public Hearing.**

**There were no additional public comments.**

(continued) **The Public Hearing and public record were closed.**

**M 344 20**      **A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt**  
**Adopt**      **Resolution No. R 011 20 entitled “A RESOLUTION ADOPTING THE**  
**R 011 20**      **UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF BILLING**  
                  **THE FINAL COST OF THE OWL’S NEST PAVING IMPROVEMENTS,**  
                  **CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT T20-**  
                  **01.**

**Motion Adopted:      5 Yeas.**

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

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing/**      **ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000**  
**Proposed**      **OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN**  
**Ordinance/**      **CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE**  
**GOBs**           **COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND**  
**\$100 Million**      **(B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT**  
**for**           **PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN**  
**Refunding**      **CONNECTION THEREWITH”.**  
**Prior**

**Debt and**      **Mrs. Jennings noted that there are two components of the Bond Issue –**  
**Financing**      **refunding \$55 million and new debt of \$42.6 million for new capital**  
**Capital**      **projects.**  
**Improve-**

**ments**      **Mrs. Jennings reviewed what the funds will be used for:**

- **refinancing multiple loans totaling \$55 million (estimated savings of \$10.1 million for the rate payers)**
- **capital projects – upgrading plants at the Inland Bays Regional Wastewater Facility, South Coastal Regional Wastewater Facility, and Piney Neck Regional Wastewater Facility**

**There were no public comments.**

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

**M 345 20**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt**  
**Adopt**      **Ordinance No. 2732 entitled “AN ORDINANCE AUTHORIZING THE**  
**Ordinance**      **ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION**  
**No. 2732**      **BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE**  
                  **REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL**  
                  **RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF**  
                  **SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING**  
                  **ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**M 345 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**

**Adminis-  
trator's  
Report**

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

**1. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Warrington Creek – Phase 8 (also known as Sawgrass South) received Substantial Completion effective August 11<sup>th</sup>.**

**2. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for July 2020 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 194 troopers assigned to Sussex County for the month of July.**

**3. Barry Pryor**

**It is with sadness that we note the passing of County pensioner Barry Pryor on Saturday, August 8<sup>th</sup>. Mr. Pryor began his career with Sussex County in October 1981 where he worked in Engineering until August 2001. We would like to extend our condolences to the Pryor family.**

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

**Fire/  
Ambulance  
Company  
Grant  
Agreement**

**Mrs. Jennings presented a Fire/Ambulance Company Grant Agreement between Sussex County and each individual fire and ambulance company. This Agreement will result in a formalized agreement for County funds, uniform reporting and accountability. Mrs. Jennings reported that over the past 10 years, funding for the fire service has increased from \$3 million to over \$5 million in 2019, and back down to \$4.7 million in 2020 (due to building permits and the timing of collections). The allocation of the funding to the ambulance service and the fire service is determined by the Sussex County Volunteer Fire Association. Also, there is additional funding through individual grants. Mrs. Jennings reviewed grant agreement requirements. The fire and ambulance companies will have until December 1, 2020 to execute the agreements. Doug Hudson, Sussex County Volunteer Fire Association, thanked the Council for its continued support and commented that the grant agreements will provide transparency to Council and the public insuring that tax dollars and donations are being used properly.**

**M 346 20**  
**Approve**  
**Fire/**  
**Ambulance**  
**Company**  
**Grant**  
**Agreement**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the Standard Grant Agreement, as presented, with the individual fire and ambulance companies that operate in Sussex County and receive County grant funds.

**Motion Adopted: 5 Yeas.**

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

**Agenda**  
**Item**

It was noted that the agenda item entitled “The Owl’s Nest Pavement Improvements, Project T20-01, Final Property Assessment Rates” was taken care of during the Public Hearing and Motion on this matter (on this date).

**Little**  
**Meadows/**  
**Sewer**  
**Utility**  
**Easement**  
**Agreement/**  
**Surrender**  
**of Parcel**

Hans Medlarz, County Engineer, presented a proposal to accept a Sewer Utility Easement Agreement and to prepare a deed returning Parcel 132-1.12-67.00 to Little Meadows, Inc. This easement is necessary as Sussex County is preparing plans for certain improvements to its sanitary sewer utilities in Blades and it is necessary that the improvements to the system pass under and through the property. Mr. Medlarz reported that Little Meadows, Inc. has approved the dismantled lift station easement area. Little Meadows requested that Sussex County leave the paved roadway; the rest of the area has been returned to its original state. Little Meadows has agreed to accept Sussex County’s surrender of this parcel and will accept ownership upon receipt of a deed. Mr. Medlarz noted that the owner of the property was offered compensation for the required easement but opted to request the return of the sewer lift station parcel instead. This parcel was deeded to the County as part of the original development.

**M 347 20**  
**Approve**  
**Easement**  
**Agreement/**  
**Little**  
**Meadows,**  
**Inc.**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Easement Agreement with Little Meadows, Inc. and authorizes the County Attorney to prepare a Deed returning Parcel 132-1.12-67.00 to Little Meadows, Inc.

**Motion Adopted: 5 Yeas.**

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

**Miranda**  
**Enterprises/**  
**Access**  
**Easement**

Hans Medlarz, County Engineer, presented a request to grant an easement to Miranda Enterprises, LLC. He reported that Sussex County owns Parcel No. 533-18.00-15.00 located on Route 54, also known as Lighthouse Road. This property is currently under an active farm lease through the growing season. Frank Miranda, the owner of an adjacent parcel (Coastal Veterinary Clinic), is seeking to construct an addition to his building, which

**Miranda Enterprises/ Access Easement Request (continued)** required a survey. The survey revealed that a portion of the driveway, unintentionally encroaches onto the County property. The owner of the property, Frank Miranda, is requesting a perpetual access easement agreement. The Engineering Department recommends the granting of the easement to Miranda Enterprises, LLC in exchange for payment in the amount of \$2,000.00 representing the cost of appraisal.

**M 348 20 Approve Access Easement Agreement/ Miranda Enterprises** A Motion was made by Mr. Wilson, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the granting of an Access Easement Agreement to Miranda Enterprises, LLC for Tax Parcel 533-18.00-15.00 in the amount 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

**Island Watersports Proposed Expansion** John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Sewer District Expansion for Island Watersports into the Bay View Estates Area. The expansion was requested by Mike Ferrari from Island Watersports for Parcel 533-11.00-287.02. The parcel is located along Williamsville Road and is contiguous to the County's existing sewer district boundary. The expansion will consist of 5.40 acres, more or less. The parcels will be responsible for system connection charges of \$6,360.00 per EDU based on current rates.

**M 349 20 Prepare and Post Notices/ Island Watersports Expansion** A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Island Watersports Expansion of the Sussex County Unified Sanitary Sewer District, Bay View Estates Area, 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

**Introduction of Proposed Ordinances** Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS" (Conditional Use No. 2235) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D. No. 230-7.00-95.00) (911 Address: 22754 Argos Corner Road, Lincoln).

**Introduction of Proposed Ordinances (continued)**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOTEL AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2 ACRES, MORE OR LESS” (Conditional Use No. 2236) filed on behalf of Carl M. Freeman Companies (Tax I.D. No. 533-20.00-22.00 & 20.00 (Portion of) (911 Address: None Available).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS” (Conditional Use No. 2237) filed on behalf of Sam C. Warrington II (Tax I.D. No. 334-12.00-55.01 (Portion of) (911 Address: None Available).**

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

**M 350 20  
Go Into  
Executive  
Session**

**At 11:22 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 11:26 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session concluded at 12:19 p.m.**

**M 351 20  
Reconvene  
Regular  
Session**

**At 12:23 p.m., a Motion was made by Mr. Burton, seconded by Hudson, to come out of Executive Session and to reconvene the Regular Session.**

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

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

**E/S Action**

**There was no action on Executive Session matters.**

**M 352 20  
Recess**

**At 12:24 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess until 1:30 p.m.**

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



**M 352 20  
(continued)**      **Vote by Roll Call:**    **Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Absent; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 353 20  
Reconvene**      **At 1:35 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton,  
to reconvene.**

**Motion Adopted:**    **5 Yeas.**

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

**Rules**            **David Rutt, Assistant County Attorney, read the rules of procedure for  
zoning hearings.**

**Public  
Hearing/  
C/Z 1918**            **A Public Hearing was held on the Proposed Ordinance entitled “AN  
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF  
SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL  
DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT  
FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN  
RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES,  
MORE OR LESS” (Change of Zone No. 1918) filed on behalf of Mark A.  
Casey (Tax I.D. No. 234-33.00-55.00) (911 Address: 28517 Warwick Road,  
Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this  
application on July 23, 2020 at which time action was deferred. On August  
13, 2020, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated July 23 and  
August 13, 2020.)**

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

**The Council found that Mark Casey was present on behalf of his  
application. Mr. Casey stated that he is doing oyster aquaculture; that he  
has been working with the Delaware Center for the Inland Bays; that they  
are trying to rebuild the reefs and to start a shellfish industry in Delaware;  
that he is trying to get the business established; that this property is where  
they would like to import seed; that the seed would be planted onto the  
shell; and that most of the work is out on the pier replanting the oyster  
population in the Rehoboth Bay.**

**There were no public comments.**

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

**M 354 20  
Adopt  
Ordinance  
No. 2733/  
CZ 1918**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2733 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES, MORE OR LESS” (Change of Zone No. 1918) filed on behalf of Mark A. Casey.

**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 2214**

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 FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS” (Conditional Use No. 2214) filed on behalf of Anthony Crivella and Harold E. Dukes, Jr.

The Planning and Zoning Commission held a Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)

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

The Council found that Mackenzie Peet, Attorney, was present on behalf of the application (Applicant – DaNizza Wood Fired Pizza, LLC and Property Owners - Anthony Crivella and Harold E. Dukes, Jr.). She stated that the Applicants wish to locate and operate a food truck on the property for a period exceeding three days to provide food for patrons at Revelations Brewing Company; that the food truck was previously placed on Lot #45 and was moved to Lot #49 following receipt of a complaint. Ms. Peet reported on the land use history of Lot #45 that is relevant to this Conditional Use request, including violations issued to Revelations (tent and food truck). Ms. Peet stated that the proposed location of the food truck is compatible with the surrounding use, is low profile since it sits behind Revelations on another lot; that the food truck sits within the setbacks; that the food truck has been in this location since November 2019 without issue; that hours of operation are proposed for Friday through Sunday only; and that this is a temporary use as Revelations will be moving to a different site

**Public  
Hearing/  
CU 2214  
(continued)**

**in the future and the food truck will move with them.**

**There were no public comments.**

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

**M 355 20  
Amend  
Condition/  
CU 2214**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition A recommended by the Planning and Zoning Commission, striking the second sentence, to read as follows: “The use shall be limited to a mobile or temporary food and beverage vendor.” and to add Condition I to read as follows: “The food truck shall be removed no later than February 28, 2021.”**

**Motion Adopted: 5 Yeas.**

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

**M 356 20  
Adopt  
Ordinance  
No. 2734/  
CU 2214**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2734 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS” (Conditional Use No. 2214) filed on behalf of Anthony Crivella and Harold E. Dukes, Jr., with the following conditions:**

- A. The use shall be limited to a mobile or temporary food and beverage vendor.**
- B. The use shall comply with all setback and parking requirements.**
- C. The Applicant shall comply with all DeDOT requirements, including entrances.**
- D. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.**
- E. The use shall comply with any requirements of the Sussex County Engineering Department regarding wastewater and grease discharges.**
- F. The hours of operation shall be from 11:00 a.m. until 7:00 p.m., Fridays, Saturdays and Sundays.**
- G. Any dumpsters associated with the use shall be screened from the view of neighboring properties and roadways.**
- H. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**
- I. The food truck shall be removed no later than February 28, 2021.**

**Motion Adopted: 5 Yeas.**

**M 356 20  
(continued)**

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

**Public  
Hearing/  
CU 2216**

**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 HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS” (Conditional Use No. 2216) filed on behalf of Kenneth Dominic Alton Drummond (Tax I.D. No. 234-5.00-46.04 (part of) (911 Address: 20366 Hopkins Road, Lewes).**

**The Planning and Zoning Commission held Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)**

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

**The Council found that Mark Davidson of Pennoni Associates was present on behalf of the application along with the Applicant, Mr. Drummond, and Alan Decker of Pennoni Associates. Mr. Davidson stated that the application is for 3.57 acres of the 6.34 acres; that Mr. Drummond is the owner of the subject property and of Quality Care Homes; that since 2015, Quality Care Homes has been delivering home improvement and general contracting services; that there are two full-time employees and eight subcontractors with plans to grow to twenty full-time employees in the future; that the Applicant’s residence currently exists on the site; that the Applicant has planted trees bordering the property; that the building’s parking and storage will begin approximately 1,000 feet back from Hopkins Road; that the Conditional Use area of the property will be screened from adjacent properties by a vegetative buffer; that there will be a new onsite waste disposal system and a new onsite domestic well, both meeting all of DNREC’s requirements; that the entrance for the Use will share the same entrance as the single family home on the property; that any upgrades required by DeIDOT will be provided by the Applicant; that two additional buildings are proposed to provide storage for materials, for repairs to vehicles, and for day-to-day office and business operations for Quality Care Homes; that the second story of one of the buildings will be for the general office and for living quarters for the manager; that the area is a low-density area according to the Comprehensive Plan where the focus of business uses**

**Public  
Hearing/  
CU 2216  
(continued)**

is to provide services to nearby residences and the commercial area; that the Strategies for State Policies and Spending identifies the area as being located in Investment Level 4; and that the Conditional Use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan.

Mr. Davidson asked for the removal of Condition F recommended by the Planning and Zoning Commission that “The site shall be fenced and gated.” Mr. Davidson submitted, in writing, the request to remove Condition F with reasons supporting his request.

There were no public comments.

The Public Hearing and public record were closed.

**M 357 20  
Strike  
Condition/  
CU 2216**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to strike Condition F recommended by the 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**

**M 358 20  
Adopt  
Ordinance  
No. 2735/  
CU 2216**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2735 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS” (Conditional Use No. 2216) filed on behalf of Kenneth Dominic Alton Drummond, with the following conditions, as amended:

- A. The use shall be limited to home remodeling and home construction services with light material storage associated with that use. Maintenance and repair of the business’ equipment shall be permitted to occur on the site. An office for the business only with a residence for the business manager or senior employee shall also be permitted. No other business shall be conducted from the site, and no retail sales shall be permitted on the site.
- B. As stated by the Applicant, all construction materials will be stored indoors.
- C. The Applicant shall comply with all DelDOT requirements, including any entrance and roadway improvements that are directed by DelDOT.
- D. No outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.

**M 358 20  
Adopt  
Ordinance  
No. 2735/  
CU 2216  
(continued)**

- E. All dumpsters, storage bins and stockpile locations shall be screened from view of neighboring properties and roadways.**
- F. One indirectly lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- G. All security lights shall be fully screened and downward so that they do not shine on neighboring properties or adjacent roadways.**
- H. The hours of operation shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. There shall not be any Sunday hours of operation.**
- I. There shall not be any dumping on the site. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways and shall be located at least 50-feet from the property boundaries.**
- J. The Final Site Plan shall clearly show all loading and storage areas and areas for vehicle parking and equipment storage and these areas shall be clearly marked on the site itself. These areas shall be screened and shall be at least 50-feet from the property boundaries.**
- K. All required screening or buffering shall be shown on the Final Site Plan.**
- L. Failure to comply with any of these conditions shall be grounds for the termination of this Conditional Use.**
- M. 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 2233**

**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 LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” (Conditional Use No. 2233) filed on behalf of Brothers Landscaping, LLC.**

**The Planning and Zoning Commission held Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)**

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

**Public  
Hearing/  
CU 2233  
(continued)**

The Council found that Amy Pardee was present on behalf of Ismar Chun. She stated that they have a landscaping company; that they moved to the site in September 2019; that there was a complaint against the property when they brought crusher-run onto the property due to equipment noise; that now no noise is being made as the back-up alarm has been disabled; that there were vehicles left behind on the property by the previous property owner and they have been removed from the property; that they have 10 parking spaces for the employees; that they have an area for vehicle cleaning and an area for equipment parking (4 trailers and 4 bob-cats); that they keep some plants and trees in a small area; that they planted a row of trees and flowers for a buffer along one side of the driveway; that they have had a survey crew come in to mark the property since the neighbor was complaining that they were over on her property and one of her trees was disturbed; that a fence will be added along the side of the property next to that neighbor where there is a day care; and that one of the neighbors is in support of the application.

There were no public comments.

The Public Hearing and public record were closed.

**M 359 20  
Adopt  
Ordinance  
No. 2736/  
CU 2233**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2736 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 2233) filed on behalf of Brothers Landscaping, LLC, with the following conditions:

- A. This use shall be limited to a landscaping company.
- B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
- C. As stated by the Applicant, there shall not be any retail sales occurring from the site.
- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- E. The hours of operation shall be limited to 6:00 a.m. through 8:00 p.m., Monday through Friday, and from 6:00 a.m. until 3:00 p.m. on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage clean-up, and similar events.
- F. There shall not be any dumping of trees, branches, grass or other debris on the site.
- G. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

**M 359 20  
Adopt  
Ordinance  
No. 2736/  
CU 2233  
(continued)**

- H. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
- I. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
- 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**

**M 360 20  
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to adjourn at 2:41 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**

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