

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 23, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 23, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
David N. Rutt	Assistant County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 566 18
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the agenda by deleting "Pending/Potential Litigation" under Executive Session and to approve the agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of October 9, 2018 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger and Dan Kramer referenced applications for nursing homes and institutional zoning and stated that these applications should not be considered by the Board of Adjustment as Special Use Exceptions; they should be heard as a Conditional Use or Change of Zone application by the Planning and Zoning Commission and the Sussex County Council.

**Wastewater
Agreement**

Mr. Lawson presented a wastewater agreement for the Council's consideration.

**M 567 18
Execute
Wastewater
Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 510-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement

**M 567 18
(continued)**

between Sussex County Council and TAC Beacon II, LLC, for wastewater facilities to be constructed in The Reserves – Phase 4C, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for September 2018 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 192 troopers assigned to Sussex County for the month of September.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Estuary - Phase 1C-1C (Construction Record) received Substantial Completion effective October 17th.

(Attachments to the Administrator's Report are not attachments to the minutes.)

**FY 2019
Human
Service
Grants**

Mrs. Jennings provided the FY2019 Human Service Grants recommendation and an overview of the program. This program provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. This program provides grants that assist organizations with operating or capital expenses.

Mrs. Jennings explained the application process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts and presented the recommended Human Service Grants for Fiscal Year 2019 (81 recipients of funds totaling \$224,910.00).

**M 568 18
Approve
Fiscal 2019
Human
Service
Grants**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the Fiscal Year 2019 Human Service Grants allocation, as presented.

Motion Adopted: 5 Yeas.

**M 568 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Affordable
Housing
Presentation**

Brandy Nauman, Housing Coordinator, presented to Council the concept of an Affordable Housing RFP (Request for Proposals). She explained that, throughout the course of the Comprehensive Plan process over the last two years, there has been significant feedback about the affordable housing shortage in Sussex County. Although the County has had two affordable housing ordinances in place for 10 years, no units have been constructed for rental or home ownership. Mrs. Nauman reported that Sussex County's market (homeownership and rental) is out of reach for workforce housing. Mrs. Nauman reported that the Community Development & Housing Department recommends the assistance of qualified consultants that specialize in affordable housing and inclusionary zoning to assist with evaluating the existing programs and offering recommendations for changes or replacement. Additionally, staff has reviewed RFPs from a variety of jurisdictions that were faced with similar dilemmas regarding affordable housing for their workforces. In speaking with some of these jurisdictions, it was clear that there was significant benefit to seeking the services of a qualified agency with specific experience in affordable housing and inclusionary zoning to assess existing programs, analyze market data, and offer recommendations based on the jurisdiction's unique housing challenges and socio-economic composition. Mrs. Nauman presented a draft scope of work for a RFP and a proposed timeline for completion.

**Public
Hearing/
Plantation
Road
Expansion
of the
SCUSSD**

A Public Hearing was held on the Proposed Plantation Road Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). John Ashman, Director of Utility Planning, reported that the expansion was requested by Davis Bowen & Friedel on behalf of their clients, LMHT, LLC for Parcel 334-12.00-57.01. Mr. Ashman reported that the Engineering Department would like to include Parcel 57.02 (EMS Station) as part of the expansion.

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

**M 569 18
Adopt
R 016 18**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 016 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 334-12.00-57.01 & 57.02 ON THE SOUTH SIDE OF PLANTATIONS ROAD THE PARCELS ARE LOCATED IN THE LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

**M 569 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Ordinance/
General
Bond
Issuance/
Western
Sussex
Regional
SSD
Project/**

Hans Medlarz, County Engineer, requested introduction of a Proposed Ordinance to authorize the issuance of up to \$16,634,748 of 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 Western Sussex Regional Sanitary Sewer District Project, consisting of the transfer of sewer flows from Bridgeville and Greenwood to the existing City of Seaford sewer system and wastewater treatment facility, utilizing existing and proposed infrastructure to be owned and maintained by the County to serve what will be known as the Western Sussex Sewer District with the expectation that up to \$3,200,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$13,434,748 upon project completion.

**Introduction
of Proposed
Ordinance**

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,634,748 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WESTERN SUSSEX REGIONAL SANITARY SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”. The Proposed Ordinance will be advertised for Public Hearing.

**Western
Sussex
Area of
the
SCUSSD/
Municipal
Transition
Agreement**

Hans Medlarz, County Engineer, presented for Council’s consideration an Interim Municipal Transition Agreement between Sussex County and Town of Bridgeville for the Western Sussex Area of the Unified Sewer District. Mr. Medlarz explained that the Agreement deals with interim staffing and compensation for the staffing, the verification of the transition of the commercial account, the lease arrangements for municipal lands, how the County assumes the outstanding debt, and the future operation of the spray farm (farm lease).

**M 570 18
Approve
Interim
Sewer
Operations
&
Transition
Agreement/
Town of
Bridgeville**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Interim Sewer Operations & Transition Agreement with the Town of Bridgeville, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Concord
Road Utility
Upgrade/
C/O**

Mr. Medlarz presented Change Order No. 3 in the amount of \$290,803.50 to the Concord Road Utility Upgrade Project, Contract #15-03. The Change Order provides gravity infrastructure to take the Little Meadows pump station offline and divert flow to the new pump station on Concord Road.

M 571 18
Concord
Road
Utility
Upgrade
Project/
Change
Order

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Change Order No. 3 for Contract #15-03, Concord Road Utility Upgrade – Expansion of the Blades Sanitary District Area be approved, which increases the contract amount by \$290,803.50 for a new total project total of \$2,740,852.96.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Design/
Tanglewood/
New
Marydel

John Ashman, Director of Utility Planning, presented a request to provide engineering services for a project known as Tanglewood/New Marydel.

M 572 18
Approve
Engineering
Services
Proposal/
Tanglewood/
New
Marydel

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Engineering Services proposal between Sussex County and George Miles & Buhr LLC for sewer design for Tanglewood and New Marydel for an hourly contract with a not to exceed amount of \$20,820.00, as presented.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Rules

Mr. Rutt read the rules of procedure for public hearings.

Public
Hearing/
Proposed
Ordinance
Authorizing
Compre-
hensive
Land Use
Plan

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008”.

The Planning and Zoning Commission held a Public Hearing on this application on November 2, 2017 at which time the Commission recommended approval based upon the following reasons and with the following recommendations:

- 1. There has been a great deal of work that has gone into this plan. This includes many public workshops throughout the County, and 19 individual workshops by the Commission to draft every aspect of the plan.**
- 2. There has been a lot of public participation in the drafting process, with public comments at every workshop and meeting held by the Commission during this process, as well as during the public hearing. This public comment has all been taken into account in**

**Public
Hearing/
Proposed
Ordinance
Authorizing
Compre-
hensive
Land Use
Plan
(continued)**

- drafting the plan.**
- 3. All of the information contained in the record, including testimony and written comments received as part of the public hearing, will be forwarded to County Council as part of its review and adoption of the plan.**
 - 4. While this is an update to the prior plan, the Commission has looked closely at every element to determine what has worked and what needs to be changed. This plan reflects all of that work.**
 - 5. In this process, the Commission has taken a deeper look into areas of the plan than ever before. For example, this includes expert testimony from population experts, detailed information about Economic Development, information from the Center for the Inland Bays, substantial input from the County Engineer, and very useful information from affordable housing organizations in the County. There has also been organized participation by several citizens groups during the process. And, the Commission, with the public and DelDOT, really spent a lot of time analyzing traffic issues that affect the County. This plan reflects all of that work and input.**
 - 6. Sussex County's Consultant, McCormick Taylor, has provided guidance and advice throughout the planning process, and supports the draft. McCormick Taylor's efforts are reflected in the plan.**
 - 7. The plan represents a fair and balanced approach and guidance for issues facing Sussex County now and in the future.**
 - 8. The Motion for approval is subject to the following: deletion of Chapter 4 (a duplicate listing of all of the goals, objectives and strategies that are already listed in each chapter), and the renumbering of the remaining Chapters.**

(See the minutes of the Planning and Zoning Commission dated November 2, 2017.)

Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.

Mr. Robertson stated that comments from the public will be heard today on the text of the Comprehensive Plan and the Future Land Use Map (boundary changes). He noted that the Future Land Use Map has the force of law within the Comprehensive Plan, and therefore, requests to change the map should be dealt with by separate Motion(s).

Ms. Cornwell reported that the County Council has spent almost a year working on the draft plan. The County Council has held 16 workshops, all of which allowed for public comment.

Ms. Cornwell reported that over 400 public comments were received through the County's Comprehensive Plan website; all comments were provided to the County Council and made a part of the record.

**Public
Hearing/
Proposed
Ordinance
Authorizing
Compre-
hensive
Land Use
Plan
(continued)**

Ms. Cornwell reported that the draft plan as discussed by County Council was reviewed through the State's PLUS process on August 22, 2018; Council reviewed the PLUS comments at a workshop on October 15, 2018. On that date, a number of recommendations were considered as amendments to the Plan, and staff and the Consultant are working on those.

Public comments were heard.

Dan Kramer stated that the Plan is challengeable.

Tyler Berl, speaking on behalf of the Sussex Housing Group, asked the Council to delay the vote on the adoption of this Comprehensive Plan to allow time for further review and consider the Delaware State Housing Authority's (DSHA) comments on affordable housing as put forth in the PLUS review. Mr. Berl stated that the criteria added for development in the medium and high density areas negates the good work placed in the housing portion of the Plan. Mr. Berl stated that they ask for three things, two of which were addressed in DSHA's PLUS comments: remove all additional criteria for the growth area subcategories with the exception of access to water and sewer and proximity to job centers; add the provision of affordable housing to the County's density bonus program; and remove last Monday's addition to access to transit as a criteria for development in the County's growth areas. Over the past week, the Sussex Housing Group has provided the Council with two sets of public comment exploring the County's acute need for affordable and workforce housing and further justifying the three requests (previously outlined). Mr. Berl submitted, in writing, two letters summarizing the appeals and explanations.

Rich Holtkamp, representing Sussex Alliance for Responsible Growth (SARG) stated that the most important of the Plan is prioritization and implementation of all the strategies developed; that challenges include traffic congestion, water quality of the Inland Bays, affordable housing, climate changes and sea level rise, and valuable and environmental resources.

L. H. Coven spoke on the need for an Adequate Public Facilities Ordinance.

Preston Schell spoke on the availability of affordable housing and stated that programs/ordinances are needed to require and encourage it.

Frances Hart spoke on behalf of the Inland Bays Foundation. She referenced PLUS comments and asked that Council incorporate those in the Plan prior to approval, especially comments relating to conservation.

Derek Cole referenced and spoke in support of the Lewes Byway Plan.

David Hutt, representing Stafford Street Capital, asked for an amendment to the Future Land Use Map for a specific property located on Route 1 and Route 16; this property was changed from a Developing Area to a Rural

**Public Hearing/
Proposed Ordinance Authorizing Comprehensive Land Use Plan
(continued)**

Area. The request is to change it back to a Growth Area.

Shauna Thompson requested an amendment to the Future Land Use Map for her property located at Route 9 and Hudson Road/Joseph Road. She stated that the property meets all requirements of a development area but has been excluded. The request is to place her parcel in the Development District.

Kevin Gilmore, on behalf of Sussex County Habitat for Humanity, spoke on affordable housing and stated that he supports comments previously made during this hearing by Tyler Berl.

David Carey requested amendments to the Future Land Use Map for three family properties, asking that they be included in the Developing Area (Hudson Road and Log Cabin Hill Road property and two properties on Route 30 and Sand Hill Road).

Keith Steck stated that he is fundamentally in favor of the Comprehensive Plan; however he noted vulnerabilities relating to funding, affordable housing issues, Adequate Public Facilities Ordinance, and buffers and wetlands.

D.J. Hughes commented on traffic concerns and reported on traffic data. He stated that DelDOT now has 2017 data available so it could be updated in the Plan. Mr. Hughes questioned DelDOT's CTP process stating that everything is a year behind and that there must be a better way to get projects in the CTP. Mr. Hughes also commented on affordable housing, Tiger Grants, impact fees, and CTP projects.

There were no additional public comments.

The Public Hearing was closed.

**M 573 18
Defer Action on Proposed Ordinance Authorizing Comprehensive Land Use Plan**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action for one week on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008".

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

**M 574 18
Recess**

At 1:17 p.m., a Motion was by Mr. Arlett, seconded by Mr. Cole, to recess.

Motion Adopted: 5 Yeas.

**M 574 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 575 18
Reconvene**

**At 2:00 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton,
to reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Mr. Arlett rejoined the meeting during the discussion on Conditional Use
No. 2128.**

**Old
Business/
CU 2128**

**Under Old Business, the Council considered the Proposed Ordinance
entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF
LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR
AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL
OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED,
SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS”
(Conditional Use No. 2128) filed on behalf of Larry Martin (Tax I.D. No.
532-19.00-12.21) (911 Address: 9534 Shadow Point Lane, Delmar).**

**The Planning and Zoning Commission held a Public Hearing on this
application on May 24, 2018 at which time action was deferred. On June
14, 2018, the Commission recommended approval with the following
conditions:**

- A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. Except for the property owner’s personal vehicles located on site, no more than 10 vehicles shall be parked on the site.**
- E. No sales of automobiles shall be permitted.**
- F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.**
- G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- H. The site shall be subject to all DelDOT entrance and roadway requirements.**
- I. Handling and disposal of all hazardous waste from the auto repair**

**Old
Business/
CU 2128
(continued)**

shop shall comply with all local, state, and federal laws, rules, and regulations.

- J. The automotive repair house shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

(See the minutes of the Planning and Zoning Commission dated May 24 and June 14, 2018.)

The Sussex County Council held a Public Hearing on this application on June 12, 2018 at which time action was deferred.

**M 576 18
Amend
Conditions/
CU 2128**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to amend Condition A recommended by the Planning and Zoning Commission to read as follows: One unlighted sign, not to exceed 16 square feet per side, shall be permitted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 577 18
Adopt
Ordinance
No. 2607/
CU 2128**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2607 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS" (Conditional Use No. 2128) filed on behalf of Larry Martin, with the following conditions:

- A. One unlighted sign, not to exceed 16 square feet per side, shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. Except for the property owner's personal vehicles located on site, no more than 10 vehicles shall be parked on the site.**
- E. No sales of automobiles shall be permitted.**
- F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.**

**M 577 18
Adopt
Ordinance
No. 2607/
CU 2128
(continued)**

- G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- H. The site shall be subject to all DeIDOT entrance and roadway requirements.**
- I. Handling and disposal of all hazardous waste from the auto repair shop shall comply with all local, state, and federal laws, rules, and regulations.**
- J. The automotive repair hours shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU 2136**

Under Old Business, the Council considered Conditional Use No. 2136 filed on behalf of Christine Degnon.

The Planning and Zoning Commission held a Public Hearing on this application on July 26, 2018 at which time action was deferred. On August 23, 2018, the Commission recommended approval with the following conditions:

- A. The use shall be limited to medical offices only.**
- B. As stated by the Applicant, the use shall occur within the existing structure, maintaining its residential appearance from Savannah Road.**
- C. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. Additional hours shall be by emergency appointment only.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. The Applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- I. There shall be a sign directing traffic on the driveway for visitors to this site. There shall also be a sign at the driveway entrance advising that "Children are at Play". The location of these signs shall be shown on the Final Site Plan.**

**Old
Business/
CU 2136
(continued)**

- J. As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from Savannah Road to a point adjacent to the rear edge of the garage on the Applicant's property. The location and type of fencing shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated July 26 and August 23, 2018.)

The County Council held a Public Hearing on this application on August 21, 2018.

**M 578 18
Amend
Condition/
CU 2136**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to strike the existing Condition J recommended by the Planning and Zoning Commission and to replace it with the following Condition J: "As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from the split of the shared driveway to a point adjacent to the rear edge of the garage on the Applicant's property. The fence is not to interfere with sight views on Savannah Road. The location and type of fencing shall be shown on the Final Site Plan."

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 579 18
Adopt
Ordinance
No. 2608/
CU 2136**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to Adopt Ordinance No. 2608 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRE, MORE OR LESS: (Conditional Use No. 2136) filed on behalf of Christine Degnon, with the following conditions as amended:

- A. The use shall be limited to medical offices only.**
- B. As stated by the Applicant, the use shall occur within the existing structure, maintaining its residential appearance from Savannah Road.**
- C. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. Additional hours shall be by emergency appointment only.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**

**M 579 18
Adopt
Ordinance
No. 2608/
CU 2136
(continued)**

- E. The Applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office.**
- H. One lighted sign shall be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- I. There shall be a sign directing traffic on the driveway for visitors to this site. There shall also be a sign at the driveway entrance advising that “Children are at Play”. The location of these signs shall be shown on the Final Site Plan.**
- J. As stated by the Applicant, there shall be a privacy fence installed along the property to the northeast side of the property. The fence shall run from the split of the shared driveway to a point adjacent to the rear edge of the garage on the Applicant’s property. Any fence is not to interfere with sight views on Savannah Road. The location and type of fencing shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ 1857**

The Council considered Change of Zone No. 1857 filed on behalf of Elizabeth Ann Burkhardt.

The Planning and Zoning Commission held a Public Hearing on this application on September 13, 2018 at which time action was deferred. On September 27, 2018, the Commission recommended denial and recommended the submission of a Conditional Use application for which the fee would be waived.

The Planning and Zoning Commission held a Public Hearing on this application on October 9, 2018.

**M 580 18
Deny
CZ 1857**

A Motion was made by Mr. Burton, seconded by Mr. Cole, for the denial of Change of Zone No. 1857 and for expediting a Conditional Use application and waived fee.

Mr. Burton and Mr. Cole withdrew their motions.

**M 581 18
Deny
CZ 1857**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to accept the Planning and Zoning’s recommendation on Change of Zone No. 1857 in its entirety.

(continued) **Mr. Burton and Mr. Cole withdrew their motions.**

M 582 18
Adopt
Proposed
Ordinance/
CZ 1857

A Motion was made by Mr. Burton, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS” (Change of Zone No. 1857) filed on behalf of Elisabeth Ann Burkhardt.

Motion Denied: 5 Nays.

**Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Nay;
Mr. Wilson, Nay; Mr. Cole, Nay;
Mr. Vincent, Nay**

The Council agreed with the Planning and Zoning Commission’s recommendation that the Applicant submit an application for a Conditional Use, which will be expedited and the fee waived.

Grant
Requests

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

M 583 18
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 (\$250.00 each from Mr. Wilson’s and Mr. Burton’s Councilmanic Grant Accounts) to the DCUSA Foundation for the Hopemakers Program.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 584 18
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$10,000.00 (\$6,000.00 from Mr. Wilson’s Councilmanic Grant Account, \$2,000.00 from Mr. Cole’s Councilmanic Grant Account, \$1,000.00 from Mr. Burton’s Councilmanic Grant Account, and \$1,000.00 from Mr. Arlett’s Councilmanic Grant Account) to the Georgetown Historical Society for the carriage building and pavilion.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 585 18
Council-
manic
Grant

A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$867.00 from Mr. Burton’s Councilmanic Grant Account to the Lewes Presbyterian Church for the Lewes After School Program.

**M 585 18
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 586 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,888.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Concert Band for the Cape Henlopen Senior Center concert.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 587 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 (\$800.00 from Mr. Arlett's Councilmanic Grant Account and \$200.00 from Mr. Cole's Councilmanic Grant Account) to the Fenwick Island Lions Club for Halloween parade expenses.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 588 18
Countywide
Youth
Grants**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00 from Countywide Youth Grants to the Delaware Community Foundation for the Delaware Children in Nature Coalition for the Boo-B-Que fundraiser.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Zoning
Ordinance**

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 25.6694 ACRES, MORE OR LESS" (Change of Zone No. 1872) filed on behalf of T.S. Smith and Sons, Inc. (Tax I.D. No. 131-10.00-89.00) (911 Address: 8899 Redden Road, Bridgeville).

The Proposed Ordinance will be advertised for Public Hearing.

**Council
Members'
Comments**

Council Members' Comments

Mr. Cole commented on the applications for Special Use Exceptions for nursing homes that go before the Board of Adjustment. Mr. Cole expressed concern about these large facilities in AR-1 Districts and stated that the County needs to look into it. It was noted that, by County Code, nursing homes and assisted living facilities need a Special Use Exception from the Board of Adjustment, and therefore a Code amendment would be needed to require those applications to go to the Planning and Zoning Commission and the County Council.

Mr. Burton referenced the recent buffer and density ordinances and stated that staff is working to disseminate information to determine the path forward on the Proposed Ordinances. He noted that the Proposed Ordinances will be placed on an agenda for a vote prior to the end of the year.

**M 589 18
Go Into
Executive
Session**

At 2:55 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 2:57 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to land acquisition. The Executive Session concluded at 3:47 p.m.

**M 590 18
Reconvene**

At 3:48 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

There was no action on Executive Session items.

**M 591 18
Adjourn**

At 3:49 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, 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.}