

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 1, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 1, 2020, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 472 20
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to amend the Agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del.C.§10004(b)” and “Possible action on Executive Session items”, 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 November 17, 2020 were approved by consent.

**Corre-
spondence**

Mr. Moore noted that correspondence was received from the following: **COMMUNITY RESOURCE CENTER, DELAWARE HOSPICE, LIGHTHOUSE FOR BROKEN WINGS, DELAWARE ADOLESCENT PROGRAM, AND RONALD MCDONALD HOUSE OF DELAWARE.**

**Public
Comments**

Public comments were heard and the following spoke: **Robert Lawson.**

**Board
Appoint-
ments**

Mr. Lawson reported on several Board appointments that need to be addressed.

**M 473 20
Approve
Appoint-
ment**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Scott Edmonston to the Sussex County Building Code Board of Adjustments & Appeals, effective January 1, 2021, for a term of four years.

**M 473 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**

**M 474 20
Approve
Appoint-
ment**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Greg Hill to the Sussex County Building Code Board of Adjustments & Appeals, effective January 1, 2021, for a term of four years.

Motion Adopted: 5 Yeas.

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

**M 475 20
Approve
Appoint-
ment**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of James Clark to the Sussex County Building Code Board of Adjustments & Appeals, effective January 1, 2021, for a term of four years.

Motion Adopted: 5 Yeas.

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

**M 476 20
Approve
Appoint-
ment**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Dr. Michael Owens and Mrs. Joan Neal to the Sussex County Personnel Board, effective January 1, 2021, for a term of three years.

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. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Bishop's Landing (formerly Dove Landing) Phase 2C and Walden (formerly known as Burton's Pond) Phase 1 (Construction Record) received Substantial Completion effective November 16th and November 23rd, respectively.

**Administrator's
Report
(continued)**

2. Norman "Bud" Rickard

It is with sadness that we note the passing of County pensioner Norman "Bud" Rickard on Monday, November 16th. Mr. Rickard began his career with Sussex County in March 1989 where he worked in Planning & Zoning until July 2002 for a total of 13 years of service. In March 2007 he returned to the Planning and Zoning department as the Operations Coordinator and retired in 2009. Mr. Rickard also served on the Board of Adjustments Committee from January 2012 until September 2017. We would like to extend our condolences to the Rickard family.

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

**Coastal
Area Ord./
Public
Hearing
Cancellation**

The cancellation of the Public Hearing on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA" was noted.

**Old
Business/
CU 2237**

The Council considered Conditional Use No. 2237 filed on behalf of Samuel C. Warrington II.

The Planning and Zoning Commission held a Public Hearing on this application on September 24, 2020 at which time action was deferred. The Commission deferred action again on October 8, 2020. On October 22, 2020, the Commission recommended approval with conditions.

The Council held a Public Hearing on this application on October 27, 2020 at which time action was deferred and the record was left open until the close of business on November 9, 2020 so that the public, including the Applicant, could make additional comments, in writing only. On November 10th, comments received were submitted to Council and the record was closed.

**M 477 20
Amend
Condition**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend Condition D recommended by the Planning and Zoning Commission to read as follows: "There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The landscaped buffer shall be comprised of 5' - 6' trees and shrubs at the time of planting. The Final Site Plan for this use shall include a landscaping plan for this buffer area."

Motion Adopted: 5 Yeas.

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

**M 478 20
Amend
Condition**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend Condition L recommended by the Planning and Zoning Commission to read as follows: “One unlighted sign shall be permitted on the site. It shall not exceed 9 square feet in size.”

Motion Adopted: 5 Yeas.

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

**M 479 20
Adopt
Ordinance
No. 2756/
CU 2237**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2756 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 Samuel C. Warrington II, with the following conditions, as amended:

- A. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.**
- B. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.**
- C. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.**
- D. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The landscaped buffer shall be comprised of 5’ - 6’ trees and shrubs at the time of planting. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- E. No maintenance of boats or RVs shall occur on the site.**
- F. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- G. No more than 60 boats and RVs shall be permitted on the site.**
- H. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the Final Site Plan.**
- I. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.**
- J. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.**

**M 479 20
Adopt
Ordinance
No. 2756/
CU 2237
(continued)**

- K. No hazardous materials or fuel shall be stored on the property.**
- L. One unlighted sign shall be permitted on the site. It shall not exceed 9 square feet in size.**
- M. No sales shall occur on the site.**
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Proposed
Blackwater
Village
Area of the
SCUSSD/
Public
Hearing
Results and
Proposed
Boundary**

John Ashman, Director of Utility Planning, presented the Public Hearing results for the Proposed Blackwater Village Area of the Sussex County Unified Sanitary Sewer District. Mr. Ashman reported that the Engineering Department previously received petitions from the Blackwater Village Homeowners Association along with a Resolution supporting the petition for extending sewer service to Blackwater Village. The Engineering Department held a public hearing on October 31, 2020 for the purpose of presenting the proposed boundary, County rate structure, and estimated costs. (The Public Hearing was delayed due to the Governor’s Executive Order relating to COVID-19). Mr. Ashman presented the Engineering Department’s recommended final boundary for approval.

**M 480 20
Adopt
Resolution
R 017 20**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Resolution No. R 017 20 entitled “BOUNDARIES FOR THE PROPOSED BLACKWATER VILLAGE AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT”.

Motion Adopted: 5 Yeas.

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

Mr. Ashman reported that the referendum is scheduled to be held on January 22, 2021.

**EMS 220/
Medic 100
Station,
Project
C19-08**

Hans Medlarz, County Engineer, presented Change Order No. 1, in the amount of \$5,326.84, for Project C19-08, EMS 200/Medic 110 Station. The Change Order is for design changes to incorporate a vaulted ceiling, which was not included in the original drawings for the project.

**M 481 20
Approve
C/O 1/
EMS 220**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract C19-08, EMS 200/Medic 110 Station, be approved, increasing the contract by \$5,326.84 for a new contract total of \$1,412,576.84.

**M 481 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**

**Grant
Requests**

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

**Georgetown
Historical
Society
Grant**

In regard to the grant request for the Georgetown Historical Society, Mrs. Jennings reported that Mr. Wilson previously granted \$21,000.00 (at the November 10, 2020 Council meeting) and now wishes to correct that amount.

**M 482 20
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, that the Sussex County Council corrects the Motion from the November 10th meeting that granted Georgetown Historical Society \$21,000.00 from Mr. Wilson's Councilmanic Grant Account and to award them \$15,000.00 from Mr. Wilson's Councilmanic Grant Account.

Motion Adopted: 5 Yeas.

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

**M 483 20
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,500.00 (\$750.00 each from Mr. Rieley's and Mr. Hudson's Councilmanic Grant Accounts) to Bethany Beach – Fenwick Island Chamber of Commerce for a Shop Local Initiative.

Motion Adopted: 5 Yeas.

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

**M 484 20
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$5,785.00 (\$3,250.00 from Mr. Vincent's Councilmanic Grant Account and \$2,535.00 from Mr. Rieley's Councilmanic Grant Account) to the Laurel Historical Society for Millhand House renovations.

Motion Adopted: 5 Yeas.

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

M 485 20 Councilmanic Grant A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$500.00 (\$250.00 each from Mr. Hudson's and Mr. Burton's Councilmanic Grant Accounts) to the Police Unity Tour, Chapter 10, for Annual Police Unity Memorial Bicycle Tour.

Motion Adopted: 5 Yeas.

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

M 486 20 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$3,000.00 (\$1,000.00 each from Mr. Vincent's, Mr. Rieley's, and Mr. Burton's Councilmanic Grant Accounts) to Grace-N-Mercy Ministries for a Community Dinner.

Motion Adopted: 5 Yeas.

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

M 487 20 Councilmanic Grant A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$600.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for Kids Christmas Fund.

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 Ordinance Mr. Burton 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4653 ACRES, MORE OR LESS" (Change of Zone No. 1929) filed on behalf of Ryan Lehmann (Tax I.D. No. 235-30.00-58.02 (portion of) (911 Address: 26822 Lewes Georgetown Highway, Harbeson). The Proposed Ordinance will be advertised for Public Hearing.

Council Members' Comments Council Members' Comments

Mr. Rieley recognized Corporal Erin Sasse of Delmar, a member of the Delaware National Guard, who, on Thanksgiving Eve, was trying to assist a disabled vehicle after witnessing an accident and was then tragically struck and killed by another vehicle.

Rules

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

**Public Hearing/
CU 2247**

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 MINI SPA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.50 ACRES, MORE OR LESS” (Conditional Use No. 2247) filed on behalf of Hillary Brock (Tax I.D. No. 234-5.00-44.09) (911 Address: 19950 Beaver Dam Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on November 12, 2020 at which time action was deferred. On November 19, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated November 12 and 19, 2020.)

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

The Council found that Hillary Brock was present on behalf of her application. She stated that she previously operated a spa in downtown Milton and that building was destroyed by fire; that she and her husband built a home and a pole building on the application site; that they propose to use a portion of the pole building as a day-spa; that a total of 3 people would work in the spa including herself; that a sign is requested; and that she has not heard any opposition from the neighbors.

There were no public comments.

The Public Hearing and public record were closed.

**M 488 20
Adopt
Ordinance
No. 2757/
CU 2247**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2757 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI SPA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.50 ACRES, MORE OR LESS” (Conditional Use No. 2247) filed on behalf of Hillary Brock, with the following conditions:

- a. The use shall be limited to a portion of the existing pole barn that is located on the property.**
- b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side. The lighting shall be turned off by 10:00 p.m. each night.**
- c. As stated by the Applicant, the hours of operation shall be between 9:00 a.m. and 7:00 p.m., Monday through Saturday. There shall not be any**

**M 488 20
Adopt
Ordinance
No. 2757/
CU 2247
(continued)**

Sunday hours.

- d. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- e. The Applicant shall comply with any DelDOT requirements concerning entrance and roadway improvements.**
- f. The Final Site Plan shall show all designated parking areas, and these locations shall also be clearly designated on the site itself. No parking shall be permitted within the front yard setback.**
- g. 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 1930**

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 I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 186.98 ACRES, MORE OR LESS” (Change of Zone No. 1930) filed on behalf of Indian River School District (Tax I.D. Nos. 133-7.00-8.01 & 133-11.00-105.00) (911 Address: 26026 Patriots Way, Georgetown & None Available).

The Planning and Zoning Commission held a Public Hearing on this application on November 12, 2020 at which time the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated November 12, 2020.)

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

The Council found that Joseph Booth, Supervisor of Buildings and Grounds for the Indian River School District (IRSD), was present on behalf of the application. Mr. Booth referenced the Conditional Use application that was approved for the Howard T. Ennis School stating that, subsequently, a referendum passed to allow for a new Sussex Central; that they were unaware of the I-1 Institutional Zoning classification that was instituted a few years ago by the County; that they think the school district will benefit, as well as the County, by being in an Institutional Zone; that, currently, the Howard T. Ennis School and the Sussex Central School are both under Conditional Use; and that the new school will come under I-1 zoning if approved by Council.

(continued) **There were no public comments.**

The Public Hearing and public record were closed.

**M 489 20
Adopt
Ordinance
No. 2758/
CZ 1930**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, to Adopt Ordinance No. 2758 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 186.98 ACRES, MORE OR LESS” (Change of Zone No. 1930) filed on behalf of Indian River School District.

Motion Adopted: 5 Yeas.

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

Mr. Rieley stated that he would like to go on record asking DelDOT to provide some type of traffic control in the area. Mr. Booth stated that a traffic study is planned.

Recusal Mr. Rieley recused himself from participation in the next Public Hearing.

**Public
Hearing/
CZ 1932**

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-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.78 ACRE, MORE OR LESS” (Change of Zone No. 1932) filed on behalf of Jeff-Kat, LLC (Tax I.D. No. 335-8.00-40.00 (part of) (911 Address: 1005 Kings Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on November 12, 2020 at which time action was deferred. On November 19, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated November 12 and 19, 2020.)

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

The Council found that Ring Lardner with Davis, Bowen & Friedel was present on behalf of the Applicant. Also in attendance was Jeff Hamer, one of the owners of Jeff-Kat, LLC. Mr. Lardner stated that in May 2019, they were before Council for a similar request (which was approved) to expand

**Public
Hearing/
CZ 1932
(continued)**

Jeff-Kat’s property; that the 2019 request was for the rezoning of a parcel of land to the east of the subject property; that the current application is for property owned by First Baptist Church of Lewes; that the purchase of the property is contingent on the rezoning of the land to Commercial; that it is intended for the existing multi-use facility to be an expansion of the brewery operations (Big Oyster Brewery) and the house in the front to be used as an office; that the project is located in Investment Level 1 according to the Strategies for State Policies and Spending; that a Traffic Impact Study was not required by DelDOT; that right-of-way may be required by DelDOT once the site plan has been submitted; that Kings Highway is due to be dualized; that the application is consistent with C-3 Zoning; that the area/neighborhood will not be adversely affected as the Brewery currently operates in the area; and that the application is consistent with the Zoning Code and Comprehensive Plan. Mr. Lardner reviewed other zonings and uses in the area.

Public comments were heard.

Gail vanGilder spoke and stated that she is not opposed to the application. She commented on the Historic Lewes By-Way Committee’s (By-Way) interest and stated that the proposed use is good adaptive use of existing buildings; that the proposal is a design they like to see along the By-Way; that the restaurant is an outstanding amenity for the community; and that they hope the By-Way Committee is included in the review of a landscaping plan when the site plan comes in for review so that it looks like one consistent property along the front.

Kenneth Mecham spoke on behalf of the First Baptist Church and stated that the Church supports the application.

There were no additional comments.

The Public Hearing and public record were closed.

**M 490 20
Adopt
Ordinance
No. 2759/
CZ 1932**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2759 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.78 ACRE, MORE OR LESS” (Change of Zone No. 1932) filed on behalf of Jeff-Kat, LLC

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 491 20
Adjourn**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 2:23 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;
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.}