

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 11, 2018**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 11, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</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 689 18  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

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

**Recognition  
of High  
School  
Sports  
Teams**

**The Council recognized the following Sussex County sports teams:**

- **Cape Henlopen High School Field Hockey Team – 2018 DIAA Division I Champions**
- **Delmar High School Field Hockey Team – 2018 DIAA Division II Champions**
- **Sussex Central High School Football Team – 2018 DIAA Division I Champions**
- **Woodbridge High School Football Team – 2018 DIAA Division II Champions**

**Recess**

**[The meeting was recessed briefly to allow for pictures to be taken.]**

**Minutes**

**The minutes of December 4, 2018 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore reported that the following correspondence has been received:**

**HOUSE OF HOPE, BRIDGEVILLE, DELAWARE.**

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

**MAYOR BILL WEST, TOWN OF GEORGETOWN, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of grant for the Return Day Mayor's Reception.**

**FOOD BANK OF DELAWARE, MILFORD, DELAWARE.**

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

**SLAM DUNK TO THE BEACH, DELAWARE SPORTS COMMISSION, DOVER, DELAWARE.**

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

**DELAWARE COMMUNITY FOUNDATION, GEORGETOWN, DELAWARE.**

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

**BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON, DELAWARE.**

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

**Public  
Comments**

**Public Comments**

**Rich Holtkamp spoke on behalf of SARG (Sussex Alliance for Responsible Growth) thanking and commending the Council on all of its work and acknowledging the past service of retiring Councilmembers George Cole and Rob Arlett.**

**Representative Tim Dukes commented on the retirement of Councilmembers George Cole and Rob Arlett, thanking them for their leadership and commitment to Sussex County and the State of Delaware.**

**Paul Reiger commented on advertisements for the Board of Adjustment meetings and information on the County's website in regards to the members of the Board of Adjustment.**

**Presen-  
tation/**

**A presentation was given by representatives from Sussex Community Crisis Housing Services ("Crisis House"), Delaware State Housing Authority, and Housing Alliance Delaware on a new funding source available to organizations in Delaware that are working to prevent and end homelessness (the Home4Good Program – a housing locator project). The Crisis House is seeking leverage support in the amount of \$35,000 from the Council to fulfill the obligations of their grant award under this new funding source; grant funding will allow them to develop and administer the project.**

**M 690 18**  
**Approve**  
**Partner-**  
**ship/**  
**Sussex**  
**Community**  
**Crisis**  
**Housing**  
**Services**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the partnership with Sussex Community Crisis Housing Services in an amount not to exceed \$35,000 for the development of a housing locator 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 691 18**  
**Approve**  
**Consent**  
**Agenda**  
**Items**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the following items listed under the Consent Agenda:**

- 1. Wastewater Agreement No. 843-7  
Sussex County Project No. 81-04  
Vincent Overlook – Phase 7A  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- 2. Wastewater Agreement No. 843-8  
Sussex County Project No. 81-04  
Vincent Overlook – Phase 7B  
West Rehoboth Expansion of the Dewey Beach 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 November 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 191 troopers assigned to Sussex County for the month of November.**

- 2. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Windmill Woods – Phase 3 received Substantial Completion effective December 7<sup>th</sup>.**

**Administrator's  
Report  
(continued)**

**3. Christmas and New Year's Holidays**

Please note, County offices will be closed on December 24<sup>th</sup> and 25<sup>th</sup> to celebrate the Christmas holiday, and January 1<sup>st</sup> for the New Year's holiday. In addition, the Sussex County Council will not meet on December 18<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, January 8<sup>th</sup>, at 10:00 a.m.

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

**Purchase  
and Maintenance  
Agreements  
with County  
Business  
Systems/  
Register of  
Wills**

Register of Wills Cindy Green presented for Council's approval a new Estate Case Management System RFP Award and Contract for the Register of Wills Office. Upon approval, the new Estate Case Management System contract agreement will be with County Business Systems, Inc. Mrs. Green reported that a new system is necessary due to the current contract ending with ACS Enterprise Solutions, LLC, now known as Conduent Enterprise Solutions, LLC. She noted that the new system will allow staff to increase work efficiency and will provide improved online research options for the legal community. The one-time fee for upgrading the system will be \$98,050 (\$70,000 for software, \$24,000 for data conversion, and \$4,050 for training); thereafter, there will be a yearly maintenance fee in the amount of \$17,900. Mrs. Green explained that there will be a subscription fee for users which will generate revenue.

**M 692 18  
Approve  
Contract  
with  
County  
Business  
Systems/  
Register  
of Wills**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council approves the contract with County Business Systems, Inc. for the Register of Wills Estate Case Management System in the amount not to exceed \$98,050.

**Motion Adopted: 5 Yeas.**

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

**Delaware  
Coastal  
Business  
Park/  
Design  
Phase II**

Hans Medlarz, County Engineer, reported on the Delaware Coastal Business Park Project. He noted that the County assumed the original Becker Morgan Group design contract from the previous owners and thereafter, the Council approved Amendment No. 1 to change up the alignment behind Atlantis. Mr. Medlarz reported that the Engineering Department is ready for Phase II of the Project, which is for design of the Baltimore Avenue extension through Nanticoke Avenue and the overall stormwater management program for the park as well as for the expanded airport facility.

**M 693 18  
Amendment**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Scope Amendment No. 2 with Becker Morgan Group, Inc. be approved in the amount not to

- M 693 18**  
**Approve**  
**Amendment**  
**/ Delaware**  
**Coastal**  
**Business**  
**Park/Design**  
**Phase II**  
**(continued)**
- exceed \$350,000 for the Delaware Coastal Business Park Design Phase II which includes further extension for roadways and stormwater over-management at the Delaware Coastal Business Park.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea
- Phase I**  
**Con-**  
**struction**  
**Bid Results**
- Mr. Medlarz presented the bid results for the Delaware Coastal Business Park, Phase I Construction (Contract C19-15).
- A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that Contract C-19-15, Delaware Coastal Business Park, Phase I Construction, be awarded to Melvin Joseph Construction for the Base Bid price of \$1,427,560.75 and the Contingent Bid amount of \$19,073.00, for a Total Bid price of \$1,446,633.75.
- M 694 18**  
**Award**  
**Bid/**  
**Delaware**  
**Coastal**  
**Business**  
**Park /**  
**Phase I Con-**  
**struction**
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea
- Chesapeake**  
**Utilities**  
**Corporation**  
**Customer**  
**Advance**  
**Agreement**
- Mr. Medlarz discussed providing natural gas service to the Delaware Coastal Business Park. He noted that the high-pressure gas company, Eastern Shore Natural Gas, requires an arrangement with the service provider, Chesapeake Utilities. If approved, these arrangements will provide a gas service tap to each leased lot in the Coastal Business Park and each existing business in the existing park.
- M 695 18**  
**Delaware**  
**Coastal**  
**Business**  
**Park /**  
**Chesapeake**  
**Utilities**  
**Corporation**  
**/**  
**Customer**  
**Advance**  
**Agreement**
- A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Engineering Department that the County Council approves the Customer Advance Agreement with Chesapeake Utilities Corporation to furnish natural gas service to the Delaware Coastal Business Park and the Sussex Industrial Park, in principal, subject to minor legal modifications.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea
- Eastern**  
**Shore**  
**Natural Gas**  
**Easement**
- Mr. Medlarz discussed the granting of an Eastern Shore Natural Gas Easement whereby they will provide an extra line down Springfield Avenue and build a city gate for the Chesapeake Utilities Corporation. Eastern Shore Natural Gas has offered to pay \$3,660.00 for the easement, if granted.

- M 696 18**  
**Approve**  
**Natural Gas**  
**Utility**  
**Easement/**  
**Eastern**  
**Shore**  
**Natural**  
**Gas**
- 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 granting of a Natural Gas Utility Easement to Eastern Shore Natural Gas in exchange for payment of \$3,660.00 to construct transmission improvements serving, among others, the Delaware Coastal Business Park.
- Motion Adopted: 4 Yeas, 1 Nay.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;**  
**Mr. Wilson, Nay; Mr. Cole, Yea;**  
**Mr. Vincent, Yea**
- Change**  
**Order/**  
**James Farm**  
**Master Plan**  
**Implemen-**  
**tation**  
**Phase I**
- Hans Medlarz, County Engineer, presented Change Order No. 1 to the James Farm Master Plan Implementation Phase I, Cedar Neck Road Entrance Project, Project C19-02A. Change Order No. 1, in the amount of \$269,340.00, will cover the parking lot, the sidewalks, and the tie-ins to the entrance.
- M 697 18**  
**Approve**  
**Change**  
**Order/**  
**James Farm**  
**Cedar**  
**Neck**  
**Road**  
**Entrance**
- A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Contract C19-02A, James Farm Master Implementation Phase I, Cedar Neck Road Entrance, be approved which increases the Contract amount by \$269,340.00, for a new Contract total of \$366,937.50.
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;**  
**Mr. Wilson, Yea; Mr. Cole, Yea;**  
**Mr. Vincent, Yea**
- The**  
**Evergreene**  
**Companies/**  
**Admiral's**  
**Chase**  
**Infra-**  
**structure**  
**Agreement**
- John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement with The Evergreene Companies, LLC. The project is located in the existing Sussex County Unified Sanitary Sewer District in the West Rehoboth Area along Gills Neck Road. Under the proposed arrangement, the Admiral's Chase project will connect to the existing County owned infrastructure. In return, The Evergreene Companies, LLC will contribute \$8,463.00 for the financial catch-up contribution of the existing infrastructure to serve an additional 26 EDUs; payment will be required prior to receiving a connection for the facility.
- M 698 18**  
**Approve**  
**the Use**  
**of Existing**  
**Infra-**  
**structure**  
**Agreement**
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Evergreene Companies, LLC for a capacity allocation in the regional transmission system, as presented.
- Motion Adopted: 5 Yeas.**

**M 698 18  
(continued)**

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

**M 699 18  
Defer  
Action on  
Proposed  
C-4  
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Burton to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND 115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV".

**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**

Under Old Business, the Council considered seven (7) previously deferred zoning applications.

**M 700 18  
Adopt  
Proposed  
Ordinance  
CZ 1855**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, 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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS" (Change of Zone No. 1855) filed on behalf of Kirk Salvo; KH Sussex, LLC.

**DENIED**

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

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

**M 701 18  
Adopt  
Proposed  
Ordinance  
CU 2145**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (2 DUPLEXES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.169 ACRE, MORE OR LESS" (Conditional Use No. 2145) filed on behalf of 105 Seagull Drive, LLC.

**DENIED**

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

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

**M 702 18  
Adopt  
Ordinance  
No. 2621/  
CZ 1858**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2621 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” (Change of Zone No. 1858) filed on behalf of OA Oaks, LLC (Ashton Oaks), with the following conditions:

- A. The maximum number of apartment units shall not exceed 178.
- B. As offered by the Applicant, 36 of the units shall be designated as “Restricted Units” for the purpose of providing “workforce housing” subject to the following terms and conditions:

1. Rent Restricted Units – For a period of 30 years following the date the first building receives its certificate of occupancy, 36 of the total number of units offered for lease (the “Restricted Units”), shall be rented to tenants with gross household incomes equal to or less than 70% of the area median income for Sussex County (“Qualifying Tenants”) as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually for a rental rate, adjusted for household and unit size as per HUD guidelines, no greater than 30% of gross household income.

2. Vacant Units – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the targeted amount (36). If no Qualifying Tenants are available at the time a unit becomes vacant that unit may be leased at market rates to any tenant. At all times in which the number of Restricted Units is less than 36, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as the 36-unit target for Restricted Units is achieved.

3. Qualifying Tenants – Eligible tenants for the Restricted Units must:

- a. Provide proof of citizenship.
- b. Be of eligible income as defined in “a”, above.
- c. Be employed and live in Sussex County for at least one year preceding the date of application.
- d. Occupy of Restricted Unit as the tenant’s principal residence



**M 702 18  
Adopt  
Ordinance  
No. 2621/  
CZ 1858  
(continued)**

during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.

- e. Comply with other requirements that apply to tenants of Non-Restricted Units.
4. **Unit Integration** – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of types of Restricted Units shall remain in proportion to the number of the same type of Market Rate Unit. For example, if 33% of the Market Rate Units are 3-Bedroom Units, then 33% of the Restricted Units must be 3-Bedroom Units.
5. **Restricted Unit Leases** – The following requirements shall apply to Restricted Unit Leases:
- a. The landlord shall determine the tenant's eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined.
  - b. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
  - c. All lease agreements of Restricted Units shall cover a period of one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.
  - d. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
  - e. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.
  - f. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.

**M 702 18  
Adopt  
Ordinance  
No. 2621/  
CZ 1858  
(continued)**

- 6. Examination by an Independent Certified Public Accountant - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to perform annual agreed-upon procedures with respect to the Project, reporting upon elements of compliance with the conditions of approval for the Project related to the rental of the “Restricted Units” and the “Qualifying Tenants” in the Project. In this engagement, the Delaware Certified Public Accountant will perform agreed-upon procedures in accordance with attestation standards established by the American Institute of Certified Public Accountants. This annual agreed-upon procedures engagement shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the 36 Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant and/or Office of Planning & Zoning may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Community Development & Housing Office no later than March 1 of each year.**
  - 7. Penalties - In the event that more than 142 of the units are rented at Market Rate because fewer than 36 units are leased to Qualified Tenants (the “Excess Market Rate Units”), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
  - D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
  - E. The RPC shall be served by central water.**
  - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**

**M 702 18  
Adopt  
Ordinance  
No. 2621/  
CZ 1858  
(continued)**

- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of the streets within the RPC.**
- H. As offered by the Applicant, a voluntary 40-foot minimum buffer will be established from any wetlands located on the site and a 20-foot landscaped or wooded buffer shall be established along the boundary of the site adjacent to property of other ownership to the east and west. The existing vegetation in the wetlands buffer area shall not be disturbed.**
- I. Recreational amenities, including the clubhouse, outdoor swimming pool and deck, playground, walking trail and enclosed dog park, shall be completed prior to issuance of a building permit for fourth multi-family building.**
- J. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- K. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.**
- L. Construction activities, including sitework and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.**
- M. Space in the community clubhouse or in Unit #1 shall be permitted as an on-site management office.**
- N. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- O. The Applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, recreational amenities and all open space.**
- P. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
- Q. The building height shall be limited to 42 feet. This limitation shall not apply to pitched roofs or chimneys, vents, elevator towers or similar items.**
- R. As proffered by the Applicant and as authorized by §115-125(B) of the Zoning Code, there shall be a deed restriction imposed upon, and recorded against, the 14.84-acre parcel that is the subject of this**

**M 702 18**  
**Adopt**  
**Ordinance**  
**No. 2621/**  
**CZ 1858**  
**(continued)**

**rezoning application. This deed restriction shall be approved by the Office of Planning & Zoning and shall be recorded in the Office of the Recorder of Deeds, in and for Sussex County, within 30 days of the approval of this ordinance. It shall include the following statement:**

**“On the 11th day of December, 2018, the Sussex County Council rezoned this 14.84 acre parcel to an HR-1/RPC for the specific purpose of developing a 178-unit apartment development as depicted on the RPC Preliminary Site Plan submitted as part of CZ #1858. In the event the RPC is not developed and is declared null and void by Sussex County pursuant to §99-9B or §99-40A of the Sussex County Code, which are incorporated into §115-218 of the Zoning Code regarding RPCs by reference, then the permitted density of the this 14.84 acre parcel shall not exceed 2.178 units per acre, representing the density prior to the approval of CZ #1858. This restriction shall not be amended nor modified without the approval of the Sussex County Council.”**

**S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

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

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

**M 703 18**  
**Close**  
**Record/**  
**CZ 1860,**  
**CU 2147,**  
**CZ 1861**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to close the record on Change of Zone No. 1860, Conditional Use No. 2147, and Change of Zone No. 1861.**

**Motion Adopted: 5 Yeas.**

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

**M 704 18**  
**Adopt**  
**Proposed**  
**Ordinance**  
**CZ 1860**  
  
**DENIED**

**A Motion was made by Mr. Arlett, seconded by Mr. Burton, 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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.50 ACRES, MORE OR LESS” (Change of Zone No. 1860) filed on behalf of Nassau DE Acquisition Co., LLC.**

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

**M 704 18  
(continued)**

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

**M 705 18  
Adopt  
Proposed  
Ordinance  
CU 2147**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.50 ACRES, MORE OR LESS" (Conditional Use No. 2147) filed on behalf of Nassau DE Acquisition Co., LLC.

**DENIED**

**Motion Denied:** 4 Nays, 1 Yea.

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

**M 706 18  
Adopt  
Ordinance  
No. 2622/  
CZ 1861**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to Adopt Ordinance No. 2622 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.662 ACRES, MORE OR LESS" (Change of Zone No. 1861) filed on behalf of Nassau DE Acquisition Co., LLC.

**Motion Adopted:** 5 Yeas.

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

**M 707 18  
Adopt  
Ordinance  
No. 2623/  
CZ 1859**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2623 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 60 ACRES, MORE OR LESS" (Change of Zone No. 1859) filed on behalf of Boardwalk Development, LLC, c/o Joseph Reed (Henlopen Meadows), subject to the following conditions:

A. The maximum number of dwelling units shall not exceed 201 single family units.

**M 707 18  
Adopt  
Ordinance  
No. 2623/  
CZ 1859  
(continued)**

- B. A homeowners association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water.**
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. In reviewing the stormwater management design, the Applicant and the Sussex Conservation District shall also work to reduce the impacts from runoff from the property onto The Cove on Herring Creek; particularly during the site work, development, and construction phases.**
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be street lighting and sidewalks on one side of the streets within the RPC.**
- H. All amenities shall be completed prior to the issuance of the 75th building permit.**
- I. A 20-foot wide forested landscape buffer shall be established along the perimeter of the site. This may include the existing trees.**
- J. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- K. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.**
- L. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- M. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
- N. As proffered by the Applicant, the community will not contain any manufactured homes.**
- O. The community shall be marketed as "workforce housing" and the target market will be households living and working in Sussex County earning 80%-120% Sussex County area median income. The Developer shall complete and provide a Buyer Data Sheet, the final settlement statement, and any other necessary information to an independent CPA to generate a report evidencing that homebuyers are not spending more than 30% of their gross household income on housing costs for each home sale. This report shall be submitted to the Planning and Zoning Department on an annual basis to analyze the success of the project as workforce housing. The Developer shall work with DSHA, NCALL,**

**M 707 18**                    **First State and other non-profit homeownership geared agencies to**  
**Adopt**                    **market the houses.**  
**Ordinance**           **P. The Final Site Plan shall be subject to the review and approval of the**  
**No. 2623/**               **Planning and Zoning Commission.**  
**CZ 1859**  
**(continued)**           **Motion Adopted:     5 Yeas.**

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

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

**M 708 18**                    **A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$750.00**  
**Council-**                    **from Mr. Burton's Councilmanic Grant Account to the Historic Lewes**  
**manic**                    **Farmers Market Society for the Supplemental Nutrition Assistance**  
**Grant**                    **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 709 18**                    **A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$750.00**  
**Council-**                    **from Mr. Burton's Councilmanic Grant Account to the Greater Lewes**  
**manic**                    **Foundation for the Lewes Community Garden.**  
**Grant**

**Motion Adopted:     5 Yeas.**

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

**Mr. Burton left the meeting.**

**M 710 18**                    **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$5,000.00**  
**Council-**                    **from Mr. Cole's Councilmanic Grant Account to the Center for the Inland**  
**manic**                    **Bays for the James Farm Master Plan, Phase I Implementation.**  
**Grant**

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

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

**M 711 18**                    **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$250.00**  
**Council-**                    **from Mr. Vincent's Councilmanic Grant Account to the Nanticoke Health**  
**manic**                    **Foundation for the Holiday Prescription Drug Funding Project.**  
**Grant**

**M 711 18  
(continued)**

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

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

**M 712 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 from Mr. Arlett's Councilmanic Grant Account to the Indian River High School for the Mock Trial State Competition.**

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

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

**M 713 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$2,500.00 from Mr. Arlett's Councilmanic Grant Account to Way More Laundry for the mentoring and training program.**

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

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

**M 714 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Wilson's and Mr. Arlett's Councilmanic Grant Accounts) to Sussex Central High School (Football Boosters) for banquet expenses.**

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

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

**M 715 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,000.00 (\$500.00 each from Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to Woodbridge High School Football Boosters for banquet expenses.**

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

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



**M 716 18 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$750.00 (\$500.00 from Mr. Wilson's Councilmanic Grant Account and \$250.00 from Mr. Vincent's Councilmanic Grant Account) to the New Coverdale Outreach Mission for operating expenses.**

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

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

**M 717 18 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00 (\$1,000.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Indian River High School Band Boosters for parade travel expenses.**

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

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

**Introduction of Proposed Zoning Ordinances**      **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 MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Change of Zone No. 1874) filed on behalf of Leanna and Hung Nguyen (Tax I.D. No. 334-19.00-1.06) (911 Address: None Available).**

**Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM -DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 2164) filed on behalf of Leanna and Hung Nguyen (Tax Map No. 334-19.00-1.06) (911 Address: None Available).**

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

**Recognition of Councilmembers Cole and Arlett**      **The Council and members of the public recognized retiring Sussex County Council members George Cole and Rob Arlett. Both Mr. Cole (District 4) and Mr. Arlett (District 5) were recognized with proclamations, replica gavels and nameplates.**

**Councilman Cole**      **Councilman Cole served 32 years and is the longest serving elected official in County history. Mr. Cole has “the distinction of being the third member of the Cole family to serve on the Sussex County Council since council form was established in the early 1970s...”.**

**A retirement celebration for Mr. Cole will be held in January 2019.**

**M 718 18 Adjourn**      **At 1:58 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn the meeting.**

**Motion Adopted:      5 Yeas.**

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

**Mr. Cole hammered the gavel to close the meeting.**

**Respectfully submitted,**

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

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