

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEB. 25, 2020**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 25, 2020, at 9:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 095 20  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of February 18, 2020 were approved by consent.

**Corre-  
spondence**

Mr. Moore reported on correspondence received from the following: 'Just A Hand Up' Community Navigation.

**Public  
Comment**

A public comment period was held and Keith Steck spoke.

**Retiree  
Richard  
Johnson**

The Council recognized Richard Johnson, Mapping and Addressing, who is retiring after 28 years and 7 months of service to Sussex County.

**Office of  
State  
Planning/  
Strategies  
Map  
Presentation**

Mr. Lawson reported that representatives of the Office of State Planning were in attendance, including Connie Holland, State Planning Director; David Edgell (Principal Planner for Kent County), Miriam Pomilio (GIS Coordination), and Tricia Arndt (Principal Planner for New Castle and resident of Sussex).

Ms. Holland noted that the purpose of their visit was not to present a draft of the new State Strategies, but to give Council an overview of the reason for

**State  
Planning  
(Con't.)**

State Strategies, as well as how Investment Levels 1, 2 and 3 are determined. She reiterated that the information is derived from the 57 local jurisdictions and the 3 counties, taking into consideration their respective Comprehensive Land Use Plans.

Mr. Edgell presented a brief overview of the State Strategies that included: Origination of the State Spending Strategies, Delaware Code Requirement, Strategies Purpose, Delaware Facts, State Growth, State Spending Strategies (Use by Agencies), State Strategies and Local Government Planning, Why Update, Update Process, Data and Maps, and Components/Levels.

State Code requires that the Delaware Strategies for State Policies and Spending be updated every five years, with 2015 being the most recent update. The purpose of the State Strategies is to manage land use decision-making with the provision of infrastructure and services that takes into the consideration the best use of the State's natural and fiscal resources. Land use decisions are made at the local level, with the majority of infrastructure and services supporting those land use decisions often being a state-funded responsibility, i.e. state roads; public school construction, operations and transportation; paramedics; and State Police. It was noted that many state agencies, local governments and citizens use the document as a guideline to make appropriate and cost-effective investments in all areas of the State. Local governments also use the Strategies as they develop their Comprehensive Land Use Plans. In the update process, the final plan is approved by the Governor and Cabinet Committee. The maps for the 2020 update will be released on March 30 and takes into consideration municipal and county comp plans and their growth areas, favored development and preservation, as well as the areas that are out of play. An analysis is then completed using the geographic information system, which results in this information being classified into four Investment Levels. Investment Level 1 includes the areas that are already developed (municipalities, towns or urban/urbanizing areas within the counties) with infrastructure and services in place; Level 2 includes growth areas where quite a bit of development activity is occurring; Level 3 includes those areas that are in the long-term growth plans of the counties or municipalities; Level 4 are the areas that are rural in nature and where the majority of the State's open space and natural areas are located; and the 'Out of Play' areas refer to lands that are protected or preserved by legal mechanism, code or ownership.

The projected timeline includes:

Public Comment Period	March 30 – April 30
Public Workshops	March/April
Redraft based on Workshops	May
Final Presentation to CCSPI	June 1
Governor approval of Strategies	TBD
Final document posted to Website	TBD

[www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

**State  
Planning  
(Con't.)**

**Public Workshop Schedule: (All workshops 5:30 – 7:00 p.m.; Public Presentation at 6:00 p.m.)**

<b>March 30</b>	<b>Appoquinimink Library, Middletown</b>
<b>March 31</b>	<b>Route 9 Innovation Center, New Castle</b>
<b>April 1</b>	<b>Laurel Public Library, Western Sussex</b>
<b>April 2</b>	<b>Council Chambers, Georgetown</b>
<b>April 7</b>	<b>Lewes Fire Station #2, Nassau</b>
<b>April 8</b>	<b>Milford Public Library, Milford</b>
<b>April 9</b>	<b>Dover Public Library, Dover</b>

A brief question and answer period followed that included funding/spending priorities, the various investment levels and expectation of services/infrastructure within each level, and any coordination with DelDOT's investment levels. Ms. Holland reiterated that the State Planning Office is the liaison between the State and the 57 municipalities and 3 counties. It was noted that after the preliminary maps are reviewed, any comments by the County should be submitted in writing.

**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 January 2020 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 191 troopers assigned to Sussex County for the month of January.

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Seagrove (aka Harlton) – Phase 5 received Substantial Completion effective February 21<sup>st</sup>.

**3. Council Meeting Schedule**

A reminder that Council will not meet on March 3<sup>rd</sup>. The next regularly scheduled Council meeting will be held on Tuesday, March 10<sup>th</sup>, at 10:00 a.m.

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

**M 096 20  
Go Into  
Executive  
Session**

At 9:40 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Job Applicants' Qualifications.

**M 096 20  
(Con't.)**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 9:51 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Job Applicants' Qualifications. The Executive Session concluded at 11:53 a.m.**

**M 097 20  
Reconvene  
Regular  
Session**

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

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

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

**E/S Action**

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

**M 098 20  
Recess**

**At 11:57 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to recess until 1:30 p.m.**

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

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

**M 099 20  
Reconvene**

**At 1:30 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to reconvene.**

**Motion Adopted: 5 Yeas.**

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

**Rules**

**Mr. Moore read the rules of procedure for zoning hearings.**

**Public  
Hearing/  
C/Z 1903  
W. Wayne  
Baker**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 17.25 ACRES, MORE OR**

**Public  
Hearing/  
C/Z 1903  
(Con't.)**

**LESS” (Change of Zone No. 1903) filed on behalf of W. Wayne Baker (Tax I.D. No. 133-6.00-43.00) (911 Address: Not available).**

**The Planning and Zoning Commission held a Public Hearing on this application on January 23, 2020, at which time the Commission recommended that the application be deferred; on February 13, 2020, the Commission recommended approval.**

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

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

**An Exhibit Booklet provided by the Applicant was previously distributed to Council.**

**The Council found that Mark Davidson, Pennoni & Associates, representing the applicant, and W. Wayne Baker (the applicant), were present on behalf of the application.**

**Mr. Davidson discussed the proposed use and location of the property. Discussion included: (1) that the applicant is seeking a change in zoning to C-2 Medium Commercial; (2) that in Ordinance No. 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial Zoning District to promote better planning and predictability within Sussex County; (3) that the purpose of the C-2 district is to support uses that include retail sales and performance of consumer services; (4) that the C-2 District shall primarily be located near arterial collector streets, and that Route 113 is a principle arterial and it accommodates community commercial uses (the property is located along Route 113 at the intersection of Governor Stockley Road); (5) that the commercial zoning is in the vicinity of other commercial zoned properties; (6) that the Baker family has owned the property since 1964 and owns a number of convenience stores and service stations throughout Sussex County; (7) that the family would like the property to be developed at some point in the future, and the property is an ideal place for the future growth of their business; (8) that the DelDOT service level evaluation confirms that a Traffic Impact Study is not currently required, but DelDOT would do a TIS for whatever is proposed for the property; (9) that the site is in a Tier III County sewer area and that the applicant is looking at onsite wastewater treatment system for this property; (10) that the 2015 State Strategies Map identifies the area as an Investment Level 4 and that infrastructure needs will be funded by the developer; and (11) that the proposed rezoning meets the general purpose of the zoning laws being located in an appropriate location, meeting the purpose of this district and future Land Use Plan strategies and objectives of the Comprehensive Land Use Plan.**

**(Con't.)**            **There were no public comments in support of or in opposition to the application.**

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

**M 100 20**            **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt**  
**Approve**            **Ordinance No. 2709 entitled “AN ORDINANCE TO AMEND THE**  
**Ordinance**            **COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN**  
**No. 2709**            **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM**  
**CZ 1903/**            **COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND**  
**W. Wayne**            **LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY,**  
**Baker**                **CONTAINING 17.25 ACRES, MORE OR LESS” (Change of Zone No.**  
                        **1903) filed on behalf of W. Wayne Baker (Tax I.D. No. 133-6.00-43.00) (911**  
                        **Address: Not available).**

**Motion Adopted:     5 Yeas.**

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

**M 101 20**            **At 1:49 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,**  
**Adjourn**            **to adjourn.**

**Motion Adopted:     5 Yeas.**

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

**Respectfully submitted,**

**Nancy J. Cordrey**  
**Assistant Clerk of the Council**

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