

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 16, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 16, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	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 592 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to amend the Agenda by striking “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: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Agenda
Item
Delayed**

Mr. Lawson announced that Bob Carey’s presentation on Delmarva Teen Challenge would be delayed until later in the meeting.

Minutes

The minutes of December 2, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**PRIMERSOS PASOS, INC., GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**JOSEPH STOREHOUSE, DAGSBORO, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**RONALD MCDONALD HOUSE OF DELAWARE, WILMINGTON,
DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

- Corre-
spondence
(continued)**
- READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**
- DELAWARE STATE POLICE TROOP 4 EXPLORERS PROGRAM,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**
- KENT SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**
- DELAWARE GUIDANCE SERVICES, WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**
- DELAWARE HOUSING COALITION, DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**
- DEC
Presenta-
tion**
- Bill Andrew, President and Chief Executive Officer of the Delaware Electric Cooperative (DEC), presented a check to the Sussex County Council representing capital credits that were earned in 1996 and retired, in excess of \$13,000.00.**
- Procla-
mation/
Cape Field
Hockey**
- The Council presented to the Cape Henlopen High School Field Hockey Team a Proclamation entitled “A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2014 DIAA CHAMPIONSHIP”.**
- Adminis-
trator’s
Report**
- Mr. Lawson read the following information in his Administrator’s Report:**
- 1. Project Receiving Substantial Completion**
Per the attached Engineering Department Fact Sheet, Del-Mar Subdivision, aka Rocks Bethany, received Substantial Completion effective December 10, 2014.
 - 2. Christmas and New Year’s Holidays**
Sussex County offices will be closed on December 24th, 25th and 26th to celebrate the Christmas holiday, and January 1st for the New Year’s holiday. In addition, the Sussex County Council will not meet on December 23rd or December 30th. The next regularly scheduled meeting of the Sussex County Council will be on Tuesday, January 6, 2015, at 10:00 a.m.
- [Attachments to the Administrator’s Report are not attachments to the minutes.]**

**Pension
Committee
Update
and
Recommen-
dations**

Mrs. Jennings presented the following pension performance update:

Summary of Pension Investment Analysis

- **Market value was \$70,246,309 as of September 30, 2014**
- **Year-to-date gain of \$4.3 million, or 6.1 percent, net of investment fees**
- **The fund’s annual performance ranked in the top 1 percent for pension funds tracked by Peirce Park Group**

Summary of the OPEB Investment Analysis

- **Market value was \$29,814,550 as of September 30, 2014**
- **Year-to-date return of \$1 million or 3.2 percent, net of investment fees**
- **The fund’s performance ranked in the top 6 percent this quarter**

Mrs. Jennings reported that the Pension Committee met on November 19, 2014 and recommended to replace Fidelity Low-Priced Stock. She stated that, while the fund has done well over the years, it has drifted away from its original investment style. The fund holds a material amount in large cap stocks and non-U.S. stocks. History has shown that mid cap stocks outperform large cap stocks over time.

Mrs. Jennings reported that the Pension Committee reviewed two options – a passive and an active option. Due to the increase in expense by 58 basis points and its performance from 2008 through 2013, the Committee recommended moving the remaining funds of approximately \$2.5 million to Vanguard Mid Cap Value Index. This change will save the fund approximately \$18,500 in fees annually. Mrs. Jennings noted that a complete analysis was included in the Council packets.

Michael Shone of Peirce Park Group, was in attendance to answer any questions.

**M 593 14
Transfer
Funds Out
of Fidelity
to Vanguard**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council transfer all funds out of the Fidelity Low Priced Stock Fund to the Vanguard Mid Cap Value Index Fund.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Pension
Committee
Update
and
Recommen-
dations
(continued)**

Mrs. Jennings stated that the Pension Committee looked at changing the Pension Investment Policy Statement. Approximately one year ago, the return assumption was lowered from 8.0% to 7.5% for both the Pension Fund and the OPEB Fund. As the County’s auditors begin to review new accounting standards, they feel that 7.5% may be tough to reach in the OPEB Fund. Based on the advice of Michael Shone and the County’s auditors, the Committee recommends increasing the equity target to 65% from 60% to

(continued) make sure the 7.5% assumption is reached.

M 594 14 A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex
Amend County Council amend the OPEB Plan's Investment Policy Statement by
OPEB increasing the domestic equity target from 46% to 51% and decreasing the
Plan's fixed income target from 39% to 34%.

Investment
Policy
Statement

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Pension
Committee
Update
and
Recommen-
dations
(continued)

Mrs. Jennings and Mr. Shone discussed the temporary agreement entered into in January 2014 for Consulting Plus Services (weekly review of the OPEB Fund) with Peirce Park Group whereby fees were deferred for one year. Mrs. Jennings recommended payment for the service in the amount of \$20,000. She reported that the County is looking at a \$2.5 million increase because of these services. However, Mrs. Jennings recommended that the services be discontinued as the County is now on a good path and she will continue to closely monitor the Fund's performance.

Mrs. Jennings noted that Mr. Shone of Peirce Park Group would still provide services and quarterly reports to the County but would not provide the extra added service of the weekly reports for the OPEB Fund.

M 595 14
Compensate
Peirce Park
Group for
Consulting
Plus
Services &
Discontinue
Service

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council discontinue Consulting Plus Services and to compensate Peirce Park Group 7 basis points, approximately \$20,000.00, for Consulting Plus Services that were provided in 2014.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Endowment
Fund

A discussion was held regarding the investment of funds in the fire company endowment fund of \$10 million.

Health
Insurance
RFP
Process

Mrs. Jennings announced that the County will be soliciting bids for health insurance. She stated that this is a significant expense to the County and it is important to look into other options for health insurance. Currently, the County has a self-insurance plan that is administered by a third-party, Integra. This year, the County will be undertaking a comprehensive review of its health insurance plan and will be looking at both fully funded insured and self-insured options. The objectives of the process are: to conduct a comprehensive review of the County's benefits program including cost, benefit levels, level of service, funding method, and provider discounts; to

Health Insurance RFP Process **develop a strategy to control the growth in the employee benefit costs; and, to maintain a competitive benefits program allowing the County to attract and retain talent and maintain a high level of employee satisfaction. Mrs. Jennings stated that the process will take approximately three months to complete; the County will start to solicit bids in January.**

Fair Housing Update **Brandy Nauman, Housing Coordinator and Fair Housing Compliance Officer, presented the semi-annual update on the progress of the County’s settlement requirements for the U.S. Department of Justice (DOJ) and U.S. Department of Housing & Urban Development (HUD) and the progress the County has made.**

U.S. Department of Justice Consent Decree

- **An affordable and Fair Housing Marketing Plan was done over a year ago; the County is still awaiting official approval from the DOJ. The County hosted the inaugural Sussex County Homebuyer Fair in September 2014 and has prepared and printed an outreach flyer for distribution to major employers and non-profit organizations throughout the County.**
- **There have been no housing discrimination complaints in the last six months.**
- **The County will be submitting its fourth annual compliance report by December 19, 2014 to HUD and the DOJ.**
- **The County holds Fair Housing Training annually and the next session will be held in the first quarter of 2015. All new employees affiliated with land use or housing are trained when hired.**
- **The County has created an affordable and fair housing webpage, which was launched in June 2013. Compliance reports, and any public hearings and other meetings, are posted on the site. The site is updated regularly to provide any news on affordable or fair housing.**
- **The County is required to send to the DOJ any updates regarding the County’s zoning or land use laws pertaining to the moderately priced housing program or the rental program. The recent dwelling ordinance passed by the County shows the County’s steps to update the Code to further comply with Federal and State Fair Housing Acts.**

U.S. Department of Housing & Urban Development Voluntary Compliance Agreement

- **The County had to do an Analysis of Impediments Evaluation and a Proposed Priority Fair Housing Plan (an analysis of the three different analysis of impediments from 1998, 2003 and 2011). The County is**

**Fair
Housing
Update
(continued)**

continuing to work to address those impediments. The County has implemented several items: the Dwelling Definition Ordinance was adopted, and a new Human Service Grants application process has been implemented which will allow the County to identify and track organizations that use County funds to aid with affirmatively furthering fair housing. Also, the Community Development and Housing Department is actively submitting comments for PLUS through the Office of State Planning whereby they can encourage developers to provide affordable housing opportunities and affirmatively market their units to diverse populations.

- The County was required to perform an internal evaluation of ten different rural communities throughout the County (the Impacted Communities Study). Four communities have been added to the list; once the data is evaluated, the County will have a basis to prioritize investments and requests for federal funding based on infrastructure and service needs in those communities. The County was awarded \$50,000 from the Community Development Block Grant through the Delaware State Housing Authority in Fiscal Year 2013; although, as of this date, the funds have not been utilized. The Community Development and Housing Department did issue a RFP for help with the study, but the proposals came in very high. The Department is hoping to do the manual labor of the door to door surveys and then reissue the RFP to help with the data consolidation and presentation.

**EMS
Station 105/
Bid Results
and Award**

John Ashman, Director of Utility Planning, presented the bid results for EMS Station No. 105 (South Coastal Station). Eight bids were submitted. The project scope involves the site work and construction of a 3,400 square foot paramedic station. The contract term is 105 consecutive calendar days. State of Delaware wage rates will apply on this project. The lowest responsive bidder was RBCI Corporation of Easton, Maryland with a bid of \$497,660.00. The Engineer's estimate for the project was \$479,662.00. Mr. Ashman and Bobby Schoonover, EMS Technical Services Division Manager, responded to questions regarding the cost of the project.

**M 596 14
Award
EMS
Station 105
Bid**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 14-05, Sussex County Emergency Medical Services, South Coastal Station #105, be awarded to RBCI, Corp. of Easton, Maryland at the bid amount of \$497,660.00.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Records Management Roof Replacement John Ashman, Director of Utility Planning, presented Change Order No. 1 and a request to grant Substantial Completion for the Sussex County Records Management Roof Replacement Project (Project No. 14-08). The low bidder for the project was C.T.A. Roofing of Newark, Delaware, at \$107,000.00. Notice to Proceed was given on October 29, 2014 and Substantial Completion was granted on December 10, 2014. Change Order No. 1, in the amount of \$3,457.00, is for additional blocking for the new coping due to the additional thickness of the insulation and the poor condition of the pre-cast concrete caps. The Change Order amount of \$3,457.000 will bring the total contract amount to \$110,457.00, which is still under the Engineer's estimate of \$120,000.00.

M 597 14 Records Management Roof Replacement/ Approve Change Order/ Grant Substantial Completion A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion effective December 10, 2014 for Sussex County Project No. 14-08, Sussex County Records Management Roof Replacement, to CTA Roofing, and that final payment be made and any retainage be held until the final balancing change order is approved and the punch-list completed in accordance with the terms and conditions of the contract documents.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

EMS Station 101 Lease Renewal Robert Stuart, Director of EMS, presented a proposal for a lease renewal for EMS Station No. 101 in Lincoln. The lease renewal is for a 5-year extension; the cost for the first year is \$1,074.000; the cost goes up 3% per year.

M 598 14 Approve Lease Agreement/ EMS Station 101 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Lease Agreement between the Lincoln Community Hall, Inc. and Sussex County, Delaware, for the use of a portion of the building owned by them, as described therein by Sussex County EMS as Paramedic Station 101.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Poultry House Assessment Chris Keeler, Director of Assessment, presented a comparison and review of poultry house assessments. He reported that, currently, all poultry houses constructed since 1974 are priced at \$1.75 per square foot. This value was established in 1974 during Sussex County's last reassessment. In comparison, Kent County prices their poultry houses at \$2.96 per square

Poultry House Assessment (continued)

foot and New Castle County prices their poultry houses at \$5.00 a square foot. Worcester County, Maryland, prices their poultry houses at \$5.46 per square foot.

Mr. Keeler reviewed appraised values, total assessed values, and examples of tax bills for Sussex County and the other two counties in Delaware for comparison purposes.

Also discussed was the process of reducing the value of a chicken house if it is no longer up-to-date and no longer used. It was noted that the same thing is done on houses, if the house is in disrepair and no longer lived in.

Mr. Phillips stated that he asked for this report to be made to the Council as a result of a petition circulated and signed by hundreds of area poultry growers and those affected by the industry.

Charlie Hudson of Laurel was permitted to speak and he stated that the formula used to tax poultry houses needs to be changed and that other businesses are taxed by profit, not by their buildings, which is how poultry houses should be taxed. Mr. Hudson was advised that the County does not tax on profits/income; taxes are assessed on buildings; and further, the County does not control the amount of school taxes.

Delmarva Teen Challenge Presentation

Bob Carey of Delmarva Teen Challenge presented information on their long-term residential program for men to combat addictions. Mr. Carey offered statistics about their work locally and he described Teen Challenge as faith-based rescue mission. Mr. Carey stated that Teen Challenge is the Number One rehabilitation program in the world with an 86 percent success rate. Mr. Carey announced Teen Challenge's plans for a similar program for women and he stated that he would like to present more information on this project at a future date.

Mr. Carey stated that the grant request from Delmarva Teen Challenge on Council's agenda on this date is for emergency grant funding to help subsidize the existing program for men; it costs them \$1,500 a month, per person, in order to get them the property training, counseling, medical care, etc.

M 599 14 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$10,000.00 (\$5,000.00 from Mr. Wilson's Councilmanic Grant Account, \$3,456.85 from Mr. Phillips' Councilmanic Grant Account, \$1,000.00 from Mr. Vincent's Councilmanic Grant Account, \$271.58 from Mrs. Deaver's Councilmanic Grant Account, and \$271.57 from Mr. Cole's Councilmanic Grant Account) to Delmarva Teen Challenge for emergency grant for operating costs.

Motion Adopted: 5 Yeas.

**Old
Business/
CU 1999**

Under Old Business, the Council discussed Conditional Use No. 1999 filed on behalf of Hopkins Farm Creamery, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on October 23, 2014 at which time the application was denied due to the fact that the Applicant did not appear and due to the lack of a record of support.

The County Council held a Public Hearing on this application on November 18, 2014 at which time action was deferred to allow time for the preparation of proposed Findings of Fact and conditions of approval.

Mr. Moore read proposed Findings of Fact and Proposed Conditions and he noted that Findings are presented in the affirmative:

- A. This is the application of Hopkins Farm Creamery, Inc. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a BBQ vendor to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 73 acres, more or less, land lying southwest corner of U.S. Route 9 (Lewes Georgetown Highway, aka Seashore Highway) and Road 261 (Dairy Farm Road) (911 Address: 18186 Dairy Farm Road, Lewes, DE) (Tax Map I.D. #3-34-10.00-51.00).**
- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service “B” of Sweetbriar Road from Beaver Dam Road to U.S. Route 9 may change to a Level of Service “C”.**
- C. Council found that the Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that it is not likely that any on-site drainage improvements will be necessary; and that no tax ditches are affected.**
- D. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.**
- E. Based on testimony at the public hearing before the Sussex County Council, Council found that Walter Hopkins, Jr. was present on behalf of the application of Hopkins Farm Creamery, Inc. and he stated that they plan to have a BBQ operation in conjunction with**

**Old
Business/
CU 1999
(continued)**

the ice cream operation at the dairy farm; that the BBQ operation will be located approximately 200 feet south of the ice cream operation in the parking lot; that they propose a food truck/trailer that would be mobile; that they do not propose to take it off site although they would have that option; that they propose to use the same entrance, same parking, and same hours of operation as the ice cream operation; and that they propose to serve lunch only.

- F. Council found that there is room for the use on the site; that there will also be room to pull off of Road 261 (Dairy Farm Road) to access the food vendor; that the use is appropriate in this location next to U.S. Route 9 (Seashore Highway) and Road 261 (Dairy Farm Road) and it is on property that is zoned AR-1 Agricultural Residential; that the Conditional Use is in accordance with the Comprehensive Development Plan and is for the general convenience and welfare of the inhabitants of Sussex County; and that the Conditional Use will not adversely affect neighboring properties, the community, or area roadways and traffic.**
- G. Council found that no parties appeared in opposition to this application.**
- H. Based on the record created before Council and from the agencies, the Conditional Use is approved subject to the following conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties:**
 - 1. The use shall comply with all setback and parking requirements, or obtain appropriate approvals from the Sussex County Board of Adjustment.**
 - 2. The Applicant shall comply with all DelDOT requirements, including an entrance to and from Road 261 (Dairy Farm Road).**
 - 3. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.**
 - 4. There shall be permitted one lighted sign, not to exceed 32 square feet in size.**
 - 5. Bathroom/sanitation facilities shall be provided on the site.**
 - 6. The hours of operation for the food truck shall be the same as, or less than, the hours of operation for the Hopkins Farm Creamery ice cream business which is located on the same site.**

**Old
Business/
CU 1999
(continued)**

- 7. The Applicant shall obtain all agency approvals for the food service operations prior to Final Site Plan approval.**
- 8. Since a food truck/trailer is proposed, it shall be subject to the review and approval of the Sussex County Board of Adjustment prior to the Commission’s review of the Final Site Plan.**
- 9. The Final Site Plan for this use, including the location of the food truck, any bathroom/sanitation facilities, driveways, entrances and parking and picnic tables, shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**M 603 14
Adopt
Ordinance
No. 2381/
CU 1999**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to Adopt Ordinance No. 2381 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BBQ VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73 ACRES, MORE OR LESS” (Conditional Use No. 1999) filed on behalf of Hopkins Farm Creamery, Inc., with the following conditions:

- 1. The use shall comply with all setback and parking requirements, or obtain appropriate approvals from the Sussex County Board of Adjustment.**
- 2. The Applicant shall comply with all DelDOT requirements, including an entrance to and from Road 261 (Dairy Farm Road).**
- 3. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.**
- 4. There shall be permitted one lighted sign, not to exceed 32 square feet in size.**
- 5. Bathroom/sanitation facilities shall be provided on the site.**
- 6. The hours of operation for the food truck shall be the same as, or less than, the hours of operation for the Hopkins Farm Creamery ice cream business which is located on the same site.**
- 7. The Applicant shall obtain all agency approvals for the food service operations prior to Final Site Plan approval.**
- 8. Since a food truck/trailer is proposed, it shall be subject to the review and approval of the Sussex County Board of Adjustment prior to the Commission’s review of the Final Site Plan.**

M 603 14
Adopt
Ordinance
No. 2381/
CU 1999
(continued)

9. The Final Site Plan for this use, including the location of the food truck, any bathroom/sanitation facilities, driveways, entrances and parking and picnic tables, shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Old
Business/
CU 2000

Under Old Business, the Council discussed Conditional Use No. 2000 filed on behalf of Jovid Venture, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on November 13, 2014 at which time the Commission deferred action. On December 11, 2014, the Commission recommended approval of the application with conditions.

The County Council held a Public Hearing on this application on December 2, 2014 at which time action was deferred.

M 604 14
Adopt
Proposed
Ordinance/
CU 2000

DENIED

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR WEDDING CEREMONIES AND RECEPTIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.683 ACRES, MORE OR LESS” (Conditional Use No. 2000) filed on behalf of Jovid Venture, LLC.

Motion Denied: 4 Nays, 1 Yea.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Nay;
Mr. Phillips, Nay; Mr. Wilson, Nay;
Mr. Vincent, Nay

Reasons
for Denial/
CU 2000

Reasons for denial were that the site is located on Old Landing Road at a 4-way stop intersection that has high traffic counts and congestion; that the site is only 1.6 acres; that parking is available only for the Bed & Breakfast business; that the size of the property is not conducive to having large gatherings; that it would not be appropriate to rely on satellite parking and shuttling to accommodate the proposed use; and that the conditions recommended by the Planning and Zoning Commission are difficult to enforce, i.e. number of events, parking.

**Old Business/
CU 2001** Under Old Business, the Council discussed Conditional Use No. 2001 filed on behalf of Christina Abramowicz.

The Planning and Zoning Commission held a Public Hearing on this application on November 13, 2014 at which time action was deferred. On December 11, 2014, the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on December 2, 2014.

Mr. Phillips asked that Council defer action to allow time for legal staff to write proposed Findings of Facts and proposed conditions.

**M 605 14
Defer Action/
CU 2001** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action (until January 6, 2015) on Conditional Use No. 2001 filed on behalf of Christina Abramowicz.

Motion Adopted: 3 Yeas, 2 Nays.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Nay; Mr. Wilson, Nay;
Mr. Vincent, Yea

**Old Business/
CU 2002** Under Old Business, the Council discussed Conditional Use No. 2002 filed on behalf of Beach Bum Distilling.

The Planning and Zoning Commission held a Public Hearing on this application on November 20, 2014 at which time action was deferred. On December 11, 2014, the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on December 9, 2014 at which time action was deferred.

**M 606 14
Adopt Ordinance
No. 2382/
CU 2002** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2382 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A DISTILLERY WITH TOURS/TASTING/RETAIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,523 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2002) filed on behalf of Beach Bum Distilling, with the following conditions:

A. The use shall be limited to a distillery with tours, tasting and retail sales to be located within the existing building on the site.

**M 606 14
Adopt
Ordinance
No. 2382/
CU 2002
(continued)**

- B. The proposed use shall comply with all parking requirements associated with it. The parking required by Sussex County Code shall be clearly depicted on the Final Site Plan.**
- C. The Final Site Plan shall clearly show the location for all shipping deliveries associated with the use. The location shall be placed so that it does not interfere with neighboring roadways or parking for this use or other uses on the property.**
- D. As stated by the Applicant’s representative, there shall be no on-premises sales of alcoholic beverages, but tastings will be permitted. All sales shall be for off-premises consumption only.**
- E. Only alcoholic beverages distilled on the site can be sold at the site.**
- F. The use shall comply with all requirements of the State and County for distillery operations, including requirements of the Sussex County Engineering Department regarding wastewater collection, conveyance and disposal associated with the process.**
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 1 Nay; 1 Abstention.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Nay; Mr. Wilson, Abstained;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK (VENDOR) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,271 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2009) filed on behalf of Josh Grapski. (Tax I.D. No. 334-13.00-325.02) (911 Address: 19406 Coastal Highway, Rehoboth Beach).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO MODIFY CONDITION NUMBERS 1, 4, 13, AND 17 IMPOSED ON ORDINANCE NO. 1770 FOR CHANGE OF ZONE NO. 1554, THE APPLICATION OF MARINE FARM, LLC FOR THE COASTAL CLUB, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, AND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, FOR A 13.425 ACRES, MORE OR LESS, PORTION OF THE PROPERTY” (Change of Zone No. 1764) filed on behalf of Coastal Club, LLC.

The Proposed Ordinances will be advertised for Public Hearing.

**Additional
Business**

Paul Reiger addressed Council under Additional Business.

**Councilman
Phillips/
Last**

Mr. Phillips commented on his last County Council meeting.

Meeting

Mr. Vincent recognized and thanked Mr. Phillips for 16 years of service (elected in 1998) to the citizens of Sussex County.

**M 607 14
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 12:30 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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