

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
DOUGLAS B. HUDSON, VICE PRESIDENT  
CYNTHIA C. GREEN  
JOHN L. RIELEY  
MARK G. SCHAEFFER



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### A G E N D A

MAY 24, 2022

10:00 A.M.

**\*AMENDED on May 18, 2022 at 1:45 p.m.<sup>1</sup>**

**\*\*AMENDED on May 19, 2022 at 11:50 a.m.<sup>2</sup>**

### Call to Order

### Approval of Agenda

### Approval of Minutes – May 17, 2022

### Reading of Correspondence

### Public Comments

### Consent Agenda

1. Use of Existing Sewer Infrastructure Agreement, IUA 1131  
Seychelles, Ocean View Area

### Todd Lawson, County Administrator

1. Fiscal Year 2023 – Budget Presentation
2. Discussion and Possible Introduction of Proposed Ordinances:

**“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR  
FISCAL YEAR 2023”**



**“AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, §§ 62-7 AND 62-8B AND CHAPTER 99 §§ 99-14 AND 99-39 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF FEES IN THE ANNUAL BUDGET”**

**“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”**

**3. Various Board and Commission Appointments**

**4. Administrator’s Report**

**Hans Medlarz, County Engineer**

**1. Lewes Board of Public Works**

**Wastewater Treatment Facility – Long Range Planning Study**

**A. Approval of Co-funding**

**2. FY 2022 General Labor & Equipment Contract, Project 22-01**

**A. Balancing Change Order**

**B. One Year Extensions**

**Mark Parker, Assistant County Engineer**

**1. FY 21 Ocean Outfall Inspection, Project G21-06  
Repair/Inspection Actions**

**John Ashman, Director of Utility Planning and Design Review**

**1. George, Miles & Buhr, Inc. – Miscellaneous Engineering Services**

**A. Permission to Authorize Design & Bid Phase Contract  
Sanitary Sewer Service for Oak Acres Community**

**B. Permission to Authorize Design & Bid Phase Contract  
Sanitary Sewer Service for Pintail Pointe Community**

**Old Business**

**1. Change of Zone No. 1967 filed on behalf of Henlopen Properties, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS” (property lying on the**

southeast side of Kings Highway [Rt. 9] and on the north side of Gills Neck Road [S.C.R. 267]) (911 Address: N/A) (Tax Parcel: 335-8.00-37.00 [portion of])

2. **Change of Zone No. 1968 filed on behalf of Henlopen Properties, LLC**  
“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 & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.041 ACRES, MORE OR LESS” (property lying on the southeast side of Kings Highway [Rt. 9] approximately 0.11-mile northeast of the intersection of Kings Highway [Rt.9] and Gills Neck Road [S.C.R. 267]). (911 Address: N/A) (Tax Parcel: 335-8.00-37.00 [portion of])
3. **Conditional Use No. 2334 filed on behalf of Henlopen Properties, LLC**  
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY (267 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43.777 ACRES, MORE OR LESS” (property lying on the southeast side of Kings Highway [Rt. 9] and on the north side of Gills Neck Road [S.C.R. 267]) (911 Address: N/A) (Tax Parcel: 335-8.00-37.00 [portion of])

### **Grant Requests**

1. Mid-Atlantic Symphony Orchestra Society, Inc. for program expansion
2. Nanticoke River Arts Council for general operations

**\*\*3. Lewes Fire Department, Inc. for sUAS (Drone) program aid**

### **Introduction of Proposed Zoning Ordinances**

### **Council Members' Comments**

**Executive Session – Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session items**

### **Recess**

**1:30 p.m.**

**An Appeal on the Sussex County Planning and Zoning Commission’s decision to deny Subdivision Application No. 2021-06 – Coral Lakes (F.K.A. Coral Crossing)**

**Executive Session – Pending/Potential Litigation pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session items**

## Adjourn

<sup>1</sup> Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a clerical correction.

<sup>2</sup> Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

### **-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 17, 2022 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountye.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountye.gov/agendas-minutes/county-council>.

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