

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountyde.gov
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SUSSEX COUNTY COUNCIL

A G E N D A

December 10, 2024

9:00 A.M.

Call to Order

Approval of Agenda

Public Interviews – Board of Assessment Review Candidates

Approval of Minutes - November 19, 2024

Reading of Correspondence

Public Comments

Consent Agenda

- 1. Use of Existing Wastewater Infrastructure Agreement – IUA 1190
Millville by the Sea (West Villages A-1 & C-1), Millville Area**
- 2. Use of Existing Wastewater Infrastructure Agreement – IUA 1252
Woods at Angola Beach, Angola Neck Area**
- 3. Use of Existing Wastewater Infrastructure Agreement
Delaware Electric Cooperative, South Greenwood Area**



Todd Lawson, County Administrator

1. **Associated Builders & Contractors Award Recognition**
2. **Appointment of Board of Adjustments and Appeals Members**
3. **Administrator's Report**

Mike Harmer, County Engineer

1. **Piney Neck Regional Wastewater Facility Diversion Transmission System Sussex County Project No. S20-31**
 - A. **Recommendation for Award**
 - B. **Approval of Phase I Service Costs**

John Ashman, Director of Utility Planning & Design

1. **Permission to Prepare and Post Notices for Estuary Phase 6 (Showell Farm) Annexation into the Sussex County Unified Sanitary Sewer District (Miller Creak Area)**
2. **Permission to Prepare and Post Notices for Delmarva Land Company Annexation into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)**
3. **Permission to Prepare and Post Notices for Bay Oak Community Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area)**

Hans Medlarz, Project Engineer

1. **Pintail Pointe, Project S21-16**
 - A. **Change Order No. 1**
2. **Artesian Wastewater Management, Inc.**
 - A. **Consolidated Wastewater Services Agreement - Approval**
3. **South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**
 - A. **M.F. Ronca – Change Order 35 – Inland Bays Clarifier Modified**
 - B. **Change Orders 36.1 and 36.2 – Unit Cost Balancing for both Projects**

10:15 a.m. Public Hearings

1. **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
2. **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
3. **“AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE VI (“LODGING TAX”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE THE IMPOSITION OF A LODGING TAX OF THREE PERCENT (3%) OF THE RENT FOR SHORT-TERM RENTALS IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY IN ACCORDANCE WITH 9 DEL. C. § 8112(c) AND 30 DEL. C. § 6201”**

10:30 a.m. Public Hearings

1. **[Ordinance No. 24-05 Chapter 99-9\(C\) Subdivision Design Criteria](#)**
“AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS”
2. **[Ordinance No. 24-06 Open Space](#)**
“AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE”

Grant Requests

1. **Southern Delaware Therapeutic and Recreational Horseback Riding Inc. for their Equine Program for Veterans**
2. **Tether Foundation for their Camp Abilities Delaware program**
3. **Sussex County Rotary Can-Do Playground, Inc. for their Can-Do Playground at Hudson Park**
4. **Children’s Beach House, Inc. for Out of School Time support**
5. **Greater Lewes Foundation for their 4th Annual Rally for Our First Responders event**
6. **CAMP Rehoboth for their Health and Wellness in the community effort**
7. **Sussex County Land Foundation, Inc. for their Dogfish Dash sponsorship**

8. **Town of Laurel for their 4th of July Fireworks Display**
9. **Slaughter Neck Community Action Organization for their Senior Center**
10. **New Coverdale Outreach Mission, Inc. for their Thanksgiving project**
11. **Kim and Evans Family Foundation, Inc. for their Paint the Town Red – Celebration and Dance event**
12. **Community Resource Center, Inc. for their Safe Harbor Day Shelter**
13. **Eastern AFRAM Festival, Inc. for their AFRAM festival and Dr. King celebration**
14. **Seaford Historical Society for their milestone & grinding stones signage**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session - Personnel, Pending & Potential Litigation & Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Recess

1:30 p.m. Public Hearings

1. [**Conditional Use No. 2457 filed on behalf of JBM Petroleum Service, LLC**](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL BUSINESS TO SERVICE GAS STATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.29 ACRES, MORE OR LESS” (property lying on the northeast side of Clendaniel Pond Road [Rt. 38] approximately 0.50 mile southeast of Greentop Road [S.C.R. 225]) (911 Address: 8913 Clendaniel Pond Road, Lincoln) (Tax Parcel: 230-6.00-20.02)

2. [**Conditional Use No. 2490 filed on behalf of Mason Hayes**](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS” (property lying on the northeast side of Lincoln Street, and the south side of Jefferson Street [Rt. 1B], at the intersection of Lincoln Street and Jefferson Street within the Rehoboth Manor subdivision) (911 Address: 20455 Lincoln Street, Rehoboth Beach) (Tax Map No. 334-19.08-164.00)

3. [Conditional Use No. 2545 filed on behalf of J. G. Townsend Jr. & Co.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "H" AND THE AMENDMENT/DELETION OF CONDITION "R" CONTAINED WITHIN CONDITIONAL USE NO. 2359 (ORDINANCE NO. 2964) REGARDING THE REQUIREMENTS FOR LANDSCAPING, AND FOR THE INSTALLATION OF GATES ON STOCKLEY BLVD BETWEEN THE GOVERNORS COMMUNITY AND THE PROPOSED COTTAGES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS” (property lying on the east side of Kings Highway [Rt. 9] and the south side of Gills Neck Road [S.C.R. 267] at the intersection of Kings Highway [Rt. 9] and Gills Neck Road [S.C.R. 267]) (911 Address: 16673 Kings Highway, Lewes) (Tax Parcel: 335-12.00-3.00 [p/o])

4. [Conditional Use No. 2543 filed on behalf of Toney Floyd & Charletta Speaks-Floyd](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS” (property lying on the northeast side of Hersel Davis Road approximately 0.42-mile northeast of Oak Orchard Road [Rt. 5]) (911 Address: 32404 Hersel Davis Road, Millsboro) (Tax Map Parcel: 234-29.00-274.02)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 3, 2024 at 4:15 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://sussexcountyde.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://sussexcountyde.gov/agendas-minutes/county-council>.