

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 3, 2023**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 3, 2023, at 10:00 a.m., in Council Chambers, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</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>
<b>Vincent Robertson</b>	<b>Assistant 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 001 23  
Approve  
Agenda**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Election of  
Officers**

**Mr. Lawson noted the requirement that the County Council must elect officers for 2023.**

**M 002 23  
Appoint  
President**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that Mr. Vincent serve as President of the Sussex County Council in 2023.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Rieley, Yea; Mr. Hudson, Yea;  
Mr. Schaeffer, Yea; Mrs. Green, Yea;  
Mr. Vincent, Yea**

**M 003 23  
Appoint  
Vice  
President**

**A Motion was made by Mr. Hudson that Mr. Rieley serve as Vice President of the Sussex County Council in 2023.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Schaeffer, Yea;**

**Mrs. Green, Yea; Mr. Vincent, Yea;  
Mr. Rieley, Yea**

**Council  
Member  
Appoint-  
ments**

**Mr. Lawson noted the requirement that Council appoint members to the various boards and committees and he referenced the recommendations included in Council packets for this meeting, as follows: Cynthia Green to the Delaware Association of Counties (County Director); Doug Hudson to the Delaware Association of Counties (Executive Board); Michael Vincent to the Delaware League of Local Governments; Michael Vincent to the Salisbury/Wicomico MPO (District Specific); John Rieley to the Sussex Conservation District Board; Doug Hudson to the Sussex County Airport Committee; and John Rieley and Mark Schaeffer to the Sussex County Land Trust.**

**M 004 23  
Approve  
Council  
Member  
Appoint-  
ments**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that the Sussex County Council approves the 2023 Council Member appointments, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Legal  
Counsel  
Appoint-  
ments**

**Mr. Lawson referenced the appointment of Legal Counsel and the recommendation included in Council packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; and legal representation for the Board of Adjustment, Bond Issuance, Personnel Matters, Planning and Zoning Commission, and Sussex County Council/Government, as follows: Moore & Rutt, P.A.; Parkowski, Guerke and Swayze, P.A.; Ballard Spahr, LLP; Young Conaway Stargatt & Taylor, LLP and Barnes, and Thornburg for specific purposes of ARPA funding.**

**M 005 23  
Approve  
Appoint-  
ment of  
Legal  
Counsel**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council approves the 2023 appointment of Legal Counsel, as presented.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Rules of  
Procedure**

**Mr. Lawson presented for consideration, the Rules of Procedure which were included in Council packets for this meeting, and he reviewed the recommended changes.**

**Rule 12, “Conduct During Meetings” by Council members was expanded to**

**Rules of  
Procedure  
(continued)**

**include Rule 12.4 with language limiting a member's conduct towards another member. This language comes from the Rules of the Delaware State Senate.**

**Rule 17 involves the "Standards by Conduct" by persons attending County Council meetings and was updated at Rule 17.6 to reflect current State law. The General Assembly recently passed legislation requiring public comment during all public meetings.**

**Rule 20 involves the "Code of Conduct" by which Council members are subject to in Delaware Code. Rule 20 is new to the Council's Rules of Procedure and was inserted to specify the County's Code of Conduct and the requirement that a Council member shall not participate in a manner when a personal or private interest in the matter exists.**

**M 006 23  
Approve  
2023  
Rules of  
Procedure**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that the Sussex County Council approves the 2023 Rules of Procedure, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Minutes**

**The meeting minutes of December 13, 2022 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read correspondence received from Good Samaritan Aid Organization, New Hope Center, Sussex County Habitat for Humanity, Food Bank of Delaware, and the Seaford School District thanking Council for their support.**

**Public  
Comments**

**Public comments were heard and the following spoke:**

**Ms. Linda Lucido spoke about the contaminated water and sewer issues in the Pine Haven development.**

**Ms. Joy Kaiser spoke about water and other issues that people are dealing with in the Pine Haven development.**

**Mr. Mike Murphy spoke about the water and septic issues that the residents in the Pine Haven development are experiencing.**

**Mr. Devin V. spoke about issues that are occurring with his property in the Pine Haven development.**

**Ms. Gwendolyn Clark spoke about water and sewage issues in the Pine Haven development.**

**Mr. Frank Knotts spoke about development in Sussex County.**

**Public  
Comments  
(continued)**

**The Honorable Senator Dave Wilson spoke about the issues that were occurring in the Pine Haven development.**

**Hans Medlarz, County Engineer spoke about the authority that the County has in the Pine Haven community situation. Mr. Medlarz explained that the County has no authority without creating a sewer district or water district. He noted that there is no legal authority unless a district is established per the Delaware Code.**

**Recognition  
of Retiree**

**The Council recognized Vanessa Pettyjohn, Billing Analyst, who is retiring after 46 years of service with the County.**

**Decision of  
Appeal  
Ordinance**

**Mr. Lawson discussed a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, § 99-39B.(2)(c) OF THE CODE OF SUSSEX COUNTY RELATING TO THE TIME PERIOD FOR COUNCIL TO RENDER A DECISION ON APPEAL”.**

**Mr. Lawson explained that currently, the Council must act within 60 days on an appeal that has come through the process. The Proposed Ordinance will change the time period for the Council to render its decision on an appeal from a decision of the Planning and Zoning Commission from 60 days to 120 days from the receipt of the transcript.**

**Introduction  
of Proposed  
Ordinance**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, § 99-39B.(2)(c) OF THE CODE OF SUSSEX COUNTY RELATING TO THE TIME PERIOD FOR COUNCIL TO RENDER A DECISION ON APPEAL”.**

**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 2022 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, Marsh Island – Phase 4 (Construction Record) received Substantial Completion effective December 2<sup>nd</sup>.**

**3. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

**Adminis-  
trator's  
Report  
(continued)**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet January 9<sup>th</sup> at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

**4. Building Code Virtual Meeting – IBC/IRC Review**

The Sussex County Building Code staff will host a virtual meeting to review the newly adopted International Building Code (IBC) and International Residential Code (IRC) and to answer any questions stakeholders may have on the Code changes. The virtual meeting is scheduled for Wednesday, January 4, 2023 at 2:00 PM. For meeting information including log-on instructions, please visit [sussexcountyde.gov](http://sussexcountyde.gov).

**5. John “Jack” Johnson**

It is with great sadness that we note the passing of County Employee John “Jack” Johnson on Saturday, December 17, 2022. Jack began his career with Sussex County in May 2006 in the Environmental Services Department. His last position held was Lead Laboratory Technician at the Wolfe Neck Wastewater Treatment facility. We would like to extend our condolences to the Johnson family.

**6. William “Bill” Townsend**

It is with great sadness that we inform you that William C. Townsend passed away on Saturday, December 10, 2022. Bill began his career with Sussex County in October 1990 where he worked until July 2009 for a total of 18 years of service. His last position with the County was Financial Coordinator in Finance. We would like to extend our condolences to the Townsend family.

**7. Grace Parry**

It is with great sadness that we inform you that Grace Parry passed away on Wednesday, December 21, 2022. Grace began her career with Sussex County in November 1999 where she worked until January 2019 for a total of 19 years of service. Her last position with the County was Library Assistant II at the Milton Library. We would like to extend our condolences to the Parry family.

[Attachments to the Administrator's Report are not attached to the

minutes.]

**Old  
Business/  
CU2321**

**Under Old Business, Jamie Whitehouse, Planning and Zoning Director discussed a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A KITCHEN AND BATHROOM SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.248 ACRES, MORE OR LESS” filed on behalf of Coastal Properties, LLC.**

**Mr. Whitehouse reminded Council that a public hearing was held before them during the October 18, 2022 meeting. As a recommendation had not yet been received from the Planning & Zoning Commission, Council left the record open for receipt of a recommendation. On October 27, 2022, the Commission recommended denial of the application for the six reasons provided.**

**M 007 23  
Adopt  
CU2321/  
DENIED**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A KITCHEN AND BATHROOM SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.248 ACRES, MORE OR LESS”**

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

**Vote by Roll Call: Mrs. Green, Nay based on Planning and Zoning’s recommendation;**

**Mr. Schaeffer, Yea it is surrounded by commercial properties and seems to be appropriate;**

**Mr. Hudson, Nay based on Planning and Zoning’s recommendation;**

**Mr. Rieley, Nay with concerns with the parking and access and it is primarily a residential area, based on the Planning and Zoning’s recommendation**

**Mr. Vincent, Nay based on Planning and Zoning’s recommendation.**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council’s consideration.**

**M 008 23  
Lewes  
Historical  
Society**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$1,500 (\$1,500 from Mr. Schaeffer’s Councilmanic Grant Account) to the Lewes Historical Society for installation of their inclusive signage at all of the historical properties in Lewes.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea

**M 009 23  
Cape  
Henlopen  
High School**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$3,000.00 (\$1,000.00 from Mr. Schaeffer's Councilmanic Grant Account, \$500.00 from Mrs. Green's Councilmanic Grant Account, \$500.00 from Mr. Rieley's Councilmanic Grant Account, \$500.00 from Mr. Vincent's Councilmanic Grant Account and \$500.00 from Mr. Hudson's Councilmanic Grant Account) to Cape Henlopen High School Coed Cheerleading for the Cheerleading NCA nationals.

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea

**Introduction  
of Proposed  
Ordinances**

Mr. Schaeffer introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 61.39 ACRES, MORE OR LESS" filed on behalf of Janice CRP3, LLC

Mr. Schaeffer reintroduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NOS. 334-5.00-153.00 & 334-5.00-153.02"

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04"

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS" filed on behalf of Zion Church Ventures, LLC

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL

**Introduction of Proposed Ordinances (continued)**     **RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS”** filed on behalf of Leeward Chase DE, LLC

**Mr. Rieley reintroduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01.**

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

**Council Members’ Comments**

**Mr. Schaeffer wished everyone a Happy New Year and success in the upcoming year.**

**M 010 23  
Go into Executive Session**

**At 10:57 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.**

**Motion Adopted:     5 Yeas.**

**Vote by Roll Call:     Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Executive Session**

**At 11:05 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 land acquisition. The Executive Session concluded at 11:39 a.m.**

**M 011 23  
Reconvene**

**At 11:43 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to come out of Executive Session and reconvene the Regular Session.**

**M 012 23  
ES Action – Parcel 2022-Q**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to grant the authority to the County Administrator to negotiate, enter into a contract and proceed to closing on a parcel identified as 2022-Q.**

**Motion Adopted:     5 Yeas.**

**Vote by Roll Call:     Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**M 013 22  
Adjourn**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to adjourn at 11:44 a.m.**

**Motion Adopted:     5 Yeas.**

**Vote by Roll Call:     Mrs. Green, Yea; Mr. Schaeffer, Yea;**



**Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

**Tracy N. Torbert  
Clerk of the Council**

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

