

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 6, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 6, 2026, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	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. Hudson.

Call to Order

Mr. Hudson called the meeting to order.

M 001 26 Approve Agenda

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda, as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Election Officers of **Mr. Lawson noted the requirement that the County Council must elect officers for 2026.**

**M 002 26
Appoint
President** **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that Mr. Hudson serve as President of the Sussex County Council in 2026.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 003 26
Appoint
Vice
President** **A Motion was made by Mr. Hudson, seconded by Ms. Gruenebaum that Mr. Rieley serve as Vice President of the Sussex County Council in 2026.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;**

Mr. Hudson, Yea

Council Member Appointments **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: Doug Hudson to the Delaware Association of Counties (County Director); Steve McCarron to the Delaware Association of Counties (Executive Board); Doug Hudson to the Delaware League of Local Governments; Matt Lloyd to the Salisbury/Wicomico MPO (District Specific); Steve McCarron to the Sussex Conservation District Board; Matt Lloyd to the Sussex County Airport Committee; and John Rieley and Jane Gruenebaum to the Sussex County Land Trust.

M 004 26 Approve Council Member Appointments **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council approves the 2026 Member appointments as presented.**

Motion Adopted: 5 Yeas

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Legal Counsel Appointments **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 – Vince Robertson; and legal representation for the Board of Adjustment, Planning and Zoning Commission, and Sussex County Council/Government, as follows: Ballard Spahr LLP, Barnes & Thornburg, Moore & Rutt, P.A.; Parkowski, Guerke and Swayze, P.A.; Potter Anderson & Corroon LLP, and Young Conaway Stargatt & Taylor, LLP. For legal representation for the limited matters of litigation covered by and subject to the terms of their respective retainer agreements – Halloran Farkas + Kittila and Law Offices of Stephani J. Ballard, LLC.

M 005 26 Approve Appointment of Legal Counsel **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that the Sussex County Council approves the 2026 appointment of Legal Counsel, as presented.**

Motion Adopted: 5 Yeas

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Rules of Procedure **Mr. Lawson** presented the Rules of Procedure which were included in Council packets. He reported that there was one recommended change to the Rules of Procedure. The recommended change to the rules is to add an

Rules of Procedure (continued) additional rule, 10 A.1.1 to read “At the conclusion of the County Council’s hearing on a change of zone or conditional use application, in the event the County Council seeks additional information and questions regarding the application, the public hearing record shall remain open to receive responses and public comments thereto, for a period specified by the County Attorney or presiding officer”.

M 006 26 **Approve 2026 Rules of Procedure** A Motion was made by Mr. Lloyd, seconded by Mr. McCarron that be it moved that the Sussex County Council approves the 2026 Rules of Procedure, as amended and presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

Rules of Procedure/ Zoning Hearings Mr. Lawson then presented a revision to the rules of procedure for County Council zoning hearings. He reported that the new language was added to read as follows “After the Opposition has had an opportunity to speak, the applicant and/or the applicant’s team will have no more than 5 minutes total, to respond to matters stated by the opposition. This time shall not be used to simply restate, or summarize the presentation previously given”. A discussion was then held about the change.

Minutes The minutes from December 16, 2025, were approved by consensus.

Corre- spondence Mr. Moore reported that correspondence was received from Down Syndrome Association of Delaware, Milford Housing Development Corporation, Friends of Sussex CASA, KSI, Sussex County Volunteer Delaware 50+, Boys & Girls Club of Delaware, La Red Health Center, Ronald McDonald House, Autism Delaware, Delaware Hospice, Shoes That Fit and New Hope Center thanking Council for their donation.

Public Comments Public comments were heard, and the following people spoke:

Mr. Gary Vorsheim spoke about transportation infrastructure for the Route 24 corridor.

M 007 26 **Approve Consent Agenda** A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to approve the following items under the Consent Agenda:

Use of Existing Wastewater Agreement, IUA 2025-22
Gander Car Wash, Millville Area

Use of Existing Wastewater Agreement, IUA 917-4
Ingram Village (Additional Townhomes), Ellendale Area

	Motion Adopted: 4 Yeas, 1 Abstain
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Abstain; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report:
	1. <u>Assessment Appeals</u>
	Property owners who believe the assessed value of their property does not reflect fair market value as of July 1, 2023, may file an application for appeal beginning January 12, 2026. The application period will remain open until 4:30 p.m. on March 15, 2026, with hearings held as needed through May 31, 2026. Applications and filing guidelines are available on our website at https://sussexcountyde.gov/board-assessment-review and may also be picked up in the main lobby.
	2. <u>Projects Receiving Substantial Completion</u>
	Per the attached Engineering Department Fact Sheets, Sunrise Condominiums (Plan Review & Construction Record), and The Highlands of Peppers Creek – Phase 2 (Construction Record) received substantial completion effective December 10 th and December 17 th , respectively.
	[Attachments to the Administrator's Report are not attached to the minutes.]
Bank Resolutions	Mrs. Jennings reported that since there was no change in leadership changes this year, no action is needed.
Airport Advisory Committee Appoint	Bob Bryant, Airport Manager, presented for Council's approval the Delaware Coastal Airport Advisory Committee members for the Year 2026.
M 008 26 Approve Airport Advisory Committee Appoint- ments	A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that the Sussex County Council appoints Dustin Berlinger, Larry Kelley, Jeff Reed, Rick Garner, Ezra Richards, Mark Ryan, Scott Thomas, and Ray Hopkins to the Delaware Coastal Airport Advisory Committee for 2026.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Runway 4-	Bob Bryant, Airport Manager, presented a grant application for the

22 Grant	Runway 4-22 extension project for Council's consideration.
M 009 26 Approve Runway 4- 22 Grant Application	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron that based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport that Sussex County Council gives its approval to Sussex County Administration for the submittal of a Federal Aviation Administration airport improvement program grant application in the amount of \$1 million for the work associated with environmental assessment and preliminary design of the proposed extension to Runway 4-22.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 010 26 Approval Signature/ Grant Offer	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport that Sussex County Council gives its approval to Sussex County Administration for approval of signature of a Federal Aviation Administration airport improvement program grant offer in the amount of \$1 million for work associated with environmental assessment and preliminary design of the proposed extension to Runway 4-22.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Runway 4- 22 Environ- mental Assessment & Design	Bob Bryant, Airport Manager, presented task order no. 2 for environmental assessment and preliminary design for Runway 4-22 extension project for Council's consideration.
M 011 26 Approve Runway 4- 22 Environ- mental Assessment & Preliminary Design	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron that based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport that Sussex County Council gives its approval to Delta Airport Consultants Task Order 2 in the amount of \$1,040,000 for work associated with environmental assessment and preliminary design of the proposed extension of Runway 4-22 and subject to Sussex County receiving a Federal Aviation Administration airport grant offer in the amount of \$1 million.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;

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

Winding Creek CO & Completion Patrick Brown, Project Engineer IV, presented final balancing order & substantial completion for Winding Creek Village Water District for Council's consideration.

M 012 26 Approve Winding Creek CO & Completion A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved based upon the recommendation of the Sussex County Engineering Department, that final balancing change order 1 for contract S20-10, Winding Creek Village Water District, be approved, decreasing the contract amount by \$487,522.26, and that project closeout be granted with substantial completion on October 20, 2025, and any held retainage released in accordance with the contract documents.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

LBPW Agreements Hans Medlarz, Project Engineer, presented agreements between the Lewes Board of Public Works and Sussex County concerning Wastewater treatment for Council's consideration.

M 013 26 Approve LBPW & SC WW Agreement A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Council approve the agreement between the Board of Public Works and Sussex County concerning wastewater treatment, as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 014 26 Approve LBPW & SC Agreement USSD A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Council approve the agreement between the Board of Public Works and Sussex County for and on behalf of Sussex County Unified Sanitary Sewer District in connection with the transmission and treatment of sewage discharge to/from the Unified Sewer District area, as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;

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

Joy Beach Funding & Bids Hans Medlarz, Project Engineer, presented a request for an application for funding and associated income survey, and to reject all bids for the Joy Beach sewer expansion phase II project for Council's consideration.

M 015 26 Approve Joy Beach Funding Application A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments, that a standalone application package be submitted to the State Revolving Loan Fund, supported by a third-party County assisted income survey to document a lower median household income for the Joy Beach sewer expansion, Phase II project.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 016 26 Approve Joy Beach Rejection of all Bids A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments, that bids for contract S25-03, Joy Beach sewer expansion, phase II be rejected.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Old Business/ Ord. 23-07/ CZ2010/ CU2441/ CU2442 Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented Proposed Ordinances entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00", "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS", "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A 2.65 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS", "AN ORDINANCE TO GRANT A

Old Business/
Ord. 23-07/
CZ2010/
CU2441/
CU2442
(continued)

CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A 13.86 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.

Mr. Whitehouse announced that the record has been closed for all of the applications effective December 23, 2025, at the close of business.

Old Business/
CZ2037

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS" filed on behalf of Mulberry Knoll Associates, LLC.

Mr. Whitehouse announced that the record has been closed for the application effective December 23, 2025, at the close of business.

Grant Requests

Mrs. Jennings presented grant requests for the Council's consideration.

M 017 26
Bethany-
Fenwick
Area

A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to give \$2,000 (\$2,000 from Mr. Hudson's Councilmanic Grant Account) to Bethany-Fenwick Area Chamber of Commerce for their 2026 Fire & Ice Festival.

Chamber of
Commerce

Motion Adopted: 5 Yeas

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 018 26
Skeeter
Strong
Foundation

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give \$2,000 (\$2,000 from Mr. Rieley's Councilmanic Grant Account) to the Skeeter Strong Foundation for their project to assist with medical-related expenses for those in need.

Motion Adopted: 5 Yeas

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 019 26
New

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to give \$2,600 (\$2,000 from Mr. McCarron's Councilmanic Grant Account

**Coverdale
Outreach
Mission**

and \$600 from Ms. Gruenbaum's Councilmanic Grant Account) to New Coverdale Outreach Mission for a dinner for underprivileged families.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Introduction
of Proposed
Ordinances**

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION "A" OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS" filed on behalf of Brian Lessard.

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 50 ACRES, MORE OR LESS" filed on behalf of John Zotcavage.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

There were no Council Member comments.

**M 020 26
Go Into
Executive
Session**

At 11:25 a.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to go into Executive Session for the purpose of discussing land acquisition & pending & potential litigation.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Executive
Session**

At 11:30 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition & pending & potential litigation. The Executive Session ended at 11:42 a.m.

**M 021 26
Reconvene**

At 11:45 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Rieley to come out of Executive Session back into Regular Session.

	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
E/S Action	There was no action related to Executive Session matters.
M 022 26 Recess	A Motion was made by Mr. McCarron, seconded by Mr. Rieley to recess until 1:30 p.m. Public Hearings.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 023 26 Reconvene	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to reconvene.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Rules	Mr. Moore read the rules of procedure for public hearings.
Public Hearing/ Ord No. 20-07	A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00" (properties are lying on the west side of Gravel Hill Rd. [Rt. 30] approximately 309 feet south of Milton-Ellendale Hwy. [Rt. 16]). (911 Address: 14888, 14866 & 14742 Gravel Hill Rd., Milton) (Tax Map Parcels: 235-13.00-29.00, 29.01 & 235-14.00-570.00).
	Jamie Whitehouse, Planning & Zoning Director, presented the application.
	The Planning and Zoning Commission held a public hearing on December 17, 2020. At the meeting of February 25, 2021, the Commission recommended that the County Council adopt the Ordinance for the 8 reasons outlined.
	The Council found that Mr. David Hutt was present on behalf of the Applicant, Reed Farms, LLC, that also present were Mr. Richard Reed and Ms. Beverly White, principals in the ownership of the subject properties, Mr. Mark Davidson, principal land planner with Pennoni Group; that this

Public
Hearing/
Ord No.
20-07
(continued)

Ordinance has a lengthy history; that when the application was filed, they sought to change the description of the properties from low density to a developing area; that the second part was to change the designation of the same three properties to a H-1 (Heavy Industrial District); that the Planning Commission recommended approval of Ordinance 20-07 and the Change of Zone; that it came before County Council and with a split decision, the applications were denied; that the Court of Chancey made the decision that a new hearing must occur before the County Council; that today's application is not to change the zoning to H-1; that there is no application pending to change the zoning designation; that the only matter today is to change the designation on the zoning map of these parcels; that the properties are located between Milton Ellendale Highway (Rt. 16) and Gravel Hill Road (Rt. 30); that there are two well-known landmarks including Kemp's Liquors on the northeast corner and on the southwest side is Iron Works; that traveling west, the intersection of Route 30 and 16 is the first signalized intersection outside of the municipal limits; that the property starts on the other side of Iron Works; that if you head west and then turn south onto Route 30, the entire frontage prior to Baker's Petroleum is the frontage of this property; that developing areas are newer, emerging growth areas that demonstrate the characteristic of developmental pressures; that most of the proposed Developing Areas are adjacent to municipalities within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers; that section 4.4 of the 2019 Comprehensive Plan states that Future Land Use Plan is the most influential part of this Comprehensive Plan and goes on to describe the basis for the Future Land Use Plan with seven bullet points; that the first bullet point states "to direct development to areas where it has infrastructure"; that there are seven bullet points that exist; that the first is to direct development to areas that have existing infrastructure or where it can be secured cost-effectively; that the fourth bullet point states "to encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County."; that Chapter 4 has a list of considerations when it should be in the growth area; that there are ten considerations; that the first consideration is the proximity to an incorporated municipality or a municipal annexation area; that these properties are located less than a mile from the boundary line of the Town of Milton; that the second consideration is presence of existing public sewer and public water service and plans by the County to provide public sewage service within five years; that Artesian has a CPCN for water and wastewater in the area; that this site is in close proximity to the waste water treatment facility operated by Artesian; that there are three 16-inch mains that run across this property; that there are a number of manholes and fire hydrants that run along the property; that the fifth consideration is location on or near a major road or intersection; that that the subject properties have extensive frontage onto roadways which are designated by DelDOT as major collectors; that there is a proposed Milton TID which the property is located within; that there are two proposed roundabouts near the property; that this property is adjacent to a DART bus route; that the fifth factor is

Public
Hearing/
Ord No.
20-07
(continued)

the character and intensity of surrounding development, including proposed development; that there is an extensive amount of HR zoning across the street from this property; that there are high density residential uses located in the area; that on the eastern side of Route 30, Pemberton single-family home community is located which is surrounded by HR and the future Milton Village; that to the western side is an area used for agribusiness; that there were two recent Changes of Zones that were adopted in this area; that CZ1992 changed the property from AR-1 to C-2; that CZ2027 changed a portion of the property along Route 16 from AR-1 to C-3; that the sixth and eighth consideration deal with the same topic; that the sixth consideration is location relative to major preserved land, and the eighth consideration is location of agricultural and other protected easements; that there is a property located across the street with an agricultural preservation easement; that the area to the north of the property are spray fields; that Artesian has a 90 million gallon lagoon located nearby; that the seventh consideration is location of water bodies and ninth consideration is the area's environmental character; that the properties are not located adjacent to water bodies; that the nearest water feature is the Brittingham branch; that there are no wetlands located on the properties; that the tenth factor is how the area ranks according to the Delaware Strategies for State Policies and Spending; that this area has levels 1, 2 and 3 in it; that Chapter 9 in the Comprehensive Plan vision is to create the conditions for self-sustaining, long-term growth in Sussex County; that it further states that the County should look for new business and industrial sites attractive to businesses looking to locate to the County with sites that will be most attractive are those that will have access to utilities, natural gas, fiber optic, etc. as well as low electric rates; that there is a natural gas line that runs along this property; that objective 9.1.3.6 talks about strengthening the relationship between the County and various economic development organization, like the Sussex Economic Development Action Committee; that a letter of support was submitted by SEDAC for this application; that strategy 9.2.2.4 states identify areas that are served with adequate electricity, natural gas, fiber optic infrastructure for rezoning to LI-1 and LI-2 areas; that this property has those in place; that in addition to having frontage on two collector roads, the southern boundary of the property is adjacent to the Delmarva Central Railroad line; that it is mentioned in section 13.2 of the Comprehensive Plan about reducing truck impacts by shifting freight to rail; that Carload Express has submitted a letter of support for the Application; that there is limited access to rail on the Eastern Shore; that HI-1 is located near this property; that HI-1 zone allows LI-2 classification; that the thought was as businesses come here that it would attract more businesses; that this application checks off the Land Use Reform Working Group recommendations for growth areas; that this property meets the criteria for being in a growth area; that it is requested to adopt the recommendation of the Planning Commission to change the designation to the Development Area.

Public comments were heard.

**Public
Hearing/
Ord No.
20-07
(continued)** **Mr. Chris Montoya spoke about the application.**
Mr. Anthony Scarpa spoke about the application.
Mr. Keith Steck about the application.

Ms. Cathleen Garnavich about the application.

Ms. Jill Hicks about the application.

Ms. Louis Montoya spoke about the application.

Ms. Carol Remenick spoke about the application.

Ms. Helen Ralston spoke about the application.

The Public Hearing and public record were closed.

**M 024 26
Defer
Action/
Ord No. 20-
07** **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00” for the reasons given by Planning & Zoning.**

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 025 26
Adjourn** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 3:28 p.m.**

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

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

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