

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 11, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 11, 2025, at 9:00 a.m., at the Public Safety Complex, 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
Vince Robertson	Assistant County Attorney

Mr. Bruce Mears, Mr. Scott Collins, Ms. Holly Wingate and Mr. Brian Butler, Planning & Zoning Commissioners were also present.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 056 25
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent

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

**Presentation
Affordable
&
Workforce
Housing &
Costs of
Housing
Construc-
tion**

Ms. Catilin Del Collo, Chief Strategy Advisor for Delaware State Housing Authority provided information on affordable housing. She discussed the AMI percentages, subsidized housing and workforce housing. She also provided graphs showing the gaps in the rental market by AMI for the Sussex Market Areas.

A presentation was given by Ms. Rachel Stucker, Executive Director of Housing Alliance Delaware. Ms. Stucker discussed the increase of the rental market. She then discussed the homelessness increase that has occurred in Delaware from 2020-2024 which shows an increase of 16%. Ms. Stucker discussed the significant zoning reforms that allow for multi-family zoning, by right to include small multi-family homes as well as ADUs.

A presentation was given by Mr. Mike Riemann from the Home Builders Association of Delaware regarding the costs of housing construction. Mr. Riemann discussed the jobs that the construction industry generates along with the economic impact that drives the economy. The average cost of a new home was then reviewed and discussed. Mr. Riemann then reviewed traffic problems that occurs with development.

Report

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for December 2024 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 189 troopers assigned to Sussex County for the month of December.

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, February 18th. The next regularly scheduled Council meeting will be held on Tuesday, February 25th.

[Attachments to the Administrator’s Report are not attached to the minutes.]

**Clinical Agreement/
DTCC**

Robbie Murray, Director of Public Safety presented a clinical agreement between Delaware Technical Community College and Sussex County EMS for Council’s consideration.

**M 060 25
Approve
Clinical Agreement/
DTCC**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd that be it moved that Sussex County approves the proposed Healthcare Provider Agency Agreement with Delaware Technical Community College.

Motion Adopted: 5 Yeas

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

DelDOT Program

Jamie Whitehouse, Planning & Zoning Director provided an update for Council relating to the DelDOT 2027-2030 capital transportation program.

**Permission to Prepare & Post Notices/
Camp Salty Farm**

John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Camp Salty Farm annexation into the Sussex County Unified Sanitary Sewer District, Miller Creek Area. The parcel is adjacent to the existing Sussex County Sanitary Sewer District. The project will be responsible for system connection changes based on current rates.

**M 061 25
Approve
Permission to Prepare & Post Notices/
Camp Salty**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Camp Salty Farm expansion of the Sussex County Unified Sanitary Sewer District to include parcel 134-19.00-118.00 as presented.

Motion Adopted: 5 Yeas

Farm

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

Permission to Prepare & Post Notices/ Bridgeville Warehouse

John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Bridgeville Warehouse annexation into the Sussex County Unified Sanitary Sewer District, Western Sussex Area. The Engineering Department received a request from Becker Morgan Group Inc. on behalf of their client FPDN Management, LLC the owners/developers of a project known as Bridgeville Warehouses for parcel 131-19.00-4.00 and the neighboring parcel 131-19.00-5.00. The parcels are zoned CR-1 and adjacent to the existing town boundary and the Sussex County Unified Sanitary Sewer District. The properties will be required to annex into the Town of Bridgeville. The project will be responsible for system connection changes based on current rates.

M 062 25 Approve Permission to Prepare & Post Notices/ Bridgeville Warehouse

A Motion was made by Mr. McCarron seconded by Mr. Rieley, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Bridgeville Warehouse expansion of the Sussex County Unified Sanitary Sewer District to include parcels 131-19.00-4.00 and 131-19.00-5.00 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**

Waterside Road Improvements

Patrick Brown, Project Engineer III presented a recommendation to award for Waterside Road Improvements for Council's consideration.

M 063 25 Approve Waterside Road Improvements

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that based on the recommendation of the Sussex County Engineering Department, that contract T25-04, Waterside Road Improvements, a Chapter 96 Sussex Community Improvement Program project, be awarded to Mike Houck Construction, LLC at the bid amount of \$202,500.00.

Motion Adopted: 5 Yeas

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

DBF Amendment 2

Hans Medlarz, Project Engineer presented amendment no. 2 – King's Highway advanced utility relocation for Council's consideration.

M 064 25 Approve

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based up the recommendation of the Sussex County Engineering

**DBF
Amendment
2** Department that amendment no. 2 to the 2024 Miscellaneous Engineering base agreement with Davis, Bowen & Friedel, Inc. be approved in the amount not to exceed \$144,500.00 for engineering services associated with the King's Highway Utility relocation and the development of a construction agreement with the developer of the Village Center, subject to final Council approval.

Motion Adopted: 5 Yeas

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

**Wolfe Neck
CO No. 3** Hans Medlarz, Project Engineer presented change order no. 3 for the Wolfe Neck regional WWF electrical service & switchgear replacement project for Council's consideration.

**M 065 25
Approve CO
No. 3/Wolfe
Neck** A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 3 for contract S24-10, Wolfe Neck Regional WWF electrical service & switchgear replacement – general construction, be approved, increasing the contract by \$19,717.76.

Motion Adopted: 5 Yeas

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

**Grant
Requests** Mrs. Roth presented grants for Council's consideration.

**M 066 25
Greater
Lewes
Foundation** A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give \$3,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account, \$1,000 from Mr. Rieley's Councilmanic Grant Account and \$1,000 from Mr. Hudson's Councilmanic Grant Account) to the Greater Lewes Foundation on behalf of the Lewes-Rehoboth Beach Rotary Club for their OTIS Smith Park pavilion revitalization 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 067 25
Race4Warr-
iors** A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account and \$1,000 from Mr. Rieley's Councilmanic Grant Account) to Race4Warriors, Inc. for their annual Race4Warriors event.

Motion Adopted: 5 Yeas

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

**M 068 25
Law
Enforce-
ment
United, Inc.**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to give \$2,000 (\$250 from Ms. Gruenebaum's Councilmanic Grant Account, \$250 from Mr. McCarron's Councilmanic Grant Account, \$1,000 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to Law Enforcement United, Inc. for their Road to Hope Bicycle Ride 2025.

Motion Adopted: 5 Yeas

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

**M 069 25
New
Coverdale
Outreach
Mission, Inc.**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,500 (\$500 from Mr. McCarron's Councilmanic Grant Account, \$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to New Coverdale Outreach Mission for clothing for youth.

Motion Adopted: 5 Yeas

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

Mr. Rieley stated that the new Council Members account balances were low and asked about providing them funds.

**Introduction
of Proposed
Ordinances**

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS" filed on behalf of John Elisishans.

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3 ACRES, MORE OR LESS" filed on behalf of Joshua Levis.

**Introduction
of Proposed
Ordinances
(continued)**

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.41 ACRES, MORE OR LESS” filed on behalf of Brian Rowe.

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANIC REPAIR BUSINESS, OFFICE, AND MATERIAL STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.25 ACRES, MORE OR LESS” filed on behalf of Jamie & Darren Hooks.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

Mr. Lloyd commented that the Council had a good meeting this morning and he found the information important to share with the public and the working group.

Rules

Mr. Robertson read the rules of procedure for public hearings.

**Public
Hearing/
CU2454**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS” (property lying on northwest side of Shiloh Church Road [Rt. 74] approximately 0.38 mile west of East Trap Pond Road [Rt. 62]) (911 Address: N/A) (Tax Map Parcel: 232-8.00-44.01) filed on behalf of H&K Group, Inc.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended denial of the application due to the application not receiving three affirmative votes to recommend approval for the application.

The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant, H&K Group who lease the property that is the subject of the application; that the applicant is a Pennsylvania corporation; that they joined with George & Lynch and formed River Asphalt, LLC that has two locations in Sussex County; that this application has had a difficult path; that two of the members have heard this application before; that this

**Public
Hearing/
CU2454
(continued)**

is the fourth public hearing for this application due to the fact that the advertisement of the Hundred was referenced incorrectly; that as it appears there is a recommendation for denial; that the first Commission meeting, the results were a 3-2 favorable recommendation; that Mr. Mears was not present at the meeting and if not for his absence, it would be a 3-2 favorable recommendation at this time; that the entire property is 309.6+/- acres, but only 269+/- acres are in question for this application; that the borrow pit area is 195.83 acres; that this is an application for a borrow pit off of Shiloh Church Rd; that the forest has a planting pattern; that the property is located within an AR-1 Zoning district and is a low density area on the Future Land Use Map; that the 2020 state strategies map identifies this property as being in Investment Level 4 area; that this means that important materials can be mined from this rural area to help support development in investment levels where there is a greater deal of population and intense uses; that this is a rural area of Sussex County; that this area of Sussex County is rich in natural resources; that there are 7 other borrow pit operations in this area; that the entrance is from Shiloh Church Road; that the actual processing area will be approximately 1,000 feet off of Shiloh Church Road; that there are wetlands that run along Beaver Dam Branch and basically bisects the property; that the Army Corp of Engineers will facilitate the crossing of any of the wetlands; that a 50 foot buffer will be a part of the site plan; that with this type of Conditional Use there are several special requirements that must be followed under Section 115-172 subsection B; that there are 6 special conditions that will be followed:

1. No material may be brought into the site for processing, mixing or similar purposes.
2. The excavation be controlled to offer reasonable protection to surrounding properties to include odors, dust, etc.
 - a. The entranceway will be paved to reduce noise and dust.
 - b. There will be a gated entranceway at Shiloh Church Rd. The Planning Commission recommended that be at least 50 feet from Shiloh Church Rd., the applicant is proposing the area be 100 feet.
 - c. Water trucks will be available to control dust issues.
 - d. The proposed hours of operation will be Monday through Friday 6:00 a.m. – 6:00 p.m. and Saturday 6:00 a.m. – 2:00 p.m. with no Sunday hours. The Planning Commission changed the hours recommending 7:00 a.m. to 5:00 p.m. 6 days a week with no Sunday hours. The hours of operation recommended by the Planning Commission are acceptable to the applicant.

The applicant filed a service evaluation level request with DelDOT; that they indicated that the impact on traffic would be less than 50 vehicle trips in any hour and less than 500 vehicle trips per day; that due to the concerns expressed during the Planning Commission hearing relating to traffic, the applicant reached out to have a traffic analysis completed; that a professional traffic operation engineer performed the study; that Mr.

**Public
Hearing/
CU2454
(continued)**

Wilson who performed the study also has a road safety professional level 1 certification; that the traffic conditions here do not warrant a traffic impact study; that based on the concerns raised during the Planning Commission hearing, a traffic analysis was prepared.

The Council found that Mr. Carl Wilson, a traffic engineer with the Traffic Group came forward; that the traffic analysis was prepared for the site; that they looked at the adjacent intersections to the east from the site and to the west, the nearest intersection was Johnson Road about 2 miles away; that they were collected by the use of a video camera; that a classification count was completed on Shiloh Church Road for a week to determine the amount of traffic that travels the road well as classification; that an existing level of service evaluation was completed at the two adjacent intersection; that the peak level volumes will be very low for this site; that they looked at other borrow pit operations in Sussex County; that Shiloh Church Road is classified as a minor collector road; that it has about 12 foot lanes width with minimal shoulders; that there is one other borrow pit on a minor collector road that has similar features; that the average daily traffic is about 2,300 in a course of 24-hour period; that other borrow pits have much larger traffic volumes; that the weight limit that was able to be found was along East Trap Pond Road and is located north of this site; that the vehicles would not use that section of roadway.

Mr. Hutt stated that the third of the special criteria factor was:

3. The location of the excavation will be done in relation to the water table and the side slopes of the pit, and the processing area will be more than 80ft from all property lines. The Planning Commission's recommendation included that there would be a bench at the 10ft level and then continue on with the 3 to 1 side slope down to the bottom.

There would be no wetlands disturbed as part of this; that the property is located within zone X on the flood zone map; that there are no documented drainage issues in this area; that the next factor is:

4. The burrow pit needs to be surrounded by a landscaped unexcavated buffer strip of open space with a minimum distance of 100ft from a street line and a minimum of 50 feet from all other property lines.

The plans show a 50 foot landscape buffer around the entire pit; that there is a 30 feet area between that the landscape buffer and the edge of the pond; that the next factor is:

5. The burrow pit shall be at least 200 feet from any dwelling on the property of other ownership.

There is an abandoned home about 230 feet from the entrance; that the nearest occupied home is about 750 feet from the entrance; that on Shiloh Church Road, the closest a person would live is 1,700 feet; that on Beaver

**Public
Hearing/
CU2454
(continued)**

Dam Branch the nearest neighbor is 3,000 feet away; that on Sycamore Road, the closest neighbor is 2,300 feet away; that along East Trap Pond Road, the closest neighbor is 2,000 feet away; that the next condition is:

- 6. There are various requirements for existing conditions, proposed excavation areas, reclamation areas and approvals from various agencies.**

The reclamation plan for this property is that upon completion, this will be a wildlife pond for fish and fowl; that Chapter 115 talks about conditional use and certain uses being permitted by a Conditional Use because the use is a public or semi-character and requires the exercise of planning judgement regarding location and site plan; that the location of this property is ideal for this proposed use; that this is located in a wooded area; that all surrounding properties are very large parcels; that the fundamental need and use of aggregates demonstrates the semi-public or public nature of this burrow; that it was shown what a person needs regarding minerals during the course of their lifetime; that there is a large need for aggregates in this area; that aggregates helps with construction projects as well as chemical and agricultural uses; that borrow pit projects are critical to Delaware infrastructure; that the sand and gravel provides jobs and revenue and supports the construction sector; that it keeps project timelines on track; that there are 11 letters of support that were submitted from local businesses in the area that confirm the need for the materials in this area; that there were concerns raised about traffic; that the information that Mr. Wilson provided in the traffic analysis and his testimony is given weight under the law than the thoughts and opinions of lay people; that some things have professional expertise with them regarding calculations for traffic and stormwater management; that we have heard from DelDOT and Mr. Wilson regarding traffic and their testimony is consistent; that the entrance has been approved; that the impact on wells from a borrow pit was raised in previous public hearings; that H&K retained a hydro geologic opinion; that the report was distributed to the Council Members; that a professional geologist with 40 years' experience did the report; that he looked at the proposed site operations that exist; that the report noted that through the processing, majority of the water will get returned to the aquifer through the process; that during early operations, any potential wells within 200-300 feet of the edge of the pond could have a drawn down of a couple feet; that the reports states that it should not affect those wells; that typically, outside of the edge of the pond of 200-300 feet, no drawn down occurs; that the Planning Commission recommended approval for CU2300 for a borrow pit but was later denied by County Council; that when voted on for denial, Mr. Hudson provided his reasons; that one of his statements was that while there is a need for dirt, sand and gravel, there are better locations for borrow pits in more rural areas in the County that will not have an impact on homes or community use properties like the adjacent recreational fields that are next door to this property; that this application addresses those points almost point by point; that this is a rural location; that this is a minor collector with traffic capacity; that there are no

**Public
Hearing/
CU2454
(continued)**

community use properties located nearby or adjacent to the property; that the nearest well is more than 200-300 feet away; that the location is surrounding by woods, large parcels and the nearest home greatly exceeds the 100 feet requirement; that this application exceeds the requirements of the Code; that the applicant request that Commissioner Wingate's motion is taken and adopted.

Public comments were heard.

Mr. Jerry Marbel spoke in opposition to the application; that he has not heard anything different from the first three public hearings other than he does not think it's fair to do a traffic analysis from DOT when it is not at the prime time of all of the traffic; that in the summer months when everyone is going to the beach, Shiloh Church Road becomes a short cut; that that there are two trash companies that use that road as a short cut; that there are feed trucks, chicken trucks and the farmers trucks; that the road is not going to handle all of the traffic; that this is supposed to be a residential area; that this needs to be put closer to construction sites; that there are 7 pit within 15 miles; that most sand pits have no trespassing signs posted; that he would make it that they need to maintain the safety of East Trap Pond Road and Shiloh Church Road; that Shiloh Church Road has to be resurfaced every 9 years; that the intersection on his side of the road floods when there is a lot of rain.

Ms. Alison White spoke in opposition to the application; that she has several concerns with the application; that this application proposes that forest be removed for this project; that the most valuable resource is land; that the Sussex economy needs to be based upon something other than property development; that progress is living in the bounds of our resources; that we do not need to destroy Sussex County to thrive.

Mr. Willis Kirk spoke in opposition to the application; that he is a farmer that owns land adjacent to the site; that he spoke about the acreage; that the land is surrounded by hardwoods; that it one of the largest forested area within the Laurel School District not counting the state lands; that he distributed a report that was done for Lawrence Lank back in 2008; that the report is from DNREC to the County Planning & Zoning office; that this verifies the information from his standpoint; that his farms consists of two farms that are in the preservation program; that there are wetlands on the farmland that go right up to and onto to this property; that one of these reports states that when a pit is put in, it does have an effect on wetlands; that this is going to dry a lot of wetlands out; that you cannot determine where wetlands are during a drought which we currently have; that his land is irrigated, that it is difficult to get water out that way; that the report states that the pit continues to grow; that as it flows, it will affect the irrigation within those wells; that he questioned who would replace a well if one went dry; that there is a large farm that has irrigation well down the road; that the noise will affect a row of houses; that the buffer should be large; that this will be one of the largest borrow pits in Sussex County; that

**Public
Hearing/
CU2454
(continued)**

there are people that are affected by this; that this is a lot of forest land that is being changed into a borrow pit; that there is wildlife in the area; that he doesn't believe this should be done in a forested area; that all of these open spaces with water are not confined; that he questioned if we need additional borrow pits; that he asked the value of this business to the people in Sussex County.

Ms. Phyllis Lynch spoke in opposition to the application; that there are problems with water supply; that she has concerns if they do get to the water aquifer; that it will disrupt the natural water flow; that she questioned what would happen if it the well goes dry; that she questioned if it will cause any pollutants into the groundwater; that this would take away the habitat for wildlife; that you will never regain the area back; that there are poultry in the area; that this will hurt the economics of Sussex County and the farmers; that she questioned what would happen with the equipment once the pit is no longer in use; that she has driven this road for 30 years; that there is no shoulder on the road.

Mr. Lloyd questioned if the adjoining parcel has expressed plans for the parcel. Mr. Hutt stated that it is not in the farmland preservation program. He expressed concerns that if someone were to develop any of the surrounding parcels including poultry. He asked if the bus times were captured as part of the study. Mr. Wilson replied that they did not do buses specifically and the counts were collected on October 30th. Mr. Lloyd questioned the difference between a borrow pit and a mining operation. It was shown where the operation will occur on the property.

Ms. Gruenebaum asked about the dewatering activities and how it is going to be monitored that it will not occur. It was explained that they will maintain the natural groundwater table elevation. Their groundwater sits on that table and there is no dewatering. They will pump from the dredge to the processing plant and about 90% of that will be returned back to the pond. In addition, the hydro report referenced some draw down which will occur when operations start because the pond will be smaller. Once the pond expands, the volume of water will become much larger. This will be a 10-hour operation so it will give the aquifer a chance to recover.

Ms. Gruenebaum expressed concerns of the effect on the aquifer and also pointed out there was concerned mentioned by DNREC. Mr. Hutt stated that the memorandum referenced is from 2008 in response to a specific question about a specific application. In addition, DNREC requested to enter into a MOU with Sussex County regarding borrow pits and those types of activities. Ms. Gruenebaum noted that on page 4 of the report, it states that a borrow pit almost always removes the protected soils and unsaturated sediment layers that overlay the water table, thus creating an open window to unrefined aquifer. Therefore, this would make it less protected. Ms. Gruenebaum stated that she has concerns about the water quality.

**Public
Hearing/
CU2454
(continued)**

Mr. McCarron questioned if there were any deed restrictions on the adjacent properties and if there was approximate age of the trees on the property. His main concerns are the traffic and there being no shoulders on that road. Mr. Wilson stated that was not considered, however, the peak area volumes are very low. Mr. Rieley had concerns about the increase of traffic and the damage that will occur to the road.

Mr. Rieley commented that when the Millsboro bypass is completed, the fastest route will be to take Route 20 and Shiloh Church Road will be the most direct point. He questioned if the traffic expert have any thoughts on that.

The Public Hearing and public record were closed.

**M 070 25
Defer
Action/
CU2454**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas

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

**M 071 25
Adjourn**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to adjourn at 3:52 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.}