

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 28, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 28, 2023, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney
Vince Robertson	Assistant County Attorney

Call to Order

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

Mr. Vincent called the meeting to order.

**M 096 23
Approve
Agenda**

A Motion was made by Mr. Rieley, 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**

Minutes

The minutes from February 21, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore read correspondence received from The Greater Lewes Foundation thanking Council for their support.

**Public
Comments**

There were no public comments.

**M 097 23
Approve
Consent
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve the following items under the Consent Agenda:

Use of Existing Wastewater Infrastructure Agreement – IUA 407-1 Revised Plover Point, Oak Orchard Area

Use of Existing Wastewater Infrastructure Agreement – IUA 113 Estuary Phase 5 (Zinszer), Miller Creek Area

**Use of Existing Wastewater Infrastructure Agreement – IUA 1109
Patriot’s Glen (Phase 1), Oak Orchard Area**

Code of Conduct Rules Ethics Training Review & Discussion of Mr. Lawson reviewed the Code of Conduct Rules and Ethics Training. Mr. Lawson reported that on December 13, 2022, a presentation was made relating to ethics and code of conduct. During that presentation, it was indicated that the County falls under State Law, the Public Integrity Commission and specifically, Title 29, Chapter 58, Subchapter I. Mr. Lawson explained that since the County does not have its own ethics commission, the County falls under State Code. The current County requirements and practices were discussed. These requirements and practices included Sussex County following Title 29, Chapter 58, Subchapter I, internal fraud and abuse reporting tool and disclosure forms. Based on the previous discussion, staff recommendations were made. These recommendations included additional PIC training, disclosure forms to be expanded to the Planning & Zoning Commission and Board of Adjustment, all newly elected and appointed officials participate in PIC training, develop a brochure for easy reference and develop an external fraud and abuse reporting tool.

Mrs. Jennings reviewed the items that have been completed since the presentation. Mrs. Jennings reported that since December 13, 2022, a Code of Conduct page has been added to the County’s website. That website includes the following:

- Link to the State Code where the Code of Conduct is located
- Link to the Public Integrity Commission
- A form to report any violations of the Code of Conduct
- Brochure that summarizes the Code of Conduct
- PIC training with associated PowerPoint

In addition, the annual disclosure forms were distributed in January to County Council, Planning & Zoning Commission and Board of Adjustment. On February 2, 2023, Deborah Moreau, PIC’s attorney, held a training on the Code of Conduct for elected officials, planning & zoning commission, board of adjustment and select employees. The County had 100% participation, either in person or by watching the video subsequently.

Mrs. Jennings showed where the new page has been added to the County’s website and reviewed the information located on the page.

Mr. Vincent asked if there was 100% compliance on the signing of the forms that were distributed. Mrs. Jennings replied that she has collected everyone’s form except for Mr. Warfel; he signed the bottom of the form, but he did not answer yes or no on any of the questions. He signed the form and commented that it does not pertain to him. In addition, he submitted a letter that he would like to see an Ordinance passed governing the form to preserve the Board of Adjustment independence. Mrs. Jennings added that

Code of Mrs. Green has not signed the form.

Conduct

Rules & Mr. Vincent questioned what the consequences would be if a Council member does not sign the form. Mr. Moore replied that under Delaware Ethics Code, Mrs. Jennings does have the right to have any type of form submitted Training and obtained signatures if it is helpful for purposes of carrying out her Review & position. Mr. Moore added that it becomes a large accounting issue because Discussion the County is subject to audits for both state and federal funds. Therefore, (continued) that is the reason that the State Code gives Mrs. Jennings's the authority to get any type of affidavits and the code states from any officer or employee of the County. Mr. Moore added that a compliance issue then occurs with the auditors when they are doing their reviews. In regard to federal guidelines, there are very specific requirements that the County have in place and have policies so that it is known that there are no conflicts of interest in granting those funds. Mr. Moore added that a significant portion of money comes from federal funds.

Mr. Vincent questioned the options if a member chooses not to sign. Mr. Moore replied that for certain funding sources such as state and dealing with different vendors, the Director of Finance can go to our vendors (around 2,000 +) and get them to sign something. Mr. Moore noted that is a work around for the state funding but not for the federal funding. When looking at the federal code, the option would be for anyone to recuse themselves on any federal funding vote if they have not signed so that the County would not be in violation of any of the requirements.

Mr. Vincent asked the amount of money that could be an issue. Mrs. Jennings replied that looking at our financial statements, the County has spent \$14M of federal funds last year which includes water, sewer, airport funding and CDBG. She added that any of the passthrough grants that are received from DEMA are funded through FEMA. She noted that does not include the \$45M that has not been spent yet for ARPA. Mrs. Jennings reported that she did reach out to the auditors; they suggested that we could reach out to each vendor and ask them for their conflict of interest. However, each time that Council changes, the vendors would need to be contacted again. This form was to help meet those guidelines for the auditors.

Mr. Rieley questioned if this could impact the County's Triple A credit rating. Mrs. Jennings stated that we could have a federal finding.

Mrs. Green stated that her position is that this needs to be an Ordinance that the Council needs to put in place, have a discussion and vote on. She believes that it is well worth making this an Ordinance. Mr. Vincent commented that he would disagree with that; the document has been signed by Council for three years now. He added that it did not start with an Ordinance. Mrs. Green commented that it may now be the time to do that with the amount of money and exposure that is there. Mrs. Green questioned if the paper was valid and if there was teeth in it. She added that

Code of Conduct Rules & Ethics of it is a good document, however, she does have questions such as who her family is. She would support it being an Ordinance that comes from the Council.

Training Review & Discussion Mr. Rieley pointed out that the authority for this document already exists through the Finance Director. Therefore, he questioned the reason for an Ordinance.

(continued)

Mr. Hudson stated that he does not believe that an Ordinance is needed to establish that we are being transparent.

Mr. Hudson requested that Mr. Moore draft an Ordinance that outlines steps for the Council to be able to remove someone from the appointed Boards or Commissions if they do not want to sign these forms. He added that they set an example for transparency.

Mrs. Green requested an Ordinance be written that explains why this needs to be completed and explains how funding is done.

Administrator's Report

Mr. Lawson read the following information in his Administrator's Report:

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Friendship Creek – Phase 2 (Construction Record) received Substantial Completion effective February 17th.

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

Pension & OPEB Fund Update & Recommendation

Gina Jennings, Finance Director presented the pension and OPEB fund update. Mrs. Jennings provided an update on the performance of the County's pension funds and discussed the annual actuary report.

Mrs. Jennings reported that a quarterly meeting was held based on December 31st numbers. Mrs. Jennings reviewed the performance for the pension fund and the OPEB fund. Mrs. Jennings then reviewed the actuary report that shows the County is currently 99.8% funded as well as the contributions and expenses. Mrs. Jennings shared a chart showing the historical trends of assets and liabilities.

Mrs. Jennings then discussed the OPEB that is 86.8% funded and she reviewed the contributions and expenses. She explained that currently, assets in the OPEB fund are valued differently than the pension fund. The pension fund takes in account fluctuations in investment returns (5-year smoothing). She is recommending the OPEB funding policy be changed to match the pension funding to avoid large fluctuations due to the market (budget stability).

M 098 23
Approve
Revision of
OPEB
Funding
Policy

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer that be it moved that the Sussex County Council, based on the recommendation from the Pension Committee, revise the OPEB Funding Policy to use a 5-year smoothing for the actuarial valuation of assets. The determination of the unfunded liability will be based on the difference of the entry age actuarial liability and the actuarial value of assets.

Motion Adopted: 5 Yeas

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

Proposed
Ordinance/
Kitchen
Incubator
Project

Bill Pfaff, Economic Development Director presented a Proposed Ordinance entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023 TO INCORPORATE NEW FEES AND EXPENSES FOR THE KITCHEN INCUBATOR PROJECT” for Council’s consideration.

Mr. Pfaff explained that a kitchen incubator is a state licensed and certified kitchen that is rented by the day, week, or month. He added that chefs, caterers, food trucks, farmer-value added producers all use this service. In addition, the provider provides the following services: business planning, marketing, training, legal, distribution and job training to help current and potential employers.

Mr. Pfaff reported that a kitchen incubator helps remove restrictive barriers of high-cost capital investment associated with leasing or purchasing a commercial kitchen and kitchen equipment. In addition, it allows specialty food businesses like processors, farmers, caterers, food cart vendors, and food trucks the opportunity to start from nothing and grow. It reduces the risk of failure by removing additional start-up barriers associated with no, or low skills in the areas of managing and maintaining a commercial kitchen. Mr. Pfaff reported that the following are provided: technical assistance, training, value-added resources related to distribution, branding, marketing, pricing, food cost, insurance, legal services, and financing opportunities.

Mr. Pfaff introduced Mr. Jim Richards, kitchen manager.

Mr. Pfaff reviewed the pricing structure for the kitchen incubator. A \$100.00 non-fundable application fee is being proposed. This will allow you to become a member of the kitchen. The membership includes the following:

- “How to Start a business” workshop
- “Food Costing and Pricing” workshop
- Equipment repairs

**Proposed Ordinance/
Kitchen Incubator Project
(continued)**

- **Pest control**
- **Trash removal**
- **Janitorial service and deep cleaning**
- **Utilities**
- **Basic equipment – soap, sanitizer, buckets, some pots, and pans**

In addition, the proposed kitchen fees are as follows:

- **Security Deposit: \$300 (refundable)**
- **Monthly: \$300 (includes 15 hours kitchen time and is required for all food trucks and anyone who wishes to take this option)**
- **Additional time \$24 hourly rate**
- **No monthly fee: \$35 per hour (minimum 3 hours)**
- **Dry storage (cage) \$75 per month**
- **Refrigeration \$45 (small), \$75 (large) month per shelf**

Mr. Rieley questioned how many members can be handled? Mr. Pfaff replied that 3 to 4 people can work in the kitchen at the same time in different workstations depending on their size. As far as total memberships, it is estimated having 20 to 30 depending on their usage.

Mr. Rieley asked if there was any cost projections. Mr. Pfaff stated that it is estimated that about \$100,000 a year will be spent to operate the kitchen. It was added that a grant is secured even with these fees in place.

Mrs. Green asked if the suppliers could deliver products directly to the kitchen. It was confirmed that can be accommodated and logistics are being worked out to offer that.

Introduction of Proposed Ordinance

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023 TO INCORPORATE NEW FEES AND EXPENSES FOR THE KITCHEN INCUBATOR PROJECT”.

Insurance Broker Recommendation

Andrea Wall, Manager of Accounting presented insurance broker recommendation for Council’s consideration. Mrs. Wall reported that in November, the County advertised a Request for Proposal for an insurance broker to start the insurance renewal process. Three qualified firms submitted proposals and all three firms were interviewed.

Alliant is being recommended for the following reasons:

- **They have national resources and handle over 1,000 county clients.**
- **Incumbent broker who did not increase fee for their five years serving as County broker.**
- **Incumbent broker already familiar with County insurance program**

**Insurance
Broker
Recommendation
(continued)**

and seamless continuation of broker services.

- Lowest broker fee, reduced to show commitment to working with the County.**
- Tailored process and forum that deepens underwriter/client/broker relationships.**
- Dedicated claims, placement and risk control staff embedded in our service team.**
- Enhanced customer service features**

Mrs. Wall explained that the selection of our broker is the first step in the insurance renewal process. Once our broker is selected, they will continue the renewal process by approaching alternative markets on our behalf, and the results will be presented in June to place coverages.

**M 099 23
Approve
Insurance
Broker
Recommendation**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that be it moved based on the recommendation of insurance buyer council and Sussex County Finance Department that Sussex County Council award the insurance broker RFP to Alliant Insurance Services for a period of three years with the option to renew for two additional one-year periods.

Motion Adopted: 5 Yeas

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

**EMS Public
Safety Bldg./
CO No. 22**

Hans Medlarz, County Engineer presented Change Order No. 22 for the EMS Public Safety Building – Project C19-04 for Council’s consideration. Mr. Medlarz reported that the change order includes additional material/labor for the new Delaware Coastal Airport sign and lettering for the sign. In addition, additional landscaping work including several arborvitaes to help conceal the generator and landscaping boulders along Airport Road are included.

**M 100 23
Approve CO
No. 22/EMS
Public
Safety Bldg.**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 22 for contract C19-04, Sussex County Public Safety Building, be approved, for an increase of \$104,368.86.

Motion Adopted: 5 Yeas

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

Long Neck Communities/Bid Award Hans Medlarz, County Engineer presented construction bid award for the Long Neck Communities Sewer Expansion project for Council's consideration. Mr. Medlarz reported that it is being recommended to award the project to A-Del Construction.

M 101 23 Approve Bid Award/Long Neck Communities A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that contract S21-10, Long Neck Communities Sewer Extension, be awarded to A-Del Construction, for their total bid amount of \$7,658,870.00, contingent upon SRF concurrence and receipt of supplemental funding as submitted to the CWSRF.

Motion Adopted: 5 Yeas

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

SCRWF Ocean Outfall Inspection Mark Parker, Assistant County Engineer presented SCRWF ocean outfall inspection repair and inspection follow up. Mr. Parker reviewed the report and video documentation that was completed by SUS. It was found that there is a need for more repairs to be completed. It is being recommended that a request for proposal be developed to address the additional repairs.

M 102 23 Approve Ocean Outfall Repairs/RFP A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that the additional costs incurred by Specialty Underwater Services for inspection and repair services in the amount of Eighteen Thousand Two Hundred Twenty-Five (\$18,225.00) dollars be approved. Additionally, based upon the recommendation of the Sussex County Engineering Department, a request for proposal be developed for public advertisement to address the remaining recommended system repairs.

Motion Adopted: 5 Yeas

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

Permission to Prepare & Post Notices/American Storage of DE John Ashman, Director of Utility Planning and Review presented permission to prepare and post notices for American Storage (Long Neck of the SCUSSD) for Council's consideration. The Engineering Department has received a request from Pennoni Associates, Inc. on behalf of their client American Storage of Delaware, LLC, the owners/developers of parcels 234-29.00-49.02, 49.03 & 50.00 on Route 24 near Autumn Road. The project has P&Z conditional use approval. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates.

M 103 23 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved

**Approve
Prepare &
Post Notices/
American
Storage**

by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the American Storage expansion of the Sussex County Unified Sanitary Sewer District to include parcels 234-29.00-49.02, 49.03 & 50.00 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**

**Permission
to Prepare
& Post
Notices/
Mulberry
Knoll Store**

John Ashman, Director of Utility Planning and Review presented permission to prepare and post notices for Mulberry Knoll Store (West Rehoboth Area of the SCUSSD) for Council's consideration. The Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client V & M, LLC for the owners/developers of parcels 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01 & 112.00 at Route 224 and Mulberry Knoll Road. The project has P&Z preliminary approval. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates.

**M 104 23
Approve
Prepare &
Post Notices/
Mulberry
Knoll Store**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Mulberry Knoll Store expansion of the Sussex County Unified Sanitary Sewer District to include parcels 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01 & 112.00 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**

**Grant
Request**

Mrs. Jennings presented a grant request for Council's consideration.

**M 105 23
Paul Kares
Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$2,500 (\$500 from each Councilmanic Grant Account) to Paul Kares Inc. for their concert for kids program.

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 GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY

Introduction of Proposed Ordinances (continued)

(2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” filed on behalf of Beaver Dam Enterprises, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04”.

The Proposed Ordinance will be advertised for Public Hearings.

Council Member Comments

There were no Council member comments.

M 106 23 Recess

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

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

M 107 23 Reconvene

At 1:30 p.m., a Motion was made by Mr. Schaffer, seconded by Mr. Hudson to reconvene.

Motion Adopted: 5 Yeas

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

Rules

Mr. Robertson read the rules and procedures for public hearings.

Public Hearing/ CU2337

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 AND A C-1 GENERAL COMMERCIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 25.327 ACRES, MORE OR LESS” (property lying on the north side of Beach Highway [Route 16], approximately 0.20 mile east of Dupont Boulevard [Route 113]) (911 Address: 18019 Beach Highway, Ellendale) (Tax Parcel: 230-26.00-39.00 [p/o]) filed on behalf of Community Power Group, LLC.

The Planning & Zoning Commission held a Public Hearing on the

Public
Hearing/
CU2337
(continued)

application on January 12, 2023. At the meeting of January 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 10 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated January 12, and January 26, 2023.)

Mr. Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Ms. Whitney Hughes, Project Manager with Community Power Group, spoke on behalf of the Application; that CPG has been developing solar farms over the last 12 years; that CPG has solar farms across the United States; that CPG emphasizes using local labor on all projects; that CPG uses domestic equipment, pollinator friendly ground cover and game fencing whenever possible; that the subject site is located along Beach Highway in Ellendale; that the property consists of 52.23 acres; that approximately 26 acres is proposed for solar use; that the system size is four megawatts AC community solar garden; that the property is split zoned with AR-1 (Agricultural Residential) and C-1 (General Commercial); that the property is undergoing an annexation petition as part of the Town of Ellendale Comprehensive Plan; that CPG has communicated with Town Council President, Mr. Aaron Moore; that CPG has received confirmation that the proposed zoning will be Residential Business, which will still allow for commercial land use; that the proposed zoning will not impact the Conditional Use application; that a DeIDOT review has been completed for the property; that the surrounding area is mostly comprised of general commercial and agricultural residential parcels; that commercial is located adjacent to the west of the site; that agricultural residential uses are located adjacent to the eastern portion of the site; that the property meets all minimum lot width, area and depth requirements of AR-1 and C-1 Zoning; that the proposed project has a front setback of 55-ft. from the front property line to the fence; that there is a minimum of 20-ft setback from the side and rear property lines; that a buffer is proposed along portions of the site; that the buffer will consist of deciduous and evergreen trees along the southern half of the array; that existing vegetation is to remain along the northern and western property lines; that CPG uses Crystalline Solar PV panels, which are made of glass, with antireflection; that CPG does not use the thin-film; that CPG will use Single Axis Tracking (SAT) racking system, which will track the sun's path to obtain the most productivity; that CPG conducted a FAA approved noise and glare analysis; that there will be little to no noise generated from the proposed use; that no glare was produced along the nearby routes and home; that CPG proposes pollinator friendly ground cover and game fencing for the property; that CPG prepared a decommissioning plan, which requires there to be financial security to ensure funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the project; that additional surety comes from the fact that the salvage value of the equipment is beyond the

Public
Hearing/
CU2337
(continued)

cost to dismantle the solar farm; that the solar farm will be insured for any natural disaster damage; that in the event of a company bankruptcy, the most valuable asset of the bankruptcy proceedings is the solar farm, which only requires sun to generate revenue; that Community Solar gardens are required to be located on approximately 20+acres; that CPG receives a “credit” for the amount of energy it places back to the grid; that the “credits” are sold back to the community at a discount; that the “credit” and/or discount is reflected on a separate line on subscriber’s electric bill and the subscriber receives discounts to their electric bill; that a tax change will occur to the landowner.

There were no public comments.

The Public Hearing and public record were closed.

M 108 23
Adopt
Ordinance
No. 2907/
CU2337

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2907 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 25.327 ACRES, MORE OR LESS” filed on behalf of Community Power Group, LLC for the reasons and conditions as provided by the Planning and Zoning Commission as follows:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 26 acres of a larger 52.23-acre farm.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.
4. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties and there is information and data in the record that the use will not generate any excessive noise or glare.
5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
6. The Applicant has included a Decommissioning Phase in the record for when this solar farm is no longer in use.
7. There will be a buffer of existing vegetation along the north and a

**M 108 23
Adopt
Ordinance
No. 2907/
CU2337
(continued)**

portion of the west sides of this site to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly. In addition, vegetated buffers will be planted along the remainder of the western portion of the solar array and along the southern boundary of it.

8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the following conditions:
 - a. The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.
 - b. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - c. One unlighted sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information and instructions in case of emergency.
 - d. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
 - e. The location of any transformers or similar equipment, or structures, shall be shown on the Final Site Plan.
 - f. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
 - g. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - h. There shall be a vegetated buffer of existing vegetation along the northern and a portion of the western sides of the solar area. In addition, vegetated buffers shall be planted along the remainder of the western boundary and the southern boundary of the solar array area. These buffer areas shall be clearly shown on the Final Site Plan. These buffers shall screen solar arrays while allowing the solar arrays to function properly.
 - i. The Final Site Plan shall identify a Decommissioning Plan that includes financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

Mr. Vincent, Yea

**Public
Hearing/
CU2375**

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 MARINE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.70 ACRES, MORE OR LESS” (property lying on the east side of Cool Spring Road [S.C.R. 290] approximately 0.28 mile north of Stockley Road [S.C.R. 280]) (911 Address: 20635 Cool Spring Road, Milton) (Tax Parcel: 234-5.00-40.04) filed on behalf of Shane & Laura Karlik.

The Planning & Zoning Commission held a Public Hearing on the application on January 12, 2023. At the meeting of January 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 6 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated January 12, and January 26, 2023.)

Mr. Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mr. Shane Karlik spoke on behalf of his Application; that he is requesting a conditional use to move his business; that majority of his work is service calls; that he has a garage located on the backside of the property; that he has been running this business at a different location; that he lost his lease at the other location; that there are mostly houses on the street; that majority of his work consisting of service calls will be off site; that he would not have any more than 5 customer boats on the property; that the engines are much quieter than they used to be.

There were no public comments.

The Public Hearing and public record were closed.

**M 109 23
Adopt
Ordinance
No. 2908/
CU2375**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2908 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MARINE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.70 ACRES, MORE OR LESS” filed on behalf of Shane & Laura Karlik for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The use is for a Mercury Marine service business located on the**

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Ordinance
No. 2908/
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(continued)**

- property where the Applicants reside.
2. The use will allow the Applicants to do repair and maintenance work on marine motors as overflow from offsite work they primarily do as part of this business at marinas, boatyards, boat storage facilities, or other similar locations.
 3. The use is small in nature and is very nearly a home occupation which would be a permitted use on this property.
 4. The Applicants have stated that there will be very little traffic or interaction with the public except for limited deliveries for repairs.
 5. The use will not adversely affect neighboring properties or roadways.
 6. The use provides a needed service for residents of Sussex County who own or operate boats and it promotes boating which is an important part of Sussex County tourism. As a result, the use has a public or semi-public character.
 7. No parties appeared in opposition to the application.
 8. This recommendation is subject to the following conditions:
 - a. The use shall be limited to the repair and maintenance of marine motors. No fiberglass repairs or grinding of materials unrelated to boat motor repairs shall be permitted.
 - b. There shall not be any boat storage on the property, and no more than five boats shall be on the property at any one time for repairs. No junked or permanently inoperable boats, trailers, or boat motors shall be located on the site.
 - c. All chemicals, oils, or other liquids associated with the use shall be stored and disposed of as required by law.
 - d. One unlighted sign, no larger than 4 feet by 4 feet in size, shall be permitted.
 - e. The hours of operation shall be limited to the hours between 7:00 a.m. and 5:00 p.m. daily.
 - f. The Final Site Plan shall show the areas where repairs and maintenance will occur and where boats and trailers will be located. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Ord. No. 22-
07 &
CU2369**

A Public Hearing was held on 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” (properties are located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile each of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway) (Tax Parcels:

**Public
Hearing/
Ord. No. 22-
07 &
CU2369
(continued)**

135-15.00-98.00 & 98.01)

The Planning & Zoning Commission held a Public Hearing on the application on January 26, 2023. At the meeting of February 23, 2023, the Planning & Zoning Commission recommended approval of the Ordinance for 8 reasons as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL 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 (properties are located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01)

The Planning & Zoning Commission held a Public Hearing on the application on January 26, 2023. At the meeting of February 23, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated and subject to the 19 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated January 26, 2023, and February 23, 2023.)

Mr. Jamie Whitehouse, Planning and Zoning Director, presented the applications.

The Council found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applications Ord. 22-07 and C/U 2369 Leeward Chase DE, LLC in a combined presentation; that also present was Mr. Jack Hayes and Mr. Jason Palkewicz; that the Conditional Use Application requested the proposed use of multi-family dwellings, consisting of 106 residential units, within 53 duplex buildings; that the development is proposed to be called Leeward Chase; that the second Application is a request to amend the County’s Future Land Use designation per the Comprehensive Plan from the Commercial Area designation to a Developing Area designation; that the parcel contains 50.79 acres; that the property is located on the southside of Rt. 9, being just east of the Town of Georgetown municipal boundary; that the site contains a wide variety of existing uses; that residential uses and woodlands are located to the west of the site; that residential homes are located to the north of the site; that a strip of C-1 (General Commercial) zoned land is located to the north, containing various businesses, which include Servpro, Dixie Construction Co. Inc., Delaware Home Health Care, Inc., and Techgas Inc.; that there are various other businesses within the surrounding area which were

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granted Conditional Uses; that to the east of the site is the location of the Route 9 Liquors; that the remaining eastern boundary of the site is adjacent to Sports at the Beach facility; that Sports at the Beach was previously approved as a Conditional Use as a baseball facility, geared toward youth baseball tournaments; that Sports at the Beach is approximately 100 acres, containing 16 baseball fields, welcome center, concession stands, an academy building and onsite accommodations for players and their families; that these accommodations include playgrounds, basketball courts and a swimming pool; that the southern boundary of the site will be adjacent to the future Lewes Georgetown Bike Trail; that the trail currently exists from Lewes to Fisher Rd.; that the first section of the trail, heading east from Georgetown, has been constructed; that once the trail is fully completed, pedestrians will have the ability to ride from Georgetown to Lewes via the bike trail; that the bike trail is located adjacent, on the northernly side of the railroad right of way track; that the railroad right of way goes from Georgetown to Gravel Hill; that the railroad track has been decommissioned from Lewes to Gravel Hill; that there will be a security chain link fence placed between the bike trail and the rail line for security purposes; that on the other side of the railroad line is the location of the Delaware Coastal Airport, which is zoned Industrial; that the airport is owned and operated by Sussex County; that the Leeward Chase project was reviewed through the PLUS process in March 2022; that a PLUS comment letter was issued by the Office of State Planning Coordination in April 2022; that the PLUS letter stated the property is located within Investment Levels 2 & 3 under the State Strategies Plan; that Investment Levels 2 & 3 are areas where growth is anticipated; that the PLUS comments state the property is located within a Growth Area under the Comprehensive Plan; that most, if not all, of the proposed site development will be located within Investment Level 2, which is an area where the State does support, encouraging a wide variety of uses, including departure from typical single-family developments in order to promote a broader mix of housing types with open space a recreational activities; that the Investment Level 3 areas contain wetlands, which will remain undisturbed; that the Application proposes 53 duplex buildings, which will contain 106 residential units; that the property is zoned AR-1 (Agricultural Residential); that multi-family dwellings, such as duplexes, are permitted within the AR-1 district as a Conditional Use in accordance with the provisions of the Zoning Ordinance; that the site of a Conditional Use for multi-family units with AR-1 Zoning must be located within certain growth areas as designated by the Comprehensive Plan, being Town Center, Coastal and Developing Growth Areas; that the site is located within the Commercial Growth Area; that due to this, the Applicant additionally filed an application for a Future Land Use Designation Amendment, requesting the designation be changed from the Commercial Growth Area to the Developing Growth Area; that the majority of the land adjacent to and surrounding the site is currently located within the Developing Growth Area; that the requested change would be consistent and in character with the designations of the surrounding properties; that the Developing Area designation is a less intense classification than the existing Commercial Growth Area

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designation; that the Comprehensive Plan states, within Commercial Growth Areas can included concentrations of retail and service uses, which include shopping centers and other medium and large commercial uses, such as hotels, motels, car washes and auto dealerships; that the Developing Area designation would not permit the majority of the uses permitted in the Commercial Area; that the Developing designation offers a range of housing types, some office use and limited commercial uses within selected locations; that the Developing Area designation would result in a residential community, which would have much less potential for adverse impacts related to noise, lights, hours of operations and traffic; that the Zoning Ordinance states the developer of multi-family units, within an AR-1 zone, is permitted to pay a development fee for each unit requested in excess of two units per gross acre; that the site contains 50.797 acres; that the site, at two units to the acre, would support 101.594 units; that the Applicant is proposing 106 units, which is 4.406 units in excess of the permitted two units to the acre; that the Ordinance provides the required development fee within the Georgetown Developing Area is \$15,000.00; that if the Application were approved for the request 106 units, the Applicant would be responsible for paying the County a development fee of approximately \$66,090.00; that the required development fee is noted within the Applicant's proposed Conditions of Approval; that the units are not proposed to be sold; that the development is planned to be a residential rental community; that the developer will own the land and all of the units; that the developer will be responsible for the maintenance, repairs and management; that the development would be a market rate rental community; that the residents would enter into a lease agreement with the owner; that provides more affordable housing that is becoming a trend around the Country; that central sewer will be provided by Sussex County; that the development will have gravity sewer lines, which will connect to an onsite pump station; that Sussex County Engineering Department indicated that wastewater capacity is available for the project; that central water service will be provided by Tidewater Utilities, Inc.; that an Ability to Serve Letter was provided by from Tidewater Utilities, Inc.; that service will require an expansion of Tidewater's franchise area to include the site; that stormwater management facilities will be designed and constructed in accordance with the DNREC Sediment and Erosion Control Regulations and will be reviewed and approved by the Sussex Conservation District; that a detailed wetland delineation was performed on the site by Mr. Edward Launay of Environmental Resources, Inc.; that the delineation determined that the site contained 17.55 acres of Federal Jurisdictional Non-Tidal wetlands; that the wetlands are located on three site areas; that the wetland areas are located along the western boundary, the center of the site and a larger area along the east; that U.S. Army Corp of Engineers did provide approved Jurisdictional Determination; that the non-tidal wetland areas are forested and will remain undisturbed, except for a road crossing and a pedestrian trail crossing, proposed over a small area; that the road crossing is located along the line of trees located to the east of the property; that the proposed crossing would be constructed in accordance with the U.S. Army Corp regulations; that the Application was filed before the

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adoption of the newly adopted Buffer Resource Ordinance; that the Application would not be subject to the new Buffer Ordinance; that the Applicant is proposing a voluntary 30-ft. buffer to all of the non-tidal wetlands areas, except for the locations for the road and trail crossings; that the proposed 30-ft. buffer complies with the new Buffer Ordinance; that the property is located within Flood Zone X; that the Coastal Airport Area is located to the rear of the property; that the airport runway path goes over the Sports at the Beach property; that the subject site is not impacted by the airport runway path; that the Applicant did contact the Federal Aviation Administration (FAA), who conducted an Aeronautical Study; that the FAA did issue a Determination to No Hazard to Air Navigation Letter dated April 3, 2022; that the U.S. Fish & Wildlife Service indicated there were no federally listed species or critical habitats found on the site; that DelDOT indicated that based on traffic generation, the Application could pay an Area Wide Study Fee in lieu of a Traffic Impact Study (TIS); that Rt. 9 physically meets the DelDOT road standards, with 12-ft travel lanes and 10-ft. shoulders; that no additional road improvements are required on Rt. 9; that the Applicant will dedicate a 50-ft right-of-way from the centerline of Rt. 9, along the site frontage, if the right of way does not currently exist; that the Applicant will dedicate a 15-ft. wide easement along the frontage right of way to DelDOT; that the Applicant will construct a shared use path along the frontage of Rt. 9; that the site is located within the Sussex Central School District; that the Georgetown Volunteer Fire Company will provide fire protection to the site; that the proposed density would be 2.08 units per acre, which is consistent with the density permitted within the AR-1 Zoning District; that 60% of the units would be two-bedroom units, with a one vehicle garage; that 40% of the units would be three-bedroom units, with a two vehicle garage; that the entrance to the development is proposed from Rt. 9, from approximately the center of the site; that the entrance location will be reviewed and approved by DelDOT, being designed and constructed in conformity with DelDOT requirements; that the buildings, internal streets, and the stormwater facilities locations are reflected on the Preliminary Site Plan; that sidewalks are proposed on both sides of the development streets; that non-intrusive street lighting will be provided to the development; that the cul-de-sac roads offer turn around areas in appropriate locations; that additional off-road parking is provided for the development; that a 10-ft. public shared use path is proposed along Rt. 9; that reinforced emergency-only access is proposed for the development; that a school bus stop is proposed along Rt. 9; that the location of the bus stop would be coordinated with the school district; that a centrally located recreational amenities area is proposed, which would contain an outdoor pool, bathhouse, meeting room building, and storage area; that the recreational amenities are proposed to be completed prior to the issuance of the 60th residential unit building permit, which would equal the 30th duplex building permit; that a trail will connect the units located to the rear of the site to the recreation area in the center of the site; that if permitted by DelDOT, an internal trail is proposed to connect the streets to the bike trail; that a 20-ft wide landscape buffer is proposed at appropriate locations along the perimeter of the property; that a 75-ft vegetated buffer

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is proposed along the site frontage along Rt. 9; that there will be a voluntary 30-ft buffer provided from the non-tidal wetlands; that after the Planning and Zoning meeting, Mr. Hayes had some discussions with Mr. and Mrs. Larson; that they own two properties to the west of the site; that it was agreed to install a six-foot vinyl fence constructed along their property line; that the applicants agree to build the fence as requested by the Larson's; that the fence will be shown and noted on the final site plan; that the open space, which includes wetland areas, buffers and recreational areas, totals 35.9 acres of the site, being approximately 70% of the site; that the 70% is in excess of the 40% open space requirement per the Ordinance for a multi-family Conditional Use; that the project does provide for a use which is public or semi-public in character; that the project is essential and desirable to the general convenience and welfare of Sussex County residents; that the units are not proposed to be sold; that the development is planned to be a Residential Rental Community, which is also known as Build to Rent; that the proposed rentals should benefit the Affordable Housing issue; that the development will be a Market Rate Rental Community; that residents will enter into a Residential Lease Agreement; that the developers business plan is based on the existing need for more affordable housing in the Georgetown area and the needs for employees working in the Lewes and Rehoboth Beach areas; that the Georgetown 2021 Comprehensive Plan stated that Georgetown recognized the importance of affordable housing and supported a balance of housing for all ages and incomes, including Workforce Housing; that Chapter 8 of the Sussex County 2019 Comprehensive Plan states a shortage of affordable housing is a problem for low and medium income households in Sussex County, including many families with full-time, year-round employment; that the County Comprehensive Plan states there is a particular shortage of affordable housing in eastern Sussex County and that a lot of the workforce have long commutes from eastern Sussex County; that additionally, the PLUS letter stated reviewed comments from the Delaware State Housing Authority indicated the need for additional housing, affordable to a broader spectrum of County residents is well documented and that additional market-rate, multi-family, rental units will provide a more affordable housing option to help mitigate the current housing insecurity; that the Delaware State Housing Authority is in support of the Application; that the Applicant believes the Conditional Use is appropriate as it is essential and desirable for the general convenience and welfare, providing an affordable housing option for Sussex County residents; that the proposed use is consistent with and responsive to the State and the County and Town of Georgetown Comprehensive Plans by addressing the current need for more affordable housing; that the location is surrounded by a wide range of existing uses, including residential, retail service businesses, sports complex, bike trail and airport; that the location is an appropriate place for the proposed use; that the proposed Future Land Use Map designation from Commercial Area to Developing Area would provide less intensive uses to the area; that the Commission recommended approval for the eight reasons for the Future Land Use Map Amendment; that the Commission recommended approval of the Conditional Use Application subject to conditions A-S and

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(continued)**

the Applicant requested the Council recommend approval for the requested Applications; that Condition C references a Condominium Association; that in this case, there will not be a Condominium Association since the units will not be sold; that it would be appropriate to add to that Condition that the Condominium Association would take responsibility or the owner will be responsible for all maintenance, upkeep and management.

Mr. Rieley discussed the need for affordable/workforce housing. He added that based on the County's workforce housing Ordinance, units would rent in the \$600-\$900 range which is significantly lower than what is being proposed. He questioned why the applicant would not have gone that route; you are able to have up to 12 units per the acre. This particular location hits all of the marks for the County's workforce housing Ordinance.

Mr. Fuqua commented that this application was filed over a year ago which means the work started on this two years ago. Therefore, a lot of work was done on this project prior to the County adopting the workforce housing Ordinance. In addition, the site has some constraints on it due to wetlands.

Mr. Fuqua added that there are very few rentals; that you are able to have a three-month rental period to make your money rather than doing year-round rentals. He believes that this is another way to help resolve the problem.

Mr. Rieley pointed out that the monthly rental amount does not fit the criteria of workforce housing as defined by the County. Mr. Fuqua stated that this project is not under the Ordinance.

Mr. Jack Hayes explained that when this property was looked at, the desire was to try to find properties that build to rent type properties could be constructed. There were two different market studies completed to take in all of the available apartment and rental properties including single family from the side of Milford to Route 54 from Dupont Highway to Route 1. A study was completed in 2001 and 2002. Both of those studies stated that all of the apartment units previous to those two studies were full. In addition, the rent has increased since that time and the apartments have remained full. The current zoning of the property except for one common wall would be a single-family and in compliance with the zoning. In the second study, it showed that duplexes were needed.

Mr. Vincent questioned where the open space was located and how it was accessed.

Mr. Fuqua commented that the state law is clear in regard to Future Land Use Map Amendments. It states that the County Council has the final say.

Public comments were heard.

Mr. John Randolph spoke in opposition of the application; that his wife's

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(continued)**

family owns property near the site; that affordable housing is a political issue; that sprawl and overdevelopment are at the top of the list for complaints in this area from people; that overdevelopment and sprawl makes our lives worse; that he works down in Rehoboth Beach; that during rush hour, traffic backs up for 3.5 miles; that he believes this would bring a lot of young people that would bring many more cars; that on the backside of this property, there are a number of species; that a waterway is going to be paved over; that he discussed the different species that are in the area; that he questioned what gives them the right to destroy what cannot be created.

Ms. Eul Lee spoke about the applications; that she believes that we should conserve energy; that sharing a wall can help save energy; that she appreciated the comments relating to the species in the area; that the environment needs to be protected; that the County has created the Workforce Housing Ordinance hoping that developers would build multi-family homes which is not happening; that the economy is part of the problem.

Mr. Harry Larson spoke about the applications; that his property is located adjacent to the subject site; that he is not in support or in opposition to the applications; that he wants to ensure that the application is development in the right way to protect himself and his neighbors; that after the Planning and Zoning meeting, he met with the developer and attorney; that he has reviewed the plans; that they are addressing his concern; that they have agreed to the privacy fence and the 20-foot buffer; that the developer and attorney have been good to work with.

The Public Hearing was closed for both applications.

**M 110 23
Leave
Record
Open/Ord.
No. 22-07**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to leave the record open for the receipt of written PLUS comments on Ordinance No. 22-07 and then leave the record open for a period of ten business days following the public announcement at a County Council of receipt of those PLUS comments for an 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".

Motion Adopted: 5 Yeas

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

**M 111 23
Defer
Action/
CU2369**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL 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”

Motion Adopted: 5 Yeas

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

**M 112 23
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at 3:04 p.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.}