

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 1, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 1, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
Mark G. Schaeffer	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. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 093 22
Approve
Agenda**

Mr. Lawson recommended that the Executive Session item to discuss Land Acquisition and the possible action on Executive Session items be removed from the Agenda. A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda, as amended.

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 of the February 22, 2022 meeting were approved by consensus.

**Corres-
pondence**

Mr. Moore read correspondence received from Kim and Evans Family Foundation thanking Council for their donation.

**Public
Comment**

There were no public comments.

**Adminis-
trator'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, Windswept at Lewes – Phase 1A, 1B, 2A & 2B (Construction Record) received Substantial Completion effective February 17th.

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

minutes.]

Proposed Ordinance Long Neck Communities Mr. Hans Medlarz, County Engineer presented for consideration a Proposed Ordinance to authorize the issuance of up to \$7,778,761 of general obligation bonds of Sussex County in connection with the Long Neck Communities Septic Elimination Project and authorizing all necessary actions in connection therewith.

Introduction of Proposed Ordinance Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,788,761 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

EMS Public Safety Building, Change Order No. 6 & 7 Mr. Hans Medlarz, County Engineer presented Change Order No. 6 & 7 for the EMS Public Safety Building, Project C19-04 for Council’s consideration. Mr. Medlarz explained that the team believed there was a dual electrical feed. However, upon examination of the actual EOC transformer by DP&L, it was determined that the facility had only one feed. Prior to that, the electrical sub-contractor had initiated some limited conduit installations based on the erroneous assumption detailed under Change Order No. 6.

Mr. Medlarz explained that Change Order No. 7 is related to the site work changes as well as two existing roof drainage pipe conflicts that required re-work of the entire grading plan, along with the redirection of the storm drainage piping.

M 094 22 Approve Change Order No. 6 & 7/EMS Public Safety Building A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 6 & 7 for Contract C19-04, Sussex County Public Safety Building, be approved, increasing the contract by \$1,905.85 and \$62,924.75, respectively.

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 Building, Change Order No. 9 Mr. Medlarz presented Change Order No. 9 for the EMS Public Safety Building, Project C19-04 for Council’s consideration. This Change Order includes the electrical work to get the conduits from the DP&L switches to the proposed location of the transformer, doing the transformer pad as well as extending and providing electrical vehicle charging cabinets.

M 095 22 Approve A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department,

**Change
Order No. 9/
EMS Public
Safety
Building**

that Change Order No. 9 for Contract C19-04, Sussex County Public Safety Building, be approved, increasing the contract by \$56,830.98.

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 the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF A NON-CONFORMING BORROW PIT TO INCLUDE OUTDOOR PROCESSING AND RECYCLING (GRINDING, CRUSHING, STORAGE AND SALE) OF TREE/YARD WASTE AND CONCRETE AS WELL AS SALES AND STORAGE OF STONE, MULCH, SOIL AND RELATED OUTDOOR PRODUCTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 50.90 ACRES, MORE OR LESS”

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.29 ACRES, MORE OR LESS”

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS”

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CONDITION “N” OF THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2766 FOR CONDITIONAL USE NO. 2201 RELATING TO THE SALE OF CAMPSITES WITHIN A CAMPGROUND/RV PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS”

Mr. Rieley introduced the 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 A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

CONTAINING 2.00 ACRES, MORE OR LESS”

The Proposed Ordinances will be advertised for Public Hearing.

**Public
Hearing/
Proposed
Ordinance/
Amending
Annual
Operating
Budget**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE”.

Mrs. Jennings explained that the Proposed Ordinance amends the Fiscal Year 2022 Budget by increasing realty transfer tax (RTT) revenue and RTT eligible expenditures by \$12 million. The budget amendment includes giving \$6,444,000 to the county’s towns and cities. The grant amounts will range from \$100,000 (minimum) up to \$500,000 (maximum). The funding will be eligible for anything RTT related, which includes public safety services, economic development programs, public works and infrastructure or capital projects. There is no match requirement up to the first \$100,000. The Proposed Ordinance also includes \$5,556,000 for County land acquisition for open space and a small amendment for unanticipated pass-through grants that were received from the State in the amount of \$216,000.

Mr. Hudson asked what the date was that cities and towns have to apply for the grant. Mrs. Jennings replied that they have until the end of May to apply; she has letters that will go out today with the instructions of how to apply.

Mr. Vincent asked if the funding could be used for open space by the towns and cities with their funding. Mrs. Jennings replied that they could; as long as the open space is in their name making it apart of their infrastructure.

Public comments were heard.

Ms. Jeannette Akhter spoke on behalf of the Sussex County Land and Forrest Preservation Work Group. Ms. Akhter shared that her group is committed to educating themselves about all of the programs in the State and County level that have the potential to increase open space and to find ways to increase public awareness in support of this work. She thanked the Council and Mrs. Jennings for their work on this Proposed Ordinance.

Ms. Nan Zamorksi spoke in support of funding for open space. She also noted that there are many groups that can help identify land if needed.

The Public Hearing and public record were closed.

**M 096 22
Adopt
Ordinance**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2834 entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO

**No. 2834/
Budget
Amendment** **INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE”.**

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/
Pintail
Pointe
Project** **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

Mr. Medlarz, County Engineer explained that Pintail Pointe has been included in the sewer district and the county is operating their facility on the interim. A temporary discharge permit has been received that was modified based on the drain field modification that were conducted. He further explained that there is an 18-month timeframe to get the project completed that is now down to about 14 ½ to 15-month timeframe. Mr. Medlarz shared that about one-third of the funds will be in loan forgiveness that will come off of the debt once completed.

Mr. Schaeffer asked if it was expected that the dwelling units will be tied in within the 14-month timeframe. Mr. Medlarz replied that central sewer is currently in place.

There were no public comments.

The Public Hearing and public record were closed.

**M 097 22
Adopt
Ordinance
No. 2835** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2835 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

Motion Adopted: 5 Yeas.

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

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**

**Hearing/
Oak Acres
&
Tanglewood
Project**

ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Mr. Hans Medlarz, County Engineer explained that these were brought on as part of a development project; infrastructure was relied on to be used on the private side to eventually tie in. Therefore, a pump station was being looked in to be provided for the tie in. There is no collection system currently, therefore, a collection system will also need to be installed.

There were no public comments.

The Public Hearing and public record were closed.

**M 098 22
Adopt
Ordinance
No. 2836/
Oak Acres
&
Tanglewood
Project**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2836 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

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/
Redistrict-
ing**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS”.

Mr. Moore explained that there has been an increase of 40,233 residents in the past ten years. Redistricting is required every 10 years following each census to equally redistribute population among Council districts.

Given the 2020 census figures, each Council district must be within plus or minus 5 percent of an ideal population of 47,475.6 residents.

Mr. Moore then discussed the need for redistricting. Unlike 10 years ago, when only two districts were outside the acceptable deviation ranges, four of the five current Council districts are now outside of the bounds of the acceptable deviation, based on the 2020 census figures.

**Public
Hearing/
Redistrict-
ing
(continued)**

- **District 1 is below the deviation, thus creating the need to expand its geographical boundaries;**
- **District 2 is below the deviation, thus creating the need to expand its geographical boundaries;**
- **District 3 is above the deviation, thus creating the need to contract its geographical boundaries;**
- **District 4 is above the deviation, thus creating the need to contract its geographical boundaries;**
- **District 5 is the only district within the acceptable deviation, however, in its current form, the district lacks communities of common interest.**

Mr. Moore discussed the goals for the redistricting process. The goals include:

- **Keep together “communities of interest”**
- **Follow roads, streams, and other landmarks to the extent possible**

Mr. Moore further explained that using the school districts as a template, is a desire to keep communities of interest together as much as possible and was an important part for this process. Municipalities and communities are bonded to their School District. Unfortunately, the school districts’ geography cannot be used in an exact fashion, especially in the eastern part of the county with the larger districts and population distribution.

During the process of redistricting, there were many variations, and the public was engaged and asked for input through the process. One of the maps received of several was from the League of Women Voters proposal. As the information was reviewed, it was found that there was a lot of merit in the League’s map.

Mr. Moore then shared maps showing the comparison of the League of Women Voters and the County’s proposal.

Variation Area 1, the LWV maps showed the northwest boundary with District 2 at Reliance Road. That would spilt much of the Seaford community. Under the County plan, the line is moved north on the westernmost boundary to just south of DE Route 18. This was a logical boundary as it is the line separating the Seaford/Woodbridge school districts. County legal and consulting staff could not follow that line further east due to the numbers.

The second variation was to add a small area northeast of Milford, the rationale for this change is that there are fewer people in this district, it is part of the Milford School District, and is in close proximity to the Milford city limits.

For areas 3 and 4, the County proposal moves this area adjacent to DE

**Public
Hearing/
Redistrict-
ing
(continued)**

Route 1 from the Georgetown/Millsboro District 5 (as proposed by the LWV) to District 3. The County proposal also deviates from the LWV map by adding additional area around Milton to allow for future annexations and growth in the Town, thereby keeping the community intact.

The variation from the LWV map for areas 5 & 6 follows the school district lines for a portion of the adjustment and also straightens a line at the bottom of the map.

Mr. Moore shared the Council District details for each District.

For District 1, due to the population changes, the district had to expand to capture more residents. To align communities of interest, Bridgeville was moved to District 2 and Delmar and Gumboro were moved from District 5 to District 1. The district is wholly contained in western and southern Sussex, and included all of Laurel, Seaford, Blades, Bethel, Gumboro, and Delmar. It also contains most of the Seaford School District, all of Laurel and Delmar school districts and a portion of the Indian River School district.

For District 2, Bridgeville was gained from District 1 and Milton from District 3. However, Georgetown was lost to District 5. This District has most of the Woodbridge School District, parts of Cape Henlopen, Indian River, and Milford school districts.

Due to the large population increase, District 3 underwent significant changes. With geographic limitations to the east, changes were achievable in the western and southern part of the district. This district contains all of the Delaware Bay beach communities, Rehoboth Beach and Dewey Beach, as well as some of the areas on the northern stretches of the inland bays. This district contains much of the Cape Henlopen School District, as well as parts of the Milford and Indian River school districts.

District 4 lost much of its northern reaches but picked up Fenwick Island. In addition to Bethany Beach, South Bethany and Fenwick Island, the district includes Frankford, Dagsboro, and Selbyville (the southern US Route 113 corridor) and many of the small southern towns and villages. All of this district's area is within the Indian River School District.

Although District 5 was the only district that was within the mandated deviation, it has undergone the most dramatic change. The district is now the central Sussex district. Georgetown was added to this district, while Fenwick Island (added to District 4), Gumboro, and Delmar (added to District 1) were removed. The district spans portions of the Cape Henlopen and Indian River school districts.

Mr. Moore discussed his concerns with the meets and bounds descriptions that are traditionally used. He explained that for this Ordinance, he had several methods of description to include meets and bounds description,

**Public
Hearing/
Redistrict-
ing
(continued)**

Census Blocks description and maps. He noted that the maps have not changed, however, it was found that there were some typos in the Second and Fourth District.

Mr. Jack Young, representing the League of Women Voters of Sussex County, DE came forward to speak.

Mr. Young commented that the redistricting following the decennial census is required by “one person one vote” principles set forth in such U.S. Supreme Court cases as *Reynolds v. Simms* (1964), *Wesberry v. Sanders* (1964), and *Baker v. Carr* (1962).

In constructing the districts, the League was governed by the following principals derived from the Delaware Constitution and the Code:

- 1. Each district consists of contiguous territory.**
- 2. Each district is equal in population.**
- 3. Major roads, waterways, natural boundaries, and municipal boundaries are considered.**
- 4. The districts are not drawn to unduly favor any person or political party.**
- 5. In addition, communities of interest are included, where possible, in a single district. (A “community of interest” is any group who share common social, cultural, racial, ethnic, a school district or economic interests common to the population of that area).**

Mr. Young commented that this ordinance is consistent with the above principals, County Attorney’s December proposal and the League’s original submission and the standards in the Constitution and Code.

The League, accordingly, fully supports enactment of the Proposed Ordinance.

The Public Hearing and public comment were then closed.

**M 099 22
Amendment
Redistrict-
ing
Ordinance**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to amend the census block portion of descriptions for the Second District (11-2) lines p and q of the Census Block Description need to be deleted and replaced with: “p. In census tract 050806, blocks 1003 through 1007, and 2016 through 2021”. In the Fourth District (11-4), lines c and d of the Census Block Description need to be deleted and replaced with “c. In census tract 050707, blocks 1000 through 1030, and 2000 through 2031. d. In census tract 050708, blocks 1000 through 1039”.

Motion Adopted: 5 Yeas.

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

**M 100 22
Adopt
Ordinance
No. 2837/
Redistrict-
ing**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2837 entitled “AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS” as amended by Council today.

Motion Adopted: 5 Yeas.

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

**Council
Members’
Comments**

There were no Council Member comments.

**M 101 22
Recess**

At 10:53 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess until 1:30 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**

**M 102 22
Reconvene**

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

Motion Adopted: 4 Yeas, 1 Absent

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

Rules

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

**Public
Hearing/
CU2317**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS”. (property lying on the northwest side of Wolfe Neck Road [S.C.R. 270], west of the intersection of Wolfe Neck Road [S.C.R. 270] and Munchy Branch Road [S.C.R. 270A]). (911 Address: 35583 Wolfe Neck Road, Rehoboth Beach). (Tax Parcel: 334-6.00-340.00).

The Planning and Zoning Commission held a Public Hearing on this application on January 27, 2022 at which time action was deferred. On

**Public
Hearing/
CU2317**

February 10, 2022, the Commission recommended approval.

(See the minutes for the Planning and Zoning Commission dated January 27, 2022 and February 10, 2022).

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

The Council found that Mr. William Martin, spoke on behalf of his Application. Mr. Martin explained that he would like to take the pre-existing building and turn it into office and production space. He added that the driveway would have to be moved to widen it according to DelDOT. The proposed hours of operation would be 9:00 a.m. until 5:00 p.m. Monday through Thursday and 9:00 a.m. until 4:00 p.m. on Fridays; there would be no weekend hours. One building sign up to 32 square feet was included in the recommendation by the Planning and Zoning Commission which meets his needs.

Mr. Martin questioned the interconnectivity with adjacent properties that was included in Planning and Zoning Commission recommendations. Mr. Whitehouse replied that when there are commercially zoned parcels adjoining, it is such a requirement that you interconnect them. The intent is that anyone that comes to the site by vehicle would have the ability to access the adjoining commercial use without having to go back onto a numbered road.

Mr. Hudson suggested to strike Condition B of the Planning and Zoning Commission's recommendation that reads "There shall be no retail sales from the property."

There were no public comments.

The Public Hearing and public record were closed.

**M 103 22
Amend
Conditions/
CU2317**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to strike Condition B from the Planning and Zoning Commission's recommendation and conditions.

Motion Adopted: 5 Yeas.

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

**M 104 22
Adopt
Ordinance
No. 2838/
CU 2317**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2838 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

M 104 22
Adopt
Ordinance
No. 2838/
CU 2317
(continued)

LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS” (Conditional Use 2317) filed on behalf of William E. Martin, II, for the following reasons given by the Planning and Zoning Commission, as amended.

- A. The property shall be used for a sign construction and vehicle graphic business.**
- B. All sign fabrication and production shall occur indoors.**
- C. There shall not be any outdoor storage of materials associated with the use, including signs waiting for installation and old or damaged signage. This prohibition also includes all paints, inks and chemicals, which shall be stored and disposed in accordance with state and federal requirements.**
- D. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- F. One 32 square foot lighted sign shall be permitted. As requested by the Applicant, it shall be located on the building.**
- G. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- H. The Final Site Plan shall provide for interconnectivity with adjacent properties if and when those properties may be used for business or commercial purposes.**
- I. Failure to abide by any of these conditions of approval may result in the termination of this 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/
CZ 1943

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS”. (property lying on the north side of Atlantic Avenue [Route 26], approximately 0.13 mile northwest of Roxana Road [Route 17]). (911 Address: 34861 Atlantic Avenue, Ocean View). (Tax Parcel: 134-11.00-175.00).

The Planning and Zoning Commission held a Public Hearing on this application on January 27, 2022 at which time action was deferred. On

**Public
Hearing/
CZ 1943
(continued)**

February 10, 2022, the Commission recommended approval.

(See the minutes for the Planning and Zoning Commission dated January 27, 2022 and February 10, 2022).

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

The Council found that Ms. Shirley Price, spoke on behalf of her Application. Ms. Price stated that she has owned the property for 41 years and discussed how the corridor has changed during that time. Today, she has a large liquor store next to her with a very well-lit parking lot to her left and on the right, there is a double decker billboard with lights that were recently added as well as 84 Lumber across the street. Therefore, her property is a logical location for commercial zoning.

There were no public comments.

The Public Hearing and public record were closed.

**M 105 22
Adopt
Ordinance
No. 2839/
CZ 1943**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2839 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS”. (Change of Zone 1943) filed on behalf of Shirley and Gordon Price, Jr., for the following reasons given by the Planning and Zoning Commission.

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is currently zoned AR-1 along Route 26. It is surrounded on either side by C-1 and CR-1 Zoning, plus a number of business and commercial uses. The continued designation and use of this property for residential purposes is no longer appropriate. This is an appropriate location for C-2 zoning.**
- 3. C-2 Zoning at this location along Route 26 will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.**
- 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 5. The site is mostly in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.**
- 6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**

**M 105 22
Adopt
Ordinance
No. 2839/
CZ 1943
(continued)**

- 7. No parties appeared in opposition to the rezoning application.**
- 8. Any future use of the property will be subject to Site Plan review by 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**

**M 106 22
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to adjourn at 1:48 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.}