

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 4, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 4, 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
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Mr. Bob Wheatley, Mr. Scott Collins, Mr. Bruce Mears and Mr. Brian Butler Planning & Zoning Commissioners and Mr. Vince Robertson, Assistant County Attorney were also present for the DeIDOT presentation.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 095 25
Approve
Agenda**

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

Motion Adopted: 5 Yeas

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

**Presentation
Delaware
Department
of
Transport-
ation**

Shante Hastings, Delaware Department of Transportation Secretary discussed safety of the roadways and the responsibilities of DeIDOT.

Lanie Clymer, Delaware Department of Transportation Deputy Secretary presented financial information for the department.

Mrs. Hastings discussed the capital transportation program and provided project updates.

John Sisson, DART CEO provided a presentation on the transit program.

Mrs. Hastings provided information on the Corridor Capacity Preservation Program.

Ms. Pam Steinebach, DeIDOT Director of Planning discussed Coastal Corridors and Transportation Improvement Districts.

M 096 25

A Motion was made by Mr. Lloyd seconded by Mr. McCarron to recess

Recess until 1:00 p.m. and return to the County Administrative Offices at 2 The Circle.

Motion Adopted: 5 Yeas

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

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

M 097 25 Reconvene At 1:00 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd to reconvene.

Motion Adopted: 5 Yeas

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

Minutes The minutes from February 25, 2025 were approved by consensus.

Correspondence Mr. Moore reported that a letter was received from ReTemp, Inc. thanking Council for their support.

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

Lissa Dulang spoke about Osprey Point plans and development in rural areas.

Mr. DJ Hughes spoke about Transportation Improvement Districts.

Mr. Darrin Cogoni spoke about his property and issues that he has had in the past.

M 098 25 Consent Agenda A Motion was made by Mr. Rieley, seconded by Mr. McCarron to approve the following items under the Consent Agenda:

Use of Existing Wastewater Infrastructure Agreement
Bridgewater, Miller Creek Area

Use of Existing Wastewater Infrastructure Agreement
Sundance Club, Millville Area

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Kestral Court Minor Subdivision (FKA Marvel Lane Subdivision) (Plan Review & Construction Record) effective February 11th; Middle Creek Preserve – Phase 3A (Construction Record) effective February 14th; Scenic Harbor (FKA Estates at Mulberry Knoll & Scenic Manor – Phase 3 (Construction Record) and Phase 4 (Construction Record) effective February 20th and Brentwood (FKA Coral Lakes & Coral Crossing) – Phase 2 (Construction Record) effective February 21st.

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

**Extension
Request**

Jamie Whitehouse, Planning & Zoning Director presented a request for an extension for application 2021-05 filed on behalf of Turnberry (Formerly Known as Unity Branch). Mr. Whitehouse reported that the request was made due to utility conflicts which required a redesign. The Planning & Zoning Commission approved the request during their meeting on January 22, 2025

**M 099 25
Approve
Time**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved that the Sussex County Council grants a 6-month time request for Turnberry, application 2021-05.

**Extension
Request/
Turnberry**

Motion Adopted: 5 Yeas

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

**Aeronau-
tical
Consultant
Services**

Robert Bryant, Airport Manager presented a recommendation to award for professional services contract for professional aeronautical consultant services for Council's consideration.

**M 100 25
Approve
Consultant
Services**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based upon the recommendation of the Sussex County Engineering Department that the Sussex County Council award a professional aeronautical consultant service agreement to Delta Airport Consultants at the Delaware Coastal Airport to implement projects under the current FAA airport master plan and in accordance with the FAA approved airport capital improvement plan over a 5-year period and further recommend Council to direct the Engineering Department to negotiate an agreement

with Delta Airport Consultants for project scope, schedule and fees that receive FAA concurrence.

Motion Adopted: 5 Yeas

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

IB Tank Purchase Order Hans Medlarz, Project Engineer presented a standalone elevated storage tank purchase order for Inland Bays Loop project for Council's consideration.

M 101 25 Approve Standalone Storage Tank A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve a purchase order to Pittsburg Tank & Tower Group in the amount of \$1,903,250.00 for treated effluent elevated storage tank as part of the loop project.

Motion Adopted: 5 Yeas

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

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

M 102 25 American Legion Post 8 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,200 (\$2,000 from Mr. Rieley's Councilmanic Grant Account and \$200 from Mr. Lloyd's Councilmanic Grant Account) to American Legion Post 8, Inc. for their emergency aid to veteran's project.

Motion Adopted: 5 Yeas

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

Proposed Ordinance Introductions Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS" filed on behalf of Juan Edward Johnson.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN

Proposed Ordinance Introductions (continued)

OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS” filed on behalf of Hardscapes Jimenez, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00”.

Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” filed on behalf of Belmead Farm, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CM Comments

Mr. Lloyd commented that this morning a meeting was held with the Department of Transportation which he found to be valuable in answering his questions.

Rules

Mr. Moore reviewed the procedures for public hearings.

Public Hearing/ CBDG

A Public Hearing was held for the 2025 Community Development Block Grant application, to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CBDG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for funding by making application to DSHA.

Brandy Nauman, Director of Sussex County Community Development & Housing, reported that the guidelines dictate the use of the funding. The funding is used for rehabilitation including roofing, doors, windows, electrical, plumbing and energy upgrades. In order to qualify, a home must be owner-occupied, primary residence of the owners, low to moderate income household (80% AMI or below), the home must be insured or insurable, County taxes and utilities must be current. Mrs. Nauman explained that a lien is placed on every property that receives assistance regardless of the age of the beneficiary. A ten-year zero interest pro-rated lien is placed on the property dependent on how much funding is provided.

Mrs. Nauman reviewed the current income guidelines for program eligibility.

Mr. Mike Jones, Rehabilitation Program Coordinator shared pictures of some projects that have recently been completed through the program. In addition, metal ramps were ordered and are now being used as part of the

**Public
Hearing/
CBDG
(continued)**

program.

Mrs. Nauman updated the Council on what was being done this year. She reviewed lead guidelines that have recently been changed. The application schedule was reviewed and discussed as well as federal funding for the future. The emergency funding provided by the County Council was discussed showing what it can be used for and how many projects were completed with the funding.

Mr. Jones explained the application process and shared the Towns that participate in the program. In addition, communities in targeted areas that they submit for through the program.

There were no public comments.

The Public Hearing and public record were closed.

**M 103 25
Adopt R 005
25/Further-
ing Fair
Housing**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Resolution No. R 005 25 entitled “AFFIRMATIVELY FURTHERING FAIR HOUSING”.

Motion Adopted: 5 Yeas

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

**M 104 25
Adopt R 006
25
Submit
Applications**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Resolution No. R 006 25 entitled “AUTHORIZATION TO SUBMIT APPLICATIONS”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Warwick
Park Phase
II**

A Public Hearing was held on an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Mr. Mike Harmer, County Engineer provided background information for the project. Mr. Harmer reported that the Warwick Park community consists of 192 lots. The connection of the Warwick Park community to the County’s sewer system will eliminate an estimated 7,200 pounds of Total Nitrogen per year from the Indian River and Indian River Bay.

There were no public comments.

The Public Hearing and public record were closed.

**M 105 25
Adopt
Ordinance
No. 3079/
Warwick
Park Phase
II**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 3079 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Travalini
Expansion
into
SCUSSD**

A Public Hearing was held on the Travalini Expansion into the Sussex County Unified Sanitary Sewer District (Millville Area).

John Ashman, Director of Utility Planning & Design Review reported that County Council granted approval to prepare and post notices for the public hearing on January 14, 2025, for this expansion. The Engineering Department received a request from Louis Travalini owner of parcel 134-11.00-141.00 adjacent to the existing Millville Area of the SCUSSD. The parcel is along Hickory Manor Road and providing an easement for the adjacent Hunters Creek (Salt Air) project for stormwater conveyance. In exchange Hunters Creek will pay to connect the parcels on the Travalini parcel. The project will be responsible to system connection charges at the time of connection. To date, there has been no correspondence received in support or opposition to this proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 106 25
Adopt
Resolution
No. 007 25/
Travalini
Expansion
into
SCUSSD**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt Resolution No. R 007 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), NORTH MILLVILLE AREA, TO INCLUDE 134-11.00-141.00. LOCATED ON THE WEST SIDE OF HICKORY MANOR ROAD IN BALITMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**Public Hearing/
Bay Oaks
Community
Annexation
into
SCUSSD**

A Public Hearing was held for the Bay Oaks Community Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area). John Ashman, Director of Utility Planning & Design Review reported that the County received a request from the Board of Directors of the Bay Oaks Homeowners Association expressing interest in having the community put on the list for sewer service from the county when available. The County Council granted permission to prepare and post notices on December 10, 2024. If voted in the affirmative the Engineering & Finance Departments will apply for State and Federal funding for the installation of a sewer system in the Bay Oaks community. The Engineering Department will complete design once funding has been received, and consultant engineers will develop bid documents. The Engineering Department will accept bids for the project and County Council may award the contract based on the department's recommendation. Mr. Ashman reviewed the timeline for the project and the estimated rates.

There were no public comments.

The Public Hearing and public record were closed.

**M 107 25
Adopt
Resolution
No. R 008
25/
Bay Oaks
Annexation
into
SCUSSD**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt Resolution No. R 008 25 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ANGOLA NECK AREA, TO INCLUDE THE BAY OAKS SUBDIVISION WITH THE EXCEPTION OF LOTS 9, 10, 11, & 12, LOCATED ON THE SOUTH SIDE OF WATERVIEW ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas

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

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Public Hearing/
CZ2039**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS" (properties lying on the south side of Sharon Lane and accessed from the east side of Parker House Road [S.C.R. 362] approximately 0.44 mile north of Beaver Dam Road [S.C.R. 368]) (911

**Public
Hearing/
CZ2039
(continued)**

**Address: 38143, 38277, 38357, & 38487 Sharon Lane, Ocean View) (Tax Map
Parcels: 134-17.00-17.10, 17.11, 17.12, & 17.13) filed on behalf of Melson
Funeral Services, LTD.**

Jamie Whitehouse, Planning & Zoning Director presented the application.

**The Planning & Zoning Commission held a Public Hearing on the
application on January 8, 2025. At the meeting of January 8, 2025, the
Planning & Zoning Commission recommended approval of the application
for the 6 reasons as outlined.**

**The Council found that Mr. Zach Crouch, P.E., of Davis, Bowen & Friedel,
spoke on behalf of the Applicant that this is an application changing the
property from a B-1 (Neighborhood Business District) to an AR-1
(Agricultural Residential) zoning district; that the applicant wants to rezone
5.171 acres from B-1 to AR-1, which is a down zoning; that the property is
located between Parker House Rd. and Muddy Neck Rd.; that the original
property was 12.59 acres and it was divided into three lots, one which has
Melson Funeral Services, one which has the three residential lots on the
East side and then finally this to the South which the Applicant is trying to
expand into four more residential lots; that when the Applicant originally
applied for a minor subdivision for those four lots it was discovered that the
property should not have residential lots on it; that the applicant has
already received DelDOT approval for access on Parker House Rd. and
received Sussex County Engineering approval for the sewer extension,
which is coming off of Muddy Neck Rd.; that there is Fire Marshal
approval, Sussex Conservation District and Tidewater approval; that the
parcel rezoning request is in line with what is there now; that to the South,
the property right behind it is all AR-1 and to the East is the three
residential properties, which are B-1, but they are residential parcels and
Melson Funeral Services is to the North.**

**Mr. Rieley asked how the center lots would receive access; that there is an
access road that is shown on the plans.**

**Mr. Lloyd commented there are many AR-1 parcels in the County; that he
questioned why it was zoned B-1 from the start. He added that when he
looks around the area, there are many houses, but he questions what
services are offered there.**

There were no public comments.

The Public Hearing and public record were closed.

**M 108 25
Adopt
Ordinance
No. 3080/
CZ2039**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt
Ordinance No. 3080 entitled "AN ORDINANCE TO AMEND THE
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1
NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING**

**M 108 25
Adopt
Ordinance
No. 3080/
CZ2039
(continued)**

AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. This property currently is located at the rear of the Applicant’s existing funeral home property. It is zoned B-1. The Applicant seeks to downzone this property so that it can be used and developed residentially.**
- 2. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.**
- 3. The Applicant does not conduct any business from this property and has no plans to do so.**
- 4. The property is currently planned to be used for residential purposes, which makes it nonconforming under the existing B-1 Zoning. DelDOT has already granted the residential entrance approvals and Sussex County Engineering has signed off on the sewer expansion for the residential properties. Rezoning this property to AR-1 will bring the use of the property into conformity with the requirements of the Sussex County Zoning Code.**
- 5. There was no opposition to this downzoning to AR-1.**
- 6. For all of these reasons, the rezoning of this property from B-1 to AR-1 is appropriate.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2458**

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 SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” (property lying on the north side of Oneals Road [S.C.R. 485] approximately 500 ft. southwest of Sussex Highway [Rt. 13]) 911 Address: 27720 Oneals Road, Seaford) (Tax Map Parcel: 132-6.00-303.00 [p/o]) filed on behalf of Oneals Solar, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined.

**Public
Hearing/
CU2458
(continued)**

The Council found that Mr. Jeremy Karpf, of Summer Ridge Energy, spoke on behalf of the Applicant that this is an application for a solar project; that this project consists of approximately 8,000 panels on single access trackers for a project size of 3.53 megawatts DC and 3 megawatts AC; that the property coverage area will be approximately 16.4 acres; that Summer Ridge will manage subscribers that will be put into Delmarva's grid; that the project is expected to produce about 6,000 megawatt hours of power per year; that the project promotes Sussex County goal 7.3 of the Comprehensive Plan; that the access driveway crossing the neighbor's parcel via easement that will come into the project as the access road with a turnaround; that this will also be the location of the transformer and inverter pad; that the driveway will be 15 feet wide and along the street, there will be 5 poles, a utility recloser, a utility meter, a customer disconnect, a customer recloser and a customer riser; that they will conform to the 50 foot property line set back; that along the access road they will be maintaining the existing tree line as well as existing stormwater, with improvements as necessary; that the screening will be facing the properties on the North side of the parcel to screen it from the neighbors; that they will abide by the 200 foot dwelling set back and 15 foot side yard setback; that the entire project will be fenced and there will be a Knox box located on site; that the stormwater improvements will be done with a silt fence as well as providing permanent stabilization and a local seed mixture for the ground of the parcel; that there will be a locked fence around the property as well as a 24 hour sign with 24 hour contact number; that they would like to do more of an agricultural style fence and it would not change site lines.

A discussion was held about the assessment of the property which will increase once the Conditional Use is granted.

Mr. Rieley questioned what an agricultural fence would look like. Mr. Karpf replied that it would be closer to stockade to block the view. It was noted that the property is currently actively being farmed and would continue through this planting season. They plan to use a pollinator friendly mix underneath the panels and around.

Mr. Lloyd questioned the species of the trees.

Public comments were heard.

Mr. Ramnath, the property owner spoke about the application; that he is aware of the property tax increase; that the increase has been addressed in the lease; that he hopes that they approve the application.

The Public Hearing and public record were closed.

**M 109 25
Defer
Action/
CU2458**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron 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 SOLAR ARRAY TO BE LOCATED

ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2501**

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 LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS” (property is lying on the west side of McColleys Chapel Road [S.C.R. 213], approximately 510 feet south of Deer Forest Road [S.C.R. 565]) (911 Address: 18206 McColleys Chapel Road, Georgetown) (Tax Map Parcel: 135-5.00-100.01) filed on behalf of Jose Luis Vivar.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended denial of the application for the 9 reasons as outlined.

The Council found that Shayla and Mr. Jose Luis Vivar, the Applicant, spoke on behalf of the application; that she knows that they have been denied; that their neighbor has caused issues with their application; that they have a shop that they keep their inventory in; that they are unaware of the steps of how to get permission; that they are learning how to get the permission; that permission has been granted by the fire marshal and DelDOT; that the trash is taken to the landfill every other weekend; that they have a trailer that they use to keep their trash on; that pictures were distributed of the property; that the neighbors have called animal control numerous times; that they are willing to follow any conditions given; that there was a pole barn that was not permitted; that there are 7 employees; that the employees come on the site during the week to pick up vehicles from the site; that there is storage for blocks on site; that there are loaders with a backup beeper; that the hours are 7:00 a.m. to 6:00 p.m.

Mr. Whitehouse explained that when staff visited on July 21, 2023, as part of the original investigation, there was an accumulation of tires that have been dealt with. At that time, the only permit issued was for a house with an addition. Therefore, a violation was issued for the building without permits including sheds, chicken coops and fencing. In addition, there was a sign in

**Public
Hearing/
CU2501
(continued)**

the front yard advertising the business as well as a setback violation for the chicken coops.

Mr. Lloyd questioned what the pole building was being used for. The applicant replied that it is used just storage. It was reported that there are about 7 large trucks, 5 trailers and a skid loader.

Ms. Gruenebaum asked what the chickens were used for. The applicant responded for eggs for themselves. Ms. Gruenebaum questioned if they were used for fighting. The applicant replied that they are not used for fighting. She added that hens and roosters do fight but they play around like that especially during mating season.

The applicant would love to have the shop on their property for financial reasons; that it will benefit them; that the smaller equipment will fit in the pole building but the larger equipment cannot; that the fence will go down to the next door neighbors and then behind their house.

Public comments were heard.

Mr. Mark Givens spoke in opposition to the application; that he lives next door to the property; that he hopes that the Council agrees with the Planning & Zoning Commission's recommendation; that there are various start times from 6:00 a.m. until sometimes up to 9:00 p.m. when there is good weather; that there is a lot of noise that they hear; that this all started July 20, 2023; that they had built a pole building; that he noticed that there were no permits or inspections; that they received a notice of violation; that they added 32 more feet after receiving a violation; that the applicant also co-owns a property further down the road; that they were also operating a business out of that location and given a violation; that they cleaned that property up and left; that given the history of non-compliance, it would not be in the best interest of the County or people in the area to grant this Conditional Use.

Mr. Whitehouse provided a background of the violations and constable visits to the property including the building permits that were issued or in the process.

Mrs. Billie Givens spoke in opposition of the application; that she lives next door to the property; that she has one horse and one donkey that roam; that she distributed pictures of what it looks like when she walks out her back door; that she has lived here for thirty years; that Mr. Vivar lives in Milton; that they have repeatedly broken the rules that are put in place for a reason; that this is a residential neighborhood; that they left the dog out in freezing cold weather with no place to go.

The Public Hearing and public record were closed.

M 110 25

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt

**Approve
CU2501/
DENIED**

a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS”.

Motion DENIED: 4 Nays, 1 Yea

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

**M 111 25
Go Into
Executive
Session**

At 3:28 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd to enter into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas

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

**Executive
Session**

At 3:30 p.m., an Executive Session was held in the Council Chambers to discuss matters relating to land acquisition. The Executive Session ended at 4:15 p.m.

**M 112 25
Reconvene**

At 4:16 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action

There was no action related to Executive Session matters.

**M 113 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 4:16 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.}