

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 29, 2022**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 29, 2022, at 10:30 a.m., in Council Chambers, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 134 22  
Approve  
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, 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 of the March 22, 2022 meeting were approved by consensus.

**Corres-  
pondence**

There was no correspondence.

Public comments were heard.

**Public  
Comment**

Dr. Mahammad Actor discussed concerns about waterways in the State of Delaware.

Mr. Leonard Sears spoke about septic systems being installed in Briarwood Manor.

**Adminis-  
trator's  
Report**

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

**1. Council Development Finance Approves Site Readiness Fund Project**

The Council on Development Finance awarded \$1 million to Sussex County to create new shovel-ready sites at the Delaware Coastal

**Business Park. Funding will be used for road improvements, utilities, and supporting infrastructure.**

**Proposed Ordinance/  
Rental Unit (SCRP)  
Program**

**Mr. Vince Robertson, Assistant County Attorney presented for consideration a Proposed Ordinance to amend the Code of Sussex County regarding affordably priced rental units and the Sussex County Rental Unit (SCRP) program.**

**Mr. Robertson explained that this information was dealt with significantly in the 2018 Comprehensive Development Plan particularly in the housing element of the plan.**

**Mr. Robertson reviewed the goals, strategies and objectives that were included in that plan and included in the Proposed Ordinance.**

**In 2019, a consultant, LSA looked at housing in Sussex County. They also met with stakeholders including County staff, developers, housing advocates, and landowners to look at what the current situation was in Sussex County and how the situation could be improved in regard to workforce housing.**

**Mr. Robertson discussed the strategy recommendations that included modifying the zoning code to promote housing affordability in the growth areas identified in the Comprehensive Plan. This includes the allowance for a maximum density of 12 units per acre by right where affordable housing units are provided.**

**Mr. Robertson explained that the Proposed Ordinance will put more on the developer to engage with the potential renters to confirm that they still qualify and certify that information back to the County on an annual basis. In addition, there is a new penalty aspect that did not exist prior. The Proposed Ordinance also states that affordable housing projects with 30% of the units in those projects will be permitted use. As an incentive to do this, the permitted use includes up to 12 units an acre by right.**

**Mr. Robertson reviewed the criteria included in the Proposed Ordinance.**

**Mr. Whitehouse explained that a ten-acre and thirty-acre site plan analysis was used to see if this was achievable. The consultant was in agreement that it was workable and achievable, although each plan would have to go through site plan review.**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45, 115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM”.**

**SCWRF & RBWTP/ Project C19-11/CO No. 21** Mr. Hans Medlarz, County Engineer presented Change Order No. 21 for Project C19-11, General Construction at South Coastal WRF Treatment Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 for Council's consideration. The Change Order includes alkalinity adjustments that are needed in the South Coastal facility.

**M 135 22 SCWRF & RBWTP/ Project C19-11/CO No. 21 Approval** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved, based upon the recommendation of the Sussex County Engineering and Finance Department, that Change Order No. 21 for Contract C19-11, South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 – General Construction, be approved, increasing the contract by \$45,989.72.

**Motion Adopted: 5 Yeas.**

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

**SCWRF & RBWTP/ Project C19-17/CO No. 16** Mr. Hans Medlarz, County Engineer presented Change Order No. 16 for Project C19-11, General Construction at South Coastal WRF Treatment Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 for Council's consideration. The Change Order is for DP&L metering modifications and for ventilation for the City's dedicated VFD cabinet.

**M 136 22 SCWRF & RBWTP/ Project C19-17/CO No. 16 Approval** A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 16 for Contract C19-17, SCWRF Treatment Process Upgrade No. 3 & RBWTP Capital Improvements Program, Phase 2 – Electrical Construction, be approved, for an increase of \$52,003.13.

**Motion Adopted: 5 Yeas.**

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

**Herring Creek/ Project S20-09/Recommendation to Award** Mr. Hans Medlarz, County Engineer presented an award recommendation for the Herring Creek Sanitary Sewer District East Gravity Sewer and Force Main, Project S20-09 for Council's consideration. There were six bids received with George & Lynch, Inc. submitting the lowest responsive base bid.

**M 137 22 Herring Creek/ Project S20-09/Award** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that contract S20-09, Herring Creek Sanitary Sewer District: East Gravity Sewer and Force Main, be awarded to George & Lynch, Inc.

**Approval for their total bid of \$6,095,549.00 contingent upon USDA concurrence.**

**Motion Adopted: 5 Yeas.**

**Project 22-01/George & Lynch/Bid Package A/Change Order No. 1**

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

**M 138 22 Project 22-01/George & Lynch/Bid Package A/Change Order No. 1 Approval**

**Mr. Hans Medlarz, County Engineer presented Change Order No. 1 for FY22 General Labor & Equipment Contract, Project 22-01 for George & Lynch – Bid Package A for Council’s consideration. There has been a number of emergencies with Pump Station No. 4 in Dewey Beach that has results in significant equipment failures that has resulted in additional costs.**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved, based upon the recommendation of the Sussex County Engineering Department that Change Order No. 1 for George & Lynch Inc.’s Contract 22-01, FY22 General Labor and Equipment – Bid Package A, be approved, increasing the contract amount by \$1,750,000.00 for a full reconstruction of pump station 4, Dewey Beach.**

**Motion Adopted: 5 Yeas.**

**Project 22-01/JJID, Inc./Bid Package A/Change Order No. 1**

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

**M 139 22 Project 22-01/JJID, Inc./Bid Package A/Change Order No. 1 Approval**

**Mr. Hans Medlarz, County Engineer presented Change Order No. 1 for FY22 General Labor & Equipment Contract, Project 22-01 for JJID, Inc. – Bid Package A for Council’s consideration. Currently, the focus is on spreading and leveling where it appears several additional equipment pieces would better support the effort.**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that be it moved, based upon the recommendation of the Sussex County Engineering Department that Change Order No. 1 for JJID, Inc.’s Contract 22-01, FY22 General Labor & Equipment – Bid Package A, be approved, increasing the contract amount by \$500,000.00 for completion of the Inland Bays Southern Field Grading and associated additional equipment unit pricing.**

**Motion Adopted: 5 Yeas.**

**Sussex Pain Relief Center/Engineer of Record**

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

**Mr. Hans Medlarz, County Engineer presented an Engineer of Record for the Sussex Pain Relief Center request for Council’s consideration. Mr. Medlarz**

explained that the Engineering Department would like to use the same engineer, Beacon Engineering due to their existing knowledge of the on-site system and parcel owners.

**M 140 22  
Sussex Pain  
Relief  
Center/Eng-  
ineer of  
Record  
Approval**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Council approve the affirmation of Beacon Engineering of Georgetown, Delaware as “Engineer of Record” for the North Georgetown Area of the SCUSSD based on their knowledge of the on-site system and their status as the current engineer of record for the Pain Relief Center.

**Motion Adopted: 5 Years.**

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

**Old  
Business/  
Proposed  
Ordinance/  
Land Use  
Map  
Amendment  
(Delmar  
Area)**

Mr. Robertson clarified that being discussed is the Comprehensive Plan and the Future Land Use Map within that plan along with the areas that are identified on that map. He further explained that does not equate to a zoning change; it just equates to possibilities of how that land can be used. He added that any future land use including zoning, conditional use, RPC or change of zone has to go through additional public hearings before the Planning and Zoning Commission and County Council.

Mr. Whitehouse reviewed the timeline of the Proposed Ordinance.

Mr. Whitehouse provided a summary of the Comprehensive Plan timeline pointing out key dates.

Mr. Whitehouse shared and discussed the Future Land Use Map from 2008 and the 2018 Zoning Map as it existed when the Comprehensive Plan went through. He further explained the zonings for each of the parcels included in this Proposed Ordinance. Mr. Whitehouse noted that parcel 532-12.00-27.00 had spilt zoning; GR in the northeast corner and AR-1 in the southwest. Mr. Whitehouse explained that a computer system that identified what parcels were being designated as existing development areas. It was further explained the County was too large to go parcel by parcel, so computer software was used.

The applicant is requesting to take the five parcels from either the low-density area or the existing development area and put them into the developing area.

Mr. Robertson explained that the mapping has to match the underlying zoning. The existing development area only permits two zoning classifications. These include Medium Density Residential District (MR) and General Residential District (GR). The developing area unlike the existing development area permits the underlying zoning to be AR-1 zoning.

**Old Business/ Proposed Ordinance/ Land Use Map Amendment (Delmar Area) (continued)**

Mr. Robertson explained that parcels 532-12.00-1.00 and 532-19.00-1 went back to low density due to the underlying zoning was AR-1. He further explained that was a substantial change because low density is a lot different than a growth area. Mr. Robertson noted that there was never a decision made by the Planning and Zoning Commission or the County Council to take it from a growth area down to a low-density area in the map.

In 2018, half parcel 532-12.00-27.00 was in the mixed residential area; at one point in time, it was all colored existing development area. However, when it was adapted, it went back to being half in and half out of the existing developing area.

Mr. Vincent commented that he believes that it should look how it looked in 2008. Mr. Robertson explained how that could be achieved as close as it can be completed under the 2018 standards.

The gavel was given over to Vice-President Hudson.

**M 141 22 Approve Amendment of Future Land Use Map/Regarding Parcels 42.00 & 44.00 (Delmar Area)**

A Motion was made by Mr. Vincent, seconded by Mr. Schaeffer, that be it moved Sussex County Council amend the Ordinance to amend the Future Land Use Map of the Comprehensive Plan to delete Tax Parcel No. 532-18.00-42.00 and 532-18.00-44.00 from the Short Title of the Ordinance and for the following reasons:

1. After considering all of the information in the record and the information reviewed and presented by staff, this is certainly a unique situation that relates back to the technical work that occurred as our current Comprehensive Plan was being finalized.
2. In the 2008 Future Land Use Map, the properties that are the subject of this Ordinance were identified as being part of either the "Mixed Residential Area" or the "Developing Area". Both of these categories were considered "Growth Areas" according to the 2008 Comprehensive Plan. Parcels 42.00 and 44.00 were specifically identified as being within the "Mixed Residential Area" category.
3. In the case of Parcels 532-12.00-1.00 and 532-19.00-1.00, the Map was incorrectly revised to a "Low Density Area" designation because the proposed "Existing Development Area" designation did not match the underlying AR-1 zoning. A last-minute technical correction occurred to delete the draft "Existing Development Area" designation because the underlying AR-1 Zoning is not permitted within the "Existing Development Area". Staff has determined that these were not the result of a specific authorization to do so by the Planning & Zoning Commission or County Council.
4. However, in the case of Parcels 532-18.00-42.00 and 44.00, the "Existing Development Area" identified on the Future Land Use Map is a "Growth Area" designation, and it does match the underlying GR zoning. They were identified as being within the

**M 141 22  
Approve  
Amendment  
of Future  
Land Use  
Map/Regar-  
ding Parcels  
42.00 &  
44.00  
(Delmar  
Area)  
(continued)**

**“Existing Development Area” throughout the County’s consideration of the draft Future Land Use Map. These properties were identified as a “Growth Area” in 2008, and they are currently identified as a “Growth Area” on the 2018 Map. As a result, there is no need to change this Category to a “Developing Area” designation as requested.**

- 5. These two properties are currently zoned GR, which is a permitted zoning classification in the “Existing Development Area” that was given to these two properties in the 2018 Future Land Use Map.**
- 6. It is appropriate for these two properties remain a “Growth Area” with the current “Existing Development Area” designation that is shown on the County’s Future Land Use Map.**
- 7. This Ordinance should be amended to delete the requested change in Future Land Use Category from “Existing Development Area” to “Developing Areas” for Tax Map and Parcel # 532-18.00-42.00 and 532-18.00-44.00 by deleting these two parcels from the Short Title of the Ordinance and from Section 1 of the Ordinance.**
- 8. As a result of this Amendment, the Short Title of this Ordinance shall now state as follows:**

***AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00 AND 532-19.00-1.00***

- 9. As a result of this Amendment, Section 1 of this Ordinance shall now state as follows:**

***Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation for Sussex County Parcel Nos. 532-12.00-1.00, 532-19.00-1.00 and 532-12.00-27.00 from the Low Density Area and/or Existing Development Area to the Developing Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.***

**Motion Adopted: 5 Yeas.**

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

**M 142 22  
Approve  
Amendment  
of Future  
Land Use  
Map/Regar-  
ding Parcel  
532-12.00-  
27.00**

**A Motion was made by Mr. Vincent, seconded by Mrs. Green, be it moved that the Sussex County Council amend the Ordinance to amend the Future Land Use Map of the Comprehensive Plan to delete Tax Map & Parcel Number 532-12.00-27.00 from the Short Title of the Ordinance for the following reasons:**

- 1. After considering the information in the record, the 2008 Comprehensive Plan, and the 2018 Comprehensive Plan, it is**

(Delmar Area)

**DENIED**

apparent that Tax Map & Parcel Number 532-12.00-27.00 was partially in the “Mixed Residential Area”.

2. The “Mixed Residential Area” designation matched the underlying GR Zoning of Parcel 27.00.
3. There is no basis in the record to support the change of all of Parcel # 27.00 to the “Developing Area” designation since the 2018 Map matched the designation of the “Growth Area” in 2008.
4. As a result of this Amendment, the Short Title of this Ordinance shall now state as follows:  
*AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO THE PARCEL NUMBERS 532-12.00-1.00 AND 532-19.00-1.00.*
5. As a result of this Amendment, Section I of this Ordinance shall now state as follows:  
*Section I. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation for Sussex County Parcel Numbers 532-12.00-1.00 and 532-19.00-1.00 from the Low-Density Area and/or Existing Developing Area to the Developing Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.*

**Motion Denied: 2 Yeas, 3 Nays**

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

**M 143 22  
Amendment  
of Future  
Land Use  
Map/Effect-  
ive Date/  
(Delmar  
Area)**

A Motion was made by Mr. Rieley, seconded by Mr. Vincent, that be it moved that the Sussex County Council clarify the effective date of this Ordinance to the date upon which it receives an affirmative vote of all members of Sussex County Council.

As a result of this Amendment, Section 2 of this Ordinance shall now state as follows:

*Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.*

**Motion Adopted: 5 Yeas.**

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



**Motion Adopted: 5 Yeas.**

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

**M 144 22  
Adopt  
Ordinance  
No. 2844/  
Future Land  
Use Map  
(Delmar  
Area)**

**A Motion was made by Mr. Vincent, seconded by Mr. Schaeffer, be it moved that Sussex County Council adopt the Ordinance to Amend the Future Land Use Map of the Comprehensive Plan in Relation to Tax Parcel # 532-12.00-1.00, 532-12.00-27.00 and 532-19.00-1.00 AS AMENDED based on the reasons given in the prior motions to amend the Ordinance and for the following reasons:**

- 1. The Sussex County Planning & Zoning Commission recommended approval of all of the Map revisions.**
- 2. Following the hearing here at Council, staff performed an extensive review of the record and what occurred in the final drafting and adoption of the Future Land Use Map that appears in our Comprehensive Land Use Plan. This includes the record from the Planning & Zoning Commission and County Council workshops, hearings, and decisions.**
- 3. As a result of that review, the land use categories of several of the subject properties were reduced from having a “Growth Area” designation to a “Low Density Area” designation. That was inconsistent with what appeared in the 2008 Future Land Use Map and there was no directive given from the Planning & Zoning Commission or County Council to return these land areas to a “Low Density Area” designation or eliminate the “Growth Area” designation given to them in 2008. Instead, it appears to have been primarily a last-minute technical change because the draft land use category did not match the underlying AR-1 zoning. The designation was changed to “Low Density Area” without any instruction from County Council to do so.**
- 4. Because there was never a decision to designate Parcels 532-21.00-1.00 and 532-19.00-1.00 as “Low Density Areas” instead of a “Growth Area” on the mapping, they should have been identified as being within the “Developing Area” which is a “Growth Area” that is consistent with the 2008 Future Land Use Map and also matches their underlying AR-1 Zoning.**
- 5. In the 2008 Future Land Use Map, Parcel 532-12.00-27.00 was identified as partially within the “Mixed Residential Area”, which was also a “Growth Area” designation. Throughout the workshops, hearings and deliberations on the 2018 Future Land Use Map, this property was identified as being entirely within the “Existing Development Area”, which is a “Growth Area”. As part of the technical revision that occurred in the final stages of the mapping process, this property was also reduced in part to the “Low Density Area” category. Like Parcels 532-21.00-1.00 and 532-19.00-1.00, there was never an official recommendation from the Planning & Zoning Commission or decision by County Council to make this change.**

**M 144 22  
Adopt  
Ordinance  
No. 2844/  
Future Land  
Use Map  
(Delmar  
Area)  
(continued)**

**Parcel 532-12.00-27.00 should revert back to a “Growth Area” designation and matching its boundaries, but with the “Developing Area” future land use designation to match its underlying AR-1 zoning.**

**6. In the case of Parcels 532-18.00-42.00 and 44.00, the current “Existing Development Area” is a “Growth Area” designation, and it does match the underlying GR zoning. These properties were identified as a “Growth Area” in 2008, and they are currently identified as a “Growth Area” on the 2018 Map. As a result, there is no need to correctively change this category to a “Developing Area” designation as requested.**

**7. Planning & Zoning Staff have reviewed the Future Land Use Map, and it appears that this is a unique situation.**

**8. With this Map amendment, the underlying zoning of each property will match the land use category shown on the current Future Land Use Map and these categories will match parcel boundary lines.**

**9. This corrective revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways or future land-use planning in the area.**

**10. This corrective revision does not affect the underlying zoning of any of these properties. In each case, low-density AR-1 Zoning is permitted and just as appropriate as a higher density residential or commercial zoning. Regardless of this Map correction, any requested Change in Zone will have to go through separate public hearings before the Planning & Zoning Commission and County Council and a decision will be made based upon whether the requested change is appropriate under the circumstances. This will enable the County, with ample public participation, to determine whether a different zoning classification or any specific use or type of development is appropriate here.**

**11. This limited revision of the Future Land Use Map is appropriate given the particular and unique circumstances involved at this location.**

**12. For all of these reasons, including the reasons given for amending the Ordinance as introduced, the Ordinance should be adopted to Amend the Future Land Use Map of the Comprehensive Plan, AS AMENDED in Relation to Tax Parcel # 532-12.00-1.00, 532-12.00-27.00 and 532-19.00-1.00 to change those properties from the “Low Density Area” future land use category to the “Developing Area” future land use category.**

**Motion Adopted: 5 Yeas.**

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

**The gavel was given back to President Vincent.**

**Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**

**Introduction  
of Proposed  
Ordinances**

**RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR STORAGE OF HEATING AND COOLING EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.03 ACRES, MORE OR LESS”**

**Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GUNSMITHING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.12 ACRES, MORE OR LESS”**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL OF CONDITIONAL USE NO. 1845 (ORDINANCE NO. 2106) TO INCREASE THE NUMBER OF PERMITTED MULTIFAMILY UNITS FROM 168 TO 198 FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 18.08 ACRES, MORE OR LESS”**

**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 (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.84 ACRES, MORE OR LESS”**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council  
Members’  
Comments**

**There were no Council Member comments.**

**M 145 22  
Go Into  
Executive  
Session**

**At 11:52 a.m., A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, and land acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 11:59 a.m., an Executive session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to potential/pending litigation, and land acquisition. The Executive Session concluded at 12:40 p.m.**

**At 12:47 p.m., a Motion was made by Mr. Hudson seconded by Mr. Rieley to come out of Executive Session and into regular session.**

**M 146 22**

**Reconvene Motion Adopted: 5 Yeas.**

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

**There was no action on Executive Session matters.**

**E/S Action A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to adjourn  
at 12:48 p.m.**

**M 147 22**

**Adjourn 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.}*