

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 8, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 8, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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| 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 |

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 157 25
Approve
Agenda**

Mr. Lawson reported that Executive Session and possible action on Executive Session Items can be removed from today's agenda. In addition, Mr. Lawson recommended that Mrs. Brewington's items be moved up to the beginning of the agenda. A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda as amended.

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 March 25, 2025 were approved by consensus.

**Corres-
pondence**

Mr. Moore reported that a letter was received from Dry Dock Recovery Center thanking Council for their support.

**Public
Comments**

There were no public comments.

**M 158 25
Approve
Consent
Agenda**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to approve the following items under the Consent Agenda:

- 1. Proclamation Request – Fair Housing Month**
- 2. Use of Existing Wastewater Infrastructure Agreement – IUA 1246 Heritage Shores 7A**

Motion Adopted: 5 Yeas

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

First Quarter Employee Awards Karen Brewington, Human Resources Director, reported that 39 submissions were received for the first quarter employee recognition awards. The first quarter winners were Heather Watson Library Assistant II, Christin Scott, Planner II and Anthony Digiuseppe, Engineering Technician IV.

Stop Loss Insurance Karen Brewington, Human Resources Director presented stop loss insurance for Council's consideration.

M 159 25 Approve Stop Loss Insurance A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council renew its annual contract with Highmark for Stop Loss coverage at a rate per month of \$36.88 for single coverage and \$105.34 for family coverage with an annual specific deductible of \$295,000 effective May 1, 2025 for a one-year period.

Motion Adopted: 5 Yeas

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

Presentation Beebe Healthcare A presentation was given by Dr. David Tam, President and CEO, Ms. Diane Taylor and Ms. Dana Al Dairani of Beebe Healthcare. A discussion was held about the need of housing for their employees. In addition, the growing population of Sussex County was discussed leading to the need of more healthcare providers.

Presentation FACETS Consulting A presentation was given by Kevin Roche, FACETS Consulting – Delaware Fire Service Financial Review. Mr. Roche provided an update on the information that is being gathered and analyzed from the fire companies in Sussex County. Mr. Roche reported that they met with 22 of the 23 companies. The draft report was lengthy that included a ton of data and they requested that the County delay the timeframe for the final report.

Presentation & Discussion Sediment & Stormwater Mr. Lawson provided pictures of recent rain activity that occurred in Sussex County and the results of those rain events. Mr. David Baird, Sussex Conservation District commented that this is not a new issue; previous Council's have also dealt with this issue. He added that the pictures that were shown were all located on an active site of construction which is currently their focus. Jessica Watson, Sussex Conservation District provided information about controls that her office has in place so that dirt and sediment does not wash into waterways and to help clean up the water. Hans Medlarz, Project Manager commented that the County has the County Stormwater Ordinance, and the Council has the ability to follow up and makes changes and update requirements. Mr. Baird commented that

Presentation & Discussion Sediment & Stormwater (continued) his office can coordinate whatever the County decides on. Mr. Baird stated that there are three things going forward. The County can implement to the fullest ability what is already in place from County Ordinances, State Sediment Stormwater regulations and permitting requirements. He added that the County does have the ability to adopt some more stringent regulations as it relates to sediment and stormwater. The County can also request that DNREC open up the sediment and stormwater regulations. He recommended to work with the partners and bring back a few recommendations in the coming months.

Dewey Beach MOU Mr. Lawson presented an updated Memorandum of Understanding with Dewey Beach for Council's consideration.

M 160 25 Approve Dewey Beach Updated MOU A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council approves the updated Memorandum of Understanding with the Town of Dewey Beach related to the construction of the new Town Hall and Police Department and the County's contribution of \$1,500,000 to the same project as specified in the terms of the updated MOU.

Motion Adopted: 5 Yeas

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

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

1. Delaware Animal Services Performance Report – Annual Report 2024

The Delaware Animal Services Annual Performance Report for 2024 is attached listing the total of number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 6,153 calls for service in 2024.

2. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Friday, April 18th, to observe the Good Friday holiday. In addition, Council will not meet on Tuesday, April 15th or Tuesday, April 22nd. The next regularly scheduled Council meeting will be on Tuesday, April 29th.

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

EMS Lease **Rob Mauch, EMS Deputy Director presented a lease for Medic Station 114 for Council's consideration.**

M 161 25 **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd be it**
Approve **moved that the Sussex County Council enter into a lease agreement with the**
EMS Lease **The WayPoint Reho, LLC for a property located at 37251 Rehoboth Ave**
Medic **Ext in Rehoboth Beach to house Medic 114 until the completion of the**
Station 114 **Dewey Beach Town Hall Complex and Medic facilities.**

Motion Adopted: 5 Yeas

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

DE Coastal **Hans Medlarz, Project Manager presented change order no. 1 for 2019**
Airport CO **Delaware Coastal Airport and Business Park property maintenance for**
No. 1 **Council's consideration.**

M 162 25 **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved**
Approve **based on the recommendation of the Sussex County Engineering**
CO No. 1/ **Department that change order no. 1 to the 2019 Sussex County Delaware**
DE Coastal **Coastal Airport/Business Park & Miscellaneous Property Maintenance**
Airport **Contract with Jakor be approved, increasing the annual contract amount**
Property **by \$16,821.55.**
Mainten-
ance

Motion Adopted: 5 Yeas

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

DE Coastal **Robert Bryant, Airport Manager presented a bid award for Delaware**
Airport Bid **Coastal Airport taxiway restriping project for Council's consideration.**

M 163 25 **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley that be it moved**
Approve DE **based upon the recommendation of the Sussex County Engineering**
Coastal **Department, that the Sussex County Council approve a bid award to Zone**
Airport Bid **Stripping, Inc. of Glassboro, New Jersey in the amount of \$78,320.10 for**
Award **work associated with the Delaware Coastal Airport Taxiway Restriping**
 project – A25-36.

Motion Adopted: 5 Yeas

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

CU2290 **Jamie Whitehouse, Planning & Zoning Director presented a request for an**

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| Time Extension Request | extension for Conditional Use No. 2290 filed on behalf of Toback Development, LLC for Council's consideration. |
| M 164 25 Approve Time Extension Request/ CU2290 | <p>A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved that Sussex County Council grants a 6-month time extension request for application CU2290 to extend the period for commencement to November 10, 2025.</p> <p>Motion Adopted: 4 Yeas, 1 Nay</p> <p>Vote by Roll Call: Ms. Gruenebaum, Nay; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p> |
| Grant Request | Mrs. Jennings presented a grant request for Council's consideration. |
| M 165 25 Friends of Georgetown Library, Inc. | <p>A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$700 (\$500 from Mr. Rieley's Councilmanic Grant Account and \$200 from Mr. Lloyd's Councilmanic Grant Account) to the Friends of Georgetown Library, Inc. for their annual 5K race and 1 mile walk.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p> |
| Proposed Ordinance Introductions | <p>Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.</p> <p>Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.</p> <p>Mr. Rieley 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 MR-RPC MEDIUM RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING</p> |

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| Proposed Ordinance Introductions (continued) | <p>AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS” filed on behalf of CMF Cool Spring, LLC.</p> <p>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 NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00”.</p> <p>The Proposed Ordinances will be advertised for a Public Hearing.</p> |
| CM Comments | <p>Mr. McCarron commented that that the first working group meeting was held last week. He thanked the members that took the time to attend and participate in the meeting.</p> |
| M 166 25 Recess | <p>At 12:32 p.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to recess until 1:30 p.m. Public Hearings.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p> |
| M 167 25 Reconvene | <p>At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. McCarron to come out of recess back into Regular Session.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p> |
| Rules | <p>Mr. Moore read the rules of procedure for zoning hearings.</p> |
| Public Hearing/ CZ2034 & CZ2035 | <p>A Public Hearing was held on 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-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS” (property is lying on the east side of DuPont Boulevard [Rt. 113], approximately 500 feet south of Woods Branch Road [S.C.R. 321]) (911 Address: N/A) (Tax Map Parcel: 133-2.00-22.00) filed on behalf of Parkada Investments, LLC.</p> <p>The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 11</p> |

**Public
Hearing/
CZ2034 &
CZ2035
(continued)**

reasons stated as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS” (property is lying on the east side of DuPont Boulevard [Rt. 113], approximately 500 feet south of Woods Branch Road [S.C.R. 321]) (911 Address: N/A) (Tax Map Parcel: 133-2.00-20.00 & 24.01) filed on behalf of Parkada Investments, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated as outlined.

The Council found that Mr. David Hutt, Esq. from Morris & James spoke on behalf of the applications; that he is standing in for Jim Parker; that Ken Adams with Parkada Investments, LLC is present; that this is for a Change of Zone from an AR-1 to C2 Medium Commercial; that the next application is for a Change of Zone from an AR-1 to LI-1, Light Industrial Zoning; that the properties are located near the Georgetown Speedway; that there is a signalized intersection near the speedway; that there are a number of commercial businesses in the area; that this is a mixed use area; that the land use map shows all three parcels being in a developing area which is one of the County’s developing areas; that these properties are located in the Town of Georgetown’s greater annexation area; that the Comprehensive Plan in chapter 4 talks about the permitted uses; that the properties meet the requirements for bulk area; that they are located within Zone X; that the soil has well drained soils; that in the Planning Commission’s recommendation, it noted that there is central water and sewer; that he noted that it is not there yet; that the ground water recharge capacity is noted as fair; that a service evaluation request was sent to DelDOT; that they responded that the application should be done without a traffic study; that a site plan will be submitted and reviewed for compliance for all of the necessary agencies and requirements; that for CZ2034 it is approximately 5 acres; that the C2 district does not allow for outside storage or sales; that there has been interest in the property; that for CZ2035, that it is a unique classification in the zoning code; that the purpose is for modern landscaped buildings; that the LI-1 zoning classification has special conditions which include 8 conditions; that the parcels are situated along Route 113 with a signalized intersection; that the applications are consistent with the purpose of the development area; that both of these zoning classifications were carefully chosen by the applicant.

There were no public comments for either application.

The Public Hearing and public record were closed for both applications.

**M 168 25
Adopt
Ordinance
No. 3087/
CZ2034**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3087 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 5.03 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

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 5.03 acres that has frontage along Route 113 just outside of the Georgetown Town Limits. It has the Georgetown Speedway property along its rear boundary. This is an appropriate location for C-2 Zoning.
3. Given the location of this property, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. Because this property is bordered by Route 113 and the Georgetown Speedway, there is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Developing Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Developing Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all of these reasons, the C-2 Zoning District is appropriate for this location.

Motion Adopted: 5 Yeas

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

**M 169 25
Adopt
Ordinance
No. 3088/
CZ3035**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 3088 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING

**M 169 25
Adopt
Ordinance
No. 3088/
CZ3035
(continued)**

AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The County’s Future Land Use Map designation for this property is the “Developing Area” designation. The LI-1 Zoning District is an appropriate zoning designation within the “Developing Area” according to the County’s Future Land Use Map and the Comprehensive Plan.**
- 2. The property is also located along Route 113 and next to the Georgetown Speedway property. This location is appropriate for LI-1 Zoning. Conversely, it is no longer viable to use the property for agricultural or residential purposes under the existing AR-1 zoning.**
- 3. The proposed LI-1 Zoning at this location is consistent with the purposes of that zoning district as stated in Section 115-92 of the Sussex County Zoning Code.**
- 4. There is a need for smaller shovel-ready light industrial sites at appropriate locations like what is proposed with this Application. This small LI-1 Industrial Park serves this need in Sussex County.**
- 5. The rezoning will promote the local economy and will create and preserve jobs in the area for Sussex County residents.**
- 6. No parties appeared in opposition to this application.**
- 7. Any future use and development 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: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2468**

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 MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” (property is lying on the southeast side of Lewes Georgetown Highway [Rt. 9], approximately 0.23 mile southwest of Park Avenue [S.C.R. 321]) (911 Address: 22592 Lewes Georgetown Highway, Georgetown) (Tax I.D. No.: 135-15.00-79.03) filed on behalf of Richard H. Bell, III.

The Planning & Zoning Commission held a Public Hearing on the application on February 19, 2025. At the meeting of March 19, 2025, the

**Public
Hearing/
CU2468
(continued)**

Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 6 recommended conditions as outlined.

The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant; that this is an application for a mobilization yard for a road construction project that is being done through DelDOT; that there is currently a large pile of topsoil with a smaller pile of organic material behind it located on the property; that these materials were brought to the site by the general contractor as part of Phase One of the Park Ave. relocation project, which is specifically DelDOT project number T-2020004601, which is for the relocation of Park Ave. to extend the runways at the Delaware Coastal Airport; that Mr. Allan Myers was the general contractor for the Park Ave. relocation and as they were doing the work they were looking for a location for the soil, shrubbery, tree roots and other organic materials that were being generated by that site work to be stored; that Mr. Bell's property is on Route 9, less than 1/4 mile from its intersection with Park Ave., and his property is fenced and is being used as a contractor's yard for his business, Clean Cut Pavers and Pools; that this was an ideal location for Mr. Allan Myers to begin transporting materials and leaving them there as needed as part of the site work for the relocation of Park Ave.; that as the pile grew the Constables noted and a violation was issued which triggered this application; that there was an existing Conditional Use 2083, Ordinance #2515 for an office, storage building, storage yard and crushing of concrete for a contracting business; that the concrete crushing was for a limited time to get rid of an existing pile of concrete that was on the property; that this is a temporary use that will occur as long as it is permitted by the County during the relocation work for Park Ave.; that Phase One of this project started on Route 113, with the reconstruction of Arrow Safety Rd. starting at Route 113 and leading to a new roundabout that was installed on South Bedford St.; that this phase also included the construction of that new roundabout and the relocation of Park Ave. to connect to the roundabout and head to the southern boundary of the airport, where Phase One of the relocation work ended; that Phase Two will pick up at the southern boundary of the airport and then redo Park Ave. all the way to Route 9 and then some of the greater Route 9 area at the intersection of Park Ave. and Route 9; that Phase Two is still in the bidding stages, so the hope is that Mr. Allan Meyers will get that contract and utilize the Applicant again for the storage of the materials; that that is the reason for the temporary usage request; that the Planning Commission did approve the application; that the conditions would make it virtually impossible to comply with; that one of the primary conditions is that materials must be removed from the property within 45 days of Council acting on it; that it is difficult for contractors to find locations to stock pile these type of materials; that the second problem is that if a location presented itself, 45 days may not be enough time to transport it due to weather, etc.; that Mr. Hutt provided a different set of recommendations to Mr. Whitehouse; that the Applicant requests that the Planning Commissions conditions not be adopted; that these conditions

**Public
Hearing/
CU2468
(continued)**

include:

- 1. All of the conditions of Conditional Use #2083, as adopted by Ordinance #2515, shall remain in effect unless specifically modified by these conditions.**
- 2. This conditional use shall allow the property to be used for a temporary mobilization yard for DelDOT's Park Avenue relocation projects (Phase 1 and 2).**
- 3. Only organic materials may be brought to the property from the Park Avenue relocation project. No concrete or asphalt may be brought to the property from the Park Avenue relocation project.**
- 4. The organics on the property may be processed (ground and sifted) to create a bio-mix of soil and organics. No other materials or processing may occur on the property.**
- 5. All the materials brought to the property as part of the Park Avenue relocation project shall be removed within one hundred eighty (180) days of the conclusion of Phase 2 of the Park Avenue Relocation project.**
- 6. A Final Site Plan showing the temporary storage areas and describing the types of materials stores in those areas shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

After the Commission public hearing, the Applicant went to both of the neighbors of the property; that both of the neighbors provided letters of support; that the hours of operation would be the same as what was approved in the original Conditional Use; that this is an usual application; that it has good proximity to the Park Ave relocation project; that it is temporary; that the Applicant requests the Council act favorably to the application.

There were no public comments.

The Public Hearing and public record were closed.

**M 170 25
Defer
Action/
CU2468**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum 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 MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 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/
CU2556**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS” (property is lying on the south side of Old Mill Road [S.C.R. 349], approximately 550 feet west of Railway Road [S.C.R. 350]) (911 Address: 36294 Old Mill Road, Ocean View) (Tax Map Parcel: 134-12.00-73.02) filed on behalf of Wiliam Melton.

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 9 recommended conditions as outlined.

The Council found that Mr. William Melton, the Applicant, spoke on behalf of the application; that the Commission recommended approval of the application; that he presented a similar application to this Commission a year prior and it was ultimately denied by the County Council; that the conditions of approval that were recommended by Planning & Zoning were discussed; that the cost of the professional office will be almost one-third less than current market rate; that the hours of operation will be limited; that the hours of operation will be Monday through Friday, 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 2:00 p.m.; that the request is for a 24x36 sign, parking will be to code for the property; that the trash receptacle will be behind the building as to be out of sight from passing traffic; that the access to the dwelling upstairs will be in the back of the property; that the garage will become the professional office; that he has tried to beatify the area; that at the conclusion of the Planning & Zoning meeting, the White Creeks Manor withdrew their opposition of the application; that none of the 12 individuals that back up to this property have any opposition; that he expects 8-12 vehicles a day to come in and out; that all of the opposition is coming from the White Creek Neighborhood Association; that they are located one mile away from his property; that he used to live in the property but has since moved out but does plan to move back if the opportunity presents itself; that it will be a sole practitioner and that will see about 3-6 patients a day.

Public comments were heard.

Mr. Louis Melton spoke in favor of the application; that he is the father of the applicant; that about 18 months ago they applied for a change of zone; that the properties are across the street from a new subdivision, Sundance Club that was approved; that when the plat was shown for the Sundance Club, the single ingress and egress is directly across the street from their property; that

**Public
Hearing/
CU2556
(continued)**

the value of the property from a residential standpoint has diminished; that our community aging; that they wanted to set up a medical office so anyone in the aging community could access healthcare services without going onto Route 36; that County Council denied the Change of Zone application; that the current opposition to the application sent a letter to his son that had a number of demands; that they were asking for a signature of his son, himself and his wife wanting them to commit that they would not do anything with their property located next to this parcel; that he did not feel comfortable signing the document and he did not sign the letter; that the deadline was around 5:00 p.m. on April 4th; that the time of the opposition letters were not too long after that letter's timeline; that most of the opposition included concerns of the increased traffic.

Mr. Martin Lampner spoke in opposition of the application; that they did ask for an agreement that was not to be apart of the conditional use; that he understands that they were not prepared to do that; that there are about 30 residences from White Creeks Manor and the other is from the other 14 communities that he is representing; that this is located in a neighborhood of primarily houses; that there is only three properties in the area zoned as commercial; that one of them is going to be additional houses in a development named Wildflower; that another one is a preschool, agricultural storage area and some other buildings that are not currently in use; that the last one belongs to Bruce Mears which is his office which generates hardly any traffic; that it is a small country road; that there is a traffic problem here; that this particular use will not generate that; that they are not worried about that aspect; that they are worried that this will open the door to another conditional use; that they ask that restrictions be put on the application if approved; that the second floor remain residential; that there be no beauty salon, nail salons or tattoo shops or any along those nature; that they ask that the Conditional Use be time limited with the optional of renewal.

The Public Hearing and public record were closed.

Mr. Hudson passed the gavel to Mr. Rieley.

**M 171 25
Defer
Action/
CU2556**

A Motion was made by Mr. Hudson, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

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

The gavel was given back to Mr. Hudson.

**M 172 25
Adjourn**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to adjourn at 3:15 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.}