

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 10, 2022

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

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 188 22
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, 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 April 26, 2022 meeting were approved by consensus.

**Corres-
pondence**

Mr. Moore reported correspondence was received from H.O. Brittingham Elementary Robotics Club and Delaware Technical Community College in appreciation for Council's support.

**Public
Comment**

There were no public comments.

**M 189 22
Approve
Consent
Agenda
Items**

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

**Use of Existing Sewer Infrastructure Agreement, IUA-873
Bay Knolls, Fenwick Island Area**

**Use of Existing Sewer Infrastructure Agreement, IUA 1141
Scenic Manor, Mulberry Knoll Area**

Motion Adopted: 5 Yeas.

**M 189 22
(continued)**

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

**Proclamation/EMS
Week**

A Proclamation entitled “PROCLAIMING THE WEEK OF MAY 15 THROUGH MAY 21 AS EMERGENCY MEDICAL SERVICES WEEK” was read.

**Proclamation/Comm.
Action
Month**

A Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS COMMUNITY ACTION MONTH” was read.

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

**Adminis-
trator’s
Report**

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Chase Oaks – Phase 1 (Construction Record – Gravity Sewer Only) received Substantial Completion effective April 19th.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 16th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

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

**Reassess-
ment Update**

Chris Keeler, Director of Assessment provided a timeline of the reevaluation project. Ms. Mary Noldy, Tyler Technologies Project Supervisor shared an overview of the project and current status.

Ms. Noldy reported that for public communications, six meetings were held in the fall of 2021. These public meetings were advertised through local media. A project website has been created and is updated weekly to show current activity and staff.

Ms. Noldy then discussed the imagery for the project. Field data collectors are capturing street-level photos of each improved property visited during data collection. To date, approximately 19,000 photos have been collected. All improved properties will be photographed by the end of the data collection phase. All photos will be uploaded into the County’s property database and will be visible by County employees starting in

**Reassess-
ment Update
(continued)**

early summer 2022. Ms. Noldy explained that as part of the appraisal services contract, Tyler Technologies has entered into an agreement with Egelview for the purchase of aerial and ortho photography. The agreement provides both Tyler Technologies and County employees access to current and historical aerial imagery during the reevaluation project.

As of May 4, 2022, 19,680 parcels have been visited for data collection which represents 11% of the full parcel inventory. Currently, there are twenty-one employees working for Tyler Technologies that are working to collect property data in the field. She further explained that employee turnover has been high in this position. Ms. Noldy reported that commercial data collection began in early April. It is expected to have data collection completed in May of 2023.

Ms. Noldy reported that the data entry office is staffed with five Tyler Technologies employees who support the field operations. In addition, they handle requests from the public who inquire about the reassessment process. There are three employees dedicated to reviewing sales for the purpose of market analysis. The period of review for sales being used for Sussex County is January 1, 2021, though June 30, 2023. Currently, identification of market neighborhoods is underway; tentatively 70% of the parcels have been mapped for neighborhood delineation.

Ms. Noldy discussed valuation analysis. A third-party vendor (Safeguard Organic Analytics) is working for Tyler Technologies. They have started collecting income and cost data for commercial and industrial properties. Sources for this data include local real estate listing services, published rental data, local construction estimates and national sources for cost data such as Core-Logic, also known as Marshall and Swift cost estimator.

Ms. Noldy then reviewed the action items. These include ongoing hiring and training of office and field staff, field data collection and projected field data collection work areas for dashboard view.

Mrs. Green questioned how her employees are being received in the field. Ms. Noldy replied that it has been a mixture, however, majority of the time, it is well received once they understand the process. In addition, if they are not home when the assessor visits the property, the measurements of the improvements on the property are completed where access can be provided.

**Building
Outline
Pictometry
Recommendation**

Ms. Noldy explained the benefits of pictometry. One of the benefits include showing the changes to land and improvements over the years. Another benefit is efficient workflow for assessors; it allows them to continue their workflow during inclement weather. In addition, it supports conformation of valid assessment changes made by data collectors and allows access to properties that are otherwise inaccessible.

Ms. Noldy shared that Pictometry has a feature known as change finder. This feature enables discovery of improvements and is particularly useful in areas where permit information is lacking. In addition, it will add increased tax base and revenue. She further explained how it works; it takes the building footprints and shows the difference between the building footprint and the sketch that the County has on file. For example, if a property has a deck that is added or demolished, it will show up on the change finder and provide a report that the assessors can pull to then show an inspection of the property is needed. During appeals and property review, the aerial imagery can be used as a defense.

Mr. Rieley questioned if it was being noted which properties include manure sheds since those sheds are tax exempt. Ms. Noldy explained that all improvements on the property are valued regardless of its taxable status. In addition, if it was previously exempt, that status will not be changed. The staff is doing their best to identify those while they are working in the field.

Mrs. Megan Nehrbas, Senior Manager of GIS, provided a demonstration showing what would be available and what would be possible once all of the reassessment data is collected should the agreement be approved.

Mrs. Nehrbas shared that one of the goals from the previous County's Hazard Mitigation Plan was to increase the building stock data. In alignment with this reassessment, many of the building stock data will be collected which would meet that goal.

**M 190 22
Approval of
Building
Outline
Pictometry**

A Motion was made by Mr. Hudson, seconded by Mrs. Green, to enter into an agreement with Eagleview in the amount of \$59,400 to purchase the footprints already accessible through Eagleview's contract purchased by Tyler Technologies.

Motion Adopted: 5 Yeas

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

Mr. Vincent, Yea

**Public Hearing/
Brookland Farm Annexation Into SCUSSD**

A Public Hearing was held on the Proposed Brookland Farm Annexation into the Sussex County Unified Sanitary Sewer District (Johnson’s Corner Area). John Ashman, Director of Utility Planning and Design Review, reported that, the Council granted permission to prepare and post notices. The Engineering Department had received a request from Land Tech Planning, LLC on behalf of Gulfstream Development, LLC the owners/developers of a project to be known as Brookland Farm. The request includes parcel 533-11.00-87.00 and is proposed at 92 single family homes. The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates and an Infrastructure Use Agreement will be required. The Engineering Department posted notices on April 11, 2022, added to the County website, and advertised on April 27th and May 3rd. Mr. Ashman noted there have been no comments in support or opposition at this time.

There were no public comments.

The Public Hearing and public record were closed.

**M 191 22
Adopt R 004 22/
Brookland Farm Annexation SCUSSD**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Resolution No. R 004 22 entitled “A RESOLUTON TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER (SCUSSD) JOHNSON’S CORNER AREA, TO INCLUDE THE BROOKLAND FARM AREA LOCATED IN THE BALTIMORE 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public Hearing/
The Knoll Annexation Into SCUSSD/
Holt’s Landing Area**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Holt’s Landing Area, to include The Knoll. John Ashman, Director of Utility Planning and Design Review, reported that, Council granted permission to prepare and post notices for The Knoll expansion of the Sussex County Unified Sanitary Sewer District (Holt’s Landing Area) on March 22, 2022. The Engineering Department had received a request from Land Tech Planning, LLC on behalf of Irons Knoll, LLC, the owners/developers of a project to be known as The Knoll. The request include parcel 134-7.00-163.00 and is proposed at 33 lots. The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates and an Infrastructure Use Agreement will be required. The Engineering Department posted notices on April 11, 2022, added to the county website, and advertised on April 27th

and May 3rd. The department received an email request from the intervening parcel on April 4th requesting their parcel 134-7.00-164.00 be included in the annexation. It is requested to include this parcel as part of the annexation at this time as it can be served as part of this annexation. At this time, there have been no comments received in support or opposition.

There were no public comments.

The Public Hearing and public record were closed.

**M 192 22
Adopt
R005 22/
The Knoll
Annexation
into
SCUSSD**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Resolution No. R 005 22 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) HOLTS LANDING AREA, TO INCLUDE THE PROPOSED THE KNOLL SUBDIVISION AND AN ADJACENT PARCEL, LOCATED IN THE BALTIMORE 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Resolution/
Indian River
Acres Area**

John Ashman, Director of Utility Planning and Design Review presented a Resolution Establishing the Indian River Acres Area for Council’s consideration. The Engineering Department appeared before Council on October 12, 2021, to request permission to prepare and post notices for a public meeting to establish a proposed boundary for the Indian River Acres area of the SCUSSD. The Engineering Department held a Public Hearing on November 20, 2021, with the community at the Community Lutheran Church in Omar. County Council approved the final boundary on December 14, 2021. The department sent notices to all property owners pertaining to the referendum with explanation of how to request absentee ballots. The Engineering Department held a referendum on March 26, 2022, at the Community Lutheran Church in Omar. The results of the referendum, including 25 absentee ballots, are as follows: 51 for (27 in-person, 24 absentee) and 2 against (1 in-person, 1 absentee).

**M 193 22
Adopt
R 00622
/Establish-
ing Indian
River Area**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Resolution No. R006 22 entitled “INDIAN RIVER ACRES AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE, Whereas, the eligible voters of the proposed Indian River Acres Area approved the creation of the sewer area by a vote of 51 to 2 in an election held on March 26, 2022.

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 C19-11/CO No. 22 Hans Medlarz, County Engineer, presented Change Order No. 22 for general construction for Project C19-11. The Change Order includes enclosure of the pole building. In addition, the roof dates back to the original construction and is in need of full replacement and has areas of compromised decking.

M 194 22 Approve CO No. 22/ Project No. C19-11 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. 22 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 \$306,692.52.

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. 17 Hans Medlarz, County Engineer, presented Change Order No. 17 for electrical construction for Project C19-17 for Council's consideration. Mr. Medlarz explained that there were five RFP's requested over the last few months. Mr. Medlarz noted that up to this point, the electrical change order balance still reflects a total net credit.

M 195 22 Approve CO No. 17 /Project C19-17 A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 17 for Contract C19-17, SCWF Treatment Process Upgrade No. 3 & RBWP Capital Improvement Program, Phase 2 – Electrical Construction, be approved, for an increase of \$189,323.38.

Motion Adopted: 5 Yeas.

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

Bulk Delivery/ Sodium Hypochl- Hans Medlarz, County Engineer, presented a recommendation to award for bulk delivery of sodium hypochlorite, Project M22-29 for Council's consideration. Mr. Medlarz explained that the supply is used at each of the four wastewater facilities for treatment of wastewater and the Airpark

orite water plant. The current contract expires June 30, 2022.

M 196 22
Approval
Bulk
Delivery of
Sodium
Hypochl-
orite

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Bid Item A for Sussex County Project M22-29, “Bulk Delivery of Sodium Hypochlorite”, be awarded to Univar Solutions at the bid amount of \$1.44 per gallon and George S. Coyne Chemical Company, be awarded Bid Item B in the amount of \$335.00 per 30 gallon drum.

Motion Adopted: 5 Yeas.

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

**WS USSD/
Segment C
Rebid/
Project S19-
29**

Hans Medlarz, County Engineer, presented a recommendation to award Contract 5 – Segment C Rebid, Project S19-29 for Council’s consideration. The bids were rejected by Council on February 22, 2022, and an invitation to rebid was sent out. In addition, Mr. Medlarz presented Amendment No. 4 that includes base engineering for the contract.

M 197 22
Award of
WS USSD
Segment C

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved upon the recommendation of the Sussex County Engineering Department, that Segment C for Contract S19-29, Western Sussex Unified Sewer District, Contract 5, be awarded to Zack’s Excavating, Inc., in the amount of \$551,585.16, contingent upon DNREC concurrence.

Motion Adopted: 5 Yeas.

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

M 198 22
Approval
Amendment
No. 4 WS
USSD

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved upon the recommendation of the Sussex County Engineering Department, that Amendment No. 4 to the base engineering contract for the Western Sussex Sanitary District with Davis, Bowen & Friedel, Inc. be approved, in the amount not to exceed \$80,000.00.

Motion Adopted: 5 Yeas.

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

2019 Misc.
Eng. Base
Contract
Amendment

Hans Medlarz, County Engineer, presented Amendment No. 6 of the water interconnection and wastewater redirection inspection services. The project is now transitioning to the construction phase. In addition, the wastewater redirection scope includes directional drilling alongside the Railroad right-

No. 6 of-way and extending under Park Avenue.

M 199 22 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 6 to the 2019 Miscellaneous Engineering Base Agreement with Davis, Bowen & Friedel, be approved in the amount not to exceed \$55,000.00, for part-time inspection and on-call services associated with the Town of Georgetown Wastewater Interconnection project.

Motion Adopted: 5 Yeas.

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

M 200 22 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that the directional drill work, associated with the Town of Georgetown Wastewater Interconnect Project, be awarded to Teal Construction, Inc. for their proposal in the amount of \$402,040.00.

Motion Adopted: 5 Yeas.

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

Mallard Hans Medlarz, County Engineer, presented a recommendation to award Amendment No. 1 for the Mallard Creek Sewer Expansion, Project S20-26 for Council's consideration. Mr. Medlarz explained that for this project, the low bidder is not being awarded the bid due to their bid being incomplete and non-responsive.

M 201 22 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 Contract S20-26 Mallard Creek Sewer Expansion, be awarded to Teal Construction, Inc. for their total base bid of \$1,338,338.00, contingent upon USDA concurrence.

Motion Adopted: 5 Yeas.

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

M 202 22 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 1 to the EJCDC base engineering

Contract for Mallard Creek SSD contract for the Mallard Creek Sanitary Sewer District with George, Miles & Buhr, Inc. be approved in the amount not to exceed \$167,729.00, for construction administration and inspection services, contingent upon USDA concurrence.

Motion Adopted: 5 Yeas.

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

Sale of County Owned Property Hans Medlarz, County Engineer, presented a request for County owned property for parcel 334-5.00-178.01 for Council's consideration. Mr. Medlarz explained that the parcel falls entirely in the DeIDOT required set back area from Beaver Dam Road. Earlier this year, the pump station was abandoned when the associated gravity sewer system was integrated in the Lewes Crossing sewer system expansion.

M 203 22 Approval Sale of Parcel 334-5.00-178.01 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approved the Sale of Parcel 334-5.00-178.01 in the amount of \$1,250.00, the cost of appraisal.

Motion Adopted: 5 Yeas.

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

Grant Requests Mrs. Jennings presented grant requests for Council's consideration.

M 204 22 Lewes Historical Society A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$1,500 (\$1,500 from Mr. Schaeffer's Councilmanic Grant Account) to the Lewes Historical Society for their Canalfront Mairitime Museum Initiative.

Motion Adopted: 5 Yeas.

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

M 205 22 Town of Laurel A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500 (\$1,500 from Mr. Vincent's Councilmanic Grant Account) to the Town of Laurel for the Independence Day Committee's July 4th fireworks display.

Motion Adopted: 5 Yeas.

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

Mr. Vincent, Yea

Introduction of Proposed Ordinances

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 5.8 MEGAWATT GROUND MOUNTED SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 57.12 ACRES, MORE OR LESS”

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT RESTORATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.20 ACRES, MORE OR LESS”

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 35 ACRE SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 35.58 ACRES, MORE OR LESS”

Introduction of Proposed Ordinances (continued)

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 SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 25.00 ACRES, MORE OR LESS”

The Proposed Ordinances will be advertised for Public Hearing.

Council Member Comments’

Mr. Rieley pointed out that three requests for solar farms were just introduced. He questioned if the zoning has been reviewed to be sure there is a provision that allows this type of use in an AR-1 district. Mr. Moore replied that all solar farms have been coming in as conditional uses in AR-1. Mr. Rieley added that Kent County has taken some steps to introduce some regulations around solar farms.

Mr. Vincent shared that there is a bill in Dover that is being circulated that would require all Counties to reassess every 5 years.

**M 206 22
Go Into
Executive
Session
M 206 22**

**At 11:16 a.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, 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.**

**Go Into
Executive
Session
(continued)**

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

**Executive
Session**

At 11:20 a.m., an Executive session of the Sussex County Council was held in the Council Chambers to discuss matters relating to potential/pending litigation, and land acquisition. The Executive Session concluded at 11:32 a.m.

**M 207 22
Reconvene**

At 11:34 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Executive Session and into Regular Session.

Motion Adopted: 5 Yeas.

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

E/S Action

There was no action on Executive Session items.

**M 208 22
Recess**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas.

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

**M 209 22
Reconvene**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of recess back into Public Hearings.

Motion Adopted: 3 Yeas, 2 absent

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

Rules

Mr. Moore read the procedure for public hearings on zoning matters.

**Public
Hearing/
CU2290**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS” (property lying on the west side of the intersection of Lewes Georgetown Highway [Route 9] and Prettyman Road [S.C.R. 254]) (911 Address: N/A) (Tax Parcel: 235-30.00-

**Public
Hearing/
CU2290
(continued)**

6.21 [portion of])

The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2022, and on April 14, 2022, the Commission recommended approval of the application for the six reasons stated and subject to the thirteen recommended conditions.

(See the minutes of the Planning and Zoning Commission dated March 24, and April 14, 2022.)

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

The Council found that Mr. David Hutt, Esq. with Morris James, spoke on behalf of the Application; that he was representing the owner of the property, as well as the Applicant, Toback Development, LLC.; that also present was Mr. Matt Toback, the Principal of Toback Development, LLC and Mr. Carlton Savage, Professional Engineer with Scaled Engineering; that the subject Application is for Contractor Flex Space; that Contractor Flex Space is a building, where there are multiple units for businesses, with an opportunity in the front of the building for the location of a business office, as well as a showroom; that at the rear of the unit there would be a warehouse and storage type area; that the unit has a proposed entry for people; that in the rear of the unit there is a garage door; that Mr. Toback is a builder in the area; that many of his trade partners are looking for a space of this proposed nature; that it would allow his trade partners to have a small business office, a showroom type area and a place for material storage; that what is proposed is not a new concept; that these types of arrangements exist throughout Sussex County; that a similar example of the proposed use would be the Harbeson Business Park, which is located further down Route 9; that within Harbeson Business Park is Rogers Graphics, Bath, Kitchen & Tile Company, and many other wholesale activities which are present for contactors; that within some of the units there is a small showroom area and office, located at the front for a person to stop by; that the property is slightly over seven acres; that the property is located at the intersection of Route 9 and Prettyman Road; that DelDOT recently completed the widening of the Route 9 and Route 5 intersection and added additional turn lanes; that there is the new Royal Farms on the corner and the Harbeson Cemetery; that further east on Route 9 is Trails of Beaver Creek Residential Subdivision; that along Route 5 is the Meadows of Beaver Creek; that the property is zoned AR-1 (Agricultural Residential); that Bayhealth Medical Center, which is currently being constructed, is in vicinity of the site; that Dollar General is located across the street; that further west there is a series of properties zoned commercial; that Royal Farms, Allen Harim Plant, Compass Point Associates, LLC, Beaver Dam Estates, Deer Wood, Hawthorne, the DelDOT maintenance yard, Besche Furniture and the new Weston Willow Apartments are all within the surrounding area of the site; that the State Strategies Map designate the area as being in Investment Level 4; that the property is located with a low

Public
Hearing/
CU2290
(continued)

density area according to the Future Land Use Map; that this use is consistent with the guidelines of permitted uses within the low density area, because it provides convenient areas for businesses, addressing the needs of homes and property owners within the immediate and surrounding areas; that the property is not located within a flood plain, as it is designated Flood Zone X unshaded; that according to the FEMA maps, there are no wetlands located on the site; that Artesian has the CPCN to provide water and sanitary sewer services to the property; that a Service Level Evaluation Request was submitted to DelDOT; that DelDOT responded stating the proposed project would have a minor impact on the area roadways; that DelDOT is permitting the Applicant to pay an area wide study fee in lieu of a Traffic Impact Study (TIS); that there was a TIS performed in 2019 for Azalea Woods, which DelDOT included within their response; that the project proposed 46,800 sq. ft. of contractor flex space between the two buildings; that the building, located along Route 9, is 27,000 sq. ft.; that the building to the rear is approximately 19,800 sq. ft.; that the proposed entrance is off Prettyman Road; that the entrance would come in past the first stormwater pond; that the stormwater pond is proposed to be an infiltration pond; that the entrance would provide access to the units; that the front of the units would have an office/showroom face of the business; that located to the rear of each unit there would be a garage door for larger deliveries; that the rear unit doors of the two buildings would face each other; that at the rear of the property there is another stormwater management pond, which is proposed to be a wet pond; there is an architectural rendering to show what is proposed; that Conditional Uses are appropriate when the use is of a public or a semi-public character, when the use is in character of the area, when the use promotes the convenience and welfare of area residents and will promote the general convenience, orderly growth and prosperity of Sussex County; that proposed Findings and Conditions were included within the submitted project booklet; that a proposed condition listed is that all work will be performed indoors; that this condition is similar to a C-2 (Medium Commercial) zoning classification; that another proposed condition is there will be no outside storage of materials; that proposed is a condition allowing for signage on each road frontage; that this would allow signage on the Route 9 frontage, as well as the Prettyman Road frontage; that he took the proposed wall signage condition from the wall sign provision from the C-2 Zoning Code for Sussex County; that this provides an objective standard, which the Planning & Zoning office applies regularly when considering signage applications; that the thought process behind many of the proposed conditions were taken from the recently approved Change of Zone application for Executive Lawns; that Executive Lawns is located slightly west of the property; that many of the concepts, principals and findings for Executive Lawn are applicable to the subject Application; that both properties are located near each other, both having frontage along Rt. 9; that the Application for Executive Lawns discussed performance of consumer sales and consumer services within the area, which applies equally to the proposed Conditional Use Application; that being located off Route 9 designates the property as being in an appropriate location to

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(continued)**

businesses which will support the area; that given the property's proximity to Route 5 and Route 9 the proposed use will provide support to Harbeson, Georgetown, Milton, Lewes and other areas.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 210 22
Adopt
Ordinance
No. 2849
/CU2290**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2849 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS" (Conditional Use No. 2290) filed on behalf of Toback Development, LLC, for the following reasons and conditions given by the Planning and Zoning Commission:

1. The site is located along Route 9, which is classified as a Principal Arterial Roadway in Sussex County. This use is appropriate for this location. This Application seeks approval of two buildings for contractor "floor" space, with offices or showrooms in the front portion of each unit and storage areas in the rear of each unit.
2. The use is situated on a 7.12-acre parcel of land. There are other small businesses and structures in the area. It is also near the Route 9 and Harbeson Road intersection. There are various zoning districts in this area, including MR, C-1, CR-1, and C-2. This use is compatible with the surroundings.
3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
4. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 9 that is convenient for small businesses operated in the County.
5. The property is located in the Low-Density Area according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan's guidelines for the Low-Density Area since it will provide convenient areas for businesses addressing the needs of homeowners and property owners in this area of Sussex County.
6. The site is served by central water and sewer.
7. This recommendation is subject to the following conditions:
 - A. The project shall be used for contractor floor space only. "Contractor" shall have the meaning attributed by Title 6, Section 3501(2) of the Delaware Code. Each unit shall consist of office or showroom space in the front and storage in the back. The contractor units shall be located in two buildings and the total combined square footage of these buildings shall not exceed 46,800 square feet. No businesses that primarily involve or are similar to the following uses

**M 210 22
Adopt
Ordinance
No. 2849
/CU2290
(continued)**

- shall be permitted: business or professional offices; retail; gyms or fitness centers, breweries or brewpubs, or food service.
- B. There shall not be any outside storage, including boat materials, RVs, or equipment within the site.**
 - C. No vehicle repair or fueling operations shall be performed on-site.**
 - D. There shall be no manufacturing on the site, and all contractor work shall occur indoors.**
 - E. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - F. A 20-foot landscaped buffer shall be installed along the perimeter of this project. The buffer shall comply with the planting requirements for the Forested and/or Landscaped Buffer Strip contained in Section 99-5 of the Sussex County Code.**
 - G. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
 - H. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
 - I. There shall be an adequate area for all tenants and employees as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property's setbacks.**
 - J. Signage for the Property shall be limited to and comply with the following requirements: (1) One indirectly illuminated on-premises ground sign shall be permitted along Route 9 and along Prettyman Road, not to exceed 64 square feet of sign area per side; and (2) On-premises wall, illuminated awning, marquee, or projecting signs with a total sign area of 150 square feet shall be permitted with respect to each separate unit.**
 - K. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.**
 - L. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
 - M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ1954,**

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

**CZ1955 &
CU2315**

DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS” (Change of Zone No. 1954) filed on behalf of American Storage of Delaware, LLC (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile south of the intersection of Autumn Road [S.C.R. 299] and Bay Farm Road [Route 299]) (911 Address: N/A) (Tax I.D.: 234-29.00-49.02 [portion of])

The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2022, and on April 14, 2022, the Commission recommended approval of the application for the seven reasons stated.

(See the minutes of the Planning and Zoning Commission dated March 24, and April 14, 2022.)

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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” (Change of Zone No. 1955) filed on behalf of American Storage of Delaware, LLC (property lying on the west side of John J. Williams Highway [Route 24] approximately 0.25 mile south of the intersection of Autumn Road [S.C.R. 299] and Bay Farm Road [Route 299]) (911 Address: N/A) (Tax Parcels: 234-29.00-49.02 [portion of], 49.03 & 50.00)

The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2022, and on April 14, 2022, the Commission recommended approval of the application subject to the eight reasons stated.

(See the minutes of the Planning and Zoning Commission dated March 24, 2022, and April 14, 2022.)

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS” (Conditional Use No. 2315) filed on behalf of American Storage of Delaware, LLC (property lying on the west side of John J. Williams Highway [Route 24], approximately 0.25 mile south of the intersection of Autumn Road [S.C.R. 299] and Bay Farm Road [Route 299]) (911 Address: N/A) (Tax Parcels: 234-29.00-49.02 [portion of], 49.03 & 50.00)

The Planning and Zoning Commission held a Public Hearing on this

**Public
Hearing/
CZ1954,
CZ1955
&CU2315
(continued)**

application on March 24, 2022, and on April 14, 2022, the Commission recommended approval of the application subject to the six reasons stated and subject to the sixteen recommended conditions.

(See the minutes of the Planning and Zoning Commission dated March 24, 2022, and April 14, 2022.)

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

The Council found that Ms. Mackenzie Peet, Esq. with Baird Mandalas Brockstedt, LLC, spoke on behalf of the Applicant, American Storage of Delaware, LLC; that also present were Mr. Steven Spence, Co-Council and Mr. Carlton Savage, P.E., Scaled Engineering, Inc.; that the Applicant is intending to construct a mixed-use development, involving multi-family residential housing and a commercial storage facility component; that the site is located on the western side of Route 24 (John J. Williams Highway) and south of Yeshua Lane in Millsboro, Delaware; that the site is located within the Indian River Hundred; although submitted are three separate applications, she has consolidated her presentation to address all three Applications with one presentation, with the understanding the Council will vote on each Application separately; that C/Z 1954 requested a rezoning of a 8.27-acre portion of Tax Map Parcel No. 234-29.00-49.02, from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial); that this area is defined as Parcel 1 on the Preliminary Site Plan; that the rezoning was requested with the intention to develop 150,000 sq. ft. of commercial storage space, which would also include 1,200 sq. ft. of office space; that the commercial storage space would be for a three-story miniature warehouse; that currently the warehouse is proposed to have 838 units; that this use is permitted within the C-3 (Heavy Commercial) Zoning District; that this is the reasoning for the rezoning request; that C/Z 1955 requested rezoning for AR-1 (Agricultural Residential) to a MR (Medium-Density Residential) Zoning for the remaining, 17.63-acre portion of Tax Map Parcel No.: 234-29.00-49.02, as well as the entirety of parcels identified as 234-29.00-49.03 and 234-29.00-50.00; that this rezoning is requested with the intention of developing multi-family units; that this area is defined as Parcel 2 on the Preliminary Site Plan; that related to that Application is C/U 2315 which requests a Conditional Use for the development of 140 multi-family units to be located on the parcels previously mentioned, which are proposed to be rezoned from AR-1 to MR; that the project is located within Investment Level 2 and Level 3 according to the Strategies of State Policies and Spending Map; that Investment Level 2 reflects areas where growth is anticipated in the near term; that Investment Level 3 reflects areas where growth is anticipated within a longer term; that as confirmed by the PLUS comments, the Office of State Planning and Coordination have no objection to the proposed rezoning and development provided it is compliant with the Comprehensive Plan and all applicable Codes and Ordinances; that nearby commercial and residential communities exist; that some of the nearby residential developments are Victoria's Landing, River Breeze and

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(continued)

Seabrook; that nearby commercial uses include the shopping center located at intersection of John J. Williams Highway and Bay Farm Road; that past the intersection of Route 24 and Route 23 are commercial uses such as a car wash, Giant grocery store, Arcadia Healthcare, and multiple fast-food establishments including Dunkin Donuts and McDonalds; that at the intersection of Route 24 and Mount Joy Road is Royal Farms, a church and a small strip mall, as well as a deli and tattoo parlor; that the Coastal Area is designated as a growth area within Sussex County; that mixed-use development, like the proposed Application, is permitted within the Coastal Area; that the Applicant's plan is consistent with the Comprehensive Plan and complies with the Coastal Area requirements of Section 115-194.3 of the County Code; that Section 115-194.3 of the Sussex County Code requires the Applicant's submission of the Environmental Assessment and Public Facility Evaluation Report and sketch plan for the project, as it proposes 50 or more dwelling units and 75,000 sq. ft. or more of floor area for commercial use; that an Environmental Assessment Report, prepared by Mr. Ed Launay and the Public Facility Evaluation Report, prepared by Scaled Engineering, Inc. are contained within Exhibit F; that Scaled Engineering report, which also included Mr. Launay's report, stated a combination of wet ponds, planted buffers and infiltration practices will be used for stormwater treatment; that stormwater will be discharged in accordance with the State of Delaware and Sussex Conservation District requirements; that water will be provided by Tidewater Utilities; that Tidewater Utilities did provide a Will Serve letter for the project, which is included within Exhibit F; that the Sewer Service Evaluation confirmed the project is located within Tier 2 with a need for 146 EDU's, with 140 EDU's for the multi-family component and 3 for the office component; that sewer and water infrastructure necessary to connect to the public utilities will be constructed by the developer; that electric will be provided by Delmarva Power; that the increase in traffic and effect on surrounding roadways will be analyzed, reviewed and approved by DelDOT; that indicated within the PLUS comments, the improvements will generate less than 2,000 average daily trips and less than 200 peak hour vehicle trips; that this allows the developer to pay an area wide study fee in lieu of performing a Traffic Impact Study; that the fee would require an estimate payment of \$11,710.00; that DelDOT anticipates to have the developer contribute to a DelDOT project presently scheduled for construction in the summer of 2022 at the intersection of Route 24 and Mount Joy Rd. and the intersection of Route 24 and Bay Farm Rd.; that the mandatory shared-use path, as required by DelDOT, will be added to the Final Site Plan; that Mr. Launay's Assessment of Environmental Assessments and Features Report confirmed that no critical habitat areas exist on the site; no federally listed or endangered species are located on the site; that no wetlands, streams and drainage conveyances exist on or nearby the site; that the site is presently vacant and consist of 11.5-acres of agricultural land; that 14.4-acres of immature trees, which were previously cut in 2004, according to Mr. Launay's report; that the Applicant understands the preservation of natural resources and open space is strongly encouraged in the Coastal Area; that the project proposed roughly 11-acres of open space to be

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CZ1954,
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(continued)**

preserved; that the Applicant's first request is C/Z 1954, which requests a rezoning of a 8.27-acre portion of Tax Map Parcel 234-29.00-49.02 from AR-1 to C-3 to develop 150,000 sq. ft. of commercial space, a permitted use within C-3 or a similarly permitted use; that the proposed rezoning is compatible with the surrounding community and will have not an adverse effect on immediately adjacent properties or properties within the vicinity of the site; that the C-3 (Heavy Commercial District) is usually intended for larger scale service businesses along major arterial roads; that the intended rezoning is consistent with the purposed of the C-3 Zoning District; that the Applicant's second request is C/Z 1955, requesting a rezoning of a 17.63-acre portion of Tax Map Parcel 234-29.00-49.02 and the entire other parcel referenced from AR-1 (Agricultural Residential) to MR (Medium-Density Residential) for the purpose to develop 140 multi-family units; that all surrounding properties are zoned AR-1, with the remaining parcels on the opposite side of Rt. 24 zoned as C-1 (General Commercial District) and GR (General Residential); that the proposed rezoning is compliant with the zoning code; that the rezoning request from AR-1 to MR is consistent with the Comprehensive Plan and Future Land Use Map; that the last request is for a Conditional Use, which is subject to the approval C/Z1955 for the development of 140 multi-family units, which will include a clubhouse and playground amenity; that the proposed development is consistent with surrounding land uses being of semi-public to public character and by promoting the general convenience and welfare of Sussex County; that with nearby properties of Peninsula Lakes and The Peninsula similarly zoned, as well as being located in the vicinity of residential and commercial properties; that MR, GR and C-1 are all subject to the same height, area and bulk requirements for multi-family units; that proposed Conditions of Approval have been submitted into the record and for all the reasons stated the Conditional Use is compliant with the Zoning Code, compatible with surrounding land uses and consistent with the Future Land Use Map and Comprehensive Plan; that the Applicant requests that Condition N of the Planning and Zoning Commission recommendation be amended to state "that the Applicant or a Condominium Association shall be responsible for the maintenance of all interior roadways"; that in Reason One provided by the Planning and Zoning Commission for the CU, it refers to density at 4 units per acre for single-family homes, the Applicant requests that the reason also reflect permitted density for multi-family units; that Mr. Whitehouse shared that for a Conditional Use, it can go up to 12 units to the acre; that Mr. Whitehouse suggests the language state that the permitted density within the MR district as a Conditional Use is up to 12 dwelling units to the acre; that the intention is to sell the units at market rate; that the first phase of the project developed would be the commercial portion.

Public comments were heard.

Ms. Sharon Harring came forward to speak in opposition of the Application. Her property borders the west side of the proposed project. Ms. Harring reached out to the developer to request a barrier along her property when she received notice of the project. To date, she has not heard

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(continued)**

back from the property owner. She requested that a barrier or fencing be placed along her property. In addition, she requested the rezoning be deferred to another date so that her deed can be looked into further. On her deed, it states her property is 3.118 acres, however, it was submitted by the Applicant that her property is 3 acres. She added that Tyler Technologies confirmed that her property is 3.118 acres during the reassessment process. Mr. Moore pointed out that what is shown or submitted would not have any effect on Ms. Harring's land or acres. Ms. Harring noted that there are many developments that are still under construction. She suggested to wait until they are near completion to see what impact they will have on medical facilities and roadways. She then spoke on the wildlife impact.

The Public Hearings and Public Record were closed for the three Applications.

**M 211 22
Defer
Action/
CZ1954**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to defer action on an Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.27 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas.

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

**M 212 22
Defer
Action/
CZ1955**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to defer action on an Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas.

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

**M 213 22
Defer
Action/
CU2315**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to defer action on an Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY UNITS (140 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.63

ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas.

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

**M 214 22
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at
2:36 p.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}