

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 17, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 17, 2022, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 215 22
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, 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 May 9, and 10, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

**Public
Comment**

There were no public comments.

Tribute

A Tribute was given to Ms. Lisa St. Clair from Tailbangers for being awarded Delaware Small Business Owner of the Year.

Tribute

A Tribute was given to Mrs. Jennifer McMillian from JennyGems for being awarded Delaware Woman-Owned Small Business Person of the Year.

**Adminis-
trator's
Report**

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

1. **Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Osprey Point –

Administrator's Report (continued)

Phase 1A (Construction Record), Ospery Point – Phase 5A (Construction Record) and Osprey Point – Old Landing Crossing/PS 290 Connection received Substantial Completion effective May 6th.

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

Request to Prepare & Post Notices/The Estuary – Phase 4 into SCUSSD

John Ashman, Director of Utility Planning and Design Review presented a request to prepare and post notices for The Estuary – Phase 4 Annexation of the Sussex County Unified Sanitary Sewer District (Miller Creek Area). The Engineering Department received a request from GMB, LLC on behalf of their client Estuary Development, LLC, the owners/developers of a project to be known as Estuary Phase 4. The request includes parcels 134-21.00-10.00, 10.01, 11.00 & 11.12, however, parcel 134-21.00-11.00 is already in the district. The project is proposed at 115 single family homes. The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates. The Engineering Department requests permission to prepare and post notices for a Public Hearing on the annexation of the area.

M 216 22 Approve Prepare & Post Notices/The Estuary Phase 4

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for The Estuary – Phase 4 Expansion of the Sussex County Unified Sanitary Sewer District to include parcels 134-21.00-10.00, 10.01 & 11.12 located on Millers Neck Road as presented on May 17, 2022.

Motion Adopted: 5 Yeas

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

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

M 217 22 City of Seaford

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$1,500 from Mr. Vincent's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to the City of Seaford for the Nanticoke Riverfest.

Motion Adopted: 5 Yeas

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

M 218 22 Grace-N-

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$5,000 (\$1,000 from each Councilmanic account) to Grace-N-Mercy

**Mercy
Ministries**

Ministries for their summer youth camp.

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/
Mulberry
Knoll/
General
Obligation
Bond**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,329,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

Hans Medlarz, County Engineer explained that additional funding was required through the SRF program that was approved by the Water Infrastructure Council.

There were no public comments.

The Public Hearing and public record were closed.

**M 219 22
Adopt
Ordinance
No. 2850/
Mulberry
Knoll**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2850 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,329,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas

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

**Eisenhardt
Enterprises**

Hans Medlarz, County Engineer presented an approval for Eisenhardt Enterprises for the County’s Water Quality Enhancement Program for Council’s consideration.

**M 220 22
Approve
Eisenhardt
Enterprises
Retention**

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 Eisenhardt Enterprises be retained for completion of the County’s Water Quality Enhancement Program and to issue a not to exceed purchase order in the amount of \$10,000.00.

Motion Adopted: 5 Yeas

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

PS No. 316 Abandonment Hans Medlarz, County Engineer presented information relating to the associated easement acquisition for Tax Parcel 234-12.00-260.00. In addition, Mr. Medlarz presented the PS No. 316 abandonment construction contract award for Council's consideration.

M 221 22 Approve PS No. 316 Abandonment Contract Award 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 the Wastewater Interconnect scope of work be extended to Bay Ridge Woods and be awarded to George & Lynch, Inc. for their proposal in the lump sum amount of \$88,817.00 and not to exceed contingent dewatering of \$18,272.00.

Motion Adopted: 5 Yeas.

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

EMS Public Safety Building/CO No. 13 Hans Medlarz, County Engineer presented Change Order No. 13 for the EMS Public Safety Building, Project C19-04 for Council's consideration. The change order includes a modification to the lobby to extend the wall as well as extension of some of the interior partition walls between offices to full height. This was requested for sound attenuation based on sensitive medical discussions.

M 222 22 Approve CO No. 13/EMS Public Safety Building 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. 13 for contract C19-04, Sussex County Public Safety Building, be approved, for an increase of \$16,711.84.

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Ordinances Mr. Vincent 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 63.86 ACRES, MORE OR LESS"

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

Introduction of Proposed Ordinances (continued)

AGRIGULTURAL 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 SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 27.5 ACRES, MORE OR LESS”

Council Member Comments’

The Proposed Ordinances will be advertised for Public Hearings.

There were no Council Member comments.

Public Hearing/ Proposed Building Code Ordinance

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, § 52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2021 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION”.

Andy Wright, Building Official reminded Council that the Proposed Ordinance was previously introduced. At this time, it is being brought forward for Council’s and the public’s input.

Public comments were heard.

Ms. Eul Lee spoke about fire danger due to many houses being built close together and the importance of fire sprinklers.

Mr. Rich Blake from Bay to Beach Builders provided information relating to the increased cost associated with fire sprinklers. Mr. Blake stated that on an average, it is just under \$3.00 per square foot for fire sprinkler installation. He added that cost is based on the house being on a public system. He shared that if the house is not on a public water system, the cost of a variable speed well pump would also need to be considered which is approximately another \$2,500. Therefore, on an average for a 2,500 square foot home, cost can be incurred of up to \$10,000. Another item to consider is the potential cost of increased homeowners insurance due to broken pipes, etc. Mr. Blake added that there will be additional state fire inspectors needed for reviewing, approving plans, and completing field inspections.

Mr. Schaeffer reported that he received a letter from Mike Ciabattoni, VP and Division Manager of Ryan Homes and NV Homes in reference to the Proposed Ordinance. Mr. Schaeffer shared that the letter references many of the same items that Mr. Blake discussed. Mr. Schaeffer entered the letter

in for the record.

The Public Hearing and public record were closed.

**M 223 22
Adopt
Ordinance
No. 2851/
Building
Code**

A Motion was made by Mr. Vincent, seconded by Mr. Schaeffer to Adopt Ordinance No. 2851 entitled “AN ORDINANCE TO AMEND CHAPTER 52, § 52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2021 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION”.

Mr. Vincent commented on fire sprinklers; he added that once facts are received, this Ordinance can be amended at any given time if desired.

Motion Adopted: 5 Yeas.

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

**Old
Business/
Proposed
Ordinance
to Amend
Chapter 99
and 115**

Mr. Moore read the short title of the Proposed Ordinance “AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS THERETO”.

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance to include the amendments recommended by the Planning and Zoning Commission.

**M 224 22
Approve PZ
Amend-
ments**

Motion Adopted: 5 Yeas.

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

**M 225 22
Amend
Section
99-6H of the
Subdivision
Ordinance**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 2 of the Ordinance regarding Section 99-6 of the Subdivision Code includes an amendment to Section 99-6H with the following revisions to Section 99-6H so that H will now state:

H. When lands being subdivided contains wetlands, either state or federal or a Resource with Resource Buffers, the recorded restrictive covenants or declaration for the subdivision and the deeds to the lots to be conveyed [containing wetlands] shall include a disclosure statement that reads “This site contains regulated wetlands or a Resource with Resource Buffers

**M 225 22
Amend
Section
99-6H of the
Subdivision
Ordinance
(continued)**

governed by the Sussex County Zoning and Subdivision Codes. Activities within these wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware. Disturbance of a Resource or Resource Buffer may be a violation of the Sussex County Zoning and Subdivision Codes, for which penalties and other remedies may be imposed by Sussex County”.

Motion Adopted: 5 Yeas.

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

**M 226 22
Amend
Section 99-
26 A (21)**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 6 of the Ordinance regarding Section 99-26 A (21) of the Subdivision Code includes the following sentence at the end of Section a thereof as follows: “In addition, the boundary shall be marked on the site itself with permanent markers and signage, with the location and type of signage depicted on the final plat” and by creating a new Section (i) thereof as follows “(i) That disturbance of the Resource Buffers on the site may result in penalties imposed pursuant to Section 115-193 K of the Sussex County Zoning Code”.

Motion Adopted: 5 Yeas.

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

**M 227 22
Amend
Section 115-
193/Signage
& Markers**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193 of the Zoning Code includes an amendment to Section 115-193A to revise the heading for Subsection A so that it now states “Resource Buffer Widths” and adding the words “and Markers” and by adding a new subsection A 4 that states as follows “4. The upland edge of all Resource Buffers shall be clearly marked with permanent in-ground markers and signage located at one-hundred-foot intervals. Such signage shall be at least five inches by seven inches in size”.

Motion Adopted: 5 Yeas.

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

**M 228 22
Amend**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as

Section 115-193/Buffer Averaging

amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193 of the Zoning Code includes an amendment to Section 115-193 to revise Subsection B 1 and to add a new subsection B 2 (f) so that buffer averaging can only occur within buffers along the same resource so that Section B 1 now states as follows: “1. Resource Buffer width averaging may be utilized but only within Resource Buffers adjacent to the same Resource to adjust the required Zone B Resource Buffer width thereby allowing flexibility for the proposed development, so long as the overall square footage of the Zone B Resource Buffer is maintained” and to insert a new subsection B 2 (f) that states as follows “(f) The Zone B Resource Buffer averaging shall only occur within the Resource Buffer adjacent to the same Resource.”

Motion Adopted: 5 Yeas.

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

**M 229 22
Amend
Section 115-193/
Permitted
Uses**

A Motion was made by Mr. Hudson, seconded by Mr. Vincent, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193C to revise Table 2 Resource Buffer Activities Permitted by Zone by amending cells 17 and 18 and adding a new cell 24. Cell 17 will now state as follows “17. Walking Trails where any impervious area runoff is managed under a Sussex Conservation District Permit that are generally perpendicular to a Resource for the purpose of providing access to the Resource or a Permitted Activity within the Resource Buffer”. Amending cell 18 so that it now states that extended detention dry and wet stormwater management ponds are not permitted in Zone B and adding a new cell 24 that states “24. Walking Trails running by and with a Resource (i.e. generally parallel with the Resource) where any impervious area runoff is managed under a Sussex Conservation District Permit” are not permitted in Zone A and permitted in Zone B.

Motion Adopted: 5 Yeas.

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

**M 230 22
Amend
Section 115-193D 2 (b)**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193D 2 (b) to replace the word “native” with the word “natural” in the second line.

Motion Adopted: 5 Yeas.

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

**M 231 22
Amend
Resource
Buffer
Options**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193 of the Zoning Code includes an amendment to Section 115-193G so that Subsection G1 now states as follows 1. "A proposed development shall be permitted to utilize the following options, consistent with §115-193, Section B. Resource Buffer Width Averaging, to incentivize the retention of forests, but only for those Resource Buffers adjacent to Perennial Non-Tidal Rivers and Streams, Non-Tidal Wetlands Intermittent Streams" and in Subsection G1 (a) (b) (c), the phase "like zoned land" is replaced by the phase "a residential subdivision, residential conditional use or residential planned community".

Motion Adopted: 5 Yeas.

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

**M 232 22
Section 115-
193G/
Subsection
G2**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193 of the Zoning Code includes an amendment to Section 115-193G so that Subsection G2 now states as follows "2. A proposed development shall be permitted to utilize the following options to incentivize the retention or expansion of Resource Buffers or provide additional functional benefit of Resource Buffers forests, but only for those Resource Buffers adjacent to Perennial Non-Tidal Rivers and Streams, Non-Tidal Wetlands and Intermittent Streams" and in Subsection G2 (a) (i) (ii) and G2 (b) all references to Zone A are deleted and with the following sentences added to the end of Subsections G2 (a) (i) (ii) and G2 (c) (i) (2) adding "The area within this conservation easement shall adhere to the requirements of subsection D, herein and shall not be used for agricultural purposes".

Motion Adopted: 5 Yeas.

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

**M 233 22
Section 115-
193/Section
10 Subpara-
graph K**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 10 of the Ordinance regarding Section 115-193 of the Zoning Code include a new subparagraph K concerning violations and penalties as follows “K. (heading) Violations and Penalties, the owner of the land and any person or corporation who shall violate any provisions of this Section shall be subject to the following penalties. Separate violations or a series of violations may be combined to determine the total area where the violation occurred.

(a) A fine of \$10,000.00 per quarter-acre of disturbance or part thereof shall be imposed; and

(b) Resource buffer rehabilitation and replanting in the area where the violation occurred, in accordance with a Mitigation Plan approved by the Director shall comply with the following:

- (i) For every tree removed or destroyed with a caliper of six inches or greater at breast height, there shall be at least three replacement trees planted within the buffer area.**
- (ii) The replacement trees shall be a native species.**
- (iii) The quality and size of the replacement trees shall be at least two inches caliper at breast height. Any tree that was removed or destroyed shall be replaced through the Mitigation Plan at a ratio of at least one inch per caliper at breast height for each inch of caliper removed. The property owner and/or party who violates this Section shall be responsible for the health and survival of the replacement trees, including regular necessary watering, for a minimum of two years and shall replace any trees that die within two years of planting.**
- (iv) The replanting design shown within the Mitigation Plan shall provide adequate space for root and crown development; and**

(c) No building or zoning permits shall be issued, nor shall any inspections occur within the Phase where the violation occurred (including, but not limited to building code and utility inspections) until the buffer rehabilitation is complete and approved by the Director”.

Motion Adopted: 5 Yeas.

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

**M 234 22
Section 115-
221B (19)/
Subsection
(a) & (j)**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson be it moved that Sussex County Council amend the Drainage and Buffer Ordinance as amended by the Commission so that Section 12 of the Ordinance regarding Section 115-221B (19) of the Zoning Code includes the following sentence to

**M 234 22
Section 115-
221B (19)/
Subsection
(a) & (j)
(continued)**

the end of Subsection (a) thereof as follows “In addition, the boundary shall be marked on the site itself with permanent markers and signage, with the location and type of signage depicted on the final site plan” and by creating a new subsection (j) thereof as follows “(j) that disturbance of the Resource Buffers on the site may result in penalties imposed pursuant to Section 115-193 K of the Sussex County Zoning Code”.

Motion Adopted: 5 Yeas.

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

**M 235 22
Adopt
Ordinance
No. 2852**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2852 entitled “AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS THERETO” as amended upon the recommendations and amendments of the Planning and Zoning Commission and the amendments made today by County Council and for the following reasons:

1. This initiative has its origins in the 2018 Comprehensive Plan calling for code amendments to protect waterways and wetlands which are recognized as valuable open space of ecological importance. These goals, objectives and strategies of the Comprehensive Plan are identified in detail in the whereas clauses of the Ordinance.
2. A working group that included many different stakeholders with a variety of business, professional and academic backgrounds was convened over many months to establish the framework for amending Chapters 99 and 115 of the Code of Sussex County regarding resource protection, buffers and the maintenance of waterways and drainage areas. This Ordinance is a result of that effort along with input from County staff.
3. There is appropriate flexibility through averaging and incentives that is contained in the Ordinance. It also includes several incentives with the intent to preserve and protect the existing resources such as forested areas on both sides of a waterway when that is most beneficial. This will result in an improved protection of natural resources while providing design flexibility for future development.
4. This Ordinance strikes a proper balance between the protection of land values and the protection of resources. For instance, this Ordinance protects these resources in a way that should result in better residential development plans without materially affecting the density of residential development.
5. There has been a lot of public comment about the Ordinance during the public hearings while there was not significant opposition to the Ordinance as a whole, there were constructive comments made

M 235 22 **during the process. This Ordinance as amended reflects many of**
Adopt **those suggestions made during the public hearing process.**
Ordinance **6. This Ordinance will promote and protect the health, safety,**
No. 2852 **convenience, orderly growth and welfare of the inhabitants of Sussex**
(continued) **County.**

Motion Adopted: 5 Yeas.

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

M 236 22 **At 11:18 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley,**
Go Into **to recess the Regular Session and go into Executive Session for the purpose**
Executive **of discussing matters relating to pending/potential litigation, and land**
Session **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 **At 11:26 a.m., an Executive session of the Sussex County Council was held**
Session **in the Basement Caucus Room to discuss matters relating to**
potential/pending litigation, and land acquisition. The Executive Session
concluded at 12:20 p.m.

M 237 22 **At 12:22 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson**
Reconvene **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 238 22 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess until**
Recess **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 239 22 **At 1:31 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to**
Reconvene **come out of recess back into 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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2318 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE**
 STORE AND OFFICE BUILDING TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH
 HUNDRED, SUSSEX COUNTY, CONTAINING 3.305 ACRES, MORE
 OR LESS” Conditional Use No. 2318 filed on behalf of V&M, LLC
 (properties lying on the southeast corner of the intersection of John J.
 Williams Highway [Route 24] and Mulberry Knoll Road [S.C.R. 284] also
 on the southeast side of John J. Williams Highway [Route 24] and also on
 the southwest side of Mulberry Knoll Road [S.C.R. 284]) (911 Addresses:
 19429, 19425, 19405 & 19387 John J. Williams Highway & 19676, 19662,
 19646 & 19634 Mulberry Knoll Road, Lewes) (Tax Parcels: 334-12.00-
 108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00)

The Planning and Zoning Commission held a Public Hearing on this
application on April 14, 2022, and on April 28, 2022, the Commission
recommended approval of the application for the eight reasons stated and
subject to the ten recommended conditions.

(See the minutes of the Planning and Zoning Commission dated April 14
and 28, 2022.)

Jenny Norwood, Planning and Zoning Manager, presented the application.

The Council found that Mr. Jim Fuqua, Esq. with Fuqua, Willard, Stevens
& Schab, P.A. spoke on behalf of Application C/U 2318 V&M, LLC via
telephone; that also present was Mr. Vincent Bifferato on behalf of the
Applicant and Mr. Zac Crouch, Engineer with Davis Bowen and Friedel,
Inc.; that there was an exhibit booklet submitted for the record; that it
contains related information; that the Conditional Use Application is for a
convenience store, fueling stations and office building on a 3.3-acre parcel;
that the site is located at the southwest corner of Rt. 24 and Mulberry Knoll
Rd. intersection; that the proposed site is comprised of eight separate tax
map parcels, which have been purchased by the Applicant; that the eight
parcels have been improved with several older homes and outbuildings;
that the land is mostly cleared; that the general surrounding area has
experienced significant population growth over the past decade; that there

Public
Hearing/
CU2318
(continued)

have been many new residential communities being developed in the area; that the trend of increasing population west of Rt. 1 and north and south of Rt. 24 resulted in the construction of Beacon Middle School within the Cape Henlopen School District; that Beacon Middle School is located to the land immediately adjacent to the west of the site; that the Love Creek Elementary School is located on the north side of Rt. 24, across from Beacon Middle School; that the State relocated the Delaware State Police Troop 7 Headquarters onto Mulberry Knoll Rd., on the north side of Rt. 24; that the Application was reviewed during the PLUS process on August 25, 2021; that a PLUS letter was issued by the Office of State Planning Coordination on September 22, 2021; that the site is located in the Investment Level 2 area according to the State Planning Office and the 2020 Strategies for State Policies and Spending Map; that Investment Level 2 reflects areas where growth is anticipated by County and State Plans in the near future; that State investments will support growth in the Investment Level 2 areas; that the PLUS letter further states the Office of State Planning has no objection to the Application; that the State Strategies document is not intended to be used as a land-use plan; that it is a guide to areas where the State plans to invest in infrastructure; that Delaware land-use authority has been delegated to the local governments; that land-use activity must comply with the Comprehensive Plan and the Zoning Ordinance of the local jurisdiction; that the 2019 Comprehensive Plan designated all of Sussex County as being in a growth area or in a rural area; that there are seven types of growth areas; that as indicated on the Future Land Use Map the site is located within the commercial growth area; that the plan describes the commercial growth area as areas for retail and services uses, which are mainly located along arterial roadways and highways; that commercial areas under the plan include commercial corridors, shopping centers and other medium and large commercial uses which are geared to vehicular traffic and not primarily targeted for the residents in the immediate and adjacent areas; that the parcels are zoned AR-1 (Agricultural Residential); that although a Change of Zone request for one of the parcels would be appropriate and consistent with the Comprehensive Plan, no zoning change is being requested, and the parcel's zoning designation will remain AR-1; that rather to seek rezoning of the property, the Applicant is requesting a Conditional Use approval for the specific proposed use; that the proposed use is for a 5,000 sq. ft. convenience store with fueling stations and a 12,000 sq. ft. office building; that a Conditional Use for the proposed use is authorized in the AR-1 Zoning District by the Zoning Ordinance; that there are two significant differences between a Change of Zone to a commercial use and a Conditional Use; that if land is rezoned to commercial, a wide variety of commercial uses are permitted by right currently or in the future; that a Conditional Use authorizes only the specific uses being requested; that a commercial rezoning cannot be issued limitations or conditions placed on the approval; that a Conditional Use allows the County to impose reasonable conditions of approval on the proposed use and the site plan layout; that Conditional Uses are typically of a public or semi-public character, being essential and desirable for the general convenience and welfare of the public; that the

**Public
Hearing/
CU2318
(continued)**

Zoning Ordinance indicates that Conditional Uses require planning judgement relating to the location, proposed use, possible impacts and the importance of the uses relationship to the County's Comprehensive Plan; that considering the nature of the area and the applicable land-use regulations, this particular site was chosen for this use for two main reasons; that the population growth in the general area has a great need for the uses which are essential and desirable for the general convenience and welfare of the public; that under the land-use regulations the site is located under Investment Level 2 within the State Plan, where growth is anticipated; that the State of Planning Coordination has no objection to the proposed use; that under the County Comprehensive Plan the site is located within a growth area; that the commercial growth area with the proposed use is specifically deemed appropriate; that central water will be provided by Tidewater Utilities, Inc.; that Tidewater does hold the CPCN to serve the area; that Tidewater Utilities, Inc. was previously granted a Conditional Use by Sussex County in November 2020 to construct a one million gallon elevated water storage tank on land located adjacent to the site; that the land is part of the Beacon Middle School property and owned by the Cape Henlopen School District; that the site will be served as part of the Sussex County unified sewer district; that the County Engineering Department confirmed that adequate capacity is available; that connection to the County Sewer District is required; that stormwater management facilities will be designed and constructed in accordance with DNREC regulations; that stormwater management will be reviewed and approved by the Sussex Conservation District; that all stormwater will be directed into the storm drainage network on the site; that they will be using best management practices; that there are no state regulated or federally regulated nontidal wetlands located on the site; that the entire site is located in Flood Zone X according to the FEMA Flood Insurance Rate Map; that the site is located out of the 100 Year Flood Plain; that the site is not located within a Wellhead Protection Area or an Excellent Groundwater Recharge Area; that fire protection would be provided by the Rehoboth Beach Fire Company; that the joint Rehoboth Beach/Lewes fire station is located nearby on Rt. 24; that as a result of the Service Level Evaluation Request DelDOT did determine a Traffic Impact Study (TIS) was warranted; that the site is located within the new Henlopen Transportation Improvement District (Henlopen TID); that normally a proposed commercial use within the TID would be required to pay a fee to DelDOT based on the square footage of the commercial use in lieu of performing a TIS; that because this commercial use was not part of the planning process when the TID was created, the Application was not eligible to pay the TID fee; that DelDOT did require the full Traffic Impact Study to be performed; that the Applicant requested David Bowen and Friedel, Inc. (DBF) prepare the TIS in accordance with DelDOT's requirements and directions; that there were already two active DelDOT projects underway within the study area, being the Rt. 24 and Mulberry Knoll Rd. to Rt. 1 project and the Rt. 24 and Love Creek to Mulberry Knoll Rd. project; that the DelDOT projects involve safety, operational and capacity improvements along Rt. 24; that the improvements include extending turn lanes, bicycle, and pedestrian

**Public
Hearing/
CU2318
(continued)**

improvements, and the widening of Rt. 24, which will provide two through lanes in both directions; that there will also be signalization with turn lanes at the Rt. 24 and Mulberry Knoll Rd. intersection adjacent to the site; that the proposed projects did create a practical complication to the Applicant's proposed use; that it did not make sense to have DelDOT complete improvements, which would be required to be modified or removed if the Conditional Use Application were approved; that DBF approached DelDOT regarding the issue; that DelDOT recognized the issue and agreed to enter into an agreement with the Applicant, dated August 12, 2021, to address the issue; that a copy of the agreement is included in the exhibit booklet; that the agreement with DelDOT is contingent on the Applicant's obtaining a Conditional Use approval for the proposed use; that the Applicant completes a Traffic Impact Study, which has been completed; that the Applicant obtain the required entrance plan approval from DelDOT, which would be a process after receiving approval; that as part of DelDOT's project, and the construction they are performing, DelDOT will construct a right-in and right-out entrance on Rt. 24 onto the site, with a right turn lane along the eastern side of Rt. 24; that the Applicant will reimburse DelDOT for all costs associated with the construction of the entrance, turn lane, and frontage improvements; that currently DelDOT is required to construct four existing entrances for the four tax map parcels that front Rt. 24, which are owned by the Applicant; that those entrances would be constructed at DelDOT's cost and expense; that if the Conditional Use were approved, the four entrances will no longer be necessary; that the agreement provides the Applicant will make a dedication to DelDOT for portions of the Rt. 24 frontage; that this is required by DelDOT for construction of their improvements of stormwater management facilities on the site related drainage from the road frontage improvements, entrance and turn lanes; that in addition to the agreement, there was a TIS performed, which was submitted to DelDOT; that DelDOT issued their TIS Review Letter on March 4, 2022; that as a result of the TIS Review the Applicant will be responsible for all requirements stated within the DelDOT agreement, improvements to Mulberry Knoll Rd. in both directions, within the limits of the site frontage to meet the DelDOT road standards, develop a full movement site access on Mulberry Knoll Rd. with a through lane and a right turn lane on southbound Mulberry Knoll Rd., improve the Rt. 24 and Mulberry Knoll Rd. intersection, beyond the DelDOT improvement projects, by extending the length of the plan northbound Mulberry Knoll Rd. left turn lane by an additional 40-ft. in length to better accommodate left turn movements related to the site; that the developer will dedicate a 15-ft. easement from the edge of the right of way to Mulberry Knoll Rd. frontage, construct a 10-ft. wide shared use path within the easement and a five foot buffer from the right of way; that there is no requirement to construct the same along the Rt. 24 frontage it is all part of current DelDOT project; that all improvements will include bicycle and pedestrian safety features with pavement markings and signage which is required by DelDOT; that the improvements will comply with ADA standards; that the developer will coordinate with the Delaware Transit Corporation regarding the design and construction of a 5'x 8' bus pad fronting on eastbound Rt.

**Public
Hearing/
CU2318
(continued)**

24; that there are two proposed access points to the site; that there is a right-in and right-out access from eastbound Rt. 24, located to the western side of the property; that there will be a full turn entrance from Mulberry Knoll Rd., located at the rear of the site; that the convenience store, centrally located on the site, will have 5,000 sq. ft. of floor area; that the store is setback approximately 200-ft. from the Rt. 24 DeIDOT right of way; that directly in front of the store is the fuel dispensing area; that this area would have a total of 10 fuel dispensers, located under a canopy; that the fueling operation would be constructed and operated in compliance with all federal and DNREC safety regulations; that the office building would be located to the west of the convenient store; that the office building does have a similar setback from Rt. 24; that the office building would be a three-story building containing 12,000 sq. ft. of floor area; that the site would have a total of 75 parking spaces as required; that each building would have a designated loading area; that stormwater facilities would be located to the front northeast corner of the property; that the stormwater facilities will accommodate not only the drainage but also drainage from the DeIDOT improvements performed in the area; that signage has not yet been determined; that the Applicant requests to have the type of signage as permitted within the commercial districts, in Section 115-159(5); that there will be a landscape tree buffer provided along the boundary of the site with the lands of the Cape Henlopen School District and to the Lands of Ralk Properties, LLC to the rear and side of the site; that there will be appropriate landscaping throughout the property as well; that a detailed Landscaping Plan will be prepared and submitted as part of the Final Site Plan Review; that on April 28, 2022, the Planning and Zoning Commission unanimously recommended approval of the application subject to conditions A through J; that all of the conditions are very appropriate and fully acceptable to the Applicant; that the site is located within Investment Level 2; that the State Planning Office has no objection; that there is extensive road improvements being constructed along Rt. 24 at the present time; that the intersection of Mulberry Knoll Rd. and Rt. 24 will become signalized; that all the improvements will accommodate the traffic impact in the area which has experienced significant growth and the site is designated as a commercial area in the 2019 Comprehensive Plan, where the proposed use is deemed to be appropriate.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 240 22
Adopt
Ordinance
No. 2853
/CU2318**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt Ordinance No. 2853 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE AND OFFICE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.305 ACRES, MORE OR LESS" for the reasons given by Planning and Zoning numbered 1 through 8 with

M 240 22
Adopt
Ordinance
No. 2853
/CU2318
(continued)

conditions 9 a-j as follows:

- 1. The site is at the intersection of Route 24 and Mulberry Knoll Road. Route 24 and this intersection are undergoing substantial improvements, with a traffic light to be installed at the intersection. This is an appropriate location for the proposed use.**
- 2. This location serves an area that has experienced residential growth. It is also near two relatively new schools and the recently constructed Troop 7. This Conditional Use will provide a convenient location for retail and automobile fueling for nearby residential developments as well as Route 24 traffic.**
- 3. The Applicant will be required to comply with all DelDOT entrance and roadway improvements as required by DelDOT's TIS Review Letter and DelDOT's Letter Agreement.**
- 4. The site will be served by central water and Sussex County sewer.**
- 5. The site is in the Commercial Area according to the current Sussex County Land Use Plan. This type of business is appropriate in this Area according to the Plan.**
- 6. The proposed Conditional Use lessens the congestion on area roads by providing appropriate commercial activities at the Route 24 and Mulberry Knoll Road intersection so that residents and visitors to the area can meet some of their commercial needs without having to travel to Route One or the Angola areas.**
- 7. The proposed Conditional Use meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 8. There was no opposition to this Application.**
- 9. This recommendation is subject to the following conditions:**
 - a. The use shall be for a 5,000 square foot convenience store with fueling stations and a 12,000 square foot office building.**
 - b. The Applicant shall comply with all entrance, intersection, and roadway improvements required by DelDOT.**
 - c. Fuel and petroleum products shall be stored and dispensed as required by all State and Federal requirements.**
 - d. All security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
 - e. Any dumpsters shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
 - f. The Developer shall comply with all stormwater management requirements and the Final Site Plan shall contain the approval of the Sussex Conservation District.**
 - g. The site may have the signage permitted in the C-3 District.**
 - h. There shall be a landscape area along the site's common boundary with lands of the Cape Henlopen School District and lands of Ralk Properties, LLC to screen this site from these adjacent properties. A landscaping plan shall be submitted as part of the Final Site Plan.**

**M 240 22
Adopt
Ordinance
No. 2853
/CU2318
(continued)**

- i. The site shall comply with the parking requirements and calculations set forth in the Sussex County Zoning Code. The Final Site Plan shall clearly show these areas and all parking areas shall be clearly marked on the site.**
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & 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/
CZ1962**

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-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.19 ACRES, MORE OR LESS” Change of Zone No. 1962 filed on behalf of Jeff-Kat, LLC (property lying on the east side of Kings Highway [Route 9] approximately 0.36 mile northeast of the intersection of Kings Highway [Route 9] and Gills Neck Road [S.C.R. 267]) (911 Addresses 1005 & 1007 Kings Highway, Lewes) (Tax Parcel: 335-8.00-39.00 [portion of])

The Planning and Zoning Commission held a Public Hearing on this application on April 14, 2022, and on April 28, 2022, the Commission recommended approval of the application for the eight reasons stated.

(See the minutes of the Planning and Zoning Commission dated April 14 and 28, 2022.)

Jenny Norwood, Planning and Zoning Manager, presented the application.

Mr. Rieley recused himself from this Application.

The Council found that Mr. Jeff Hamer spoke on behalf of his Application; that this the last parcel of the property that will probably be available to purchase so that he can continue to grow his operations; that the property is in a Level 1 growth area; that he has already purchased the subject property from the Mitchell Farm, LLC; that the developer has the rest of the property under contract; that there are no current plans for the parcel other than potentially parking employees further out; that his business provides farmers with spent grain; that he is an agricultural producer and produces agricultural products; that he is helping farmers meet their needs during a difficult time; that with the purchase of this property, it will allow him to have an interconnect to the new project that is proposed behind this parcel; that it will allow easier access to the property in the back; that it will also allow him to connect to a side road to allow the people that live behind

**Public
Hearing/
CZ1962**

the parcel connect backwards into the restaurant rather than going out onto Kings Hwy., that this will allow traffic to be off of Kings Hwy.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 241 22
Adopt
Ordinance
No. 2854/
CZ1962**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2854 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 CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.19 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning as follows:

- 1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations.**
- 2. The site is adjacent to the applicant’s property which is currently used for a brewpub/restaurant. This location is appropriate for this type of zoning.**
- 3. As stated by the Applicant, there will be interconnectivity between this site, the existing brewpub restaurant, as well as the adjoining property.**
- 4. The expansion of the Applicant’s C-3 zoning will improve the vehicle movement and parking on the entire site and the area in general.**
- 5. The site will be served by central water and sewer.**
- 6. The site is in the Coastal Area according to the Sussex County Land Use Plan. This type of commercial use is appropriate in these areas according to the Plan.**
- 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 242 22
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:10 p.m.

Motion Adopted: 4 Yeas, 1 Absent

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

**Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

Respectfully submitted,

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

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