

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 20, 2025**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 20, 2025, at 10:00 a.m., in Council Chambers, with the following present:

<b>Douglas B. Hudson</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Hudson called the meeting to order.

**M 214 25  
Approve  
Agenda**

Mr. Lawson reported that Executive Session – Land Acquisition and Possible action on Executive Session Items can be removed. A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda as amended.

**Motion Adopted: 5 Yeas**

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

**Minutes**

The minutes from May 13, 2025 were approved by consensus.

**FY26  
Budget  
Presentation**

Mr. Lawson and Mrs. Jennings presented the proposed \$285.1 budget for Fiscal Year 2026.

Mr. Lawson reported that the recommended budget was drafted by the County Administrator, Finance Director/COO, Deputy Finance Director, and Manager of Accounting. This recommended budget was drafted after receiving submissions from County departments. This budget is developed knowing Council's priorities focused on looking at development growth in Sussex County. As we expect that building activity will continue to level off, or maybe even decline, cautious revenue projections were used, and ongoing expenses were kept at a sustainable level unless it is known for sure how any new development strategies may impact revenues. The Fiscal Year 2026 budget is an increase of \$19.4 million. This increase is being driven by one-time capital expenditures in the sewer capital fund. These expenditures include major upgrades and improvements at our Inland Bays and Wolfe Neck Regional Wastewater Facilities. As any prudent government, we

**FY26  
Budget  
Presentation  
(continued)**

continue to keep our ongoing operational expenses in check as we continue providing the same high level of service. In this year's budget, RTT is \$2 million more than FY 2025's budget. While our trends show that the FY 2026 amount is at a short-term attainable level, it remains at a level that is higher than what was collected six years ago. And although RTT is our single greatest source of revenue, it is limited to some of the County's most critical services, including paramedics, fire and ambulance companies, police, 911 dispatchers, economic development, assessment, public works, and open space. Thus, we can keep pace with the population and the demand for our critical services using RTT. However, should RTT drop below anticipated levels, it is likely at some point in the future the County will need to seek additional revenue from the taxpayers. Revenues are only one side of the budget equation. The other side is the expenses that support our governmental services and County Council priorities. Any new project requests were scrutinized to ensure they are necessary, align with the County's objectives, and address long-term concerns and issues of the Council. A new priority has been established - reviewing development strategies. There are additional funds in the Planning & Zoning Department in both legal and consulting to assist the Council in achieving their vision. In closing, the County's Fiscal Year 2026 budget continues to follow the conservative budget philosophies of the past but at the same time slowly pivots in a new direction as new Council leadership takes the reins.

Mr. Lawson reviewed the accomplishments by staff throughout the year from this year's budget. Mr. Lawson highlighted some of the milestones that were accomplished that were broken down by the County's goals.

Mrs. Jennings discussed the trends for building permits and shared a chart showing the trend. Mrs. Jennings provided a chart showing the various one-year activity. It was noted that constable complaints have gone down due to a ticketing system that was implemented. Mrs. Jennings noted that the Register of Wills Office has seen an increase due to the aging population. The budget is projected to increase by \$19,365,246 or 7.3%. Most of that is due to the capital projects in water and sewer funds. It was noted that an additional \$1 million was included in the budget for farmland preservation.

Mrs. Jennings shared the revenue highlights:

- New tax rate based on being revenue neutral (2.14 cents)
- Use of Reserves: \$11.2 million in General Fund; \$12.6 million in Capital
- Use of reserves is down \$1.2 million or 9.9%
- Property tax revenue is up \$614,000 or 3.2% due to new improvements
- Building related revenues are relatively flat
- Realty Transfer Tax revenue is up \$2.0 million or 5.7%
- Grant revenue is up \$1.3 million or 11.3%
- Interest revenue is up \$1.9 million or 62.3%

**FY26  
Budget  
Presentation  
(continued)**

**Mrs. Jennings reviewed the revenue highlights, which reflects Realty Transfer Tax being the biggest revenue source at 36%. The use of reserves was discussed and broken down of how it will be spent.**

**Mrs. Jennings discussed proposed changes in fees. These include a \$33 annual increase in un-metered water rates, \$12 annual increase in sewer rates and \$3,000 increase in sewer connection fees, \$7,000 to \$10,700. In addition, Sheriff fees for services (last change was 15 years ago) are being recommended to be increased as follows:**

- Summons and complaints from \$30 to \$40**
- Alias summons from \$40 to \$50**
- Replevin/Writ of possession from \$30 to \$40**
- Posting the property from \$30 to \$40**
- Subpoena for Civil and Criminal from \$15 to \$20**
- Attachment on Levy from \$75 to \$90 (service required additional deputy time)**
- Certified mail from \$7.50 to \$10.00**
- Posting property with the Notice of Lienholders from \$25 to \$30**

**Also, Subdivision name changes in mapping outside the first service \$50/hour and construction phase design modification fee with UCD management sign off where existing lateral not located as stated on plans or an illegal connection or disconnection was made - \$500.**

**Mrs. Jennings discussed and shared a chart showing the trends over the years for building related revenues and Realty Transfer Tax. Mrs. Jennings explained that Realty Transfer Tax can only be used on certain things with most of it being spent on public safety.**

**Mrs. Jennings shared a comparison of general fund expenses showing most of the expenses are for personnel costs. With the largest increase in contractual services (there are multiple projects included in this cost), grant-in aid (this includes additional money for farmland preservation and an increase in the MOU with DSP) and personnel (related to cost of living adjustment and merits).**

**Mrs. Jennings discussed staffing; the increases in staffing include 3 in sewer – engineering and decrease in the clerk position for Recorder of Deeds and a custodian staff member. An additional clerk in the Register of Wills is requested for a total of two new full-time employees. Mrs. Jennings discussed and shared charts showing the staffing trends over the years.**

**Grant-in-Aid, Public Safety, Libraries and Open Space/Recreation funding were discussed further. The general fund project revenues, project expenditures, sewer and water were shared and discussed further.**

**The budget book and presentation can be found on the County's website at**

**FY26 Budget Presentation (continued)** [www.sussexcountysde.gov](http://www.sussexcountysde.gov). Budget comments can be sent to [budget@sussexcountysde.gov](mailto:budget@sussexcountysde.gov).

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2026”.**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.**

**Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE IV, § 62-15 OF THE CODE OF SUSSEX COUNTY TO INCREASE VARIOUS FEES CHARGED BY THE SHERIFF”.**

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

**Public Comments** **There were no public comments.**

**M 215 25 Approve Consent Agenda** **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to approve the following item under the Consent Agenda:**

**Proclamation Request – Fair Housing Month**

**Motion Adopted: 5 Yeas**

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

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

- 1. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Millville by the Sea – Village 4A (Construction Record) received Substantial Completion effective May 13<sup>th</sup>.**

- 2. Delaware State Police Activity Report**

**The Delaware State police year-to-date activity report for April 2025 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for the**

**Adminis-  
trator's  
Report  
(continued)**

month of April.

**3. Holiday and Council Meeting Schedule**

A reminder that County offices will be closed on Monday, May 26<sup>th</sup>, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 27<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, June 3<sup>rd</sup>.

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

**General  
Labor &  
Equipment**

Mike Harmer, County Engineer presented change order no. 1 and a one-year extension request for general labor & equipment contract for Council's consideration.

**M 216 25  
Approve CO  
No. 1/  
General  
Labor &  
Equipment**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Engineering Department that FY25 change order no. 1 for contract #25-01, FY25 general labor & equipment, be approved, which increases the contract amount by \$1,300,000.00, for a new total of \$6,249,784.00 and to approve the first, one-year contract extension in the amount up to \$5,000,000.00, at the unit prices previously bid, contingent upon approval of the FY26 budget.

**Motion Adopted: 5 Yeas**

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

**DE Coastal  
Business  
Park Amend  
2**

Hans Medlarz, Project Manager presented the 2<sup>nd</sup> amendment to the Town of Georgetown agreement for Wastewater services for DE Coastal Business Park Wastewater Interconnection for Council's consideration.

**M 217 25  
Approve  
Amendment  
No. 2/Town  
of  
Georgetown**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based on the recommendation of the Sussex County Engineering and Finance Departments, that the Sussex County Council approve the 2<sup>nd</sup> addendum to the "Town of Georgetown Agreement for Wastewater Services" between Sussex County and the Town of Georgetown as presented.

**Motion Adopted: 5 Yeas**

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

**Herring**

Hans Medlarz, Project Manager presented change order no. 5 and a request

**Creek CO for substantial completion for Herring Creek sanitary sewer district for Council's consideration.**  
**No. 5**

**M 218 25**      **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum that be it**  
**Approve**      **moved based upon the recommendation of the Sussex County Engineering**  
**CO No. 5/**      **Department, that change order no. 5 for contract S20-08, Herring Creek**  
**Substantial**      **Sanitary Sewer District: South Gravity Sewer and Force Main, Phase III be**  
**Completion/**      **approve, increasing the contract amount by \$237,013.31 and granting**  
**Herring**      **substantial completion as of December 12, 2024, with any held retainage**  
**Creek**      **released in accordance with the contract documents, contingent upon UDSA**  
                 **concurrence.**

**Motion Adopted:      5 Yeas**

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

**Old**      **Under Old Business, Jamie Whitehouse, Planning & Zoning Director**  
**Business/**      **presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND**  
**CZ2026**      **THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM**  
                 **AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR**  
                 **MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE**  
                 **PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN**  
                 **LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING**  
                 **433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS**  
                 **SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE**  
                 **OR LESS" filed on behalf of Northstar Property, LLC.**

**The County Council held a Public Hearing on the application at the meeting**  
**on March 11, 2025. At the conclusion of the Public Hearing, the application**  
**was deferred for further consideration.**

**M 219 25**      **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt**  
**Adopt**      **Ordinance No. 3092 entitled "AN ORDINANCE TO AMEND THE**  
**Ordinance**      **COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-**  
**No. 3092/**      **1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM**  
**CZ2026**      **DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF**  
                 **A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES &**  
                 **REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071**  
                 **ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED**  
                 **AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS"**  
                 **for the reasons given by the Planning & Zoning Commission as follows:**

- 1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available.**
- 2. The stated purpose of the MR District is satisfied for this site. Both**

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Ordinance  
No. 3092/  
CZ2026  
(continued)**

central water and central sewer will be available. It is also in an area with a more urban character, including a variety of large and small business, commercial and office uses and higher density residential development across Route 9 from this site. The location along Route 9 is also in close proximity to Route One and the Five Points intersection and the commercial corridor of business and commercial uses there. It is also located along one of DARTs bus routes. This rezoning is consistent with other zoning and land uses in the area.

3. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
4. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan.
5. The intended use of this property will be to allow the development of it with affordably priced multi-family residential rental units. This is an appropriate use for this location given its surroundings.
6. The Comprehensive Plan suggests that higher densities such as those permitted in the MR District can be appropriate where there is water and sewer available, there are appropriate roadways to handle the density, and there are nearby commercial or employment centers. All of those factors are satisfied with regard to this application.
7. DelDOT has stated that the proposed rezoning to MR will have a “minor” impact upon local area roadways. However, the property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID “per-unit” fee prior to the issuance of every residential building permit.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
9. For all of these reasons, MR zoning is appropriate for this site.

**Motion Adopted: 5 Yeas**

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

**Ms. Gruenebaum made a statement providing her concerns with this development as well as many others.**

**Old  
Business/  
CU2499**

**Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN**

**Old  
Business/  
CU2499  
(continued)**

**LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” filed on behalf of Northstar Property, LLC.**

**The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the application was deferred for further consideration.**

**M 220 25  
Adopt  
Ordinance  
No. 3093/  
CU2499**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 3093 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. Central water and sewer are available to this site, and this application for multi-family units is in compliance with the purposes of the MR zone.**
- 2. The property is in an area with a more urban character, including a variety of large and small business, commercial and office uses and higher density residential development across Route 9 from this site. There is a wide variety of zoning in the immediate area, including AR-1, MR, GR, C-1, CR-1 and B-1. The C-1 property across Route 9 from this project is being developed with a mixed use including residential units at a density similar to what is proposed with this project. The location along Route 9 is also in close proximity to Route One and the Five Points intersection and the commercial corridor of business and commercial uses there. It is also located along one of DART’s bus routes. This conditional use is consistent with other zoning and land uses in the area. Multi-family development is appropriate for this property adjacent to these roadways and this intersection.**
- 3. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.**
- 4. In this case the purpose of the development is to provide 94**



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Adopt  
Ordinance  
No. 3093/  
CU2499  
(continued)**

affordably priced rental units upon 7.882 acres on the eastern side of Sussex County. Because of the high price of homes and rentals in much of eastern Sussex County, housing can be unaffordable for a lot of residents in this area of the County. Many County residents cannot afford to live near where they work, resulting in long commuting time and increased traffic on County roadways. The project will provide affordable housing at a convenient location to Sussex County residents with low to moderate income levels who are a large part of the workforce in eastern Sussex County.

5. The project has a density of 11.93 units per acre, which is consistent with the density that is permitted “by-right” under the Sussex County Rental Program. However, under that program, only a portion of the units must be dedicated to affordable housing. Here, all of the units are being dedicated to affordable housing.
6. According to information stated in the record, the rental units will be available to households with incomes with less than 60% of the Sussex County median income. To comply with this, the project will be managed by a property management company that specializes in affordable housing projects, with more than 30 years of experience developing affordable housing throughout Delaware, Pennsylvania and New Jersey.
7. County Council declared in Chapter 72, Section 18 of the County Code that it is the public policy of the County to:
  - a. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
  - b. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
  - c. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
  - d. Encourage developments in Growth Areas as defined within the County’s most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.
  - e. Provide incentives for developers to construct affordable rental units through tools such as the density incentive and expedited review.
  - f. The proposed development is in accordance with this stated County Public Policy.
8. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing. For example:
  - a. Goal 8.2: “Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations.”
  - b. Objective 8.2.1: “Affirmatively further affordable and fair

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- housing opportunities in the County to better accommodate the housing needs of all residents.”
- c. Strategy 8.2.1.3: “Explore ways for private developers to provide more multi-family and affordable housing opportunities.”
  - d. Objective 8.2.3: “Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure.”
  - e. Strategy 8.2.3.1: “Promote increasing affordable housing options, including the supply of rental units, near employment opportunities.”
  - f. This project is consistent with each of these goals, and it is located in an area where the use is consistent with the existing and planned infrastructure, and it is located near numerous employment opportunities with access to many more employment opportunities given its location on an established DART route.
9. This project received expedited treatment because of the affordable rental housing being sought as justified by the County Code and the Comprehensive Plan. This project was also considered holistically at the same time as Subdivision #2023-14 and a C-3 Rezoning. Because the other applications benefitted from the expedited review of this one, there is a condition of approval requiring this affordable housing project to be built first.
  10. There are no wetlands located on the property.
  11. DelDOT has stated that the proposed multi-family conditional use will have a “minor” impact upon local area roadways. However, the property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID “per-unit” fee prior to the issuance of every residential building permit.
  12. As part of the Final Site Plan approval process, the stormwater management design will be reviewed and approved by the Sussex Conservation District, ensuring that the drainage system will be adequately designed and constructed to protect adjoining developments.
  13. The proposed multi-family conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
  14. There is no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
  15. With conditions imposed, including the requirement that all of the units will be only be available to qualified low and moderate income County residents, the proposed conditional use meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
  16. This recommendation is subject to the following conditions:
    - a. There shall be no more than 94 Units within the development.

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- b. All of the units shall be rented and occupied as part of an officially recognized Federal, State or County affordable housing program. The project shall also be managed by a property management company that is recognized and specializes in the management of affordably priced residential projects operated under Federal, State or County affordable housing programs. The name and experience of the property management company, and the nature, type and economic details of the affordable housing program shall be provided to Sussex County's staff for review prior to review and approval of the Final Site Plan. The units must be occupied as the primary residence of the tenants. Once constructed, on the first 12-month anniversary of the first unit being occupied, and on an annual basis thereafter, the property manager for the development shall submit a certified and notarized report to the Sussex County Director of Community Development and Housing in a format acceptable to the Director, which shall include the following information: (i) the affordable housing program(s) utilized by the property; (ii) the eligibility criteria for tenants used by the program(s) at the property; (iii) the number of units, by bedroom count, that are leased to eligible tenants and those that are vacant; (iv) the monthly rent charged for each unit; (v) for each unit, the household size and total household income as of the effective date of the lease and any renewals thereof; (vi) a statement that, to the best of the landlord's information and knowledge, tenants who are leasing the units meet the established eligibility criteria; and (vii) a status report about the type and usage of the service amenities described in Condition J below.**
- c. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination. In addition, the property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID "per-unit" fee prior to the issuance of every residential building permit. The applicant shall provide a phasing schedule that shall coordinate and establish the construction timeframe of the off-site entrance and roadway improvements that DelDOT will require as a result of the development that are not covered by the TID. This phasing schedule shall be presented to the Planning and Zoning Commission as part of the Final Site Plan and shall demonstrate that the off-site improvements required by DelDOT will be completed prior to or simultaneous with this project reaching substantial completion.**
- d. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering**

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**Department.**

- e. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- g. Interior street design shall comply with or exceed Sussex County standards and sidewalks shall be installed that connect with the multi-modal paths required by DelDOT.**
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
- i. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
- j. This community shall have both recreational amenities and service amenities. The recreational amenities shall include a clubhouse with a lounge, fitness center and management offices, bike storage lockers, a playground and play area. The size and details of these recreational amenities shall be shown on a separate amenities plan to be reviewed by the Commission as part of the Final Site Plan review. These recreational amenities shall be completed in accordance with Section 115-194.5 of the Code. In this instance, since the units are within larger buildings, this will require the recreational amenities to be completed prior to the issuance of the building permit for the third residential building. The service amenities shall include access to, and assistance with, local facilities including but not limited to the YMCA and employment and educational opportunities and counseling. The status and use of these service amenities shall be provided in the annual report to the Sussex County Director of Community Development and Housing.**
- k. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday and between 7:00 a.m. and 2:00 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
- l. A 30-foot-wide forested buffer shall be installed along the perimeter of the development adjacent to Lewes Crossing. This buffer area shall comply with the planning requirements for such a buffer as contained in Section 99-5 of the Sussex County Code.**

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- m. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall include the “Limits of Disturbance” within the site and these “Limits of Disturbance” shall be clearly marked on the site itself.
- n. All lighting on the site shall not exceed 18 feet in height and it shall be shielded and downward screened so that it does not shine on neighboring properties or roadways. In addition, the external lighting shall be located no closer than 100 feet from the common boundary with Lewes Crossing and shall face away from the Lewes Crossing community.
- o. The Final Site plan shall state that the agricultural activities exist nearby, and it shall include the Agricultural Use Protection Notice.
- p. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- q. Because this multi-family rental project was linked with Subdivision 2023-14 and the projects have both been expedited and considered simultaneously as a result, and because of the importance of providing affordable housing for Sussex County residents, construction of this project shall be substantially completed and receive its Certificate of Occupancy from Sussex County prior to the issuance of a Notice to Proceed for Phase Two of Subdivision 2023-14.
- r. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

**Motion Adopted: 5 Yeas**

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

**Old  
Business/  
CZ2012**

**Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented 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 CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” filed on behalf of Rudder Road, LLC.**

**The County Council held a Public Hearing on the application at the meeting on March 25, 2025. At the conclusion of the meeting, the record was closed and action on the application was deferred for further consideration.**

**M 221 25  
Adopt  
Ordinance  
No. 3094/  
CZ2012**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 3094 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 CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:**

- 1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.**
- 2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”**
- 3. The requested zoning change is consistent with the zoning of properties along this area of Banks Road. All of the properties immediately across Banks Road from the Property are zoned GR, which is a zoning district that is similar to the requested MR Zoning. The properties immediately behind the Property (the Creeks End community) are also zoned MR. Along Banks Road the adjacent properties are zoned GR, C-1 and AR-1. Along nearby Long Neck Road there are properties zoned C-1, CR-1, C-2, B-1, HR-1, MR, GR, and AR-1. MR zoning is appropriate in this location where these other uses and zoning districts exist.**
- 4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “minor” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study, or “TIS”.**
- 5. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.**
- 6. For all of these reasons, MR zoning is appropriate for this site.**

**Motion Adopted: 5 Yeas**

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

**Ms. Gruenebaum made a statement regarding the application.**

**Old**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance**

**Business/  
CU2449**

entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” filed on behalf of Rudder Road, LLC.

The County Council held a Public Hearing on the application at the meeting on March 25, 2025. At the conclusion of the meeting, the record was closed and action on the application was deferred for further consideration.

**M 222 25  
Amend  
Condition F  
CU2449**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to amend Condition F to add the following language to the Planning & Zoning’s recommendation of Condition F by adding the following:

Further, due to the proximity of this property to Guinea Creek, the following additional requirements for stormwater protection should be strictly enforced:

1. An enhanced sediment and erosion control plan shall be prepared by the developer’s engineer and submitted for review and approval by the Sussex Conservation District and the Sussex County Engineering Department applying superior stormwater outfall protection as well as sediment traps, sizing and placement above and beyond the Delaware erosion and sediment control handbook requirements.
2. A sequence of construction optimizing erosion and sediment controls by limiting the various stages of earth disturbance to no more than 10 acres shall be prepared by the developers engineer and submitted for review and approval by the Sussex Conservation District and Sussex County Engineering Department. Disturbance of 10 acres sections may not proceed until permanent stabilization of the previous section is accomplished and approved by the Sussex County Conservation District.
3. The developer shall acquire the services of a third-party construction reviewer to perform weekly construction review reports of the approved erosion and sediment control plan elements and the installation of stormwater management system until the development is complete and all bound to the Sussex Conservation District and Sussex County until the development is released. Any non-compliant portion of the work as noted in the weekly report shall be corrected by the developer within the time period specified in said report. Any delay in the timeframe and correcting non-compliant work shall result in restrictions on the issuance of new building permits as well as certificate of occupancy within the development until the non-complaint work is corrected.

**Motion Adopted: 5 Yeas**

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

**Mr. Hudson, Yea**

**M 223 25  
Amend  
Condition J  
CU2449**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to amend Condition J to add the following addition language at the end of the Commission's existing Condition J by adding:**

**In addition, the developer shall provide protection of the resource buffer by creating a 20-foot-wide protective area outside of Resource Buffer B as average and shown on the preliminary site plan to be known as the Resource Buffer Protection Area which shall be subject to the following requirements:**

- 1. The area including all wooded vegetation within the additional Resource Buffer protection area shall remain undisturbed except for uses permitted in Resource Buffer B by Section 115-193 of the Sussex County Code.**
- 2. The community walking trail and the turnaround associated with the community dock currently shown on Resource Buffer B on the preliminary site plan shall be moved outside of Resource Buffer B and into the Resource Protection Area.**
- 3. Construction fence shall be installed along the outer edge of the additional Resource Buffer Protection Area prior to the Sussex County Engineering Department issuance of a Notice to Proceed for the development maintained during construction and only removed as part of the close out process in accordance with Section 99-31 of the Sussex County Code.**
- 4. During the phase of construction, adjacent to the additional Resource Buffer Protection Area, an additional super silt fence shall be installed 5 feet land side of the additional buffer protection area. The said super silt fence shall be maintained throughout the entirety of construction except for temporary access during the construction of the community walking trail and the turnaround associated with the community dock and shall only be permanently removed as part of the closeout process in accordance with Section 99-31 of the Sussex County Code.**

**Motion Adopted: 5 Yeas**

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

**M 224 25  
Amend  
Conditions  
A, N, R &  
Q/  
CU2449**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to amend Condition A by striking the last sentence "All of these units shall be condominium units. This approval does not constitute a subdivision creating any individual lots.", to amend Condition N by adding "Property Owners Association" after the word Condominium, to amend Condition Q by adding "Property Owners Association" after the word Condominium and amend Condition R by adding "Property Owners Association" after the word Condominium.**

**Motion Adopted: 5 Yeas**



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

**M 225 25  
Adopt  
Ordinance  
No. 3095/  
CU2449**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 3095 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

- 1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.**
- 2. Both central water and central sewer will be available to this site.**
- 3. The property is in the vicinity of other properties with a variety of business, commercial and residential zonings and uses. The zoning classifications around the Property include primarily GR, MR, HR-1, AR-1, C-1, CR-1, C-2, and the B-1. The surrounding area along Banks Road contains a mixture of housing styles including manufactured home communities, single-family detached homes, townhomes and multi-family units, including Lingo Estates (3.9 unites/acre), Enchanted Acres (4.0 units/acre), Shawn’s Hideaway (5.2 units/acre), Bayshore (8.9 units/acre), and Baywood Garden Villas (9.4 units/acre). This conditional use for 116 units at approximately 3.8 units per acre is consistent with other zoning, uses and residential development in the area.**
- 4. The Property contains approximately 0.73 acres of non-tidal wetlands adjacent to Guinea Creek which will be protected with Resource Buffers as shown on the Preliminary and Final Site Plans.**
- 5. DelDOT has reviewed the proposed project and has determined that the development’s traffic impact will be Minor. When DelDOT determines that traffic impact will be minor, a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer’s obligation to construct or pay for offsite road improvements that are required by DelDOT.**
- 6. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.**
- 7. The conditional use is consistent with the County’s Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities**

**M 225 25**  
**Adopt**  
**Ordinance**  
**No. 3095/**  
**CU2449**  
**(continued)**

can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.

8. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) That is in keeping with the character of the area; and (4) That is situated near a Major Collector Road (Long Neck Road) with another Major Collector (Route 24) in close proximity. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
9. As part of the Application and during the public hearing before the Planning & Zoning Commission, the Applicant unilaterally promised to make financial contributions to address housing needs in Sussex County and also to support the local Fire Company. These promises are not required by Sussex County and have not influenced the decision to recommend approval of this application. Instead, they are being included as conditions to this recommendation to confirm the representations made by the Applicant so that they will be performed as stated.
10. There is no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
11. This recommendation is subject to the following conditions:
  - a. There shall be no more than 116 Units within the development. These units shall consist of 75 attached dwellings in the form of townhomes and 41 single family detached homes.
  - b. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
  - c. The active recreational amenities for the project shall include a small pool house with a minimum square footage of 500 square feet and a pool with a minimum water surface area of 1,200 square feet. There shall also be a dock with boat slips and a kayak launch (subject to all applicable DNREC approvals) for use by the residents of the community. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.
  - d. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
  - e. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
  - f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best

**M 225 25  
Adopt  
Ordinance  
No. 3095/  
CU2449  
(continued)**

**Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District. Further, due to the proximity of this property to Guinea Creek, the following additional requirements for stormwater protection should be strictly enforced:**

- 1. An enhanced sediment and erosion control plan shall be prepared by the developer's engineer and submitted for review and approval by the Sussex Conservation District and the Sussex County Engineering Department applying superior stormwater outfall protection as well as sediment traps, sizing and placement above and beyond the Delaware erosion and sediment control handbook requirements.**
- 2. A sequence of construction optimizing erosion and sediment controls by limiting the various stages of earth disturbance to no more than 10 acres shall be prepared by the developers engineer and submitted for review and approval by the Sussex Conservation District and Sussex County Engineering Department. Disturbance of 10 acres sections may not proceed until permanent stabilization of the previous section is accomplished and approved by the Sussex County Conservation District.**
- 3. The developer shall acquire the services of a third-party construction reviewer to perform weekly construction review reports of the approved erosion and sediment control plan elements and the installation of stormwater management system until the development is complete and all bound to the Sussex Conservation District and Sussex County until the development is released. Any non-compliant portion of the work as noted in the weekly report shall be corrected by the developer within the time period specified in said report. Any delay in the timeframe and correcting non-compliant work shall result in restrictions on the issuance of new building permits as well as certificate of occupancy within the development until the non-complaint work is corrected.**
- g. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths.**
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
- i. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
- j. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on**

**M 225 25  
Adopt  
Ordinance  
No. 3095/  
CU2449  
(continued)**

the Final Site Plan and within the Declaration of Covenants, Conditions, Easements, and Restrictions for the community. In addition, the developer shall provide protection of the resource buffer by creating a 20-foot-wide protective area outside of Resource Buffer B as average and shown on the preliminary site plan to be known as the Resource Buffer Protection Area which shall be subject to the following requirements:

1. The area including all wooded vegetation within the additional Resource Buffer protection area shall remain undisturbed except for uses permitted in Resource Buffer B by Section 115-193 of the Sussex County Code.
2. The community walking trail and the turnaround associated with the community dock currently shown on Resource Buffer B on the preliminary site plan shall be moved outside of Resource Buffer B and into the Resource Protection Area.
3. Construction fence shall be installed along the outer edge of the additional Resource Buffer Protection Area prior to the Sussex County Engineering Department issuance of a Notice to Proceed for the development maintained during construction and only removed as part of the close out process in accordance with Section 99-31 of the Sussex County Code.
4. During the phase of construction, adjacent to the additional Resource Buffer Protection Area, an additional super silt fence shall be installed 5 feet land side of the additional buffer protection area. The said super silt fence shall be maintained throughout the entirety of construction except for temporary access during the construction of the community walking trail and the turnaround associated with the community dock and shall only be permanently removed as part of the closeout process in accordance with Section 99-31 of the Sussex County Code.
- k. Approximately 12 acres or 40% of the site shall remain as open space.
- l. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 8:00 am and 2:00 pm on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- m. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- n. The Applicant shall form a Condominium Property Owners Association that shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities and open space.
- o. All lighting on the site shall be shielded and downward screened so

**M 225 25  
Adopt  
Ordinance  
No. 3095/  
CU2449  
(continued)**

- that it does not shine on neighboring properties or roadways.
- p. The Declaration of Covenants, Conditions, Easements and Restrictions for the subdivision and Final Site Plan shall state that agricultural and hunting activities exist nearby, and they shall include the Agricultural Use Protection Notice and a similar notice about hunting activities.
  - q. As proffered by the Applicant, prior to the issuance of a building permit for each residential unit, the applicant shall make: (1) A \$3,500 contribution to the Sussex County Housing Trust administered by the Sussex County Department of Community Development and Housing to address housing needs in Sussex County. At the completion of this development the total contribution for housing will be \$406,000. (2) A \$500 contribution to the Indian River Volunteer Fire Company for a total contribution of \$58,000. Thereafter a monthly contribution of \$10 per completed dwelling unit shall be collected by the condominium property owner association and paid over to the Indian Volunteer River Fire Company on a semi-annual basis for a total annual contribution once the project is completed in the amount of \$13,920. All of these contribution requirements shall be set forth on the Final Site Plan and in the recorded governing documents of the development. A copy of this Ordinance shall also be provided to the Indian River Volunteer Fire Company and the Sussex County Department of Community Development and Housing as a condition of Final Site Plan approval.
  - r. The applicant shall prepare and establish a marker/plaque describing the history of the Friendship School on the Property. The location of the marker/plaque shall be shown on the Final Site Plan and the maintenance of the marker/plaque shall be the responsibility of the condominium property owners association.
  - s. The Final Site Plan shall depict or note these conditions of approval and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

**Motion Adopted: 5 Yeas**

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

**Grant  
Requests**

**Ms. Wall presented grant requests for Council's consideration.**

**M 226 25  
First State  
Community  
Action  
Agency**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$1,000 (\$1,000 from Countywide Youth Grant Account) to First State Community Action Agency for their 10<sup>th</sup> annual miniature golf tournament.**

**Motion Adopted: 5 Yeas**

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

**M 227 25**      **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to defer the**  
**Town of**      **grant request for the Town of Millsboro for the acquisition of a K-9 unit for**  
**Millsboro**      **the Millsboro police department.**

**Motion Adopted:**      **5 Yeas**

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

**M 228 25**      **A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give**  
**Town of**      **\$1,500 (\$1,500 from Mr. McCarron's Councilmanic Grant Account) to the**  
**Greenwood**      **Town of Greenwood for their national night out event.**

**Motion Adopted:**      **5 Yeas**

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

**M 229 25**      **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give**  
**Clothing**      **\$2,000 (\$2,000 from Countywide Youth Grant Account) to Clothing Our**  
**Our Kids**      **Kids for their Clothe a Kid program.**

**Motion Adopted:**      **5 Yeas**

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

**Proposed**      **Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE**  
**Ordinance**      **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**  
**Introduct-**      **AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE**  
**ions**              **ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A**  
                     **CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX**  
                     **COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS" filed on behalf**  
                     **of New Life Bible Fellowship Church.**

**Mr. McCarron introduced a Proposed Ordinance entitled "AN**  
**ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**  
**1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OUTDOOR**  
**ATHLETIC FIELD AND CONCESSION TRAILER/FOOD TRUCK TO**  
**BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND**  
**BEING IN SUSSEX COUNTY, CONTAINING 8.07 ACRES, MORE OR**  
**LESS" filed on behalf of Martin Pacheco and Agustin Lee Pacheco-Quillen.**

	<b>The Proposed Ordinances will be advertised for a Public Hearing.</b>
<b>CM Comments</b>	<b>There were no Council Member comments.</b>
<b>M 230 25 Recess</b>	<b>At 11:36 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd to recess until 1:30 p.m. Public Hearings.</b>  <b>Motion Adopted: 5 Yeas</b>  <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>M 231 25 Reconvene</b>	<b>At 1:30 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd to come out of recess back into Regular Session.</b>  <b>Motion Adopted: 5 Yeas</b>  <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>M 232 25 Approve Ord. No. 24- 04 Withdrawal</b>	<b>A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to allow the withdrawal of Ordinance No. 24-04.</b>  <b>Motion Adopted: 5 Yeas</b>  <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>Rules</b>	<b>Mr. Moore read the rules of procedure for zoning hearings.</b>
<b>Public Hearing/ CZ2049 &amp; CU2580</b>	<b>A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN B-2 COMMUNITY BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS” (property is lying on the southeast side of John J. Williams Highway [Rt. 24], approximately 520 feet northeast of Layton Avenue) (911 Address: N/A) (Tax Map Parcel: 234-32.00-60.00) filed on behalf of Toney Floyd Trucking, LLC.</b>  <b>The Planning &amp; Zoning Commission held a Public Hearing on the application on April 2, 2025. At the meeting of April 16, 2025, the Planning &amp; Zoning Commission recommended approval of the application for the 7 reasons as outlined.</b>

**Public  
Hearing/  
CZ2049 &  
CU2580  
(continued)**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS” (property is lying on the southeast side of John J. Williams Highway [Rt. 24], approximately 520 feet northeast of Layton Avenue) (911 Address: N/A) (Tax Map Parcel: 234-32.00-60.00) filed on behalf of Toney Floyd Trucking, LLC.**

**The Planning & Zoning Commission held a Public Hearing on the application on April 2, 2025. At the meeting of April 16, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and 15 recommended conditions of approval as outlined.**

**Jamie Whitehouse, Planning & Zoning Director, presented the applications.**

**The Council found that Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant; that the plan is to downzone from B-2 to AR-1 to allow for a Conditional Use for commercial hauling of goods and materials, delivery services and a driveway installation business; that they have been operating in the County for over 20 years; that these applications come as a result of a previously denied proposal for the same business at another location; that the Planning & Zoning Commission reviewed the applications; that the Commission recommended approval for both applications; that the applicant agrees with the conditions as outlined by the Commission; that the new location is surrounded by commercial and residential properties and is currently zoned AR-1 (Agricultural Residential) and is within a developing area; that per the Comprehensive Plan growth areas are located near municipalities or town centers; that the proposed business aligns with this vision by promoting residential and commercial development in Sussex County; that it is located in Level 2; that the concept plan has an access road proposed off of Route 24 for the trucks to be able to drive right in and go directly into a parking space or right up to the material storage bins; that there is proposed fencing around the side and rear yards to serve as a visual screen, a 40’x80’ building and material storage bins are proposed to be placed on the property; that the Millsboro bypass may tie into the area; that if the entrance needs to be relocated, it will be submitted for approval; that public water and sewer are not available, but the applicant will likely install a well; that there is a small wetland wellhead protection area that will be avoided; that the rezoning request is to return the property to its prior designation of AR-1 (Agricultural Residential) from the B-2 (Business Community) because the current zoning does not allow the Conditional Use to occur; that the proposed use meets the purpose of a Conditional Use as outlined in the Code, given its public and semi-public character which serves the general convenience and welfare of the community; that the hours**



of operation would be 6:30 a.m. – 6:30 p.m., Monday through Friday and 8:00 a.m. – 3:00 p.m. on Saturday; that deliveries of materials shall be made between 9:00 a.m. – 4:00 p.m., Monday through Friday with no Sunday hours at all; that there will be no stockpiling of materials, all associated materials with respect to the driveway installation business must be kept in orderly condition; that parking shall be in compliance with the Code; that no junk or inoperable or unregistered vehicles, trailers or equipment shall be permitted; that no maintenance, except for minor mobile maintenance shall be performed; that no hazardous materials or fuel shall be stored on the property, except for limited quantities for routine vehicle and equipment maintenance; that a signed petition was entered into the applicants file with the support of all the neighboring property owners.

There were no public comments.

The Public Hearing and public record were closed.

**M 233 25  
Adopt  
Ordinance  
No. 3096/  
CZ2019**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 3096 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN B-2 COMMUNITY BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

1. This property was recently rezoned from AR-1 to B-2 so that it could be used for business purposes in conjunction with the Applicant’s existing business next door. The purpose of this down-zoning is to allow the Applicant to obtain a conditional use for an appropriate business at this location that is not specifically permitted in the B-2 District.
2. The property is located along Route 24 near the future intersection with the Millsboro Bypass. AR-1 zoning with a conditional use for the Applicant’s business is appropriate at this location.
3. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.
4. The purpose of this downzoning is to enable a conditional use for the applicant’s business. There will not be any public access, and the use will not have an adverse impact on the neighborhood.
5. Should the conditional use not be approved, or should it expire, the AR-1 zoning will remain in place, which is a less-intensive zoning district than the B-2 District.
6. The record includes a petition signed by many of the neighboring property owners supporting this rezoning. There was no opposition to this application.
7. For all of these reasons, the rezoning of this property from B-2 to AR-1 is appropriate.

**Motion Adopted: 5 Yeas**

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

**M 234 25  
Adopt  
Ordinance  
No. 3097/  
CU2580**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3097 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. As a result of a downsizing from B-2, this site will again have an AR-1 zoning. It is in a location where other small businesses exist. It is also located along Route 24 near the future intersection with the new Millsboro Bypass. These circumstances make this property an appropriate location for the Applicant’s business.**
- 2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses like this one are appropriate within this Area according to the Plan.**
- 3. DelDOT has stated that the traffic generated by this use will be “diminutive”.**
- 4. The proposed use will not have a negative impact on the neighboring properties or roadways in this location.**
- 5. 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.**
- 6. One neighbor testified in support of the Application and a petition was submitted in support of the Application signed by several neighbors. No parties appeared in opposition to the application.**
- 7. This recommendation is subject to the following conditions:**
  - a. This recommendation is conditioned upon the approval of Change in Zone #2049 to rezone this property from the B-2 District to the AR-1 District.**
  - b. The use shall be limited to a business for commercial hauling, goods and materials delivery services, and driveway installation business together with the storage of vehicles, equipment, and materials associated with these uses.**
  - c. There shall be no retail sales occurring on the property.**
  - d. The hours of operation shall be from 6:30 a.m. through 6:30 p.m., Monday through Friday, and 8:00 a.m. through 3:00 p.m. on Saturdays. Deliveries of materials shall only be made to the site between the hours of 9:00 a.m. through 4:00 p.m., Monday**

**M 234 25  
Adopt  
Ordinance  
No. 3097/  
CU2580  
(continued)**

- through Friday. There shall be no Sunday hours.
- e. All materials associated with the driveway installation aspect of the business shall be managed in a manner that prevents accumulation beyond necessary operational needs. The storage area shall be located on a stabilized surface. All materials stored onsite shall only be kept in a neat, clean and orderly condition. Materials shall be stored within designated storage bins that are clearly identified on the Final Site Plan.
  - f. Parking shall be in compliance with Sussex County standards and be constructed with a stabilized surface. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
  - g. No junked, inoperable or unregistered vehicles, trailers, or equipment shall be kept onsite.
  - h. No maintenance of vehicles, trailers, or equipment shall occur onsite except for limited minor maintenance and repairs that can be reasonably conducted onsite, including those performed by mobile servicers. These services may include minor tasks such as battery replacement, tire changes, oil changes, air hose changes, and minor trailer repairs like those for tongues or hitches. Such maintenance services shall not involve extensive equipment that is only typically available at offsite repair shops or maintenance facilities.
  - i. No hazardous materials or fuel shall be stored onsite, except for limited quantities necessary for routine vehicle and equipment maintenance, such as oil changes. All liquids, oils and hazardous materials shall be handled, contained and properly disposed of in accordance with federal, state and local requirements and industry practices.
  - j. One lighted sign shall be permitted. It shall not exceed 32 square feet in size.
  - k. There shall be perimeter fencing installed along all sides of the property other than the frontage along Route 24. The fencing shall be solid and with a height of 7 feet to screen this use from neighboring and adjacent properties. The design, height and location of the fence shall be shown on the Final Site Plan.
  - l. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
  - m. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - n. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
  - o. 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: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**

**Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**M 235 25  
Adjourn**

**A Motion was made by Mr. McCarron, seconded by Mr. Rieley to adjourn  
at 1:50 p.m.**

**Motion Adopted: 5 Yeas**

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

**Respectfully submitted,**

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

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