

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 4, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 4, 2024, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 278 24
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda, as presented.

Motion Adopted: 5 Yeas

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

Minutes

The minutes from May 21, 2024, were approved by consensus.

**Correspond-
ence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Ms. Dana Ellis spoke about a non-profit group in Georgetown.

Ms. Patty Deptula spoke about the Planning & Zoning Commission appointment for District 5 and the establishment of an environmental commission.

**M 279 24
Approve
Consent
Agenda**

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

Proclamation – Cape Henlopen High School Unified Track & Field Team DIAA State Champions

M 279 24
Approve
Consent
Agenda
(continued)

Proclamation – Cape Henlopen High School Girls Lacrosse Team DIAA State Champions

Motion Adopted: 5 Yeas

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

BOA
Appoint-
ment

Mr. Lawson reported that a reappointment is needed for Mr. Jordan Warfel for the Board of Adjustment.

M 280 24
Approve
BOA
Appoint-
ment

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer that be moved that the Sussex County Council approves the reappointment of Mr. Jordan Warfel to the Sussex County Board of Adjustment effective July 1 for a term of three years until such time as the term expires in June of 2027.

Motion Adopted: 5 Yeas

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

PZ Appoint-
ment

Mr. Lawson reported that a reappointment is needed for Ms. Holly Wingate for the Planning & Zoning Commission.

M 281 24
Approve PZ
Appoint-
ment

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer that be it moved that the Sussex County Council approves the reappointment of Ms. Holly Wingate to the Sussex County Planning & Zoning Commission effective July 1 for a term of three years until such time as the term expires in June of 2027.

Motion Adopted: 5 Yeas

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

Fenwick
Island
Dredging
Project

Bill Rymer, Town of Fenwick Island Town Council Treasurer and Dredge Committee Chair provided Council with a presentation regarding a dredging project.

Mr. Rymer reviewed the proposed project. The Town rescoped the project in hopes of reducing overall costs. The new public RFP and bidding process launched in May with final bids received on May 29th. In the rebidding process, there were three bids received; during the original process there were six bids received. Mr. Rymer explained that specifications were changed in a few areas. Particularly related to the upland dewatering location to make it just as useful but decrease the cost. In addition, the

bidders were requested to bid on two different depths. Mr. Rymer reported that the request is now \$800,000 which will match the funding that the Town of Fenwick Island is contributing. Mr. Rymer then discussed the benefits of this project.

**M 282 24
Approve
Fenwick
Island
Dredging
Project
MOU**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved that the Sussex County Council approves entering into a MOU with the Town of Fenwick Island for the purpose of contributing \$800,000 related to the Town's pending dredging project.

Motion Adopted: 5 Yeas

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

**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, Chase Oaks – Phase 3 (Construction Record) received Substantial Completion effective May 9, 2024.

2. Blackwater Village Referendum

The Sussex County Engineering Department will be conducting a referendum at Grace United Methodist Church, Millsboro, Delaware on Thursday, June 6, 2024, from 5:00 p.m. until 8:00 p.m. The purpose of the referendum is to determine if the area residents are in support of a revised assessment rate for Blackwater Village Area based on the funding package offer received from SRF.

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

**Housing
Trust Fund
Recommen-
dations**

Brandy Nauman, Community Development & Housing Director presented housing trust fund award recommendations. Mrs. Nauman reported that the third round of grant funding for affordable housing developers was opened on April 1, 2024, and closed on April 30, 2024. During that period, there were eight applications received. On May 23, 2024, the SCHTF Advisory Board met to review applications. Due to the restrictions and with ARPA funding ending, there were tight deadlines that need to be met a part of the process.

Mrs. Nauman presented the four recommended applicants. The first one

Housing Trust Fund Recommendations (continued)

being Sussex County Habitat for Humanity for 10 new homeownership units for households <65% AMI, with one affordable to a household <50% AMI. The recommended funding amount is \$500,000 and the properties are located in Milton, Milford, Greenwood, and Bridgeville. The next application is Homes for America for preservation of 54 rental units. Forty-five affordable units to households <50% AMI and the project includes ADA upgrades to the community and seven units. In addition, the applicant is seeking approval from USDA for a migrant worker set-aside. The recommended amount of funding is \$500,000 and the project is located in Bridgeville. The third project is for CHEER in Georgetown for construction of 39 new rental units (Gateway East); with 30 affordable units to households <50% AMI and the project targets seniors. The recommended amount of funding is \$500,000. The last project is Laurel Redevelopment Corporation located in Laurel. The project consists of construction of 2 new duplexes for households <65% AMI. The recommended funding amount is \$100,000. The total requested funding is \$1,600,000 to preserve or create 105 affordable units.

M 283 24 Approve Housing Trust Fund Recommendations

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved based on the recommendation of the Sussex County Housing Trust Fund Advisory Committee that Sussex County Council awards grants of \$500,000 to Sussex County Habitat for Humanity, Homes for America, CHEER, Inc. and a grant of \$100,000 to Laurel Redevelopment Corporation contingent on meeting the requirements of the American Rescue Plan Act funding.

Motion Adopted: 5 Yeas

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

SC RWF & RB WTP

Hans Medlarz, County Engineer Ret. presented change order no. 34 for general construction and change order no. 27 for electrical construction for SC RWF and Rehoboth Beach WTP project for Council's consideration.

M 284 24 Approve CO No. 34/ General Construction

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 34 for contract C19-11, South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 – general construction, be approved, increasing the contract by \$81,983.43.

Motion Adopted: 5 Yeas

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

M 285 24

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved

**Approve CO No. 27/
Electrical
Construc-
tion** based upon the recommendation of the Sussex County Engineering Department, that change order no. 27 for contract C19-17, SCRWF treatment process upgrade no. 3 & RBWTP capital improvement program, phase 2 – electrical construction, be approved, for an increase of \$20,137.99.

Motion Adopted: 5 Yeas

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

**Cannon Rd
– CO No. 6** Hans Medlarz, County Engineer Ret. presented change order no. 6 for Cannon Road – Inland Bays Road Drainage Improvements and Construction Wetlands for Council’s consideration.

**M 286 24
Approve CO
No. 6/
Cannon
Road** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that change order nos. 6A and 6B for contract S22-05, Cannon Road/Inland Bays Road drainage improvements and construction wetlands, be approved, increasing the contract amount by a not to exceed amount of \$604,800.00 and \$438,138.00, respectively.

Motion Adopted: 5 Yeas

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

**COS
Addendum
No. 2** Hans Medlarz, County Engineer, Ret. presented addendum no. 2 to the Wastewater service agreement with the City of Seaford for Council’s consideration.

**M 287 24
Approve
Addendum
No. 2/COS/
WW
Agreement** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve addendum no. 2 to the Wastewater service agreement between Sussex County and the City of Seaford, 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

**Boom Truck
/CO No. 1** Hans Medlarz, County Engineer, Ret. presented recommendation to award and change order no. 1 for a boom truck for Council’s consideration.

**M 288 24
Approve CO** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering

No. 1/Boom Truck Department, that the Environmental Services boom truck procurement be awarded to Mid-Atlantic waste systems – Division of THC Enterprises, Inc., in the base bid amount of \$237,000.00 and to accept the boom upgrade proposal in the amount of \$16,536.00.

Motion Adopted: 5 Yeas

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

Magnesium Bulk Delivery Hans Medlarz, County Engineer, Ret. presented a recommendation to award for bulk delivery of magnesium hydroxide for Council's consideration.

M 289 24 Approve Magnesium Bulk Delivery A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that bid item 1 for Sussex County project M25-02, "Bulk Delivery of Magnesium Hydroxide", be awarded to Premier Magnesia at the bid amount of \$3.34 per gallon.

Motion Adopted: 5 Yeas

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

M 290 24 Approve Magnesium Bulk Delivery Alternate Bid A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that alternate bid item 1 for Sussex County project M25-02, "Bulk Delivery of Magnesium Hydroxide", be awarded to Garrison materials at the bid amount of \$4.98 per gallon of 300-gallon totes.

Motion Adopted: 5 Yeas

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

Resolution/ Sugar Maple Farms Mark Parker, Assistant County Engineer presented a Resolution for Sugar Maple Farms Road Improvements – Chapter 96 Sussex County Improvements for Council's consideration.

M 291 24 Adopt Resolution No. R 010 24/ Sugar Maple A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Resolution No. R 010 24 entitled "A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE SUGAR MAPLE FARMS CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT".

Farms

Motion Adopted: 5 Yeas

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

**GMB/Amed.
No. 5**

Mark Parker, Assistant County Engineer presented amendment no. 5 for architectural services with George, Miles & Buhr, Inc. for Council's consideration.

**M 292 24
Approve
GMB
Contract
Amend. No.
5**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department that Amendment No. 5 of GMB architectural services contract be approved in the amount of \$38,380.00.

Motion Adopted: 5 Yeas

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

**Airport
Master Plan
Update**

Robert Bryant, Airport Manager presented an update of the airport master plan. Mr. Bryant shared the total dollar, income, and employment impacts for the Delaware Coastal Airport. Mr. Bryant reported that this started in 2019, Sussex County has received "Conditional" airport layout plan approval from the Federal Aviation Administration (FAA). The Delaware Coastal Airport's Master Plan was prepared in compliance with Federal Aviation Administration requirements.

Mr. Bryant reviewed the 9 objectives that each master plan should meet which are included in the plan. The FAA reviews all elements of the master plan to ensure that sound planning techniques have been applied. However, the FAA only approves the following elements of airport master plans: forecasts of demand and airport layout plan.

An airport master plan is a comprehensive 20-year study of an airport and typically describes short-, medium- and long-term development plans to meet future aviation demand. Mr. Bryant reviewed the short-term plans which include construct new parallel taxiway B, obstruction removal and remove displaced RWY thresholds. The medium-term plans include runway 4 extension, taxiway improvements and obstruction removal. The long-term plans include rehabilitate existing paved surfaces, hangar development and terminal facility expansion.

Mr. Bryant reviewed the runway 4-22 extension and two different ways for the project, self-funded and AIP-funded. He added that the self-funded has already been started with funding that has been earmarked for the project.

**Grant
Requests**

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

**M 293 24
Greenwood
Police
Department** **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,500 (\$1,500 from Mrs. Green’s Councilmanic Grant Account) to Greenwood Police Department for their National Night Out 2024.**

Motion Adopted: 5 Yeas

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

**M 294 24
Southern
DE
Therapeutic
&
Recreational
Horseback
Riding, Inc.** **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,100 (\$1,100 from Mrs. Green’s Councilmanic Grant Account to Southern Delaware Therapeutic and Recreational Horseback Riding, Inc. for their Children with Disabilities Summer program.**

Motion Adopted: 5 Yeas

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

**M 295 24
Fraternal
Order of
Police
Sussex
County
Lodge 2** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$3,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account and \$500 from Mr. Vincent, Mr. Hudson, Mr. Rieley and Mrs. Green’s Councilmanic Grant Accounts) to Fraternal Order of the Police Sussex County Lodge 2 for their charity programs.**

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
Introduct-
ions** **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS” filed on behalf of Renewable Redevelopment, LLC.**

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR LESS” filed on behalf of NGR

Sports, LLC.

Proposed Ordinance Introductions (continued)

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS” filed on behalf of Henry Villegas-Solis.

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION A OF ORDINANCE NO. 2853 TO ALLOW FOR A CONVENIENCE STORE WITH FUELING STATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS” filed on behalf of V&M LLC.

The Proposed Ordinances will be advertised for a public hearing.

CC Member Comments

There were no Council Member comments.

M 296 24 Go Into Executive Session

At 11:26 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

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

Executive Session

At 11:32 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session concluded at 11:42 a.m.

M 297 24 Reconvene

At 11:45 a.m., a Motion was made by Mr. Hudson, seconded Mr. Rieley to come out of Executive Session back 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 related to Executive Session matters.

M 298 24 **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 299 24 **At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley 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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO AMEND CHAPTER 29, ARTICLE I., §29-3B. (1) OF**
Public **THE CODE OF SUSSEX COUNTY TO ELIMINATE THE POSITIONS**
Safety **OF DEPARTMENT HEAD OF EMERGENCY OPERATIONS AND**
Update/ **DEPARTMENT HEAD OF EMERGENCY MEDICAL SERVICES, AND**
Personnel **TO CREATE THE NEW POSITION OF DEPARTMENT HEAD OF**
 PUBLIC SAFETY”.

Mr. Lawson reported that the Ordinance was introduced by County Council on April 30, 2024. This is an update to the personnel code contained in the County Code. The update will reflect what has been done in the public safety department by having a new department head of public safety. He reminded Council that all three elements of public safety have been combined. The Personnel Board met on May 29, 2024, and voted unanimously to recommend this change to the County Administrator to adopt this Ordinance.

There were no public comments.

The Public Hearing and public record were closed.

M 300 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt**
Adopt **Ordinance No. 3017 entitled “AN ORDINANCE TO AMEND CHAPTER**
Ordinance **29, ARTICLE I., §29-3B. (1) OF THE CODE OF SUSSEX COUNTY TO**
No. 3017 **ELIMINATE THE POSITIONS OF DEPARTMENT HEAD OF**
 EMERGENCY OPERATIONS AND DEPARTMENT HEAD OF
 EMERGENCY MEDICAL SERVICES, AND TO CREATE THE NEW
 POSITION OF DEPARTMENT HEAD OF PUBLIC SAFETY”.

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/
Warwick
Park Phase I**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,225,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE I PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Hans Medlarz, County Engineer Ret. reported that this is the Warwick Park area which comprises of Gull Point, Warwick Cove, and Warwick Park. This project has been broken down into two phases, Gull Point and Warwick Cove is phase 1. The application for phase 2 will be filed this month. The Ordinance was introduced by the County Council on April 30, 2024.

There were no public comments.

The Public Hearing and public record were closed.

**M 301 24
Adopt
Ordinance
No. 3018/
Warwick
Park Phase I**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 3018 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,225,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE I 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

Rules

Mr. Moore read the rules and procedures for zoning hearings.

**Public
Hearing/
CU2439**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS” (property lying on the west side of Bridgeville Highway [S.C.R. 13], approximately 0.85 mile southwest of Sussex Highway [Rt. 13A]) (911 Address: 22540 Bridgeville Highway, Seaford) (Tax Map Parcel: 331-3.00-186.00) filed on behalf of Eric Johnson.

The Planning & Zoning Commission held a Public Hearing on the application on April 24, 2024. At the meeting of May 8, 2024, the Planning

**Public
Hearing/
CU2439
(continued)**

& Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 7 recommended conditions as outlined.

The Council found that Dr. Eric Johnson spoke on behalf of Compass Mental Wellness Services in regard to the application; that he would like to open a second office in Seaford for outpatient mental health services; that they have one office that is across from City Hall in Seaford; that Sussex County especially the West side has a need for mental health services; that they are trying to meet the needs of the area.

There were no public comments.

The Public Hearing and public record were closed.

**M 302 24
Adopt
Ordinance
No. 3019/
CU2439**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 3019 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed Conditional Use is located along Bridgeville Highway and close to Sussex Highway. There are other commercial zoning districts and uses in this area with a mixture of small businesses and homes. This is an appropriate location for this medical office.**
- 2. The use serves a community need in Western Sussex County by creating medical offices and mental health facilities at a convenient location.**
- 3. The use as a medical office will benefit the health, safety and welfare of Sussex County residents.**
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 5. There was no opposition to this Application.**
- 6. This recommendation is subject to the following conditions:**
 - a. As stated by the applicant, the hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday. Additional hours for emergency purposes are permitted.**
 - b. One lighted sign, not to exceed 32 square feet on each side, shall be permitted.**
 - c. The use shall comply with the parking requirements set forth in the Zoning Code. There shall not be any parking within the front yard setback.**
 - d. All entrance, intersection and roadway improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
 - e. All exterior lighting shall be directed downward so that it does not shine on neighboring properties or roadways.**

- f. Any dumpsters shall be screened from view of neighboring properties and roadways.
- g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

M 302 24
Adopt
Ordinance
No. 3019/
CU2439
(continued)

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/
CU2488

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.13 ACRES, MORE OR LESS” (properties lying on the northeast side of Muddy Neck Road [S.C.R. 361] directly across from the intersection of Muddy Neck Road [S.C.R 361] and Double Bridges Road [S.C.R. 363]) (911 Address: N/A) (Tax Map Parcels: 134-17.00-15.00 & 15.03) filed on behalf of Kelly Benson.

The Planning & Zoning Commission held a Public Hearing on the application on April 24, 2024. At the meeting of May 8, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 7 recommended conditions as outlined.

The Council found Mr. Kelly Benson, spoke on behalf of his application in regard to a conditional use permit for an extension of his existing paddle sports business; that he is the owner of Bay Venture Outfitters; that it is a paddle sports and recreation operation out of the Town of Northeast, Maryland; that they are excited to bring this to the Bethany Beach area; that they are a low impact operation; that the business was founded in 2015 and currently operates in the town of Northeast Maryland; that they currently offer hourly onsite rentals, offsite rentals and delivery consisting of paddleboard, kayaks and bicycles; that they do special events, large group reservations, seasonal route storage, a triple pass and sale of retail items; that they pride themselves in their customer service; that they include all of the equipment that is needed; that they are a seasonal business that runs April until October; that they have a risk management policy where they open depending on water temperature; that their typical hours are from 10:00 a.m. until 6:00 p.m.; that during special events their hours may be from sunrise to sunset; that their high season is Memorial Day until Labor Day; that they need a storage structure; that all of their equipment is stored neatly outside; that they need a low risk area for launching and a parking area; that they would like road front signage; that at their other location, they have a small vessel for use of their staff incase they need to get out on the water quickly; that restrooms are provided in the form of portable units; that the site plan was shown; that he requested a few

**Public
Hearing/
CU2488
(continued)**

changes to the conditions given by the Planning & Zoning Commission; that he would like to amend 7A to add bicycles; that he would like the addition of the motorized vessel for business use onto the property; that he requested to allow the sales of other incidental items such as waters, prepacked bars and retail items related to the business; that he requested that Item D be amended so that parking can be closer to the road; that majority of the site is marsh land and there is only a small area that can be parked on.

Mr. Hudson questioned the sale of food. Mr. Benson responded that if there is a special event, he may partner with a food vendor for that particular event. However, there will be no alcohol sales on the site. A discussion was held about the size of the requested motorized vessel and the parking. Mr. Benson reported that the parcel is on a lease to own basis.

There were no public comments.

The Public Hearing and public record were closed.

**M 303 24
Amend
Condition D/
CU2488**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend Condition D to read “All of the parking areas shall be shown on the Final Site Plan”.

Motion Adopted: 5 Yeas

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

**M 304 24
Amend
Condition A/
CU2488**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend Condition A to read “The use shall be limited to the use as a paddleboard, kayak, bicycles, beach related, or other recreational equipment rental and watersports launch facility. No motorized watercraft shall be permitted on the site or accessing waterways from the site unless for business purposes. The motorized watercraft shall be less than 25 horsepower.

Motion Adopted: 5 Yeas

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

**M 305 24
Amend
Condition C/
CU2488**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend Condition C to read “Sales, including sale of food, beverages, bait, incidentals, supplies, equipment and other retail items shall be limited and incidental to the primary use as a recreational and launching facility.

Motion Adopted: 5 Yeas

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

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

**M 306 24
Adopt
Ordinance
No. 3020/
CU2488**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 3020 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.13 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 Applicant seeks approval for a paddleboard and kayak rental and launching area for access to the Assawoman Canal, Assawoman Bay and Assawoman Wildlife Refuge Area.**
- 2. The property has both wetlands and uplands upon it, but there will be little if any disturbance of the wetlands and very few improvements required to implement this use.**
- 3. A representative of the Town of Ocean View appeared and testified on behalf of the Town in favor of this Application.**
- 4. This use will provide a recreational amenity for residents and visitors to Sussex County.**
- 5. The use will not adversely impact the neighborhood, area roadways or the environment.**
- 6. There was no opposition to this Application.**
- 7. This recommendation shall be subject to the following conditions:**
 - a. The use shall be limited to the use as a paddleboard, kayak, bicycles, beach related, or other recreational equipment rental and watersports launch facility. No motorized watercraft shall be permitted on the site or accessing waterways from the site unless for business purposes. The motorized watercraft shall be less than 25 horsepower.**
 - b. The use shall be subject to all necessary state agency approvals including but not limited to DelDOT, DNREC and the Sussex Conservation District and/or the Tax Ditch Commissioners for use of the adjacent Tax Ditch for access to other waterways.**
 - c. Sales, including sale of food, beverages, bait, incidentals, supplies, equipment and other retail items shall be limited and incidental to the primary use as a recreational and launching facility.**
 - d. All of the parking areas shall be shown on the Final Site Plan.**
 - e. One lighted sign shall be permitted. It shall not exceed 32 square feet in size. It shall not be used to advertise retail sales of watersport equipment.**
 - f. Any dumpsters shall be screened from the view of roadways and neighboring properties.**
 - g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

**M 307 24
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:11 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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