

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 17, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 17, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 261 25
Approve
Agenda**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, to approve the Agenda 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**

Minutes

The minutes from June 10, 2025 were approved by consensus.

Correspondence

There was no correspondence.

There were no public comments.

**Public
Comment**

**Presentation
/SCLT**

Mr. Ring Lardner, Chairman of the Sussex County Land Trust presented Council with an update and presentation. Mr. Lardner shared pictures and updates on properties purchased by the Land Trust. Mr. Lardner reviewed what has been completed and the work that is scheduled to be completed in the future.

**Appoint-
ment
Library
Board**

Mr. Lawson reported that there is a vacancy in District 5 for the Library Advisory Board, and it is recommended to appoint Ms. Mary Holloway. In addition, a reappointment is needed in District 3 for Candace Collette Vessella for the Library Advisory Board.

**M 262 25
Approve
Library**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that the Sussex County Council approve the appointment of Ms. Mary Holloway to the Library Advisory Board effective immediately until June

**Board
Appointment**

2028.

Motion Adopted: 5 Yeas

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

**M 263 25
Approve
Library
Appointment**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that moved that the Sussex County Council approve the reappointment of Ms. Candace Collette Vessella to the Library Advisory Board effective immediately until June 2028.

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for May 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 192 troopers assigned to Sussex County for the month of May.

2. Holiday Schedule

County offices will be closed on Thursday, June 19th, in observance of the Juneteenth holiday. Offices will reopen on Friday, June 20th.

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

**Public
Hearing/
Assessment
Rolls**

A Public Hearing was held for the Assessment Rolls for Sewer and Water Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's records for equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and their applicable front footage and EDU's that will be billable by the rates

established in the rate ordinance.

There were no public comments.

The Public Hearing and public record were closed.

M 264 25
Adopt
Assessment
Rolls

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, that be it moved that the Sussex County Council adopts the Assessment Rolls for the Sussex County Unified Sanitary Sewer and Water District for the period July 1, 2025 through June 30, 2026.

Motion Adopted: 5 Yeas

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

Public
Hearing/
Annual
Service
Charges

A Public Hearing was held on 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”.

Mrs. Jennings reviewed highlights of the sewer and water budget. (A comprehensive presentation was given at the May 20, 2025, meeting).

There were no public comments.

The Public Hearing and public record were closed.

M 265 25
Adopt
Ordinance
No. 3098/
Annual
Service
Charges

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3098 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”.

Motion Adopted: 5 Yeas

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

Public
Hearing/
Increase
Sheriff Fees

A Public Hearing was held on 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”.

Mrs. Jennings reviewed highlights of the Proposed Ordinance. (A comprehensive presentation was given at the May 20, 2025 meeting).

There were no public comments.

The Public Hearing and public record were closed.

M 266 25
Adopt
Ordinance
No. 3099/
Increase
Sheriff Fees

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 3099 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”.

Motion Adopted: 5 Yeas

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

Public
Hearing/
FY26
Annual
Budget

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2026”.

Mrs. Jennings reviewed highlights of the Proposed Ordinance. (A comprehensive presentation was given at the May 20, 2025 meeting).

Mrs. Jennings reported that two public comments were received through the online portal. Those comments were distributed to the Council Members and made part of the record.

There were no public comments.

The Public Hearing and public record were closed.

M 267 25
Adopt
Ordinance
No. 4000/
FY26
Annual
Budget

A Motion was made by Mr. Rieley seconded by Ms. Gruenebaum to Adopt Ordinance No. 4000 entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2026”.

Motion Adopted: 4 Yeas, 1 Absent

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

Aloft Lease
Agreement

Andrew Harton, Economic Development Manager presented a proposed lease agreement with Pats Aircraft, LLC dba Aloft AeroArchitects for Council’s consideration.

M 268 25
Approve

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Council approve the lease agreement with

Aloft Lease Agreement **Pats Aircraft, LLC d/b/a Aloft AeroArchitects, in the Delaware Coastal Business Park, to be located at 21583 Baltimore Avenue, Georgetown, DE for the purpose of providing engineering services, design services, and the manufacturing of component parts for the aviation industry, as well as to house the Aloft Academy.**

Motion Adopted: 4 Yeas, 1 Absent

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

Two Taxilanes & Tie-Downs **Bob Bryant, Airport Manager presented an approval to submit FAA airport infrastructure grant applicant and authority of signature of FAA grant offer for Council's consideration.**

M 269 25 Approve Two Taxilanes & Tie-Downs Project **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that the Sussex County Council approve the submittal of one Federal Aviation Administration (FAA) Airport Infrastructure Grant (AIG) application in the amount of \$285,950 which will pay 95% of the total project cost of \$301,000 for work association with construction of two taxi lanes and tie-downs – phase 1 design project.**

Motion Adopted: 5 Yeas

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

M 270 25 Approve Authority to Sign **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that the Sussex County Council give approval to the Sussex County Administration and authority of signature for one federal aviation administration (FAA) airport infrastructure grant offer in the amount of \$285,950 which will pay 95% of the total project cost of \$301,000 for work associated with the new construction two taxilanes and tie-downs phase 1 design project.**

Motion Adopted: 5 Yeas

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

Construct Parallel Taxiway **Bob Bryant, Airport Manager presented task order 6 – construction administration services for construct parallel taxiway B for Council's consideration.**

M 271 25
Approve
Task Order
6/Taxiway B

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based on the recommendation of the Sussex County Engineering Department that the Sussex County Council approve Delta Airport Consultants Task Order No. 6 in the amount of \$375,000 for construction administration services for work associated with continued construction of parallel taxiway B – phase II.

Motion Adopted: 5 Yeas

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

Kings Hwy
Utility
Relocation

Hans Medlarz, Project Manager presented a request for approval of DelDOT letter agreement T202512901 – Kings Highway Sussex County sewer relocation, phase I for Council’s consideration.

M 272 25
Approve
Kings
Highway
Relocation
project

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve and authorize the Engineering Department to sign the DelDOT letter agreement associated with the Kings Highway Advanced Utility Relocation, Phase I.

Motion Adopted: 5 Yeas

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

Proposed
Ordinance
Introduct-
ions

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS” filed on behalf of Rennie Hunt.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS” filed on behalf of Rennie Hunt.

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-

1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 10.48 ACRES, MORE OR LESS” filed on behalf of Jeffrey Baughman.

The Proposed Ordinances will be advertised for a Public Hearing.

Council Member Comments **Mr. Lloyd made a comment regarding his upcoming appointments for the Board of Adjustment and Planning & Zoning Commission as both of his appointments are up.**

M 273 25 Go Into Executive Session **At 11:02 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd entering into an Executive Session for the purpose of discussing matters related to land acquisition, personnel, job applicant qualifications and pending & potential litigation.**

Motion Adopted: 5 Yeas

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

Executive Session **At 11:12 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition, personnel, job applicant qualifications and pending & potential litigation. The Executive Session concluded at 12:30 p.m.**

M 274 25 Reconvene **At 12:32 p.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of the Executive Session and go back into the Regular Session.**

Motion Adopted: 5 Yeas

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

E/S Action **There was no action related to Executive Session matters.**

M 275 25 Recess **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

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

M 276 25 **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms.**

Reconvene

Gruenebaum to reconvene.

Motion Adopted: 5 Years

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

Rules

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

**Public
Hearing/
CU2524**

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 LANDSCAPING BUSINESS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.41 ACRES, MORE OR LESS” (properties are lying on the south side of Lynch Road [S.C.R. 387A], approximately 0.18 mile southeast of Lighthouse Road [Rt. 54]) (911 Addresses: 32190 & 32198 Lynch Road, Selbyville) (Tax Map Parcels: 533-17.00-164.08 & 164.09) filed on behalf of Brian Rowe.

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

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and 11 recommended conditions of approval as outlined.

The Council found that Mr. Brian Rowe and Mrs. Caitlin Rowe were present on behalf of their application.

Mr. Rowe stated that he and his wife own and operate Rowe Property Maintenance, LLC, a small family business located on the same property as their residence; that the reason for applying did not arise from any known complaints from their neighbors or community and are simply asking permission to continue operating the business as it has been; that a tremendous amount of time and money was spent in recent years to mitigate any impacts the business has on neighbors and expanding community; that the property was originally an active poultry farm that his parents operated throughout his childhood until about 1998; that his father started the original business as poultry repair and farm maintenance business and it morphed into a landscape maintenance company in the following years until health reasons forced him to take a position with the Sussex County Engineering Department where he worked until his passing; that in his senior year of high school, he decided to restart the landscaping business operating out of a retired manure shed after his father's passing; that his mother subdivided the property, affording him the opportunity to build his house next to the shop; that his mother still resides in the original house; that the company has grown with the recent growth in the area; that he wants to follow all the proper rules and laws which lead to

**Public
Hearing/
CU2524
(continued)**

submitting the conditional use application; that the company currently operates 12 trucks, 6 trailers and various pieces of equipment with the current staff of 15 employees as shown on the site plan; that there is ample parking for current employees and business assets in addition with room to expand; that some employees carpool, some take home company vehicles, and on larger commercial projects employees will meet directly at the job site; that the typical hours of operation are 6:30 a.m. to 6:30 p.m. Monday through Friday; that they do offer commercial snow removal and also hold contracts with the state, particularly DelDOT that require some night operations; that he would ask for some flexibility within typical hours of operation since the business is largely dependent on the weather, they work some Saturdays when inclement weather during the week disrupts their schedule; that there is the ability to turn off backup alarms while in the yard; that there is on site fuel for vehicles and equipment and the tanks are properly labeled and contained as required; that they perform MPM services on vehicles and equipment in the shop; that all fluids and chemicals are properly stored and a waste management company dispose of, said fluids and chemicals; that palletized and bulk materials are stored on the property to be used in daily operation; that bulk material is stored in concrete landscape bins located at the rear of the property; that most palletized material is stored in the repurposed poultry house; that yard waste that is moved from jobs is stored in a separate concrete bin wall enclosure where it is loaded into a roll off dumpster and hauled to a recycling facility as needed; that there is no grinding or burning of yard waste on site; that there is a properly stabilized topsoil stockpile that they periodically screen and use for projects; that the bulk of the soil is used to create additional landscape berms to better mitigate any impact it may have on the neighbors; that there are several large landscape berms installed to reduce visibility, noise and light pollution; that the barn at the rear of the property and the Northwest property line have been planted with rows of Green Giant arborvitae trees to help further reduce operations impacts on the community; that the existing berm along the road has also been landscaped to provide neighbors with a more aesthetically pleasing view; that if approved, the current building shown on the site plan with no future office will be demolished and a new building will be erected in its place; that they do not currently offer any retail or wholesale sales and do not plan to offer in the future; that the proposed office will be for our employees only, with the occasional client or sales representative meeting; that a single 32 square foot lighted sign meeting the requirements is requested; and that the ability to have the family business located on the same property as his home provides the unique opportunity to incorporate his young children into the ins and outs of entrepreneurship, even if it's just a quick lunch break with them before heading out to the next job.

There were no public comments.

The Public Hearing and public record were closed.

M 277 25
Amend
Condition E/
CI2524

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to amend Condition E to insert a period after as-needed basis and remove the rest of the sentence.

Motion Adopted: 5 Yeas

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

M 278 25
Adopt
Ordinance
No. 4001/
CU2524

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4001 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.41 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended:

- 1. The property is located on a 5.41-acre parcel of land where the Applicant resides. The property was an active poultry farm operated by the Applicant’s family that evolved into a poultry and farming equipment repair business. The Applicant is seeking to continue that business with conditional use for his landscaping business.**
- 2. The site is located within the Town Center Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.**
- 3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property and the prior agricultural use of the property.**
- 4. The use will not adversely affect area roadways or neighboring properties.**
- 5. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 6. There was no opposition to this application.**
- 7. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to a landscaping business that performs off-site landscaping work.**
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.**
 - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.**
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
 - e. The hours of operation shall be limited to 6:30 a.m. through**

**M 278 25
Adopt
Ordinance
No. 4001/
CU2524
(continued)**

- 6:30 p.m., Monday through Friday. There shall not be any Saturday or Sunday hours. However, the Applicant shall be able to operate beyond these hours on an as-needed basis.**
- f. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
 - g. Since this property also includes the Applicant's residence, the Final Site Plan shall clearly show the area where this landscaping business will be located on the property.**
 - h. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
 - i. All vehicle and equipment repairs shall occur indoors on the site, with all fuel, oils, and other liquids appropriately stored and disposed of.**
 - j. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
 - k. 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**

**Public
Hearing/
CU2484**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT REPAIR FACILITY WITH OUTDOOR BOAT AND RV STORAGE, A LANDSCAPE BUSINESS, AND A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.371 ACRES, MORE OR LESS" (property is lying on the southwest side of Layton Davis Road [S.C.R. 312-A], approximately 0.82-mile southeast of John J Williams Highway [Rt. 24]) (911 Address: N/A) (Tax Map Parcel: 234-34.00-53.00) filed on behalf of Dick Ennis, Inc.

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

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 21, 2025, the Planning Zoning Commission recommended approval of the application for the 8 reasons and 13 recommended conditions of approval as outlined.

The Council found that Ms. Shannon Carmean Burton, Esq. was present on behalf of the Applicant, Dick Ennis, Inc. who has applied for a Conditional Use in a General Residential (GR) District for the purposes of operating a boat repair and sales facility with outdoor boat and RV storage,

**Public
Hearing/
CU2484
(continued)**

a landscape business, and a construction business; that also in attendance were Dick Ennis and Ken Christenbury, P.E. with Axiom Engineering, LLC.; that exhibit booklets have been submitted into the record which include an amended deed for the property, the staff analysis showing other approved conditional uses in close proximity to the property, the proposed conditional use site plan, the DelDOT service level evaluation response; that the Applicant has received multiple letters in support of the application which have been submitted into the record; that a map was shown detailing the location of the letters received in support and the letters received in opposition; that most of the letters received in support are from property owners on Layton Davis Road and the ones in opposition are located pretty far away from the property; that the property is located on the southwest side of Layton Davis Road approximately .85 miles southeast of John J. Williams Highway; that it contains approximately 5.371 acres and is currently unimproved; that it is owned by Marshall and Geneva Harris who have entered into a contract to sell the property to the Applicant; that the contract is contingent upon the County Council's approval of this Conditional Use Application in addition to all agency approvals of the Conditional Use Site Plan; that the Applicant proposes to develop the property in three phases which is depicted on the Site Plan.

Ms. Carmean Burton introduced Mr. Ken Christenbury to provide an overview of the project.

Mr. Christenbury stated that there are several conditional uses within a mile of the site; that it's an agricultural use; that there are some residential properties in the surrounding area; that the entire area is zoned GR; that the staff analysis indicates the conditional uses in the area; that the use of conditional use to provide for businesses in rural areas is not uncommon and the growth in this area certainly has increased the need for all kinds of businesses and boat storage certainly is in demand in this part of Sussex County; that the Applicant is proposing a 20-foot forested buffer; that Phase 1 is going to be the boat repair building here, a small rental office, and just inside the perimeter buffer will be a security fence for the outdoor boat storage; that Mr. Ennis stated that all of the repair work will be completed inside; that Phase 2 is simply a single family home for a site manager; that Phase 3 would be the home building contractor office; that the parking requirements will be met; that the boat storage in this area is in high demand; and that there would be about five employees at the end of Phase 1 and ten employees by the end of Phase 3.

Ms. Carmean Burton stated that the proposed use of the property is a permitted conditional use under the zoning code, and it is consistent with the purposes and the goals of the comprehensive land use plan; that the property is located in a GR district; that the 2018 Sussex County Comprehensive Plan update future land use map indicates that this property has a land use designation of coastal area; that the coastal area is a growth area and stated that appropriate mixed-use development should be allowed and doing so however, careful mixtures of homes with like

**Public
Hearing/
CU2484
(continued)**

commercial office and institutional uses can be appropriate to provide for convenience services and to allow people to work close from home; that the proposed project is appropriate and compatible with the goals and directions of the coastal area of the comprehensive plan, as its purpose is to provide convenient areas for businesses that will serve and address the needs of this rapidly growing area; that there is a need for the uses proposed by the Applicant in this area of Sussex County; that there are many nearby residential developments as well as apartment complexes that prohibit the storage or parking of boats and RV's within the communities; that there is always a need for lawn care and landscape services as well as construction services; that this property provides an appropriate and convenient location to address all of those needs; that the proposed use is also consistent with the character and the commercial trend of development in this area; that there have been 30 conditional use applications within a one mile radius of this site, including but not limited to one that was recently approved and that conditional use on Layton Davis Road; that for other uses, such as office storage, multifamily residential recreation and other uses with the conditions and limitations that are being proposed by the Applicant, the proposed uses will not have an adverse impact on neighboring properties or the community; that the proposed uses are of a public or a semipublic character, and it is desirable for the general welfare and convenience of neighboring properties and uses in the area; that there have been multiple letters submitted in support of this application; that the 2020 Delaware Strategies for State Policies and spending identify the property as being located in an Investment Level 2 area where the state does support growth in the near future and indicates that state investments and policies should support and encourage a wide range of uses and Investment Level 2 areas; that the proposed conditional use does not require any public funds for the use, and it is consistent with the state policies and spending for this area; that the proposed use will have no significant impact on traffic and DelDOT did not recommend that a traffic impact study be performed for the proposed uses; that there was a concern of speed; that this is for boat and RV storage; that typically vehicles go slower in a RV or when pulling a boat; that based on the flood insurance map, the entire property is located in an area designated as Zone X, which is an area determined to be outside the 500 year floodplain; that the property will also be served by an on-site well and on-site wastewater treatment disposal system; that the Applicant proposes that the conditional use be limited to the following land uses of lawn care and landscape business repair and maintenance of boats and recreational vehicles, boat and outboard engine sales, outdoor storage of boats and recreational vehicles, Custom Home Builder office and indoor storage, and one single family detached dwelling is proposed the above land; that the Applicant is proposing phases for the development; that building permits shall not be issued until the phase, including the building has received final site plan review and approval from the following agencies Delaware Department of Transportation, Sussex Conservation District, Delaware State Fire Marshall's office, Delaware Department of Natural Resources and Environmental Control, and the Sussex County Planning

**Public
Hearing/
CU2484
(continued)**

and Zoning Commission; that the hours of operation shall be from sunrise to sunset; that all security lighting shall be shielded and downward screened so that it does not shine on neighboring properties; that the storage areas shall be covered with a pervious stabilizing material; that the location and type of material shall be shown on the final site plan; that the conditional use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to this site; that the entrance drive from Layton Davis Road to the property shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RV's, and to allow sufficient space for such vehicles to safely wait to exit the property onto the state road; that any boat, fuel or hazardous materials shall be stored in accordance with all applicable regulations; that one sign shall be permitted on the property and it shall not exceed 32 square feet in size; that the perimeter of the property shall be fenced with a 6-foot high chain link security fence; that there shall be a landscape buffer between the outside of the fence and the perimeter of the property to screen views from adjoining properties and the landscape buffer shall be 20 feet wide; that the final site plan shall indicate the plantings to be provided in the buffer areas; that the final site plan for each phase shall depict or note these conditions and shall be subject to the review and approval of the Sussex County Planning and Zoning Commission; that for the reasons presented and based on the public record, the proposed conditional use is appropriate under the comprehensive plan as it is consistent with the surrounding land uses, the character and the trend of development in this area, the zoning and it does provide a convenient and central location to services that will benefit the present and future inhabitants of our County, it also meets the general purpose of the zoning ordinance as a public or semipublic use essential and desirable for the general convenience, growth, order, prosperity and welfare of the County; and that for these reasons, that they respectfully request that the Council approve this Conditional Use request subject to the proposed conditions.

Public comments were heard.

Mr. Carl Ewing spoke in opposition of the proposed application; that his property is a two bedroom cottage; that he has owned the property nearby for about 14 years; that the biggest problem is that this property is in the center of an agricultural plot; that this type of application will be visible almost 360 degrees from any direction; that if you go at the center point and look out, there is no businesses nearby; that River Road follows the Indian River for about 4 miles; that you can enjoy looking out at the fields, woods, etc. from this road; that there is nothing of heavy duty maintenance in this area; that if this is rejected, this property will not loose the value; that he believes that this will affect the community; that it will affect every piece of property that can see this operation; that this will bring lights, noise, boats and boats that may be under repair for a long period of time; that this is zoned a certain way for a reason.

**Public
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CU2484
(continued)**

Mr. Rich Schuler spoke in opposition of the application; that last summer his well was impacted; that it is quiet in this area; that his concern is that if this business is allowed, he questioned if they go could go out and around rather than go down Layton Davis Road; that this will impact the traffic on River Road; that the lighting at night is a concern to him since this is in his backyard.

The Public Hearing and public record were closed.

**M 279 25
Adopt
Ordinance
No. 4002/
CU2484**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4002 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT REPAIR FACILITY WITH OUTDOOR BOAT AND RV STORAGE, A LANDSCAPE BUSINESS, AND A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.371 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The Applicant seeks approval for an RV and boat storage and boat repair facility along with his landscaping and construction businesses on approximately 5.37 acres of land.**
- 2. There is a need for the use proposed by the Applicant in this area of Sussex County. There are many nearby residential developments that prohibit the storage or parking of boats and RVs within them. This is an appropriate, convenient location that addresses the need for off- site storage of their boats and RVs.**
- 3. The Applicant’s landscaping and construction companies also provide a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 4. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan and its Future Land Use Map. This use is appropriate in that area according to the Plan.**
- 5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.**
- 6. There are a variety of residential and small business users in the vicinity of this site, including a similar storage facility nearby on Layton Davis Road. This proposed use is compatible with these other area uses.**
- 7. No parties appeared in opposition to this Application and there are several letters in support of the Application that are part of the public record.**
- 8. This recommendation for approval is subject to the following conditions:**
 - a. The use shall be limited to the repair and storage of boats, RV storage and the Applicant’s landscaping and construction**

M 279 25
Adopt
Ordinance
No. 4002/
CU2484
(continued)

- businesses. No other storage of vehicles or equipment shall occur on the site. The boat repairs shall include work such as marine motor repair, fiberglass work and bottom scraping and painting.
- b. The facility shall only be accessible from 6:00 a.m. until dusk and access to the site shall be locked to prevent after-hours access.
 - c. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - d. No more than 133 boats and RVs shall be permitted on the site. The storage spaces for these boats and RVs shall be shown on the Final Site Plan and clearly marked on the site itself. In addition, the storage areas shall be covered with pervious stabilizing material.
 - e. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. The entrance drive from Layton Davis Road to the site shall have a paved width of at least 24-feet to accommodate vehicles with boat trailers and RVs.
 - f. All chemicals, oils, hazardous materials and fuel shall be stored in accordance with all applicable regulations.
 - g. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
 - h. No junked or unregistered boats, trailers or RVs shall be stored on the site.
 - i. There shall be a 20-foot-wide forested or vegetated buffer on the outside of the perimeter fencing around the entire site to screen it from the view of neighboring properties and roadways. The location and type of trees and vegetation within this buffer shall be shown on the Final Site Plan. This buffer must be installed as part of the initial phase of operation of this Conditional Use.
 - j. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - k. The Final Site Plan shall clearly show all areas where the boat repair work will occur as well as the areas for boat and RV storage and the parking associated with the landscaping and construction businesses. These areas shall also be clearly marked on the site itself. There shall not be any parking, storage or repair work permitted within the property's setbacks.
 - l. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - m. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**Public
Hearing/
CU2503**

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 SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS” (property is lying on the east side of Normandy Lane, a private lane accessed off E. Seventh Street) (911 Address: N/A) (Tax Map Parcel: Tax I.D. No.: 132-1.00-11.00) filed on behalf of Hastings Community Energy Initiative, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and 10 recommended conditions of approval as outlined.

The Council found that Mr. David Hutt, Esq., was present on behalf of the Applicant, Hastings Community Energy Initiative, LLC.; that also in attendance were Vincent Moschella of EC Solar which is the affiliate of the Applicant, Michael Redding, Director of Civil Engineering, John Falkowski, P.E. with Becker Morgan, and Whitney Pogwist who is a representative of the family ownership group of this property.

Mr. Hutt stated that this application deals with renewable energy, which is a primary focus of national, local, and state governments; that in 2021 Governor Carney signed a law requiring Delaware's renewable standards to increase to 40% by 2035, which basically means that's the percentage of Delaware's energy that must come from renewable energy sources such as solar energy; that as part of the laws that were enacted in 2021 as part of that renewable portfolio standard, a process was established in Delaware for what is designated in that statute as Community owned energy facilities; that the Council is familiar with these application as there have been many of them over the past year or two; that in addition to the governmental mandates, businesses are making similar pledges and promises; that many companies have promised to their shareholders and consumers that they're going to decrease their environmental footprint by becoming carbon free energy users by year 2035; that in order for governments, businesses and even individuals to accomplish these goals to convert renewable energy sources like sunlight into energy, applications like this are necessary; that this application is for a 3.75 MW facility on approximately 15 1/2 acres of a property that's a little more than 33 acres just south of the town of Blades; that this application is a Community Energy facility of the kind of the nature he just described from Title 26, Chapter 10 of the Delaware Code; that the entrance will be located off of Route 13 through a recorded easement; that the easement is located just south of the location of The Guide; that the State Strategies

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(continued)**

map shows this area having a mixtures of Levels 1, 2 and 3 Investment Area; that the Comprehensive Plan shows this area as a developing area; that the south is low density; that to the east is a commercial area; that to the north is the Town of Blades.

Mr. Hutt introduced Mr. John Falkowski to provide an overview of the project.

Mr. Falkowski stated that Normandy Lane will not be used for either construction or permanent maintenance access and nothing will be disturbed on that road; that all access will be taken off the highway, through the existing entrance; that it is a paved access that eventually quits and will be extending that road into the site for both construction and permanent access with a 16 foot wide gravel road; that the road will continue down the 40 foot easement to where the property starts; that the property is mostly wooded; that the fifteen and half acres will be cleared to make room for the solar array; that any existing vegetative buffer will left; that the fenced array area will be fenced and planted with a pollinator meadow mix to help reduce stormwater runoff; that there will be stormwater management offset that will be required as part of this project; that it will be a typical agricultural fence with four inch openings and it would have the mesh screening, although in this property they propose that the mesh screening be on the north side and the west side, where it is in close proximity to the neighbors; that the Applicant requests that the south side not receive that mesh screening as it it's directly adjacent to wooded property in Morgan's branch; that the woods would be cleared with the area of the array and an area outside the array which will be left stumped and with vegetation to grow back; that there will be a vegetated buffer along the north side approximately 60 foot in width on that north side; that there is 150-foot buffer that is between the subject property and the adjacent neighborhood, so that will remain in place as well, although they do not control it as it is a connective easement; that the Applicant is working with Sussex Conservation District on the proposed stormwater management; that there is no increase in traffic with these types of facilities, typically one to two vehicles a month just to maintain the property; that it is a renewable energy source that does not produce odors, dust, gas, smoke or fumes; that any inverters will be centrally located and very low to no noise coming from those that equipment; that runoff reduction that will be required of the project, whether that's through a pond and a combination of the meadow grass will be provided; that at the gated access to the facility, there will be a knox box provided with a turnaround for the fire department for those emergency provisions to the facility; that there will be decommissioning plan provided for the project; that a community meeting with residents from a nearby community was held; that questions for them were answered during that community meeting; that because there will be clearing of 15 plus acres of woods, ECA and the Applicant are committed to providing a conservation easement on another parcel within the Nanticoke watershed. Mr. Moschella stated that the plan at the time is for them to hold the easement themselves;

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(continued)**

that they have had conversations with a conservation group; that it is undecided what the final fate will be at this time; that the effect of CO2 was discussed.

Ms. Whitney Hastings Pogwist stated that she is one of the property owners; that the property has been in her family for a long time; that they have sat on the property for a long time; that they considered storage or townhomes; that she was interested in the concept of solar as the property will stay in their ownership and eventually their children would inherit it; that they get to keep the property in their name for 30 years; that this is a way to use for their retirement.

Mr. Hutt stated that these Community energy solar facilities are of a public or semi-public character that are desirable for the general convenience and welfare of Sussex County and meets the conditional use standard set forth in section 115-171; that this is consistent with goals 7.3 of the county's comprehensive plan, which encourages the use of renewable energy options like solar arrays and facilities; that there are the two conditions that are unique to this application; that proposed condition C is that mesh covered screening be on the northern side and the western side which is the closest sides of the solar facility to the residential uses and not on the other sides where there's a larger expanse of woods next to the solar facility; that the Applicant will create a landscape buffer along those areas; that he read condition I which discusses a conservation easement; that there was a recommended condition regarding fencing placed by the Planning Commission; that the additional screening is requested to not be on the southern and eastern sides; that a document was provided regarding mesh fencing; that it will allow for wildlife and habitat connectivity; that the applicant requests to modify condition C; that the request is for the Council to adopt the Ordinance with the modification of condition C; that Mr. Michael Redding stated that the project will have \$2-\$3 million value; that Mr. Moschella stated that they made a commitment to the neighbors that they will reserve capacity to subscribe to this project for residents in Blades and Seaford; that they committed that they will assist them directly to enroll in the program.

Public comments were heard.

Mr. Ed Pettyjohn stated that he owns the farm near this property; that he thinks that this is better than developing it into a housing area; that his grandfather gave his family this property; that this is a way to benefit his son; that he has solar on his home; that solar has reduced his bill.

Mr. Bill Andrew, retired CEO of Delaware Electric Cooperative stated that these type of projects are important; that we need all of the local generation that we can get; that solar energy is less expensive; that there are a lot of extra costs that go into electricity to bring it to the Peninsula; that the project saves about 10 percent off of Delmarva Power customers that are subscribed; that the project saves money and provides many benefits; that

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(continued)**

he believes that this is a good project.

Mr. Keith Redmond spoke in support of the Application; that he represents the Little Meadows community adjacent to the subject property; that the community is in favor of this project; that this project is good for Sussex County.

Mr. Edward Adamcheck stated that he is not in favor of the design; that he would like the placement of the invertors moved to another location; that there is not a lot of room between the invertors and his house; that he is concerned about noise from the invertors; that people brought in the community due to it being quiet; that it is a 55+ community.

The Public Hearing and public record were closed.

**M 280 25
Defer
Action/
CU2503**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2583**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS" (property is lying the south side of Coastal Highway [Rt. 1], approximately 0.2-mile northwest of the intersection of Coastal Highway [Rt. 1] and Dartmouth Drive [Rt. 9]) (911 Address: 17996 Coastal Highway, Lewes) (Tax Map Parcel: 334-6.00-526.01) filed on behalf of Tharros Village (C/O Code Purple at The Cape).

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 7, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons and 15 recommended conditions of approval as outlined.

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

The Council found that Mr. Alex Burns, Esq., was present on behalf of the

**Public
Hearing/
CU2583
(continued)**

Applicant; that in the Commission recommendation, it stated that it is undisputed that there is a homelessness crisis in Sussex County. This is recognized in Chapter 8 of Sussex County’s Comprehensive Plan; that at the time the Plan was drafted in 2017 and 2018, more than 1,000 people were homeless in Sussex County, with many of those individuals sleeping in shelters or on the street; that this number has increased since that time; that to address this, Objective 8.1.3 of the Comprehensive Plan states that the County should, “reduce homelessness and displacement in Sussex County”, with Strategies for doing so including 8.1.3.1 and 8.1.3.4, which state that the County should “Coordinate with non-profit and other stakeholders working to reduce homelessness in Sussex County” and “Consider ways to reduce homelessness and displacement in the County”; that these Objectives and Strategies are addressed by this Application; that the Commission found that this location is appropriate; that the location will be opened from early Spring until the fall; that an agreement with OMB, the owner of the parcel was submitted in the record yesterday; that there will be no more than 28 tents; that they will be responsible to set up the campground and remove it after the licensed agreement; that he requested that the application be acted on today.

The Council found that Mr. Frank Arena spoke about the application. Mr. stated that Tharros is rooted in respect, hope and dignity; that they have a self-governance model; that they have 300 plus volunteers that provide various services, help and assistance; that they have a wonderful reach among the faith community; that this is about the residents; that once they staff and build out the 28 residences, they will have an election for a Mayor; that there will an internal person that will be voted on to set the tone to work with the residents and leadership; that they are believers in empowerment, peer guided rules, regulations and consequences; that their camp has many privileges and amenities that are desirable by the residents such as portable showers, portable toilets, food services, trash removal and Beebe health coming in; that they have a partnership with First State Community Action Agency; that the individuals value the village and want to be there; that they work with Troop 7 to have a trooper pass by throughout the day; that this is a hand up not a hand out to get individuals back on the right track; that they work with them to stabilize their living situation; that they then bring in case management to help them make the next step; that they want to allow them to become independent; that an expectation is that they are employed at an average of 20 hours a week or they are actively involved in volunteering in the program that they have set up or enrolled in an educational program; that everyone is held accountable for working, volunteering or going to school; that they have a ton of community engagement; that St. Jude the Apostle is for men and Lutheran Church of our Savior for women; that anyone that is struggling with any kind of drug addiction problem, they have a direct line to get people enrolled; that they require successful completion of the program, having a sponsor and attending AA or NA meetings and following a 12-step program; that they had to close Code Purple on March 15th; that he asked for approval of their conditional use request; that the property is 7.2 acres

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(continued)**

with roughly two acres of wetlands; that DelDOT uses approximately one-half acre; that Tharros Village will utilize the other half-acre; that they have a zero tolerance for drug and alcohol use; that they are building platforms out of pallets covered by sheetrock and then they are sealed; that they are 4 to 5 inches off of the ground; that it runs until November 30th; that they provide propane individual heaters when the weather gets colder; that they are working with other State agencies; that the model is Hope House which was a property that was originally built as a hotel; that there are housing and services located in that building; that there is an immediate need; that this is not a permanent solution; that there is a tremendous sanitation problem that exists in the woods.

Mr. Burns stated that the license with the state expires November 30th and within 7 days everything must be cleaned up on the site.

Mr. Arena stated that the entire area will be fenced and there will be a knock box so that the vehicles will be able to get in as needed; that they will have security cameras that will monitor what is going on; that their volunteers will be there twice a day; that the State Police has agreed to do property checks twice a day.

Ms. Gruenebaum commended them for the work that is being done; that this is one small project for a limited time; that this hearing is about a single request to provide an important service for our community.

Public comments were heard.

Mr. John Dean spoke about the application; that he has been working with Code Purple for three years; that they do not have the perfect solution; that if this project is not approved, then these people will be out in tents.

Mr. Ray Ahl spoke about the application; that he wanted to express his support for this project; that we would all like to have a perfect solution; that this will allow 28 people out of the woods in unsanitary conditions; that this is a start; that this gives them a structure, food, healthcare, work; that the hope is by the end of the year some of them will go into housing; that he asked for support of this application.

Mr. Steven Smith spoke about the application; that he lives right outside where the people are camping; that there used to be a place where people could go inside across from Big Fish and people would bring in food; that since then, it has been a disaster; that homeless people are always going to be displaced; that he encouraged the Council to vote yes on this proposal; that he has some questions about this approach, however, this will improve the living conditions for people.

Mr. Carl Ewing spoke about the application; that he took the position of being an overnight host; that many of them have jobs and some have cars; that trying to live in the Lewes and Rehoboth area and finding something

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CU2583
(continued)**

affordable is near impossible; that during the winter months, they gave them a place to sleep; that these people have a work or volunteer requirement; that at the minimal pay and living in the area is tough; that this provides people an opportunity with a place to stay; that this is a start; that he is a member of St. Vincent De Paul; that they constantly get called for places to stay; that there are limited places and funds.

The Public Hearing and public record were closed.

**M 281 25
Adopt
Ordinance
No. 4003/
CU2583**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 4003 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This Application seeks approval for a campground for unhoused citizens of Sussex County by providing a location for essential shelter and services in a dignified and supportive space with community support. The ultimate goal of this facility is to provide a pathway for individuals to obtain housing independence.**
- 2. It is undisputed that there is a homelessness crisis in Sussex County. This is recognized in Chapter 8 of Sussex County’s Comprehensive Plan. At the time the Plan was drafted in 2017 and 2018, more than 1,000 people were homeless in Sussex County, with many of those individuals sleeping in shelters or on the street. This number has increased since that time. To address this, Objective 8.1.3 of the Comprehensive Plan states that the County should, “reduce homelessness and displacement in Sussex County”, with Strategies for doing so including 8.1.3.1 and 8.1.3.4, which state that the County should “Coordinate with non-profit and other stakeholders working to reduce homelessness in Sussex County” and “Consider ways to reduce homelessness and displacement in the County”. These Objectives and Strategies are addressed by this Application.**
- 3. There was testimony in the record that this program will be structured, with programming and on-site supervision. It is also assisted through meals provided by its various support organizations.**
- 4. This location is appropriate for this use. It is the adaptive re-use of a vacant state-owned property at little cost to the Applicant. The site is located along Route One with the employment opportunities and the various transit options that exist there, including DART. It is also conveniently located near its support facilities including healthcare and the voluntary community support organization.**
- 5. The use compliments the existing cold-weather shelters that**

**M 281 25
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Ordinance
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(continued)**

- operated in the Cape Region during the colder months, but not the warmer months. This facility will be open from early spring until the fall.
6. This location is within the Coastal Area according to the Comprehensive Plan's Future Land Use Map. This is an appropriate location for this type of facility.
 7. There was no opposition to this Application during the public hearing and there is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties.
 8. There was substantial public support for this Application through letters and testimony addressing the need for it, the appropriate location, the existing support system and other relevant factors.
 9. This use satisfies the purpose of a conditional use under our Sussex County Zoning Code. Because it addresses homelessness in Sussex County, it has a public or semipublic character and is essential and desirable for the general convenience and welfare of Sussex County and its residents.
 10. This recommendation is subject to the following conditions:
 - a. The property shall be operated as a seasonal campground for the unhoused. There shall be no more than 28 tents with no more than 28 adults residing at the facility at any one time. No other improvements (other than DelDOT improvements) shall be permitted on the site. No vehicles shall be used for shelters on the site.
 - b. The facility shall be supervised at all times, with only authorized individuals permitted to reside at the location. As stated by the Applicant, there is a list of the individuals who are authorized to reside at the location. This list shall be kept by the Applicant and maintained on the site at all times for inspection by first responders, EMS and other organizations supporting the Applicant's efforts.
 - c. The use shall comply with any applicable state agency requirements that may apply, including, but not limited to those required by DelDOT, DNREC, DSHA, the Sussex Conservation District, and the State Fire Marshall's Office.
 - d. There shall be sufficient sanitary facilities on the site for the use, with regular cleaning and maintenance. These facilities shall be shown on the Final Site Plan.
 - e. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - f. All sanitary facilities, dumpsters and trash receptacles shall be enclosed and screened from the view of neighboring properties or roadways. No trash shall accumulate on the site, and the dumpsters and trash receptacles shall be regularly emptied.
 - g. As stated by the Applicant, off-site lockers or storage facilities shall be provided for the occupants of the site to prevent an accumulation of personal articles outside of the individual tents.

**M 281 25
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CU2583
(continued)**

- h. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT.**
- i. The campground shall be surrounded by a 50-foot landscaped buffer.**
- j. As stated by the Applicant, there shall be a 6-foot tall, galvanized fence around the site, incorporating the existing DelDOT chain-link fencing as necessary. Although gates are shown on the preliminary drawings, these gates shall not prevent access by EMS vehicles and first responders or vehicles needing to access the sanitary facilities or trash receptacles. The location of this fencing with unimpeded access to the site as described here shall be shown on the final site plan.**
- k. The entire facility may open no earlier than March 1st of each year and shall close no later than November 30th of each year. All tents, sanitary facilities, trash containers and other items supporting the use of the property by the Applicant shall be removed from the property when it is not permitted to be in use.**
- l. The Applicant shall identify all “dwellings” in the vicinity of the property that require a 400-foot buffer pursuant to Section 115-172H(3) of the Sussex County Code. All campsites and cabins shall be a minimum of 400-feet from any dwelling that exists at the time of Final Site Plan approval, or a variance from this request shall be obtained from the Board of Adjustment.**
- m. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.**
- n. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**
- o. The Applicant shall provide the Sussex County Planning and Zoning Commission and County Council with a report on the program at this site prior to January 15, 2026. The report shall include verified data about the number of residents at the site during 2025, the success rate of residents finding more permanent housing, the number of EMS and/or police calls to the site while occupied, and any other information that the applicant deems relevant. This report, along with any additional information provided by County Staff regarding the site, shall be provided to the Sussex County Planning & Zoning Commission and County Council prior to February 1, 2026.**

Motion Adopted: 3 Yeas, 2 Nay

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

Mr. Lloyd and Mr. McCarron voted no for the reasons stated.

**Public
Hearing/**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-

CU2557

1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” (property is lying on the east side of Cedar Lane [S.C.R. 318] and the west side of Peterkins Road [S.C.R. 317], approximately 500 feet south of Governor Stockley Road [S.C.R. 432]) (911 Address: N/A (Tax Map Parcel: 133-3.00-6.00) filed on behalf of Stockley Materials, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and 13 recommended conditions of approval as outlined.

The Council found that Mr. David Hutt, Esq. was present on behalf of the Applicant, Stockley Materials, LLC, that also in attendance are Mr. Ken Adams, a principal of Stockley Materials and Mr. Mark Davidson, Principal Land Planner with the Pennoni Group.

Mr. Hutt stated that this application is for approximately a six-acre portion of an 82-acre site; that questions have been raised about the property and the conditional use application; that this Conditional Use seeks to allow wood, whether that's in the form of a tree, shrubbery, root mass, similar organics to be brought to this six-acre site to be recycled; that when clearing or site work is done, there is a need for a location to take those materials to be recycled; that there is currently a borrow pit on this property which was approved on April 21, 2009 – CU 1770 and Ordinance No. 2045; that the CU 1770 application was to expand a pre-existing Borrow Pit; that there are special requirements for a borrow pit and one is that no material may be brought from off the site for processing, mixing or similar use; that at the March 26, 2009 Public Hearing before the Planning Commission, Mr. Jim Baxter testified that the property had been used for a borrow pit for at least 85 years; that he also commented that as a boy, he remembered going to this property and getting a load of good clay for packing to be put in the chicken house; that in 1948, that when he returned from the war, he purchased the property across the street which is for agricultural use; that this is a separate application because it proposes to allow materials to be brought to the site for processing and recycling; that the properties that surround this facility are all in the Low Density Area, except the property immediately to the north of that property which is in the Developing Area on the future land use map; that the Georgetown's wastewater treatment plant to the north is within the Developing Area; that this property and all the surrounding properties are zoned AR-1; that the same entrance to the borrow pit would be utilized for this conditional use; that it is approximately six acres back from the entrance; that the Applicant is proposing a 30-ft. wide landscaped buffer

**Public
Hearing/
CU2557
(continued)**

including a berm between this six-acre area and the four residential lots on Cedar Lane; that the Applicant proposes to surround the site with a reinforced silt fence to distinguish between the uses and make sure the recycling process stays within the six-acre area; that it is not in a flood zone area; that an on-site porta potty would be provided for employees; that water would be provided by a truck; that there is an irrigation system with water from the borrow pit which would be used to keep dust down; that in DelDOT's response to the service level request the impact on traffic would be diminutive, meaning less than 50 trips per day; that there is a screener on the site; that the screener has a volume of 85 decibels at 10 ft. which is about the same as a vacuum cleaner; that the noise diminishes over space and there is over 440 feet to the nearest dwelling; that a grinder is proposed for this conditional use but would be used on a limited basis and would operate less frequently than the screening machine; that all equipment that would be used are already use on the site; that this project is of a semi-public or public character because the service that Stockley Materials provides is a necessity; that under Delaware law several years ago, zero waste principles were adopted and then codified within the Delaware Code; that they are found in Title 7 and Chapter 60, and one of those sections is section 6056; that the goal is to keep things out of the landfill and have them processed so that they are reused and recycled; that the Applicant has to file an annual report stating the quantity of materials recycled; that the reports are due by February 15th each year; that Stockley Materials recycled 6,684 tons last year in organic debris; that 1,435 tons were recycled in yard waste; that Mr. Mulch recycled 4,250 tons in trees and branches and 2,875 tons in yard waste; that 15,244 tons of organic materials were recycled between the two businesses; that this keeps it out of the landfills; that letters of support were received from 44 businesses speaking about the need for this type of facility; that there were 26 letters of support submitted earlier; that during the Commission meeting, there were concerns expressed; that the Commission asked Mr. Whitehouse and his staff to perform an inspection of the property; that on April 28, 2025, Mr. Whitehouse inspected the property along with Mr. Costello, Mr. Short and Mr. Rogers; that there is a 17 page detailed report that was completed regarding activities on the site and their review of the previous CU; that it was noted that the berm near the entrance be repaired to remove all waste vegetation; that there were references made to drainage and flooding concerns; that the applicant asks its engineering firm to reach out to Conservation District; that Jessica Watson and Jim Elliott from the Conservation District responded that they were not aware of any drainage concerns; that DNREC has a reporting system for drainage concerns; that the nearest complaint was in 2019 on Cedar Lane; that the most recent complaint is along Zoar Road in 2024; that a concern was raised about the traffic; that the report shows that on the busiest day, it was about half of the approved amount by the original Conditional Use; that it also shows that there are many days when there are no truckloads; that the Commission recommended approval of the application; that some of the conditions were discussed and reviewed.

**Public
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CU2557
(continued)**

Public comments were heard.

Mr. Baxer spoke in favor of the application; that his grandfather spoke about the previous Conditional Use; that this is useful for the next generations; that many times farm fields are used as dumping sites.

Ms. Robin Freeze spoke in opposition of the application; that she lives on the other side of the property; that she is not in total opposition of this; that she moved here because she loves the Delaware lifestyle; that she appreciates Stockley Materials; that they have doubled in size since she moved there; that she requests that the buffer go all the way around; that they get terrible dust from the business.

Mr. Adams committed to extending the term as requested.

The Public Hearing and public record were closed.

**M 282 25
Defer
Action/
CU2557**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS”.

Motion Adopted: 5 Years

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

**M 283 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 4:57 p.m.

Motion Adopted: 5 Years

**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.}

