

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 20, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 20, 2023, 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 A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 292 23
Approve
Amended
Agenda**

Mr. Lawson reported that under Hans Medlarz, County Engineer, Item No. 1 can be removed from the Agenda. A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda as amended.

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 June 13, 2023, were approved by consensus.

**Corre-
spondence**

There was no correspondence.

**Public
Comments**

There were no public comments.

Mr. Lawson reported that Mr. Bruce Mears, District 4 appointment is due for reappointment for an additional three years to the Planning and Zoning Commission.

**PZ
Reappoint-
ment**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved that the Sussex County Council approves the reappointment of Mr. Bruce Mears to the Sussex County Planning and Zoning Commission effective immediately for a term of three years, and until such time expires in June 2026.

**M 293 23
Approve**

**PZ
Reappoint-
ment**

Motion Adopted: 5 Yeas

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

**Public
Interview**

The Council conducted a public interview for Planning and Zoning Commission nominee Gregory Scott Collins (District 3).

**PZ
Commission**

The Council conducted a public interview for Planning and Zoning Commission nominee Robert D. Mitchell (District 2).

**M 294 23
Defer**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on the two applications for one week.

**Action/
PZ
Commission
Nominees**

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. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for May 2023 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for the month of May.

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

**FY2024
Budget
Hearings**

Public Hearings were held on the FY 2024 budget.

A Public Hearing was held on 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 295 23
Adopt
Assessment
Rolls

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved that the Sussex County Council adopts the Assessment Rolls for the Sussex County Unified Sewer and Water District for the period July 1, 2023 through June 30, 2024.

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/
Sewer Rates
and Charges
Ordinance

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 23, 2023 Council meeting.)

There were no public comments.

The Public Hearing and public record were closed.

M 296 23
Adopt
Ordinance
No. 2929

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2929 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Public
Hearing/
Proposed
FY2024
Budget
Ordinance

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2024”.

Mrs. Jennings reviewed highlights of the \$278.6 million annual operating budget for Fiscal Year 2024. (A comprehensive presentation was given at

**Public Hearing/
Proposed
FY2024
Budget
Ordinance
(continued)**

the May 23, 2023 Council meeting.)

There were no public comments.

The Public Hearing and public record were closed.

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2930 entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2024”.

**M 297 23
Adopt
Ordinance
No. 2930**

Motion Adopted: 5 Yeas

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

**FY2024
Insurance
Recommen-
adition**

Andrea Wall, Manager of Accounting, discussed the renewal of the County’s insurance package on July 1. The County’s broker, Alliant, recommended that the County not market its property and liability package; all other lines were marketed.

Despite a difficult state of the market where rates are increasing significantly, and capacity is shrinking as well as extenuating events Alliant was able to secure pricing that was in line with budget projections. Although a cost increase is being presented, it reflects market conditions. Mrs. Wall and the County’s insurance agent, Angela Tennis recommended that the County renew with the following insurers:

- Package Policy (Property, Inland Marine, Auto and Liability)-Glatfelter**
- Pipeline Floater-Chubb**
- Equipment Breakdown-CNA**
- Workers’ Compensation-Liberty Mutual**
- Airport Liability-Chubb**
- Public Officials-Indian Harbor/RSUI**
- Crime-Great American**
- Cyber-Lloyds/Crum & Forster**
- Pollution-Chubb**
- Fiduciary-Hudson**

Angela Tennis, the County’s insurance consultant, was in attendance and discussed the renewal and marketing process.

**M 298 23
Authorize
Placement of
Insurance
Coverage**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based upon the recommendation of Alliant Insurance Services, Inc. and Insurance Buyers Council, and the Sussex County Finance Department, that Sussex County Council authorizes the placement of insurance coverage, as presented, for the period of July 1, 2023, through June 30, 2024, at a cost

not to exceed \$2,129,305.00.

Motion Adopted: 5 Yeas

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

**IB Biosolids
& Bulk WW
Services
Agreements**

Hans Medlarz, County Engineer presented a biosolids agreement and bulk wastewater services agreement for Inland Bays Preservation Company, LLC for Council's consideration. Mr. Medlarz reported that a new facility is being built off of Banks Road which allows the exchange of wastewater. In addition, the county's regional biosolids facility has unused capacity benefitting from more customers.

**M 299 23
Approve
Biosolids &
Bulk WW
Services
Agreement**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that County Council approve the biosolids agreement and the bulk handling agreements with the Inland Bay Preservation Company, LLC as presented.

Motion Adopted: 4 Yeas, 1 Absent

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

**Mallard
Creek CO
Nos. 1, 2**

Hans Medlarz, County Engineer presented change order nos. 1 and 2 and a substantial completion request for Mallard Creek Sewer Expansion for Council's consideration. Mr. Medlarz reported that the request includes a time extension change order, a balancing change order and substantial completion.

**M 300 23
Approve CO
Nos. 1, 2 &
Substantial
Completion**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order nos. 1 and 2 for contract S20-26, Mallard Creek Sewer Expansion be approved for a no cost time extension, a decrease of \$95,829.25 and that substantial completion be granted effective May 25, 2023, with any held retainage released in accordance with the contract document, contingent upon USDA concurrence.

Motion Adopted: 4 Yeas, 1 Absent

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

**WSUSD CO
No. 4**

Hans Medlarz, County Engineer presented change order no. 4 for Western Sussex contract for Council's consideration. Mr. Medlarz reported that the

change order relates to repairs for comprised infrastructure discovered while completing the original scope.

**M 301 23
Approve CO
No. 4/
WSUSD**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 4 for contract S19-29, Western Sussex Unified Sewer District Segment D, be approved in the amount not to exceed amount of \$75,500.00 and increasing the contract time by 4 weeks contingent upon SRF concurrence.

Motion Adopted: 5 Yeas

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

**Old
Business/
Ord. No. 23-
01**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04” (properties lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20] (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcels: 533-11.00-23.00, 23.03 & 23.04) (Zoning: AR-1 [Agricultural Residential])

The County Council held a Public Hearing on the application at its meeting of April 25, 2023. At that time, Council deferred action to allow for the Ordinance to be reported to the State of Delaware Preliminary Land Use Review Service (PLUS). Mr. Whitehouse reported that written comments have been received back from PLUS. The State does not object to the proposed Comprehensive Plan amendment, but they did note that any development that comes forward may be subject to further review.

**M 302 23
Adopt
Ordinance
No. 2931**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2931 entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04” for the reasons given by the Planning and Zoning Commission as follows:

- 1. The Sussex County Engineering Department is in favor of this map amendment and provided reasons in support of it.**
- 2. The property is currently within the Coastal Area and the Developing Area according to the Sussex County Comprehensive Plan. Both of these areas are “Growth Areas”, and the Plan suggests**

**M 302 23
Adopt
Ordinance
No. 2931
(continued)**

- that “central sewer is strongly encouraged” in them. This Tier Map amendment is in furtherance of the goal of the Comprehensive Plan.
3. This map amendment does not affect the future development of this property, which will require a separate public hearing in the future if and when any attempt to develop this property shall occur.
 4. No parties appeared in opposition to this map amendment request.

Motion Adopted: 5 Yeas

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

**Old
Business/
CU2346**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 63.86 ACRES, MORE OR LESS” (property lying on the north side of Dorothy Road [Rt. 64] and the west side of Sussex Highway [Rt. 13]) (911 Address: N/A) (Tax Map Parcel: 332-7.00-19.00) filed on behalf of TPE DE SSU114, LLC

The County Council held a Public Hearing on the application at its meeting of April 25, 2023. At the conclusion of the Public Hearing, Council deferred action on the application for further consideration.

The gavel was given to Mr. Rieley.

Mr. Vincent proposed an amendment to the conditions of approval to make this solar farm conditional use compliant with the amendment originally made to the Zoning Code to create uniform conditions for all solar farms in Sussex County.

**M 303 23
Amend
Conditions/
CU2346**

A Motion was made by Mr. Vincent, seconded to Mr. Schaeffer, to add a new condition, Condition L to state as follows: In accordance with Ordinance No. 2920 which amended §115-172 of the Zoning Code, there should be a buffer strip of open space a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. There should be no solar panels in this buffer strip and notwithstanding the submitted conceptual site plan. There should be no solar panels within 200 feet of any dwelling on the property of other ownership. The required buffer should be clearly 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 23
Adopt
Ordinance
No. 2932/
CU2346**

A Motion was made by Mr. Vincent, seconded by Mr. Schaeffer to Adopt Ordinance No. 2932 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 63.86 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and as amended:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 27 acres of a larger 63.86-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. With the conditions imposed in this recommendation including landscaped buffers, the proposed use will not have any adverse impact on the neighborhood. In addition, there is information in the record that solar facilities do not have a negative impact upon adjacent property values.**
- 5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 6. Based upon the testimony in the record, it is evident that no significant noise, glare, dust, or odor will be generated by the facility.**
- 7. There will be a buffer of planted vegetation along the east and south sides of this site to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly. The trees on the northern and western sides of the property will be maintained.**
- 8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 9. This recommendation is subject to the following conditions:**
 - a. The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar farm as well as the remaining acreage that is not part of this Conditional Use.**
 - c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or**

**M 304 23
Adopt
Ordinance
No. 2932/
CU2346
(continued)**

- roadways.
- d. **One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - e. **The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.**
 - f. **Any transformers or similar equipment or structures shall be centrally located on the site away from any nearby residential uses. The location of these structures and equipment shall be shown on the Final Site Plan.**
 - g. **The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.**
 - h. **Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
 - i. **There shall be a 25-foot-wide buffer of planted vegetation along the eastern and southern sides of the solar area. These buffer areas shall be clearly shown on the Final Site Plan. These buffers shall screen solar arrays while allowing the solar arrays to function properly. As stated by the Applicant, this planted area shall include 12 trees and 15 understory shrubs per 100 linear feet. The trees shall be at least 9 feet tall with a caliper of at least 2.5 inches at the time of planting.**
 - j. **The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
 - k. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**
 - l. **In accordance with the Ordinance No. 2920 which amended §115-172 of the Zoning Code, there should be a buffer strip of open space a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. There should be no solar panels in this buffer strip and notwithstanding the submitted conceptual site plan. There should be no solar panels within 200 feet of any dwelling on the property of other ownership. The required buffer should be clearly 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**

The gavel was given back to Mr. Vincent.

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

**Business/
CU2347**

entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.33 ACRES, MORE OR LESS” (property lying on the east side of North Old State Road [S.C.R. 213], approximately 0.10 mile north of the intersection of Haflinger Road [S.C.R. 625]))911 Address: N/A) (Tax Map Parcel: 230-12.00-39.00) filed on behalf of TPE DE SU94, LLC

The County Council held a Public Hearing on the application at its meeting of April 25, 2023. At the conclusion of the meeting, Council deferred action on the application for further consideration.

**M 305 23
Adopt
Ordinance
No. 2933/
CU2347**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2933 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.33 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 18 acres of a larger 39.76-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighboring or adjacent properties and there are no homes in close proximity to this site. In addition, there is information in the record that solar facilities do not have a negative impact upon adjacent property values.**
- 5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 6. Based upon the testimony in the record, it is evident that no significant noise, dust, glare, or odor will be generated by the facility.**
- 7. The site is surrounded by land that is actively farmed. As a result, no buffer is required.**
- 8. The proposed use provides a renewable energy source that is a**

**M 305 23
Adopt
Ordinance
No. 2933/
CU2347
(continued)**

- benefit to the residents and businesses of Sussex County.**
- 9. This recommendation is subject to the following conditions:**
- a. The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.**
 - b. Any lighting on the facility shall only consist of perimeter lighting needed for security measures. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - c. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - d. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.**
 - e. Any transformers or similar equipment or structures shall be centrally located on the site away from any nearby residential uses. The location of these structures and equipment shall be shown on the Final Site Plan.**
 - f. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.**
 - g. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
 - h. The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
 - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Old
Business/
Ord. No. 23-
02**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NOS. 334-5.00-153.00 & 334-5.00-153.02” (properties lying on the west side of Janice Road, approximately 0.10 mile west of Nassau Commons Boulevard) (911 Address: 32172 Janice Road, Lewes) (Tax Parcels: 334-5.00-153.00 & 334-5.00-153.02) filed on behalf of Janice CRP3, LLC

The County Council held a Public Hearing on the application at its meeting of March 7, 2023. At the conclusion of the Public Hearing, Council deferred

action on the application for further consideration.

**M 306 23
Approve
Ord. 23-02/
DENIED**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NOS. 334-5.00-153.00 & 334-5.00-153.02” for the reasons given by the Planning and Zoning Commission numbered 1-8.

Motion DENIED: 3 Nays, 2 Yeas

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

The Motion was denied based on the reasons given by Council Member Vincent.

**Old
Business/
CZ1995**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 61.39 ACRES, MORE OR LESS” (property lying on the west side of Janice Road, approximately 0.10 mile west of Nassau Commons Boulevard) (911 Address: 32172 Janice Road, Lewes) (Tax Parcel: 334-5.00-153.02) filed on behalf of Janice CRP3, LLC

The County Council held a Public Hearing on the application at its meeting of March 7, 2023. At the conclusion of the Public Hearing, Council deferred action on the application for further consideration.

**M 307 23
Approve
CZ1995/
DENIED**

A Motion was made by Mr. Rieley, seconded Mr. Hudson to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 61.39 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning numbered 1-9 with conditions 10A-P.

Motion DENIED: 5 Nays

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

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

**Introduction
of Proposed
Ordinance**

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 2.47 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.42 ACRES, MORE OR LESS” filed on behalf of Fernando Robles

**Council
Member
Comments**

The Proposed Ordinance will be advertised for a Public Hearing.

There were no Council member comments.

**M 308 23
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 11:47 a.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.}