

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 22, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 22, 2021, 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 247 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend the Agenda by deleting “Approval of Minutes – June 15, 2021”, and 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**

**Public
Comments**

There were no public comments.

**DelDOT
CTP
Presentation**

Mark Coté, DelDOT Director of Planning, and Josh Thomas, DelDOT Planning Supervisor, were in attendance to discuss DelDOT’s Capital Transportation Program (CTP) and specifically the Proposed FY2023 – FY2028 CTP. Mr. Coté and Mr. Thomas reviewed the CTP process, sources of funding, and specific projects (candidates) being considered for inclusion in the FY2023 – FY2028 CTP.

**FY 2022
Budget
Hearings**

At 10:35 a.m., Public Hearings were held on the FY 2022 Budget.

**Public
Hearing/
Assessment
Rolls**

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

**Public Hearing/
Assessment
Rolls
(continued)**

properties and applicable front footage and EDUs 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 248 21
Adopt
Assessment
Rolls**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council adopts the Assessment Rolls for the Sussex County Unified Sanitary Sewer and Water Districts for the period July 1, 2021 through June 30, 2022.

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 the 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 25, 2021 Council meeting.)

There were no public comments.

The Public Hearing and public record were closed.

**M 249 21
Adopt
Ordinance
No. 2780/
Sewer
Rates
and
Charges**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2780 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 Ordinance/
Clerk of the Peace Fees**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INSTITUTE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND TO INCREASE THE FEES FOR NON-DELAWARE RESIDENTS FOR OUT-OF-OFFICE CEREMONIES”.

Mrs. Jennings reported that the Marriage Bureau is proposing new fees which have to do with after-hours ceremonies. An increased fee is proposed for in-office ceremonies that take place after business hours and on weekends. Additionally, an increased fee is proposed for outside the office ceremonies for non-Delaware residents.

Jay Jones, Clerk of the Peace, explained that the proposed fee increases will help streamline Department operations and will offset the Department’s budget deficit.

There were no public comments.

The Public Hearing and public record were closed.

**M 250 21
Adopt Ordinance
No. 2781/
Ordinance Relating to
Clerk of the Peace Fees**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2781 entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INSTITUTE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND TO INCREASE THE FEES FOR NON-DELAWARE RESIDENTS FOR OUT-OF-OFFICE CEREMONIES”.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Public Hearing/
Proposed FY 2022
Budget Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022”.

Mrs. Jennings reviewed highlights of the \$278 million annual operating budget for Fiscal Year 2022. (A comprehensive presentation was given at the May 25, 2021 Council meeting.)

Public comments were heard.

**Public Hearing/
Proposed
FY 2022
Budget
Ordinance
(continued)**

Keith Steck spoke on behalf of the Delaware Coalition for Open Government and raised questions regarding contingencies and allocations for historic preservation, libraries, information technology, maintenance, Planning and Zoning, and legal professional services.

Katey Mallard, Director of Habitat for Humanity spoke in support of an Affordable Housing Trust Fund in Sussex County.

Eul Lee commented on growth in Sussex County and the inflation rate, and budget increases that are needed as a result of this growth, especially in the Planning and Zoning Department. Ms. Lee also commented on the salaries of Councilmembers and the need to raise those salaries to full-time compensation.

Sarah Rhine, Policy Director of Housing Alliance Delaware, spoke in support of the creation and funding of an Affordable Housing Trust Fund in Sussex County.

James Arrington, Sussex County President of the Delaware Volunteer Firefighters Association, thanked Council for its continued support.

Pat Steckman stated that the public safety allocation in the budget is quite large and recommended that the County assign a transportation advisor to DelDOT for proposed developments.

Michele Williams spoke in support of the creation and funding of an Affordable Housing Trust Fund in Sussex County.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 251 21
Adopt
Ordinance
No. 2782**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2782 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022".

Motion Adopted: 5 Yeas.

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

**Land Use
Notice
Signs**

Mr. Lawson and Jamie Whitehouse, Planning and Zoning Director, gave a presentation on Sussex County land use application "Notice" signs. They discussed applications that require posting of notices on the property including Conditional Use applications, Change of Zone applications, RPC applications, and major subdivision applications. They discussed the pros and cons of the signs currently used; a comparison of signs Sussex County currently uses compared to what Kent County uses; and considerations for

**Land Use
Notice
Signs
(continued)**

change in Sussex County. Mr. Whitehouse presented considerations for change: change sign branding and style to include the County seal, provide additional information and details, include a QR code link to the County database, and increase all sign sizes or create two different sign sizes. It was noted that sign placement is also an important consideration. Council was asked to provide feedback to Mr. Lawson or Mr. Whitehouse for a future presentation to Council on ideas and possibly, a prototype.

**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 2021 is attached listing the number of violent 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 193 troopers assigned to Sussex County for the month of May.

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

**Federal
Payment
in Lieu
of Taxes**

Andrea Wall, Manager of Accounting, reported that a check in the amount of \$38,898.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2020. The amount is calculated by the U. S. Fish and Wildlife Service by prorating the total funds available for payment. The check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose. Mrs. Wall advised that the recommendation is to allocate the funds in the same percentage as other County tax collections, as the County has done in the past.

**M 252 21
Approve
Refuge
Revenue
Sharing
Funds
Distri-
bution**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council approves the Accounting Department's recommended distribution of the Refuge Revenue Sharing Funds, as follows: Milford School District - \$7,855.53; Cape Henlopen School District - \$25,392.93; Sussex Technical School District - \$2,095.11; Sussex County - \$3,181.40; and Sussex County Libraries - \$373.03.

Motion Adopted: 5 Yeas.

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

**FY 2022
Insurance
Recommendation**

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, workers compensation, pollution, and fiduciary coverages; all other lines were marketed. Alliant recommends that the County market the program only every 2-3 years in order to not over-exercise the market and to enable the County to maintain relationships with key insurance partners.

Mrs. Wall stated that, despite a difficult state of the insurance market where rates are increasing significantly and capacity is shrinking as well as extenuating events such as COVID-19, Alliant has been able to secure renewal pricing that was in line with the County's budget projections for FY 2022. Mrs. Wall and the County's insurance consultant, Scott Agar, 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**

Mrs. Wall stated that, although this presentation is for an increase in cost, it reflects current market conditions, and not the claim activity or insurability of Sussex County. Although the increase is around 10%, many other jurisdictions are seeing much larger increases even with no claim activity.

Scott Agar, the County's insurance consultant, was in attendance and discussed the cyber liability market, its acceleration and premium increases.

**M 253 21
Authorize
Placement
of Insurance
Coverage**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, 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, 2021 through June 30, 2022, at a cost not to exceed \$1,827,518.80.

Motion Adopted: 5 Yeas.

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

SCRWF & Rehoboth Beach WTP CIP Phase 2 C/O

Hans Medlarz, County Engineer, presented Change Order No. 11 for the South Coastal Regional Wastewater Facility Treatment Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, Project C19-11, Change Order No. 11, in the amount of \$59,557.16 for work modifications and differing site conditions.

M 254 21 Approve C/O 11/ Contract C19-11 SCRWF & Rehoboth Beach WTP CIP Phase 2

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 11 for Contract C19-11, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, be approved, increasing the Contract amount by \$59,557.16.

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/ CZ 1891/ CZ 1892/ CU 2193

Under Old Business, the Council considered Change of Zone No. 1891, Change of Zone No. 1892, and Conditional Use No. 2193 filed on behalf of Chappell Farm, LLC.

The Planning and Zoning Commission held a Public Hearing on these applications on January 21, 2021 at which time action was deferred. On February 11, 2021, the Commission recommended approval of these applications with the following stipulations attached to the Conditional Use:

- A. The maximum number of residential units shall be 128.**
- B. The Applicant or its successor, as Landlord, shall be responsible for the perpetual maintenance of the development's roadway, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
- C. All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DeIDOT requirements.**
- D. The project shall be served by Sussex County sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
- E. The project shall be served by central water to provide drinking water and fire protection.**
- F. There shall be a vegetated or forested buffer of at least 40 feet in depth. This shall include existing vegetation that shall be expanded to include varying landscape stock, including trees that are at least 1.5 inch caliper at 5 feet of height and shrubs of 5-gallon minimum size. As proposed by the Developer, there shall also be a privacy fence along the common**

Old
Business/
CZ 1891/
CZ 1892/
CU 2193
(continued)

- property line with Red Fox Run. All of this shall be shown within a landscape plan included as part of the Final Site Plan for the project.
- G. Construction activities, including site work and deliveries, shall only occur between 7:30 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays.
 - H. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
 - I. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - J. All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.
 - K. The interior street design shall meet or exceed Sussex County's street design requirements.
 - L. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop shall be shown on the Final Site Plan.
 - M. Recreational amenities shall be completed simultaneously with the issuance of the Certificate of Occupancy for the first multi-family building.
 - N. A Certificate of Occupancy will not be issued for commercial use buildings until the completion of the overpass.
 - O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Council held a Public Hearing on these applications on March 2, 2021 at which time action was deferred.

Mr. Schaeffer reported that following the Public Hearing on the three applications of Chappell Farm, LLC, several members of the public questioned whether or not he should be permitted to participate and vote. Out of an abundance of caution, and to ensure there would be no question regarding the integrity of his participation in the proceedings, he, individually, decided it was best to be proactive and request an advisory opinion from the Public Integrity Commission. Following a hearing, the Commission found that campaign donations do not create a conflict of interest; the Commission also found that no personal or private interest was created by support of his campaign. The Commission held that there is no appearance of impropriety and as long as he and his wife are not profiting by selling, leasing or renting properties owned by the Applicants, or are located in the Chappell Farm project, no conflicts of interest exist. Mr. Schaeffer stated that, because of this ruling, he feels confident in his ability to participate in the vote on this date.

Change of Zone No. 1891

M 255 21

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2783 entitled "AN ORDINANCE TO AMEND THE

**M 255 21
Adopt
Ordinance
No. 2783/
CZ 1891
(continued)**

COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS” (Change of Zone No. 1891) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 [portion of]) (911 Address: 30511 Cave Neck Road, Milton).

Motion Adopted: 5 Yeas.

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

Change of Zone No. 1892

**M 256 21
Adopt
Ordinance
No. 2784/
CZ 1892**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to Adopt Ordinance No. 2784 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.53 ACRES, MORE OR LESS” (Change of Zone No. 1892) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 [portion of]) (911 Address: 30511 Cave Neck Road, Milton).

Motion Adopted: 5 Yeas.

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

Mr. Vincent handed over the gavel to Mr. Rieley.

Conditional Use No. 2193

**M 257 21
Amend
Conditions/
CU 2193**

A Motion was made by Vincent seconded by Mr. Hudson, to amend Condition 14-G recommended by the Planning and Zoning Commission by adding a sentence at the end that states: “A 24 by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.”

Motion Adopted: 5 Yeas.

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

**M 258 21
Amend
Conditions/
CU 2193**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to amend Condition 14-N recommended by the Planning and Zoning Commission by deleting it in its entirety and replacing it with the following: “No building permit shall be issued for any commercial use buildings until the new grade separated interchange, secondary roads, roundabout, and service roads associated with the Route One and Cave Neck Road intersection are substantially completed and open to vehicular traffic. This limitation shall not apply to the single mixed use building containing residential and commercial uses and identified as PR Mixed Use Building on the April 15, 2019 Preliminary Site Plan.”

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 259 21
Amend
Conditions/
CU 2193**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to add a new Condition 14-O and renumber the existing condition 14-O as 14-P, and that Condition 14-O will read as follows: “No building shall be constructed closer than 120 feet from the northwest property line of the site that runs along the Red Fox Run development, which is the distance between the northwest property line, the Red Fox Run development, and the buildings shown on the April 15, 2019 Preliminary 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 260 21
Adopt
Ordinance
No. 2785/
CU 2193**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to Adopt Ordinance No. 2785 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (128 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.4 ACRES, MORE OR LESS” (Conditional Use No. 2193) filed on behalf of Chappell Farm, LLC (Tax I.D. No. 235-23.00-1.02 [portion of]) (911 Address: 30511 Cave Neck Road, Milton), with the following conditions, as amended:

- A. The maximum number of residential units shall be 128.**
- B. The Applicant or its successor, as Landlord, shall be responsible for the perpetual maintenance of the development’s roadway, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
- C. All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DelDOT**

**M 260 21
Adopt
Ordinance
No. 2785/
CU 2193
(continued)**

- requirements.
- D. The project shall be served by Sussex County sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
 - E. The project shall be served by central water to provide drinking water and fire protection.**
 - F. There shall be a vegetated or forested buffer of at least 40 feet in depth. This shall include existing vegetation that shall be expanded to include varying landscape stock, including trees that are at least 1.5 inch caliper at 5 feet of height and shrubs of 5-gallon minimum size. As proposed by the Developer, there shall also be a privacy fence along the common property line with Red Fox Run. All of this shall be shown within a landscape plan included as part of the Final Site Plan for the project.**
 - G. Construction activities, including site work and deliveries, shall only occur between 7:30 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. There shall be no construction activities at the site on Sundays. A 24 by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
 - H. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.**
 - I. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
 - J. All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.**
 - K. The interior street design shall meet or exceed Sussex County’s street design requirements.**
 - L. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop shall be shown on the Final Site Plan.**
 - M. Recreational amenities shall be completed simultaneously with the issuance of the Certificate of Occupancy for the first multi-family building.**
 - N. No building permit shall be issued for any commercial use buildings until the new grade separated interchange, secondary roads, roundabout, and service roads associated with the Route One and Cave Neck Road intersection are substantially completed and open to vehicular traffic. This limitation shall not apply to the single mixed use building containing residential and commercial uses and identified as PR Mixed Use Building on the April 15, 2019 Preliminary Site Plan.**
 - O. No building shall be constructed closer than 120 feet from the northwest property line of the site that runs along the Red Fox Run development, which is the distance between the northwest property line, the Red Fox Run development, and the buildings shown on the April 15, 2019 Preliminary Site Plan.**
 - P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**M 260 21
(continued)**

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

Mr. Rieley turned the gavel back over to Mr. Vincent.

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

**M 261 21
Council-
manic
Grant**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to give \$6,474.00 (\$3,237.00 each from Mr. Schaeffer's and Mr. Rieley's Councilmanic Grant Accounts) to the Fort Miles Historical Association for the USS Arizona Exhibit at the Fort Miles Museum.

Motion Adopted: 5 Yeas.

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

**M 262 21
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$4,600.00 from Mr. Hudson's Councilmanic Grant Account to the Bethany Beach Volunteer Fire Company for equipment expenses.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Zoning
Ordinance**

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A CRAFT BUSINESS WITH OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS" (Conditional Use No. 2287) filed on behalf of Danielle Roach.

The Proposed Ordinance will be advertised for Public Hearing.

**Council
Members'
Comments**

Council Members' Comments

Mr. Hudson stated that he would like to discuss density calculations at a future meeting.

**M 263 21
Go Into
Executive
Session**

At 12:42 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session to discuss matters relating to pending litigation, land acquisition and personnel.

M 263 21 **Motion Adopted: 5 Yeas.**
(continued)

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

Executive Session **At 12:50 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to pending litigation, land acquisition and personnel. The Executive Session concluded at 1:45 p.m.**

M 264 21 **At 1:50 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley,**
Reconvene **to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

M 265 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to authorize**
Authorize **the County Administrator to negotiate, enter into a contract, and proceed to**
Land **closing on two parcels of land known as Land 2021-G and Land 2021-H.**
Acquisition/

Land
2021-G
and
2021-H

Motion Adopted: 5 Yeas.

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

M 266 21 **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn**
Adjourn **at 1:52 p.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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