

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 30, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 30, 2024, at 1:00 p.m., in Council Chambers, with the following present:**

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

**Call to Order**                    **The Invocation and Pledge of Allegiance were led by Mr. Vincent.**

**Mr. Vincent called the meeting to order.**

**M 390 24**                    **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to approve the**  
**Approve**                    **agenda.**  
**Agenda**

**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 of July 16, 2024, were approved by consent.**

**Correspondence**        **There was no correspondence.**

**Public**                      **There was no public comment.**  
**Comments**

**M 391 24**                    **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve**  
**Approve**                    **the following items listed under the Consent Agenda:**  
**Consent**  
**Agenda**

**1. Use of Existing Wastewater Infrastructure Agreement – IUA-1112**  
**Mitchells Corner, West Rehoboth Area**

**2. Use of Existing Wastewater Infrastructure Agreement – IUA-1230**  
**Mulberry Knoll Store, West Rehoboth Area**

**Motion Adopted:        5 yeas**

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

**Recognition Retiree/ Medlarz**      **Mr. Lawson recognized Hans Medlarz, County Engineer, for his retirement.**

**General Assembly Legislative Update**      **Mr. Lawson and Mrs. Jennings provided a review of 153<sup>rd</sup> General Assembly legislative session. Mr. Lawson reviewed HB403 w/HA 3 Assessment Functions, HB127 w/HA1 and 2 – Fire Protection Fee, HS2 for HB 168 w/HA 1 – Lodging Tax, SB 244- Lodging Tax, HB 352 w/ SA 1 – Abandoned Vehicles, SS No.1 for SB 23 – Accessory Dwelling Units, as well as the state budget and the bond bill.**

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

- 1. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Tanager Woods – Phase 2A (Construction Record) and Tanager Woods – Phase 2B (Construction Record) effective June 28<sup>th</sup>, Chase Oaks – Phase 4 (Construction Record) effective July 3<sup>rd</sup>, Ocean View Beach Club North – Residual Lands Phase 5 (FKA Lighthipe) Plan Review & Construction Record effective July 9<sup>th</sup>, Bay Knolls – Phase 1 (Construction Record) effective July 11<sup>th</sup>, Milos Haven – Phase 3 (Construction Record) effective July 17<sup>th</sup> and Heritage Shores – Villas At Bridgeville – Phase 5D (Construction Record) effective July 18<sup>th</sup>.**

- 2. Delaware State Police Activity Report**

**The Delaware State police year-to-date activity report for June 2024 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 195 troopers assigned to Sussex County for the month of June.**

- 3. Delaware Animal Services Performance Report – Fourth Quarter & Annual Report**

**The Delaware Animal Services Annual Performance Reports for 2023 and the first quarter of 2024 are attached listing the total of number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 6,625 calls for service in 2023 and 1,443 calls for service in the first quarter of 2024.**

**Adminis-  
trator's  
Report  
(cont.)**

**4. Council Meeting Schedule**

**A reminder that Council will not meet on Tuesday, August 6<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, August 13<sup>th</sup> at 10:00 a.m.**

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

**Second  
Quarter  
Shining Star  
Awards**

**Karen Brewington, Human Resources Director, presented the Second Quarter Shining Star Awards. Mrs. Brewington reported that there were 54 submissions received for the quarter with two winners being selected. This quarter's winners were Kelly Jackson from the Constables Office and Ann Lepore from Planning & Zoning.**

**Proposed  
Ordinance/  
North  
Ellendale**

**Mike Harmer, County Engineer, presented a Proposed Ordinance for Council's consideration for the North Ellendale sewer flow diversion project to alleviate capacity issues at the Georgetown facility.**

**Introduction  
of Proposed  
Ordinance**

**Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,236,846 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH ELLENDALE SEWER FLOW DIVERSION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"**

**James Farm/  
CO No. 2**

**Patrick Brown, Project Engineer III, presented Change Order No. 2 for the James Farm Ecological Preserve Project C23-21.**

**M 392 24  
Approve  
James Farm/  
CO. No. 2/**

**A Motion was made by Mr. Hudson seconded by Mr. Schaeffer that be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for contract C23-21 proposed campus at James Farm Ecological Preserve be approved in the credit amount of \$2,294.28 for Project C23-21.**

**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**

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

**M 393 24  
Town of  
Blades**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to the Town of Blades for their Community Outreach Program.**

- M 393 24**      **Motion Adopted:      5 Yeas**  
**Town      of**  
**Blades**      **Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**(cont.)**      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**
- M 394 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$750**  
**Urban**      **(\$750 from Mr. Vincent’s Councilmanic Grant Account) to the Urban Youth**  
**Youth**      **Program Association for their Sussex County Expansion.**  
**Program**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**
- M 395 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000**  
**Lewes Lions**      **(\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to the Lewes**  
**Foundation**      **Lions Foundation, Inc. for their Beach Bash.**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**
- M 396 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$1,500**  
**Lewes**      **(\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account and \$500 from**  
**Public**      **Mr. Rieley’s Councilmanic Grant Account) to the Lewes Public Library for**  
**Library**      **their Spoken Word Society Fall 2024 Performance Series.**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**
- M 397 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**  
**Town      of**      **(\$2,000 from Mr. Rieley’s Councilmanic Grant Account) to the Town of**  
**Millsboro**      **Millsboro for Police Department Basketball Court fencing.**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**

**M 398 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2000**  
**Greater**      **(\$2,000 Mr. Rieley’s Councilmanic Grant Account) to the Greater Millsboro**  
**Millsboro**      **Chamber of Commerce for upgrades to their website and visitor center.**  
**Chamber of**  
**Commerce**

**Motion Adopted:      5 Yeas**

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

**Proposed**      **Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE**  
**Ord. Intro**      **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 BALTIMORE HUNDRED, SUSSEX COUNTY,**  
**CONTAINING 0.99 ACRE, MORE OR LESS (Conditional Use No.**  
**CU2438) filed on behalf of Robert Frey (Sandy Hill Acre, LLC) (Tax ID No.**  
**533-18.00-68.00) (911 Address: 33142 Lighthouse Road, Selbyville)**

**Mr. Schaeffer introduced the Proposed Ordinance entitled “AN**  
**ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR**  
**GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE**  
**LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN**  
**LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING**  
**0.27 ACRE MORE OR LESS (Conditional Use No. 2450) filed on behalf of**  
**GGA Construction (Tax ID No. 334-13.20-27.00 & 27.01) (911 Address:**  
**37411 & 37417 Malloy Street, Rehoboth Beach)**

**CC Member**      **Mr. Moore stated that Georgetown has a connection to the Olympics. Dr.**  
**Comments**      **Davis’ in Georgetown, has a cousin, Daleny Vaughn, who is participating on**  
**the BMX team. Councilman Rieley recognized past Councilman Sam Wilson.**

**Rules**      **Mr. Moore read the rules and procedures for public hearings.**

**Public**      **A Public Hearing was held on a Proposed Ordinance entitled “AN**  
**Hearing/**      **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**  
**CU2416**      **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND**  
**OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A**  
**CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO**  
**HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR**  
**LESS”. (property is lying on the northeast corner of the intersection of**  
**Parker Road (S.C.R. 415) and Line Road (S.C.R. 419) (911 Address: 38531**  
**Parker Road, Millsboro) (Tax Map Parcel: 333-15.00-20.00.)**

**The Planning & Zoning Commission held a Public Hearing on the application**  
**on June 26, 2024. At the meeting of July 24, 2024, the Planning & Zoning**  
**Commission recommended a partial approval/partial denial of the**

**Public  
Hearing/  
CU2416  
(cont.)**

**application for the 11 reasons stated and subject to the 8 recommended conditions as outlined.**

**The Council found Mike Smith, Esq., with the Smith Firm, spoke on behalf of the Applicants, Over the Hill Holdings, LLC.; that also present were Mr. Chad Behney, Mr. Jeff Behney and Mr. Lloyd Behney. Mr. Smith stated that the Board of Adjustment approved a special use exception case number 12083, on March 6, 2018, for 5 years for an indoor shooting and archery range. The application today is for an indoor and outdoor range. Of note, the Board of Adjustment found that there was no evidence presented or found to exist that would suggest that there would be any substantial adverse effects on any of the neighboring properties; that the operation has been an asset to the community; that there has been a harmonious working relationship with neighboring properties and that the facility has operated in a clean and safe manner. Given the nature of this use a rural setting is probably the best location for this type of application and type of use; that there are no known tax ditches or wetlands on the site; that the facility provides training for hunting related education and firearm carrying that has a direct correlation to the agricultural business operations in the area; that there is a 25,000 gallon sprinkler system tank that was installed as a measure of security; that there is a western dirt berm for the outdoor range plus a vegetated buffer which includes some green giant trees and natural vegetation between the outdoor range and the homes along Parker road; that there is an anticipated need for 12 parking spaces; that there is an intercom system; that there is always a range officer present; that the shooting at this outdoor range is restricted in the sense that there are no rounds permitted that will fire over 3,000 feet per second and home loaded ammunition is not permitted; that the earthen berms are around 150 feet wide around the facility and the sides are 330 feet wide; and that they were constructed 22 feet tall; that the berms are u-shape with the building being in the opening of the U. There was some question regarding the building permit. Mr. Whitehouse informed Council that a building permit was pulled in 2023 for a 53 x 41 meeting room (farm use) not for commercial use. There are firearms available for renting for training purposes; that a vault is locked and secured for those to be stored overnight; that the facility is alarmed and monitored by an elaborate camera system for both the indoor and outdoor facilities; that a specialty cleaning company handles the cleaning of lead or metal that may go down range after firing, that they monitor the outdoor facility on an annual basis; that the indoor facility currently houses two classrooms that can be rented by customers; or used by area police departments for training; that Range Time staff also teaches Stop the Bleed training, CPR training, and a hunters education class. Included in the presentation were letters from local police departments that are anticipating using the facility; that the facility is open Tuesday to Sunday, to the public, it is closed to the public on Mondays with the intention that it only be used for law enforcement on that day. Mr. Smith presented noise readings that the Behney's had conducted; that there are constitutional protections for the possession of a firearm and the proposal here is safer than what a person is permitted to do on an agricultural**

**Public Hearing/  
CU2416  
(cont.)**

**residential parcel without an approval; if these gentlemen owned this parcel and it's not developed for commercial use they could fire 10,000 rounds a day within that compliance. Mr. Smith responded to concerns that were mentioned during the P&Z meeting regarding the EPA discouraging outdoor ranges.**

**Mr. Glenn Moore, who owns the parcels on both sides of the property was in support of the conditional use.**

**The Public Hearing and public record were closed.**

**M 399 24  
Defer  
Action/  
CU2416**

**A Motion was made by Mr. Rieley and seconded by Mr. Hudson 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 AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS"**

**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/  
CU2417**

**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 THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS" (property is lying on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park. (911 Address: N/A). (Tax Map Parcel: 234-30.00-6.00) (p/o)**

**The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 5 recommended conditions as outlined.**

**The Council found that Mr. John Roach of, John B. Roach Engineering LLC, spoke on behalf of the Applicant. White House Beach has been in existence since the 1950's; that it is a sought-after location for vacation homes; that eight lots were identified on the northern end of the parcel; that they have water and sewer and that this would allow the park to grow. County**

**Public  
Hearing/  
CU2417  
(cont.)**

engineering has confirmed the sewer, and the water is provided by the Long Neck Water Company.

There were no public comments.

The Public Hearing and public record were closed.

**M 400 24  
Adopt  
Ordinance  
No. 3033/  
CU2417**

A Motion was made by Mr. Hudson and seconded by Mr. Schaeffer to Adopt Ordinance No. 3033 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. White House Beach was originally established in 1956 and is a legally nonconforming manufactured home park with the AR-1 Zoning District. The legal existence of the park was first confirmed by Conditional Use #2 in 1971 and there have been several subsequent conditional uses to create additional lots. This application seeks to add 8 additional lots within a formerly undeveloped area of the community.
2. The current layout of the community is shown on a plan dated January 24, 2011. However, given the age and evolution of this community there is not a clear record of the number, location, and type of lots within it. For this reason, there is a condition of approval requiring a new “master-plan”-type drawing showing the entire community and showing the general layout and location of the lots and the type of each lot.
3. In addition to the existing lots within White House Beach that surround these 8 new lots, the community is also in an area where C-1 Zoning exists along with townhomes and other manufactured home parks. These 8 lots will be consistent with the existing uses that are in the area.
4. White House Beach is located within the Coastal Area according to the current Sussex County Future Land Use Map. This 8-lot expansion of the White House Beach community is appropriate in this Area according to the Comprehensive Plan and the Future Land Use Map.
5. DelDOT has determined that the traffic impact from these 8 new lots will be “diminutive”.
6. The community and these 8 new lots will be served by central water and connected to the Sussex County sewer system.
7. The additional 8 lots will not adversely affect nearby properties or area roadways.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
  - a. No more than 8 new lots shall be added to the existing, approved White House Beach Manufactured Home Park.

**M 400 24  
Adopt  
Ordinance  
No. 3033/  
CU2417  
(cont.)**

- b. The additional 8 lots shall conform to the current requirements for a manufactured home park as set forth in the Sussex County Zoning Code as to size, setbacks, parking, and other dimensional requirements.
- c. The area where the 8 new lots are to be located shall meet or exceed the stormwater management requirements of the State and County and the Final Site Plan shall contain the approval of the Sussex Conservation District.
- d. The addressing for these 8 new lots shall be established by the Sussex County Geographical Information Office.
- e. A Final Site Plan depicting the area of these 8 new lots shall be reviewed and approved by the Sussex County Planning & Zoning Commission. This Final Site Plan shall also depict the proximity of any of these 8 lots to the nearest State or Federal Wetlands. In addition, at the same time that a Final Site Plan is submitted for approval, the Applicant shall submit a revised “Master Plan” of the entire White House Beach Community identifying all lot locations by number, and further identifying lots that are set aside for tent camping, RV camping and manufactured homes. This Master Plan does not need to comply with the level of detail required of a Final Site Plan for the entire community; it shall be sufficient, subject to staff’s approval, to generally depict the layout of the community

**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  
CU 2515**

**A public hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS” (property is lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331). (911 Address: N/A.) (Tax Map Parcel: 233-2.00-2.01)**

**The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 7 recommended conditions as outlined.**

**The Council found, Mr. Jim Fuqua, Esq., spoke on behalf of the Applicant, Renewable Redevelopment LLC, with him were Gener Gotiangco from Renewable Redevelopment LLC and Megan Welling from McCormick Taylor Engineering. Renewable Redevelopment LLC is a subsidiary of US Wind Inc. which is an offshore wind energy development co. Renewable**

**Public  
Hearing  
CU 2515  
(cont.)**

**Redevelopment LLC is seeking a conditional use permit for an electric substation and utility uses on a 140-acre parcel of land located on the northwest side of Gate A road. The land was purchased from the Indian River Power LLC, December 2023 and the land was part of the Indian River Power Plant property; that the purpose of today's hearing is to consider a conditional use for an electric substation on a portion of the property; that this hearing was not about the development of offshore wind energy projects or the federal or state permitting process that authorizes that development; nor is it about differing opinions about the of benefits and impacts of offshore wind energy development; the focus of the presentation is about whether the site is appropriate for an electrical substation under the applicable Sussex County land use regulations; many residents and respected organizations support offshore wind development; that the site contains 140.25 acres consisting of 71.42 acres of mostly wooded wetlands and 68.83 acres of mostly wooded uplands; that the development of the site itself will require the removal of approximately 21.89 acres of wooded uplands and the remaining wooded uplands and wetlands will remain undisturbed to the greatest extent possible; of the 140 acre site approximately 23.59 acres will be disturbed for the location of the underground cable vaults that contain the transmissions lines and the site of the actual substation will utilize 13.32 acres of the property. The Renewable Development site surrounds the DP&L substation on three sides; that an electrical substation changes the high transmission voltage from the generating source to a lower distributing voltage, which can then be transmitted to the electric grid and ultimately delivered to the user; that the substation is a combination of various components of equipment to accomplish the voltage change and to ensure safety of the operation; that the main pieces of equipment are the transformers, circuit breakers, isolators, surge arrestors, voltage regulators, cooling equipment; that there are control buildings which house the control and monitoring systems that manage the operation of the substation; that the substation and control buildings are unmanned; that operation takes place remotely; that traffic generated will be minimal and related to the maintenance, inspection and repair of equipment when required; that there would be ground maintenance and periodic security inspections; that it is buffered by a significant natural barrier of existing mature trees; that the only sounds associated with the substation would be a low hum or a buzz from the transformers and other equipment, a clicking from circuit breakers, relays and switches; that there are no noticeable odors, that there is a grounding system comprised of ground wire sand rods that would dissipate electricity from lightning into the ground to prevent damage to equipment and ensure safety; that the entire substation pad area and all critical equipment will be constructed at a height to avoid potential flood impact that will exceed FEMA elevation requirements and that the entire substation area will be enclosed by a security fence. The entire 140-acre site is currently zoned HI-1 heavy industrial, as is all the adjacent power plant property. Mr. Gotiangco and Mrs. Welling both confirmed that everything Mr. Fuqua stated in the record was correct.**

**Public  
Hearing  
CU 2515  
(cont.)**

**There were questions regarding the advertising of the hearings, according to Mr. Fuqua, everything was complied with. There was an allegation that US Wind was using a different named company to try to deceive people, it is common in business that the real estate would be owned by a subsidiary of the company for tax and liability reasons.**

**Mr. Moore stated that the code section has been referenced and much information in the public that this is a “Maryland project” the code reference to: the public the importance of the relationship to the comp plan which is Sussex County’s plan references property and general welfare of Sussex county Delaware – does this actually benefit Sussex county Delaware or is it feeding Maryland. The substation is part of the whole system in the wind generating project; that the benefits to Sussex County will increase the electric grid reliability of the area, jobs in the area, funding for dredging projects, clean energy, work force training, climate changes projects, a community benefit package for coastal towns, and renewable energy credits. Mr. Gotiangco, representing the applicant, stated that the applicant will pay for all the upgrades; that there may be a commercial transaction to supply power to another jurisdiction; that when they do the calculation a project of this scale and size it is obligated to meet certain commercial requirements; that there will likely be excess energy generated and renewable energy credits that can be sold in the marketplace so that other states including Delaware can purchase; that there is a direct benefit to Delaware because the applicant is providing all the funding to build out all the transmission infrastructure.**

**Mr. Rieley asked if there are contracts in place that will direct this power source to go outside of Delaware. US Winds has a contract with the State of Maryland for capacity out of this project so those obligations have to be fulfilled first; that if there is excess capacity beyond what is on the contract it will be sold to the other entities and Delaware; that based on the modeling Renewable Redevelopment Energy the project will generate more than what is required; however, there is no way to be sure; that it is being designed for excess capacity. Currently the State of Delaware is not in a position to procure excess energy from US Wind.**

**Mr. David Stevenson, Director Caesar Rodney Institute, spoke in opposition to the Renewable Redevelopment, LLC application. Mr. Stevenson stated the turbines from the offshore project will lead to a loss of tourism, lower property values; noise from construction and operations will harass marine life; turbines will interfere with radar, risking vessel collisions, will affect Coast Guard operations and reduce military security; flashing lights; commercial fishermen will abandon fishing in these areas due to accidents and insurance rates.**

**Ms. Stephanie Ballard Wagner, Esq. speaking on her own behalf, spoke in opposition to the application due to lack of meaningful notice; no one knew Renewable Redevelopment LLC was a subsidiary of US Wind; the entity operating this is not a public utility – it is not regulated, they are a private for**

**Public  
Hearing  
CU 2515  
(cont.)**

**profit organization; that upgrades are to US Winds property; that the sole purpose is to enable US Winds to fulfill their contract with Maryland. Maryland will get the utility credits; that there are no benefits to Sussex county; Maryland rejected their plans to bring the power on shore; that there are safety risks; loss of tourism and tourism dollars; lower property values, loss of fishing (commercial and recreational), no jobs other than perhaps temporary construction, danger to marine life; potential for turbine blade failure; a blade came off a turbine in Nantucket and 15 beaches had to be closed during the height of the summer; cables will go under the inland bays and could potentially damage the ecosystems also the potential for danger to human life if the cables were to become exposed.**

**Mr. Ken Reuter, stated he is not against what US Wind is trying to do; however, this is a Maryland issue; that there is no direct substantial benefit to Sussex County.**

**Ms. Natalie Magdeburger, Mayor of the Town of Fenwick Island, spoke on her on personal behalf as well as the Town of Fenwick Island, in opposition to the application stating the project is being pushed by Washington DC and Dover; that there would be damage to the marine environment, there would be an economic impact; in Nantucket pieces of the turbine are falling into the ocean; it will impede the use of sonar and radar.**

**Mr. Mark Tingle spoke in opposition of the application citing that the turbines will be visible with the naked eye.**

**The Honorable Jane Brady, spoke in opposition to the project citing the impact on subaqueous lands of the Indian River Bay; concerns about transmission lines only being six feet deep and the impact on marine life; reiterated that this is Maryland's project and Maryland's problem.**

**Ms. Tina Dempster, opposes the project, stated that the sound created by the turbines is deafening; if a blade is broken it stops, the blades are made of canvas and plastic composites they never decompose.**

**Ms. Xandy Waesche, President Sussex Shores Beach Association; spoke in opposition of the application – citing the risk of sabotage for the power station; no infrastructure to deal with it if there is a crisis; that it is unmanned if an emergency happens.**

**Ms. Andrea Caggiano, spoke in opposition to the application referencing the cable interference in Europe, that there are studies that are unclear stating the lack of knowledge on the intensities of the EMF's; that sea life are affected by the dangers of these cables; that in Massachusetts there are no anchor zones due to exposed cables.**

**Mr. Jason Dean, spoke in opposition to the project and stated that the site plan doesn't show where the transmission lines come onto the parcel; that the**

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Hearing  
CU 2515  
(cont.)**

**applicant plans to clear cut 21 acres of woods; that the limit of disturbance goes into the wetlands into the Indian River and Rehoboth Bay; that the address on the application comes back to US Wind and not Renewable Redevelopment; that there are zero contracts with offshore wind with DMEC, Delaware Electric Coop and DP&L; that 3R's beach is located next to the swimming beach and what is the impact of where this thing crosses on the beach.**

**Ms. Mary Morton, spoke in opposition to the project citing security concerns; that this a highly targeted area by our enemies; that this plan has zero benefit to residents or wildlife of Sussex County, that it provides inconsistent power; that it poses a constant clear and present danger to national security; that there will be a detrimental impact to the waterways; and that there are health concerns for the human impact.**

**Ms. Maria McCutcheon, spoke in opposition to the application citing concerns that tethering the cables to the substation will create an extension and will increase the scope and impact turning the parcel as well as the wetlands, Indian River Bay and 3R's Beach into one heavy industrial site.**

**Ms. Georgeanna Linthicum, spoke in opposition to the application, that it is dangerous; that what happened in Nantucket can happen here; that it can harm whales; that the lifespan of the project is 20-25 years; and then what happens.**

**Ms. Mary Mullins called in opposing this application.**

**The Public Hearing and public record were closed.**

**M 401 24  
Defer  
Action/  
CU2515**

**A Motion was made by Mr. Hudson and seconded by Mr. Schaeffer to defer action on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS**

**Motion Adopted: 5 Yeas**

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

**M 402 24  
Go Into  
Executive  
Session**

**At 4:38 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition.**

- M 402 24**      **Motion Adopted:      5 Yeas**  
**Go Into**  
**Executive**      **Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Session**      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**(cont.)**      **Mr. Vincent, Yea**
- Executive**      **At 5:00 p.m. an Executive Session of the Sussex County Council was held in**  
**Session**      **the Basement Caucus Room to discuss matters related to land acquisition.**  
      **The Executive Session concluded at 5:13 p.m.**
- M 403 24**      **At 5:15 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to**  
**Reconvene**      **come out of Executive Session back into Regular Session.**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**
- M 404 24**      **Mr. Schaeffer made a motion, seconded by Mr. Rieley be it moved that the**  
**Authorize**      **Sussex County Council agrees to participate in round 28 of the Delaware**  
**Ag Land**      **AG land preservation program and authorize the County Administrator to**  
**Preservation**      **allocate funding to the state for 7 properties identified as 2024E through**  
**Participa-**      **2024K.**  
**tion**
- Motion Adopted:      5 Yeas**
- Vote by Roll Call:      Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
      **Mr. Hudson, Yea; Mr. Rieley, Yea;**  
      **Mr. Vincent, Yea**
- M 405 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at**  
**Adjourn**      **5:17 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,**

**Bobbi Albright**  
**Executive Administrative Assistant**

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