

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 12, 2023**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 12, 2023, at 10:00 a.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>

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

**Call to  
Order**

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

**M 438 23  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes from August 29, 2023, were approved by consensus.**

**Corre-  
spondence**

**Mr. Moore reported a letter was received from Dry Dock Recovery, Inc. thanking Council for their support.**

**Public  
Comments**

**Public comments were heard.**

**Ms. Jill Hicks, representing the Sussex Preservation Coalition spoke in reference to concerns that people have that are a part of the coalition including trees, lack of healthcare, traffic, etc.**

**Mr. Rich Barrasso spoke about the protection of trees and forests.**

**Mr. Jim Henry representing the Sussex Preservation Coalition presented some preliminary results of a survey that they conducted to try to engage the importance of trees and woodlands in Sussex County.**

**Public  
Comments  
(continued)**

**Mr. Steve Sinclair spoke about forest loss, tree preservation and open space in the State.**

**Mr. Jeff Stone spoke about the review of upcoming County land use codes and superior design.**

**Mr. Paul Reiger commented that he believed the hearing that was referenced last week during public comment would not come to County Council. He also spoke about the public comment period during Council and Planning and Zoning Commission meetings as well as the definition of a farm.**

**Ms. Renita Harmon spoke about the laws regarding people living in RVs.**

**Mr. Robert Mitchell commented on a statement that was spoken about him during the last County Council meeting.**

**Adminis-  
trator's  
Report**

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

**1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

**The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet September 18<sup>th</sup> at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the meeting agenda is attached.**

**2. Sussex County Council and Planning & Zoning Commission Workshop**

**The Sussex County Council will host a workshop with the Planning and Zoning Commission on Thursday, September 21, 2023, at 12:30 p.m. at the Sussex County Emergency Operations Complex (EOC) located at 21911 Rudder Lane in Georgetown. The workshop will continue the County's discussion on the development design initiative.**

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

**SCRWF/CO  
No. 30/  
Modification  
of Unit Cost  
Item C-6**

**Hans Medlarz, County Engineer presented change order no. 30 for South Coastal RWF treatment process upgrade no. 3 and Rehoboth Beach WTP capital improvement program, phase 2 for Council's consideration. Mr. Medlarz reviewed the recommended items for the proposed change order.**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it**

**M 439 23** moved based upon the recommendation of the Sussex County Engineering Department that change order no. 30 for contract C19-11, South Coastal RWF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 – general construction, be approved, increasing the contract amount by \$314,181.45.

**Motion Adopted:** 5 Yeas

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

**M 440 23** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that the unit price item C-6 grit removal be amended as presented.

**Motion Adopted:** 5 Yeas

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

**Blackwater Village/ Warwick Park** Hans Medlarz, County Engineer presented amendment no. 10 with DBF for Blackwater Village and amendment no. 2 with GMB for Warwick Park for the 2019 Miscellaneous Engineering base contract for Council's consideration.

**M 441 23** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 10 to the 2019 miscellaneous engineering base agreement with Davis, Bowen & Friedel, be approved in the amount not to exceed \$292,500.00, for survey and design services associated with the Blackwater Village project.

**Motion Adopted:** 5 Yeas

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

**M 442 23** 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 amendment no. 2 to the EJCDC 2019 miscellaneous engineering base contract with George, Miles & Buhr, be approved in the amount not to exceed \$108,495.00 for design services associated with the Warwick Park project.

**Motion Adopted:** 5 Yeas

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

**RK&K  
Water  
Permit**

**Hans Medlarz, County Engineer presented a water allocation permit with RK&K for professional environmental services for Council's consideration.**

**M 443 23  
Approve  
RK&K  
Water  
Allocation  
Permit**

**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 Council approve the RK&K water allocation permit proposal in the amount not to exceed \$25,000.00.**

**Motion Adopted: 5 Yeas**

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

**Permission  
to Prepare  
& Post  
Notices/  
Vines Creek  
Crossing  
Annexation  
into  
SCUSSD**

**John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Vines Creek Crossing Annexation into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area). The request includes parcels 533-1.00-38.00, 533-4.00-28.00 & 28.01 located between Pepper Road and Frankford School Road. The Engineering department has received a request from Davis, Bowen & Friedel on behalf of their client Double H Development, LLC the developers of the proposed Vines Creek Crossing project (Cress Farm). The Vines Creek Crossing project consists of 584 units and a clubhouse. The properties were recently annexed into the Town of Frankford.**

**M 444 23  
Approve  
Prepare &  
Post Notices/  
Vines Creek**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved by Sussex County Council that the Sussex County Engineering department is authorized to prepare and post notices for the Vines Creek Crossing expansion of the Sussex County Unified Sanitary Sewer District to include parcels 533-1.00-38.00, 533-4.00-28.00 & 28.01 as presented.**

**Motion Adopted: 5 Yeas**

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

**Old  
Business/  
CZ1985**

**Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS" filed on behalf of Love Creek Acquisition, LLC.**

**On August 29, 2023, Council deferred action for further consideration at the conclusion of the Public Hearing.**

**M 445 23  
Adopt  
Ordinance  
No. 2953/  
CZ1985**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2953 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS” for the reasons given at the Council hearing and reasons given by the Planning and Zoning Commission as follows:**

- 1. The purpose of the M-Marine District is “to provide for and to preserve waterfront land in appropriate locations for commercial docking, waterfront sales, storage, and repair of small boats, including out-of-water repairs, and for seafood packing and processing establishments, subject to applicable sanitation and processing laws and ordinances. Marinas, yacht clubs, and tourist-oriented services are permitted uses. Since land in the district is limited, construction of dwellings should be discouraged, but since marine development will be gradual, low-density residential uses are permitted.”**
- 2. This site is adjacent to a property that is Zoned M–Marine that has been developed residentially and with boat docking facilities. The adjacent property has frontage on Love Creek and Route 24. This is a reasonable expansion of that existing M-Marine property.**
- 3. In addition to the existing M-Marine zoned property next door, there are properties in the vicinity that are zoned C-1, B-1, and MR. This rezoning to M-Marine is consistent with the area uses and zoning.**
- 4. The Applicant has stated that they intend to use the property for the purposes of the M-Marine District, including uses that may include boat storage and repairs, boat and marine equipment sales, bait, and tackle shops, and other similar uses. A restaurant or similar “tourist-oriented” service may also be developed on the site. All of these uses are appropriate within the M-Marine District.**
- 5. There was support in the record from a marine service company that operates on the adjacent M-Marine land stating that the rezoning of this parcel would provide a suitable and convenient location for such things as boat storage and repairs to supplement that company’s operations along Love Creek.**
- 6. In addition to its location next to existing M-Marine land, the property also has frontage along Route 24, which is classified as a “Major Collector” Road by DelDOT. This is an appropriate location for this rezoning.**
- 7. The property is designated as both the Commercial Area and the Coastal Area according to the Sussex County Comprehensive Plan. The M-Marine zoning and the types of uses permitted in that zone are appropriate in both areas according to the Comprehensive Plan.**

**M 445 23  
Adopt  
Ordinance  
No. 2953/  
CZ1985  
(continued)**

- 8. The property is served by central water and sewer, making this rezoning from AR-1 appropriate at this location.**
- 9. Any future development of this property will still be subject to site plan review by the Sussex County Planning & Zoning Commission as well as all other agencies that have jurisdiction over it.**
- 10. For all of these reasons, I move that we recommend approval of this rezoning to M-Marine.**

**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/  
CZ1989**

**Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented 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.**

**On August 15, 2023, Council deferred action for further consideration at the conclusion of the Public Hearing.**

**M 446 23  
Approve  
CZ1989/  
DENIED**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to approve 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”.**

**Motion DENIED: 5 Nays**

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

**Grant  
Requests**

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

**M 447 23  
East Sussex  
Public  
Broadcasti-  
ng Incorp.**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to East Sussex Public Broadcasting Incorporated for Radio Rehoboth computer upgrades.**

**Motion Adopted: 5 Yeas**

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

**M 448 23** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$5,000  
**United Way** (\$5,000 from Countywide Youth Grant Account) to United Way of  
**of DE Inc.** Delaware Inc. for Delaware Goes Purple.

**Motion Adopted:** 5 Yeas

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

**M 449 23** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give  
**Trinity** \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to Trinity  
**Foundation** Foundation for their 2023 golf tournament.

**Motion Adopted:** 5 Yeas

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

**Introduction** Mr. Vincent introduced a Proposed Ordinance entitled "AN ORDINANCE  
**of Proposed** TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
**Ordinances** 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" filed on behalf of Over the Hill Holdings, LLC.

Mr. Hudson introduced 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" filed on behalf of White  
House Beach Inc.

Mr. Hudson reintroduced a Proposed Ordinance entitled "AN  
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR  
MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY  
DWELLINGS (23 UNITS) TO BE LOCATED ON A CERTAIN PARCEL  
OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX  
COUNTY, CONTAINING 9.20 ACRES, MORE OR LESS" filed on behalf  
of Carl M. Freeman Companies.

**The Proposed Ordinances will be advertised for a Public Hearing.**

**Council  
Member  
Comments**

**Mrs. Green commented that last week there was a SCAT meeting in Milford. During the meeting, there was a speaker from Surefire Cyber that discussed ransomware. She added that they mentioned five points that your computer system needs to have in place. Mrs. Green stated that she found the information very helpful and suggested that the County sponsor an event for this company to come speak to help local businesses.**

**M 450 23  
Go into  
Executive  
Session**

**At 10:58 a.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to recess the Regular Session, and go into Executive Session to discuss matters relating to land acquisition and personnel.**

**Motion Adopted: 5 Yeas**

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

**Executive  
Session**

**At 11:03 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition and personnel. The Executive Session concluded at 11:37 a.m.**

**M 451 23  
Reconvene**

**At 11:40 a.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to come out of Executive Session back into Regular Session.**

**Motion Adopted: 5 Yeas**

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

**E/S Action**

**There was no action related to Executive Session matters.**

**M 452 23  
Adjourn**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 11:40 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.}*