

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 20, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 20, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	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 429 22
Approve
Agenda**

Mr. Lawson reported that a request to postpone CU2311 filed on behalf of Phillip Jackson has been received, therefore, it can be removed from today's agenda. A Motion was made by Mr. Hudson, seconded by Mr. Rieley, 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 of the August 30, 2022 meeting were approved by consensus.

**Corres-
pondence**

Mr. Moore read a letter from Kody's Kids, Inc. thanking Council for a donation that was received.

**Public
Comment**

Public comments were heard.

Ms. Jill Hicks read a statement prepared by Ms. Eul Lee. The statement was in reference to adopting a code of ethics and disclosure requirements.

Ms. Jill Hicks spoke about adopting a code of ethics and rules regarding conflicts of interest.

Ms. Judy Zoeller Hartzell spoke about ethical standards and conflict of interest rules. She also spoke about the ground water in Sussex County.

Ms. Carol Conroy spoke about putting a code of conduct or a code of ethics

**Public
Comment
(continued)**

in place.

Ms. Janet Digadel spoke about developers taking advantage of the recently adopted Comprehensive Plan. She also commented on a code of ethics and whistle blowing protection.

**M 430 22
Approve
Consent
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to approve the following item under the Consent Agenda:

**Use of Existing Sewer Infrastructure Agreement, IUA 1141 (Revised)
Scenic Manor, Mulberry Knoll Area**

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. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, The Estuary – Phase 3E (Construction Record) and Headwater Cove – Phase 2 (Construction Record) received Substantial Completion effective September 9th and September 15th respectively.

2. Proclamation – Literacy Month

Sussex County Council directs this proclamation in celebration of September as Literacy Month and September 18th through September 24th as Adult Education and Family Literacy Week in Sussex County, Delaware.

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

**EMS Public
Safety Bldg./
CO17**

Hans Medlarz, County Engineer presented Change Order No. 17 for the EMS Public Safety building for Council's consideration. Mr. Medlarz reported that the Change Order is the result of several RFI's, material lead-time issues, and modifications to avoid conflicts during construction.

**M 431 22
Approve
CO17/EMS
Public**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 17 for Contract C19-04, Sussex County Public Safety Building, be approved, for an increase of \$30,089.13.

Safety Bldg. Motion Adopted: 5 Yeas

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

GMB/Amendment No. 4/Medic Stations 101, 103 & 11 Hans Medlarz, County Engineer presented an architectural service contract with George, Miles and Buhr. Inc. for Amendment No. 4 for Medic Stations 101, 103 & 111 for Council's consideration.

M 432 22 Approve Amendment No. 4/Medic Stations 101, 103 & 111 A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 4 to the Architectural Services Contract with George, Miles & Buhr, Inc. be approved in the amount not to exceed \$452,000.00 for design, bidding, and construction administration services for Medic Stations 101, 103 and 111.

Motion Adopted: 5 Yeas

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

Ellendale Water District Hans Medlarz, County Engineer presented a balancing Change Order and Substantial Completion for the Ellendale Water District, Project W20-17 for Council's consideration. The project is now complete and fully operational which means all the unit quantities can be finalized.

M 433 22 Approve CO & Substantial Completion/Project W20-14 A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Contract W20-17, Ellendale Water District, be approved, increasing the contract by \$77,971.93, for a new final contract total of \$5,347,951.93, and that substantial completion be granted for September 20, 2022, and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas

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

DE Coastal Business Park/CO No. 1 Mark Parker, Assistant County Engineer presented Change Order No. 1 for the Delaware Coastal Business Park Improvements for Council's consideration. Mr. Parker reported that the Change Order is being requested to cover the site changes required to accommodate Great Outdoor Cottages. All of the changes have been agreed upon by all parties involved. Mr. Parker noted that discussions are being held with representatives from Great Outdoor Cottages regarding cost sharing

responsibilities in reference to the changes.

M 434 22
Approval
CO No. 1/
DE Coastal
Business
Park

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 be approved in the amount of \$128,630.00 to A-Del Construction.

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/Ter-
rapin Island

John Ashman, Director of Utility Planning and Design Review presented a request to prepare and post notices for Terrapin Island Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area). The Engineering Department has received a request from Pennoni on behalf of their client Ribera Development, LLC, the owners/developers of a project to be known as Terrapin Island. The request includes parcel 243-18.00-31.00 and is proposed at 42 single family homes on 30.08 acres. The project will be responsible for System Connection Charges in place at the time.

M 435 22
Approve
Prepare &
Post
Notices/Ter-
rapin Island

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Terrapin Island Expansion of the Sussex County Unified Sanitary Sewer District to include parcel 243-18.00-31.00 located along Camp Arrowhead Road 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/
CU2300

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented Conditional Use No. 2300 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.93 ACRES, MORE OR LESS" filed on behalf of MRBP, LLC.

Mr. Whitehouse reminded Council that County Council held a Public Hearing on the application on August 23, 2022. At the conclusion of that Public Hearing, a motion was made and passed to hold the record open for an additional period of seven days for the receipt of additional written comments. Mr. Whitehouse confirmed that additional comments were received and they have been circulated in the paperless packet.

M 436 22 **A Motion was made Mr. Hudson, seconded by Mr. Schaeffer to close the**
Close Public **Public Record on a Proposed Ordinance entitled “AN ORDINANCE TO**
Record/ **GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
CU2300 **AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO**
 BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
 BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING
 56.93 ACRES, MORE OR LESS” filed on behalf of MRBP, LLC.

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 437 22 **A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give**
United Way **\$5,000 (\$5,000 from Countywide Youth Grant Account) to United Way of**
of Delaware **Delaware Inc. for Delaware Goes Purple program on behalf of Sussex**
 County Health Coalition.

Motion Adopted: 5 Yeas

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

M 438 22 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,000**
Western **(\$1,000 from Mr. Vincent’s Councilmanic Grant account) to Western**
Sussex **Sussex Chamber of Commerce for their Broad Creek Bike and Brew event.**
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

M 439 22 **A Motion was made by Mr., Hudson, seconded by Mr. Rieley to give \$3,500**
Delaware **(\$2,500 from Mr. Hudson’s Councilmanic Grant Account, \$500 from Mr.**
Botanic **Rieley’s Councilmanic Grant Account and \$500 Mr. Vincent’s**
Gardens, **Councilmanic Grant Accounts) to the Delaware Botanic Gardens, Inc. for**
Inc. **their 2022 Annual Fundraising dinner.**

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
Ordinances**

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ESTHETICIAN BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRE, MORE OR LESS” filed on behalf of Jose Netto and Karyne DeSilva.

Mrs. Green introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR LESS” filed on behalf of Jeffrey & Linda Babinski.

Mr. Hudson reintroduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (3 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS” filed on behalf of Kent Walston, LLC.

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01”.

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00”.

The Proposed Ordinances will be advertised for Public Hearings.

**Council
Members’
Comments**

Mrs. Green questioned the Realty Transfer Tax Monthly Report.

**M 440 22
Go Into
Executive
Session**

At 10:42 a.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation and land acquisition.

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 10:46 a.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:34 a.m.

M 441 22 Reconvene A Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Executive Session to go back into Regular Session.

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

M 442 22 Recess A Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

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

M 443 22 Reconvene At 1:32 p.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green to reconvene.

Motion Adopted: 3 Yeas, 2 Absent

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

Rules Mr. Moore read the procedures for public hearings on zoning matters.

Public Hearing/ General Obligation Bonds/Herring Creek A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,900,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Hans Medlarz, County Engineer explained that supplemental funding is needed for the last part of the project.

There were no public comments.

The Public Hearing and the public record were closed.

M 444 22 Adopt Ordinance A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2883 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,900,000 OF GENERAL OBLIGATION BONDS

No. 2883
General
Obligation
Bonds/Herr-
ing Creek

OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas

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

USDA
Resolution

Hans Medlarz, County Engineer presented a USDA Loan Resolution for Herring Creek Area for Council’s consideration.

M 445 22
Adopt
Resolution/
Herring
Creek

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council approve the Loan Resolution authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending Herring Creek sewer services.

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/
CU2312

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 AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS” filed on behalf of G. Fedale (property lying on the north side of DuPont Blvd. [Rt. 113], approximately 730 feet northwest of Speedway Road [S.C.R. 325]) (911 Addresses: 24207 & 24217 DuPont Boulevard, Georgetown) (Tax Parcel: 133-2.00-38.00)

The Planning and Zoning Commission held a Public Hearing on this application on August 11, 2022, and on August 25, 2022, the Planning & Zoning Commission recommended approval of the application for the six reasons stated and subject to the eight recommended conditions.

(See the minutes of the Planning and Zoning Commission dated August 11 and 25, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

Public

The Council found that Mr. Matthew Wiley spoke on behalf of the

Hearing/
CU2312
(continued)

Application; that he is the General Manager at G. Fedale in Sussex County; that the building was purchased about a year ago; that it is planned for the building to be a showroom and office for their roofing and siding business; that it was previously Shore Electric; that he agrees with all of the conditions given; that there is adequate parking there; that the hours are 7:30 a.m. until 4:30 p.m. Monday through Friday.

There were no public comments.

The Public Hearing and public record were closed.

M 446 22
Adopt
Ordinance
No. 2884/
CU2312

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2884 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS" for the reasons given by Planning and Zoning as follows:

1. This site has a history of small business uses. It was previously occupied by Shore Electric for the past 15 years, and a flower and gift shop prior to that. This use will be consistent with the prior usage of this property.
2. The property is located along Route 113, which is one of the main highways in Sussex County. This location is appropriate for this business use.
3. The applicant has stated that this site will only be for office and showroom purposes. Although the applicant owns and operates a roofing company, all of the construction work will occur off-site.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature, and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to use as an office and showroom.
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - D. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself.
 - E. All dumpsters shall be screened from view of neighboring properties and roadways.
 - F. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - G. Failure to comply with these conditions may result in the revocation

of the Conditional Use approval.
H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2313**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REALTY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” filed on behalf of John Ford (property lying on the southside of Savannah Road [Rt. 9] approximately 0.16-mile northeast of Wescoats Road [Rt. 12]) (911 Address: 1528 Savannah Road, Lewes) (Tax Parcel: 335-12.06-49.00)

The Planning and Zoning Commission held a Public Hearing on this application on August 11, 2022, and on August 25, 2022, the Planning & Zoning Commission recommended approval of the application for the six reasons stated and subject to the eight recommended conditions.

(See the minutes of the Planning and Zoning Commission dated August 11 and 25, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Mackenzie Peet, Esq., with Baird Mandalas Brockstedt Federico & Cardea, spoke on behalf of the Application C/U 2313 John Ford; that Mr. Ford is a real estate broker with Remax Associates Delaware; that the Applicant submitted the Conditional Use application on September 8, 2021, to pursue a Conditional Use of land located within the AR-1 (Agricultural Residential) Zoning District to allow for a realty office to be located on the property; that the property is located on Savannah Rd. in Lewes, near the intersection of Savannah Rd. and Old Orchard Rd., also known as Five Points; that the property is the former location of the Henlopen Grange No. 20; that Mr. Ford purchased the property on June 11, 2021, as evidenced in the Deed included in the documents; that the site has an existing building and adequate parking area located at the front of the property; that properties located adjacent to the site are located within the B-1 (Neighborhood Business) and AR-1 (Agricultural Residential) Zoning Districts; that other parcels within the vicinity of the site being within the B-1 (Neighborhood Business) and AR-1 (Agricultural Residential) and MR (Medium-Density Residential) Zoning Districts; that within the memorandum prepared by the staff, there have been eight

**Public
Hearing/
CU2313
(continued)**

Conditional Uses approved, within a .25 mile radius of the site, since 2011; that the requested Conditional Uses were for professional offices, hair studios, medical offices and multi-family use; that the Applicant appeared before the Commission on August 11, 2022 and on August 25, 2022, the Commission recommended approval of the application; that the applicant has reviewed all of the conditionals for approval and has no recommended edits and accepts them.

There were no public comments.

The Public Hearing and public record were closed.

**M 447 22
Amend
Conditions/
CU2313**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to amend Condition 7 E. to read “Any trash receptacle shall be screened from view by neighboring properties and roadways”.

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 22
Adopt
Ordinance
No. 2885/
CU2313**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt Ordinance No. 2885 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REALTY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” for the reasons and conditions given by Planning and Zoning as amended by this Council:

- 1. This site is along Savannah Road where a variety of conditional uses have been approved. It is close to Westcoats Corner, where several commercially zoned properties are located. It is within a section of Savannah Road where other professional and medical offices and other small businesses exist. Most of these are located within a structure that has existed for years, or they have a residential appearance. This use will be consistent with the way that this area of Savannah Road has developed.**
- 2. The applicant intends to use the former Grange Building for a real estate office.**
- 3. This site will only be for sales and office uses and a majority of the real estate work will occur off-site.**
- 4. This small business use within the existing structure will not generate a significant amount of traffic or adversely affect area roadways, neighboring properties, or the community.**
- 5. No parties appeared in opposition to the application.**
- 6. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to use as a real estate office within the**

**M 448 22
Adopt
Ordinance
No. 2885/
CU2313
(continued)**

- existing structure. Any modifications to the floorplan of the existing structure shall be shown on the Final Site Plan.
- B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.**
 - D. Any security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.**
 - E. Any trash receptacle shall be screened from view by neighboring properties and roadways.**
 - F. The Final Site Plan shall designate all parking areas, and these shall be clearly marked on the site itself.**
 - G. The failure to comply with these conditions may result in the revocation of this Conditional Use approval.**
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**M 449 22
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at 1:54 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,

**Tracy N. Torbert
Clerk of the Council**

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