

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 26, 2021**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 26, 2021, 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 454 21  
Approve  
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda, as posted.

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of October 19, 2021 were approved by consent.

**Public  
Comments**

There were no public comments.

**M 455 21  
Consent  
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the following items listed under the Consent Agenda.

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-1023 Osprey Point, West Rehoboth Area.**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA-1097 Hailey's Glen, Angola Neck Area.**

**Motion Adopted: 5 Yeas.**

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

**Appeal/  
Terrapin  
Island**

**The Council considered an Appeal on the Sussex County Planning and Zoning Commission’s decision to approve Subdivision Application No. 2020-13 (Terrapin Island). The Appeal was heard on October 19, 2021.**

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

**M 456 21  
Affirm  
Decision of  
Planning &  
Zoning  
Commission**

**A Motion was made by Mr. Vincent, and seconded by Mrs. Green, to affirm the decision of the Planning and Zoning Commission in its approval of Application No. 2020-13 for Terrapin Island (F.K.A. Salt Cedar) for the following reasons:**

**It is important to focus on the standard of review. As you will see, this standard does not permit us to substitute our own opinion for that of the Commission, nor does it permit a rehearing of what was before the Commission. It is, and was, a hearing of record.**

**In reviewing the Commission’s decision on appeal, Sussex County Code, § 99-39(2) states that,**

**“[t]he Council shall review the record of the hearing before the Commission and shall make a determination as to whether the Commission's decision was the result of an orderly and logical review of the evidence and involved the proper interpretation and application of the chapter....”**

**The Delaware Supreme Court held that the Commission’s consideration of a preliminary subdivision plan application acts in a manner that is “partly in a ministerial and partly in a judicial capacity” [and, therefore, on appeal the appealing body must] determine whether the decision is supported by substantial evidence and is free from legal error. Substantial evidence ‘means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.’” *Tony Ashburn & Son, Inc. v. Kent County Regional Planning Comm’n*, 962 A.2d 235, 239 (Del. 2008). The Council’s review is “limit[ed] to correcting errors of law and determining whether substantial evidence exists to support the [Commission’s] findings of fact” and that “[w]hen substantial evidence exists, [the Council] will not reweigh it or substitute [its] own judgment for that of the [Commission].” *See Rehoboth Art League, Inc. v. Board of Adjustment of the Town of Henlopen Acres*, 991 A.2d 1163, 1166 (Del. 2010).**

**Therefore, if there is substantial evidence that demonstrates the Commission’s decision was based on an “orderly and logical review of the evidence and the law was accurately applied, the Council must uphold the Commission’s approval.**

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(continued)**

**In addition, the Council is not permitted to consider any issues and arguments raised by Appellant on appeal that were not raised below as they are considered waived on appeal. *See, e.g., Hartigan v. Sussex County Bd. of Adjustment*, 2018 WL 1559938 \*3 (Del. Super.); *Rehoboth Art League*, 991 A.2d at 1166.**

**It is also important to note that the property is zoned AR-1 which, with the cluster development in a Coastal Area, permits a density of 2.17 units per acre as a matter of right; Terrapin Island’s density is well under the density permitted by right.**

**The Delaware Supreme Court has explained the property owners’ right to rely on the uses outlined in the zoning ordinance and the limitations on the Commission’s ability to rule otherwise.**

**When people [own] land zoned for a specific use, they are entitled to rely on the fact that they can implement that use provided the project complies with all of the specific criteria found in ordinances and subject to reasonable conditions which the Planning Commission may impose in order to minimize any adverse impact on nearby landowners and residents. To hold otherwise would subject a purchaser of land zoned for a specific use to the future whim or caprice of the Commission by clothing it with the ability to impose ad hoc requirements on the use of land not specified anywhere in the ordinances. The result would be the imposition of uncertainty on all landowners respecting whether they can safely rely on the permitted uses conferred on their land under the zoning ordinances.**

***Tony Ashburn*, 962 A.2d at 241 (citing *DiFrancesco v. Mayor and Town Council of Elsmere*, 2007 WL 1874761, at \*3 (Del. Super. June 28, 2007)). Despite public opposition to the application, the Commission was not permitted to deny a subdivision application that otherwise fully conformed to all applicable Sussex County Code provisions. *Id.***

**Furthermore, it is important to note that the Commission’s decision was for the “preliminary” approval only. That means that the Applicant met the requirements of preliminary approval, not final approval.**

**With the preliminary approval, the Applicant now has to follow up with all other state, county, and possibly federal, agencies. If the Applicant does not get these approvals, the project does not get built. For example, there was discussion about the long road and cul-de-sac. As Mr. Forsten acknowledged in his presentation on appeal, if the Fire Marshal does not approve that road, the project does not get built.**

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Zoning  
Commission  
(continued)**

**The Appellants claimed that the Commission did not adequately consider this project, but the record shows that they did. The record in this case is voluminous. There was a lengthy application which contained information concerning property ownership, plots, maps, developer information and more. The Appellants point to alleged flaws in the application concerning ownership of the project, among other things.<sup>1</sup>, Those alleged flaws were either technical in nature, do not go to the merits of the Application, were addressed in the Commission's conditions, will be addressed as part of the Final Subdivision Approval process, were irrelevant to the standards on this appeal and/or were waived by the Appellants failure to raise them at the hearing. The Applicant's attorney, engineer and wetlands specialist also provided evidence at the hearing. There was also a large number of people who testified, and many letters were submitted in opposition to this Application. This matter was deferred for review and further consideration and then passed after a lengthy motion which had 22 conditions, a larger than normal number of conditions.**

**During the appeal, the Appellants spent much time arguing the buffers and setbacks and location of the high water mark. Those were delineated on the preliminary plot plan submitted into the record by the Applicant's engineer with input from its wetlands specialist.**

**The Commission had the preliminary plot plan, which was prepared by a licensed engineer, reviewed it thoroughly and added specific conditions of approval to address these issues. The two mandatory conditions which address the buffer and high water mark read:**

- e. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this subdivision, except wetland areas. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the**

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<sup>1</sup> Appellants raised other arguments that include: (a) the erroneous statement that the plans were not "sealed" by a professional engineer; (b) technical issues, such as the inadvertent omission of 8 property owner names on the plan; (c) an allegation that the Commission did not properly consider the State Fire Marshal, County Engineer and other agencies' general comments pertaining to the street length for the cul-de-sac; (d) whether this project is considered "infill"; (e) the property's designation as Investment Level 4 in the Delaware Strategies for State Policies and Spending; (f) whether the broad purposes of the Comprehensive Plan can override the applicable provisions of the Sussex County Code; (g) whether the vehicular beach access easement was shown in sufficient detail on the preliminary plan; (h) Appellants claim that certain documents were missing from the paperless packet which is provided as a public convenience. The actual record is located in the Planning and Zoning office; (i) that the wetlands on the preliminary plan are not properly delineated; (j) whether the minimum lot size has been met; (k) that the preliminary plan was required to comply with § 115-25F. even though this application was filed prior to the date it became effective; (l) minor inconsistencies in the Commission's hearing minutes; (m) whether a Federal wetlands permit was required for purposes of the preliminary plan approval and the likelihood of a permit being granted; and (n) alleged conflicts of interest.

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area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area. In addition, there shall be a 10-foot-wide area set aside between the perimeter buffer and any lot to be utilized for stormwater conveyance.

- h. There shall be a buffer that is at least 50 feet wide from the mean high-water line of all tidal waters, tidal tributary streams, tidal wetlands, perennial rivers, and nontidal streams. There shall be minimum disturbance of trees and other vegetation within these buffer areas. Required silt fencing shall be installed upland of these buffer areas (using the edge of the buffer nearest the interior development) to avoid disturbance. Construction activities within the buffer area shall be minimum. Any disturbance in the buffer area shall be indicated on the Final Site Plan and the “Limits of Disturbance” shall be indicated on the Final Site Plan.

The condition that addresses setbacks reads:

- i. In addition to the buffer required in Condition H above, there shall be a 25-foot building setback from all non-tidal wetlands.

As noted above, these are several of the many conditions of approval that were part of the motion to approve. These conditions must be complied with, or the project will not get built. I am not going to read all of the conditions at this time since they are in the record.

In summary, the Commission’s findings speak for themselves and demonstrate that the Commission “engaged in an orderly and logical review of the evidence and involved the proper interpretation and application of the [applicable zoning] chapter”. See *Sussex County Code*, § 99-39(2). The Commission’s findings include detailed reasons for its vote to approve the application, including the fact that the property is located in an AR-1 zoning district which enables the Applicant to develop up to 2.17 units per acre by right. The Commission also adopted 22 conditions of approval which minimize any adverse impact on the property owners and residents in the area, many of which address the items raised by Appellant, including setbacks, buffers and the high water mark. In fact, the conditions for this approval are among the longest the Commission has ever placed on a preliminary subdivision approval. This clearly demonstrates that the Commission used careful consideration in its review and approval of the

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**application. The Preliminary Subdivision Plan further defines additional requirements that must be met for the Applicant to obtain Final Subdivision Plan Approval which is a prerequisite to the project's commencement. Any information contained on the Preliminary Plan which needs clarification can be included on the Final Subdivision Plan. Having met the standards set forth in the zoning ordinance, the Commission was required to approve this application for Preliminary Subdivision Plan approval. See, Tony Ashburn, 962 A.2d at 241.**

**Motion Adopted: 5 Yeas.**

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

**Presentation  
/Discussion  
Workforce  
Housing**

**Mr. Lawson, along with Mrs. Brandy Nauman, Mr. Vince Robertson and Mr. Jamie Whitehouse gave a presentation on recommendations for Workforce Housing. The 2018 Comprehensive Land Use Plan generated substantial input related to the lack of affordable housing in Sussex County. In 2019, the County contracted with LSA Planning for a Housing Needs & Market Analysis, an Economic Feasibility Analysis and a Housing Opportunities and Market Evaluation (HOME). The final three strategy recommendations resulting from the Housing Opportunities and Market Evaluation (Home) are as follows:**

- 1. Modify the County Zoning Code to promote housing affordability in growth areas identified in the Comprehensive Plan**
- 2. Establish a Local Housing Trust Fund**
- 3. Preserve the existing supply of affordable housing**

**Today's presentation focused on Strategy #1. Mr. Lawson noted that Mrs. Nauman discussed Strategy #2 a few months ago, and that the County actively preserves the existing supply of workforce housing through the Community Development & Housing Office.**

**Mr. Robertson stated there is currently a Sussex County rental program in existence. However, there isn't much use of the program; it hasn't provided the incentives to cause developers to come forward with a Workforce Housing project. The County is currently looking to create a new permitted use for Workforce Housing. This would mean permitted by-right (no public hearing, no Planning & Zoning meeting, no Council meeting for each project) It would come in for preliminary site plan review and final site plan review by the Planning & Zoning Office. It would be permitted by-right in the following growth areas: Coastal Area, Developing Area and Town Center. This would narrow the area where they could be and follows the Comprehensive Plan. It was recommended by LSA Planning for a higher**

**Presentation  
/Discussion  
Workforce  
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(continued)**

density, with a maximum density up to 12 units per acre. There needs to be enough density to make the workforce housing units economically viable. Mr. Robertson then reviewed the design criteria.

Mrs. Nauman spoke regarding the housing requirements. These units would be multi-family designation and rental units. At least 30% would be restricted units for families at 80% of AMI (area median income) or less. The AMI is updated every year by the US Department of Housing and Urban Development and is specific to Sussex County. There will be compliance reporting based on submitted audits and certifications. There would be financial penalties paid to the Sussex County Housing Trust Fund for noncompliance of rental units.

Mr. Whitehouse along with AE Comm, applied the design criteria in growth areas to identify undeveloped parcels. Mr. Whitehouse ran a scenario using the design requirements, as presented, and found that they could comply with those requirements.

Following no objection from Council, an Ordinance will be drafted and presented at a future meeting.

**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 September 2021 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 189 troopers assigned to Sussex County for the month of September.

2. Frank Calio

It is with sadness that we note the passing of County pensioner Frank Calio on Tuesday, October 19<sup>th</sup>. Mr. Calio began his career with Sussex County in April 1991 and retired as the Director of Economic Development in 2002 with 10 years of service. We would like to extend our condolences to the Calio family.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, November 2<sup>nd</sup>. The next regularly scheduled Council meeting will be held on Tuesday, November 9<sup>th</sup>.

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

**Proposed Ordinance Disabled Veterans Tax Credit**

**Katrina Mears, Manager of Business Services, presented for consideration a Proposed Ordinance to amend the Sussex County Code to include a New Article VII, Real Property Tax Credit, For Disabled Veterans. This would establish a real-property value-based tax credit for totally disabled veterans who are residents of Sussex County and who meet the eligibility criteria under the State of Delaware Disabled Veterans' School Tax Credit. The ordinance will exempt veterans with a 100% disability rating from County property taxes if they qualify for the State program. It is estimated to cost the County \$44,000 annually.**

**Introduction Proposed Ordinance Disabled Veterans**

**Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT, FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, § 103-43 THROUGH § 103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS' SCHOOL TAX CREDIT PURSUANT TO 14. DEL.C. 1917".**

**The Proposed Ordinance will be advertised for Public Hearing.**

**Mr. Schaeffer commented on the implementation of the accommodations tax.**

**Human Service Grants**

**Mrs. Jennings provided the FY2022 Human Service Grants recommendation and an overview of the program. This program provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy, and self-sufficient community. This program provides grants that assist organizations with operating or capital expenses.**

**M 457 21 Approve FY2022 Human Service Grants**

**Mrs. Jennings explained the application process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts and presented the recommended Human Service Grants for Fiscal Year 2022 (funds totaling \$224,800.00).**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Council approves the Fiscal Year 2022 Human Service Grants allocation, 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**



**Mobile Integrated Healthcare Pilot Program Extension**

**Robbie Murray, EMS Director, requested Council's approval to extend the Mobile Integrated Healthcare Pilot Program which was initially approved in August 2019. This program allowed trained Sussex County paramedics the opportunity to pilot a program to function as a transitional care provider team serving a targeted chronic obstructive pulmonary disease (COPD) population with a common history of frequent Emergency Department (ED) admissions. The initial goal of the program was 50 patients; to date 36 patients have graduated from the program. Beebe Medical Foundation is securing on going funding to support the program moving forward. Mr. Murray stated that all three parties involved in the pilot program (State of Delaware, Beebe Healthcare and Sussex County EMS) would like to see this program extended.**

**M 458 21 Approve Extension/ Mobile Integrated Healthcare Program**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council, through the EMS Department, continue the Mobile Integrated Healthcare Program in collaboration with Beebe Healthcare and the State of Delaware for a period of up to three years.**

**Motion Adopted: 5 Yeas.**

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

**Lochwood Communities Area Expansion**

**Hans Medlarz, County Engineer, presented a standalone engineering agreement for the Lochwood sewer area expansion design project.**

**M 459 21 Approve Lochwood Communities Area Expansion**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the engineering services agreement with Davis, Bowen & Friedel be approved in the amount not to exceed \$179,850.00, for the design, permitting and bidding phases of Sussex County project S22-07, Lochwood community sewer area expansion, contingent upon USDA concurrence.**

**Motion Adopted: 5 Yeas.**

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

**C. Magee Farms Lease Modification**

**Hans Medlarz, County Engineer, presented a modification to the agricultural farmland lease of C. Magee Farms, LLC (Chris Magee) adding the two Georgetown parcels to the existing farmland lease without changing the terms.**

**M 460 21**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the**  
**Approve**      **recommendation of the Sussex County Engineering Department, that the**  
**C. Magee**      **Sussex County Council approves the addendum to the C. Magee farms**  
**Farms**      **agricultural lease, as presented.**  
**Lease**

**Modification**      **Motion Adopted:      5 Yeas.**

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

**EMS Site**      **Hans Medlarz, County Engineer, presented Amendment No. 1, for Medic**  
**Plans**      **Stations 101, 103, 110 modifications and Station 111 Site Plans. All**  
**Amendment**      **stations will have an identical architectural footprint but individual site,**  
**No. 1**      **stormwater management, fire suppression and DeDOT entrance plans.**  
**In addition, two of the stations will require on-site wastewater disposal**  
**options. Furthermore, the IT Department is moving forward with the**  
**budgeted data center for the north Seaford Station 110 site requiring a**  
**modification of the site and electrical plans.**

**M 461 21**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based upon the**  
**Approve**      **recommendation of the Sussex County Engineering Department, that Amendment**  
**EMS Site**      **No. 1 to the EJCDC 2019 miscellaneous engineering base contract with George, Miles**  
**Plans**      **& Buhr, be approved in the amount not to exceed \$295,000.00 for various site**  
**Amendment**      **modifications for four EMS stations.**  
**No. 1**

**Motion Adopted:      5 Yeas.**

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

**Old**      **Under Old Business, the Council considered the Conditional Use No. 2248**  
**Business/**      **filed on behalf of Gulfstream Development, LLC.**  
**CU2248**

**The Planning and Zoning Commission held a Public Hearing on this**  
**application on July 22, 2021 at which time action was deferred. On August**  
**12, 2021, the Commission recommended approval with the following**  
**conditions.**

- a. The maximum number of residential units shall be 19.**
- b. The Developer and then the condominium association shall be responsible**  
**for the perpetual maintenance of the development 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 DeDOT**  
**requirements.**

**Old  
Business  
CU2248  
(continued)**

- 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 20 feet in width along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.**
- g. As stated by the Applicant, the clearing, disturbance or altering of existing vegetation shall be limited as needed to accommodate proposed construction and for the removal of dead and dying trees which pose a threat to public safety on adjacent private property. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas and the forested areas that will be preserved. This landscape plan shall further identify all “Limits of Disturbance” within the site.**
- h. 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 inch by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- i. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.**
- j. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- k. Any streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.**
- l. The interior street design shall meet or exceed Sussex County’s street design requirements.**
- m. 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.**
- n. The Final Site Plan shall include a grading plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**
- o. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**

**Old Business CU2248 (continued)** p. **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 this application on August 31, 2021 at which time action was deferred.**

**M 462 21 Amend Conditions/ CU2248** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to amend Condition F recommended by the Planning and Zoning Commission by adding a sentence at the end that states “In addition, there shall be a 20 foot building setback from the inner edge of the vegetated buffer to prevent any disturbance of it during construction or by future homeowners.”

**Motion Adopted: 5 Yeas.**

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

**M 463 21 Amend Conditions/ CU2248** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to revise Condition O recommended by the Planning and Zoning Commission to state “Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.”

**Motion Adopted: 5 Yeas.**

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

**M 464 21 Amend/ Conditions CU2248** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to add a new Condition P and renumber the existing Condition P as Condition Q, and that Condition P will read as follows: “All structures including accessory structures, patios, porches, outside showers, decks or other structures shall be located entirely within the building footprint areas shown on the Final Site Plan.”

**Motion Adopted: 5 Yeas.**

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

**M 465 21 Amend/ Conditions CU2248** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition A recommended by the Planning and Zoning Commission to state “The maximum number of residential units shall be 16.”

**Motion Adopted: 5 Yeas.**

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

**M 466 21  
Adopt  
Ordinance  
No. 2805  
CU2248**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2805 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (19 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS” (Conditional Use No. 2248) filed on behalf of Gulfstream Development LLC, with the following conditions, as amended:**

- a. The maximum number of residential units shall be 16.**
- b. The Developer and then the condominium association shall be responsible for the perpetual maintenance of the development 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 20 feet in width along the perimeter of this development. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area. In addition, there shall be a 20 foot building setback from the inner edge of the vegetated buffer to prevent any disturbance of it during construction or by future homeowners.**
- g. As stated by the Applicant, the clearing, disturbance or altering of existing vegetation shall be limited as needed to accommodate proposed construction and for the removal of dead and dying trees which pose a threat to public safety on adjacent private property. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas and the forested areas that will be preserved. This landscape plan shall further identify all “Limits of Disturbance” within the site.**
- h. Construction activities, including site work and deliveries, shall only occur between 7:30 a.m. and 7:00 p.m. Monday through Friday, and**

**M 466 21  
Adopt  
Ordinance  
No. 2805  
CU2248  
(continued)**

- 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 inch by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- i. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.
  - j. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
  - k. Any streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.
  - l. The interior street design shall meet or exceed Sussex County’s street design requirements.
  - m. 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.
  - n. The Final Site Plan shall include a grading plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
  - o. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
  - p. All structures including accessory structures, patios, porches, outside showers, decks or other structures shall be located entirely within the building footprint areas shown on the Final Site Plan.
  - q. 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**

**Old  
Business  
CU2249**

**The Council considered Conditional Use No. 2249 filed on behalf of Mayapple Farm, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on July 8, 2021 at which time action was deferred. On July 22, 2021, the Commission recommended approval with the following conditions.**

- a. The maximum number of residential units within this entire development shall be 41.
- b. The Applicant shall form a condominium association to be responsible for the perpetual maintenance of the development’s roadways, buffers, stormwater management facilities, erosion, and sedimentation control facilities, and other common areas.

**Old  
Business  
CU 2249  
(continued)**

- c. All entrance, intersection, roadway, and multi-modal improvements shall be completed by the developer in accordance with all DelDOT 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. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.**
- g. 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.**
- h. All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.**
- i. The interior street design shall meet or exceed Sussex County's Street design requirements. There shall be sidewalks on at least one side of all streets.**
- j. 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.**
- k. Recreational amenities shall be completed no later than the issuance of the 20<sup>th</sup> Residential Building Permit.**
- l. As required by Section 115-22 of the Zoning Code for multi-family developments in the AR-1 Zone, the Site Plan shall be revised to include at least 40% of the site as open space and there shall be a 75-foot-wide perimeter buffer along the County Road. The development shall comply with the design, vegetation type, planting, and other requirements of Section 115-22G regarding multi-family dwellings in the AR-1 District.**
- m. Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. No Saturday or Sunday hours are permitted. A 24 inch by 36-inch "NOTICE" sign confirming these hours in both English and Spanish shall be prominently displayed at all entrances to the site during construction.**
- n. There shall be a buffer that is at least 50 feet wide from all tidal waters, tidal tributary streams, tidal wetlands, perennial rivers, and nontidal streams. There shall also be a 25-foot-wide buffer from all non-tidal wetlands. There shall be minimum disturbance of trees and other vegetation within these buffer areas. This specifically includes the existing woodlands along the southeastern boundary of the development between the proposed units and the adjacent property. Required silt fencing shall be installed upland of these buffer areas (using the edge of the buffer nearest the interior development) to avoid disturbance. Construction activities within the buffer area shall be minimum. Any disturbance in the buffer area shall be indicated on the Final Site Plan and the "Limits of Disturbance" shall be indicated on the Final Site Plan.**
- o. The Final Site Plan shall include a Landscape Plan confirming all landscaping to be provided, the preservation of all buffer areas, and the**

**Old  
Business  
CU 2249  
(continued)**

- forested areas that will be preserved. This Landscape Plan shall further identify all “Limits of Disturbance” within the site.
- p. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
  - q. As proffered by the Applicant, the Final Site Plan and the recorded condominium covenants shall prohibit the application of fertilizers or similar soil additives on the property by the individual unit owners. All such applications shall be managed by the Condominium Association and a contractor of its designation using Best Management Practices to seek to minimize the risk of runoff into the stormwater management system, wetlands, and waterways.
  - r. Because the proposed stormwater management pond is located adjacent to a property used for agricultural purposes including live animals, there shall not be any fountains or similar equipment that might generate noise or spray used in these ponds.
  - s. The Final Site Plan and recorded condominium documents shall contain the “Agricultural Use Protection Notice.”
  - t. 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 this application on August 24, 2021 at which time action was deferred.

**M 467 21  
Amend/  
Conditions  
CU2249**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to revise Condition T recommended by the Planning and Zoning Commission to add “All recreational amenities shall be shown on the final site plan. No additional amenities shall be permitted without an approved final site plan from the 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 468 21  
Adopt  
Ordinance  
No. 2806  
CU2249**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 2806 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI FAMILY (41 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 20.91, MORE OR LESS” (Conditional Use No. 2249) filed on behalf of Mayapple Farm LLC. with the following conditions as amended:



**M 468 21  
Adopt  
Ordinance  
No. 2806  
CU2249  
(continued)**

- a. **The maximum number of residential units within this entire development shall be 41.**
- b. **The Applicant shall form a condominium association to be responsible for the perpetual maintenance of the development's roadways, 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 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. **Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.**
- g. **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.**
- h. **All streetlights shall be shielded and downward screened so that they do not shine on neighboring properties or roadways.**
- i. **The interior street design shall meet or exceed Sussex County's Street design requirements. There shall be sidewalks on at least one side of all streets.**
- j. **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.**
- k. **Recreational amenities shall be completed no later than the issuance of the 20<sup>th</sup> Residential Building Permit.**
- l. **As required by Section 115-22 of the Zoning Code for multi-family developments in the AR-1 Zone, the Site Plan shall be revised to include at least 40% of the site as open space and there shall be a 75-foot-wide perimeter buffer along the County Road. The development shall comply with the design, vegetation type, planting, and other requirements of Section 115-22G regarding multi-family dwellings in the AR-1 District.**
- m. **Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. No Saturday or Sunday hours are permitted. A 24 inch by 36-inch "NOTICE" sign confirming these hours in both English and Spanish shall be prominently displayed at all entrances to the site during construction.**
- n. **There shall be a buffer that is at least 50 feet wide from all tidal waters, tidal tributary streams, tidal wetlands, perennial rivers, and nontidal streams. There shall also be a 25-foot-wide buffer from all non-tidal wetlands. There shall be minimum disturbance of trees and other vegetation within these buffer areas. This specifically includes the existing woodlands along the southeastern boundary of the development between the proposed units and the adjacent property. Required silt fencing shall be installed upland of these buffer areas (using the edge of the buffer**

**M 468 21  
Adopt  
Ordinance  
No. 2806  
CU2249  
(continued)**

- nearest the interior development) to avoid disturbance. Construction activities within the buffer area shall be minimum. Any disturbance in the buffer area shall be indicated on the Final Site Plan and the “Limits of Disturbance” shall be indicated on the Final Site Plan.
- o. The Final Site Plan shall include a Landscape Plan confirming all landscaping to be provided, the preservation of all buffer areas, and the forested areas that will be preserved. This Landscape Plan shall further identify all “Limits of Disturbance” within the site.**
  - p. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**
  - q. As proffered by the Applicant, the Final Site Plan and the recorded condominium covenants shall prohibit the application of fertilizers or similar soil additives on the property by the individual unit owners. All such applications shall be managed by the Condominium Association and a contractor of its designation using Best Management Practices to seek to minimize the risk of runoff into the stormwater management system, wetlands, and waterways.**
  - r. Because the proposed stormwater management pond is located adjacent to a property used for agricultural purposes including live animals, there shall not be any fountains or similar equipment that might generate noise or spray used in these ponds.**
  - s. The Final Site Plan and recorded condominium documents shall contain the “Agricultural Use Protection Notice.”**
  - t. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. All recreational amenities shall be shown on the final site plan. No additional amenities shall be permitted without an approved final site plan from the Planning and Zoning Commission.**

**Motion Adopted: 5 Years.**

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

**Old Business  
CZ1913**

**The Council considered Change of Zone No. 1913 filed on behalf of Lighthipe, LLC.**

**The Planning and Zoning Commission held a public hearing on July 22, 2021 at which time action was deferred. On August 12, 2021 the Commission recommended approval with the following conditions:**

- Old Business  
CZ1913  
(continued)**
- a. This 5.253-acre parcel shall only be developed with single family lots. No townhomes or multi-family homes shall be permitted in this location.
  - b. Condition A of Ordinance #2411 is hereby removed, and the new condition A shall be inserted in its place, as follows: “The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single family units and 44 townhouse units, plus the single family lots permitted under Change in Zone #1931 on the 5.253-acre parcel that is added to the Residential Planned Community.”
  - c. The site plan for this additional 5.253 acres shall be designed so that there is a twenty-foot forested buffer set back an additional twenty feet from the perimeter of the site along the common boundary with Ocean Way Estates.
  - d. All roads providing access to the new single family lots shall be designed and oriented to minimize headlights shining into properties within Ocean Way Estates. If necessary, additional landscaping shall be added and shown on the RPC Master Plan to screen headlights from the Ocean Way Estates subdivision.
  - e. The lots within this additional 5.253 acres shall have access from Muddy Neck Road via the existing streets and roads within the Ocean View Beach Club community.
  - f. All other conditions of the RPC approved as Ordinance # 2411 and Change in Zone #1768 shall remain in effect, and the 5.253-acre parcel that is the subject of this Change in Zone #1931 shall be bound by those existing conditions of approval.
  - g. The developer shall submit a revised Master Plan for the entire RPC, including the single family lots within the additional 5.253 acres.

The Council held a Public Hearing on this application on August 31, 2021 at which time action was deferred.

**M 469 21  
Adopt  
Ordinance  
No. 2807  
CZ1931**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2807 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY AND TO AMEND THE CONDITIONS OF APPROVAL OF CZ 1768 (ORDINANCE 2411) TO INCREASE THE GROSS SITE AREA BY 5.253 ACRES AND TO INCREASE THE NUMBER OF PERMITTED UNITS WITHIN THE RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.372 ACRES, MORE OR LESS” (Change of Zone 1931) filed on behalf of Lighthipe LLC, with the following conditions:

- a. This 5.253-acre parcel shall only be developed with single family lots. No townhomes or multi-family homes shall be permitted in this location.
- b. Condition A of Ordinance #2411 is hereby removed, and the new condition A shall be inserted in its place, as follows: “The maximum

**M 469 21**  
**Adopt**  
**Ordinance**  
**No. 2807**  
**CZ1931**  
**(continued)**

- number of residential units shall not exceed 164 units, which shall consist of 120 single family units and 44 townhouse units, plus the single family lots permitted under Change in Zone #1931 on the 5.253-acre parcel that is added to the Residential Planned Community.”
- c. The site plan for this additional 5.253 acres shall be designed so that there is a twenty-foot forested buffer set back an additional twenty feet from the perimeter of the site along the common boundary with Ocean Way Estates.
  - d. All roads providing access to the new single family lots shall be designed and oriented to minimize headlights shining into properties within Ocean Way Estates. If necessary, additional landscaping shall be added and shown on the RPC Master Plan to screen headlights from the Ocean Way Estates subdivision.
  - e. The lots within this additional 5.253 acres shall have access from Muddy Neck Road via the existing streets and roads within the Ocean View Beach Club community.
  - f. All other conditions of the RPC approved as Ordinance # 2411 and Change in Zone #1768 shall remain in effect, and the 5.253-acre parcel that is the subject of this Change in Zone #1931 shall be bound by those existing conditions of approval.
  - g. The developer shall submit a revised Master Plan for the entire RPC, including the single family lots within the additional 5.253 acres.

**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. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRES, MORE OR LESS” (Conditional Use No. 2274) filed on behalf of R&J Farms Limited Partnership (Tax I.D. 232-9.00-5.01) (911 Address: 28274 East Trap Pond Road, Laurel).**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOOD TRUCK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.238 ACRES, MORE OR LESS” (Conditional Use No. 2303) filed on behalf of Antonia Lopez Lopez (Tax I.D. 234-32.00-55.00) (911 Address: 26719 Jersey Road, Millsboro).**

**Introduction Of Proposed Ordinances (continued)** Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” (Conditional Use No. 2304) filed on behalf of J.G. Townsend Jr. Co., (Tax I.D. 334-12.00-16.04) (911 Address: None Available).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (Change of Zone No. 1950) filed on behalf of Roxana Volunteer Fire Company (Tax I.D. 533-12.00-93.00, 93.01, 93.02) (911 Address: 36843, 36855 and 36873 Lighthouse Road, Selbyville).

**M 470 21 Go Into Executive Session** At 11:47 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green, to recess the Regular Session and go into Executive Session to discuss matters relating to pending 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 11:55 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to pending litigation and land acquisition. The Executive Session concluded at 1:05 p.m.

**M 471 21 Reconvene** At 1:09 p.m., A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted:** 4 Yeas, 1 Absent.

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

**E/S Action** There was no action on Executive Session matters.

**M 472 21 Adjourn** At 1:10 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to adjourn.

**Motion Adopted:** 4 Yeas, 1 Absent.

**M 472 21  
Adjourn  
(continued)**

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