

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 29, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 29, 2024, at 12:30 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 546 24
Approve
Agenda**

Mr. Lawson reported that Executive Session – Land Acquisition and possible action on Executive Session items 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: 4 Yeas, 1 Absent

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

Minutes

The minutes of the October 1, 2024, meeting were approved by consent.

Correspondence

There was no correspondence.

**Public
Comments**

Public comments were heard.

Dr. Sara Hale spoke about Voluntary School Assessment.

Mr. Jason Hale spoke about Voluntary School Assessment.

Ms. Adele Jones spoke about loss of forest and farmland in Sussex County.

Ms. Christy Wimmer spoke about the Voluntary School Assessment.

Ms. Heather Farmer spoke about the Voluntary School Assessment.

**Recognition/
DE Team**

Robbie Murray, Public Safety Director recognized the Delaware Team Award of the Year employees.

Retirement **Raymond Alt was recognized for his upcoming retirement.**

**Adminis-
trator's
Report** **Mr. Lawson read the following information for his Administrator's Report:**

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for September 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of September.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Sandpiper Cove (FKA Cobb Property) – Phase 1 (Construction Record) effective September 13th; and Beach Tree Preserve – Phase 3 (Construction Record) received Substantial Completion effective October 10th.

3. William "Bill" LeCates

It is with great sadness that we inform you that County Pensioner, William "Bill" LeCates passed away on Wednesday, October 23, 2024. Mr. LeCates began his career with Sussex County in May 1979 where he worked until December 2011 for a total of 32 years of service. His last position with the County was Director of Community Development and Housing. We would like to extend our condolences to the LeCates family.

4. Holiday and County Council Meeting Schedule

County offices will be closed on Tuesday, November 5th, for Election Day, Thursday, November 7th, for Return Day and Monday, November 11th for Veterans Day.

The Sussex County Council will not meet on November 5th. The next regularly scheduled Council meeting will be held on November 12th at 10:00 a.m.

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

Proposed Ordinance/ Lodging Tax **Gina Jennings, Finance Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE VI (“LODGING TAX”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE THE IMPOSITION OF A LODGING TAX OF THREE PERCENT (3%) OF THE RENT FOR SHORT-TERM RENTALS IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY IN ACCORDANCE WITH 9 DEL. C. § 8112(c) AND 30 DEL. C. § 6201”.**

Mrs. Jennings reported that at the end of September, the Governor signed House Substitute 2 for HB 168. The bill created a short-term lodging tax and license services for the State of Delaware. It also authorized Sussex County to impose a lodging tax of no more than 3 percent on short-term rentals.

Introduction of Proposed Ordinance **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE VI (“LODGING TAX”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE THE IMPOSITION OF A LODGING TAX OF THREE PERCENT (3%) OF THE RENT FOR SHORT-TERM RENTALS IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY IN ACCORDANCE WITH 9 DEL. C. § 8112(c) AND 30 DEL. C. § 6201”.**

JP Court Annex **Mike Harmer, County Engineer presented an expansion feasibility study from Tevebaugh Architects for the JP Court Annex for Council’s consideration.**

M 547 24 Approve Expansion Feasibility Study/JP Court Annex **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that Council approve the expansion feasibility study with Tevebaugh Architecture, to evaluate alternatives for the use of the JP court annex building, in the amount of \$200,000.00.**

Motion Adopted: 4 Yeas, 1 Absent

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

Construct Parallel **Robert Bryant, Airport Manager presented a recommendation to award and task order 5 for the construct parallel Taxiway B, Phase II for Council’s consideration.**

M 548 24 Approve Award/ Construct Parallel Taxiway **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department that contract A24-15, construction parallel taxiway B, phase 2 be awarded to Allen Myers MD, Inc. for their total bid of \$3,375,555.00 and associated task order no. 5 to Delta Airport Consultants be awarded in the**

amount not to exceed \$480,000 for construction administration services both contingent upon FFA funding approval.

Motion Adopted: 4 Yeas, 1 Absent

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

**IBRWF – Hans Medlarz, Project Engineer presented an agreement with Delmarva
DPL Power for the Inland Bays Regional Wastewater facility project for Council’s
Agreement consideration.**

**M 549 24 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved
Approve based upon the recommendation of the Sussex County Engineering
DPL Department that County Council approves the license agreement between
Agreement Delmarva Power Light and Sussex County, issuance of the required special
insurance certificate and payment of the fee in the amount of \$2,500.00, for
access to a utility easement as part of the work associated with the Inland
Bays Regional Wastewater facility loop project.**

Motion Adopted: 4 Yeas, 1 Absent

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

**SC WRF CO Hans Medlarz, Project Engineer presented change order no. 28 for South
No. 28 Coastal WRF treatment process upgrade and Rehoboth Beach WTP capital
improvement project for Council’s consideration.**

**M 550 24 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved
Approve CO based upon the recommendation of the Sussex County Engineering
No. 28/SC Department that change order no. 28 for contract C19-17, SCRWF treatment
WRF process upgrade no. 3 – electrical construction, be approved, for an increase
of \$15,855.64.**

Motion Adopted: 4 Yeas, 1 Absent

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

**USSD Hans Medlarz, Project Engineer presented a revised wastewater service
Agreement/ agreement between the City of Seaford and the Unified Sanitary Sewer
COS District for Council’s consideration.**

M 551 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved**
Approve **based upon the recommendation of the Sussex County Engineering and**
Agreement/ **Finance Departments that the Sussex County Council approve the revised**
COS USSD **wastewater service agreement between Sussex County and the City of**
 Seaford, as presented.

Motion Adopted: 4 Yeas, 1 Absent

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

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

M 552 24 **A Motion was made by Mr. Hudson, seconded by Mrs. Green to give \$1,000**
Greater **(\$1,000 from Mr. Schaeffer's Councilmanic Grant Account) to the Greater**
Lewes **Lewes Foundation for their Shaffer Foundation 4th annual rally for**
Foundation **responders.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 553 24 **A Motion was made by Mr. Hudson, seconded by Mrs. Green to give \$750**
SODELO **(\$750 from Mr. Schaeffer's Councilmanic Grant Account) to SOLDELO**
 (Southern Delaware Orchestra) for their 2024 winter concerts.

Motion Adopted: 4 Yeas, 1 Absent

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

M 554 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**
Town of **(\$2,000 from Mr. Rieley's Councilmanic Grant Account) to the Town of**
Georgetown **Georgetown for the Mayor's Return Day reception.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 555 24 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,500**
 (\$1,500 from Mrs. Green's Councilmanic Grant Account) to Mariner Middle
 School (BPA) for their business professional of America program.

Mariner Middle School **Motion Adopted: 4 Yeas, 1 Absent**
Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 556 24 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$8,000**
Town of Greenwood (\$8,000 from Mrs. Green’s Councilmanic Grant Account) to the Town of
Greenwood for policing equipment.

Motion Adopted: 4 Yeas, 1 Absent

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

M 557 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$5,000**
Laurel Lions Club (\$5,000 from Mr. Vincent’s Councilmanic Grant Account) to the Laurel
Foundation Lions Club Foundation for a recreation complex.

Motion Adopted: 4 Yeas, 1 Absent

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

M 558 24 **A Motion was made by Mrs. Green, seconded by Mr. Rieley to give \$1,500**
Grace-N-Mercy (\$1,500 from Mrs. Green’s Councilmanic Grant Account) to Grace-N-Mercy
Ministries Ministries for their Thanksgiving community dinner.

Motion Adopted: 4 Yeas, 1 Absent

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

M 559 24 **A Motion was made by Mrs. Green, seconded by Mr. Rieley to give \$1,000**
Bridgeville Public (\$1,000 from Mrs. Green’s Councilmanic Grant Account) to Bridgeville
Library Public Library for a mini-library.

Motion Adopted: 4 Yeas, 1 Absent

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

M 560 24 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000**
Cornerstone **(\$2,000 from Mrs. Green's Councilmanic Grant Account) to Cornerstone**
Community **Community Center for their kids against tobacco program.**
Center

Motion Adopted: 4 Yeas, 1 Absent

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

M 561 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$250**
Town of **(\$250 from Mr. Vincent's Councilmanic Grant Account) to the Town of**
Blades **Blades for their annual kids Christmas party.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 562 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$3,000**
Nanticoke **(\$3,000 from Mr. Vincent's Councilmanic Grant Account) to the Nanticoke**
Senior **Senior Center for an educational media center.**
Center

Motion Adopted: 4 Yeas, 1 Absent

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

M 563 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**
Seaford **(\$2,000 from Mr. Vincent's Councilmanic Grant Account) to Seaford**
Tomorrow **Tomorrow for their Friday Night Live event.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 564 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000**
First State **(\$1,000 from Mr. Rieley's Councilmanic Grant Account) to First State**
Community **Community Action Agency for their anniversary celebration.**
Action

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

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

Mr. Vincent, Yea

Introduction of Proposed Ordinance Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” filed by Bittersweet Investments, LLC.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARM WINERY WITH TASTING ROOM AND EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 38.66 ACRES, MORE OR LESS” filed on behalf of Twin Branches, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS” filed on behalf of Jose Luis Vivar.

Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” filed on behalf of Oneals Solar, LLC.

Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.23 ACRES, MORE OR LESS” filed on behalf of Waste Management of Delaware, Inc.

The Proposed Ordinances will be advertised for a public hearing.

CM Comments Mr. Rieley questioned if any of the Optimist students present have tracked how many millions of dollars were spent during today’s meeting.

M 565 24 **At 1:22 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to**
Recess **recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 566 24 **At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to**
Reconvene **reconvene.**

Motion Adopted: 4 Yeas, 1 Absent

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

Public **A Public Hearing was held for Leeward Chase II Annexation of the Sussex**
Hearing/ **County Unified Sanitary Sewer District (Airpark Area).**
Leeward

Chase II **John Ashman, Director of Utility Planning & Design Review reported that**
Annexation **permission to post notices for a public hearing was granted on September 17,**
into **2024. The Engineering Department had received a request from Solutions**
SCUSSD **IPEM on behalf of the owners of parcels 135-15.00-96.00 & 97.00, adjacent**
 to the Leeward Chase project. The parcels contain an existing liquor store
 and an existing church. The parcels will be responsible for system connection
 charges at the time of connection. The Engineering Department added to the
 website, posted notices on October 10th and advertised the weeks of 19th and
 23rd. To date, there has been no correspondence received in support of or in
 opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 567 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt**
Adopt **Resolution No. R 021 24 entitled “A RESOLUTION TO EXTEND THE**
Resolution **BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER**
No. R 021 24/ **DISTRICT (SCUSSD) DELWARE COASTAL AIRPORT AREA, TO**
Leeward **INCLUDE THE LEEWARD CHASE II AREA, ON THE SOUTH SIDE OF**
Chase II **LEWES-GEORGETOWN HIGHWAY LOCATED IN THE**
Annexation **GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE AND**
into **RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND**
SCUSSD **FOR SUSSEX COUNTY, DELAWARE”.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
Woods at
Agnola
Beach
Annexation
into
SCUSSD**

A Public Hearing was held on the Woods at Agnola Beach Annexation of the Sussex County Unified Sanitary Sewer District (Agnola Neck Area).

John Ashman, Director of Utility Planning & Design Review reported that permission to post notices for a public hearing was granted on September 17, 2024. The Engineering Department received a request from Mill Brook Engineering, LLC on behalf of their client, Hometown Angola Land, LLC owners of parcel 234-12.00-7.01, adjacent to the existing Angola Neck Area of the SCUSSD. This request is for one of the parcels of undeveloped land abutting the existing Angola Beach & Estates within 90 lots proposed for this project, with 74 on this parcel and 16 on parcel 7.02 which will flow to the exiting private owned community system. The project will be responsible for system connection charges at time of connection. The Engineering Department added to the website, posted notices on October 10th and advertised the weeks of 16th and 23rd. To date, there has been no correspondence received in support or opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

**M 568 24
Adopt
Resolution
No. R 022 24/**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to Adopt Resolution No. R 022 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE WOODS AT ANGOLA BEACH AREA, ON THE SOUTH SIDE OF ANGOLA ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 4 Yeas, 1 Absent

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

Rules

Mr. Moore read the rules of procedure for public hearings.

**Public
Hearing/
CU2523**

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 NAIL SALON BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

**Public
Hearing/
CU2523
(continued)**

CONTAINING 0.55 ACRE, MORE OR LESS” (property lying on the east side of Powell Farm Road [S.C.R. 365], approximately 384 feet north of Burbage Road [S.C.R. 353]) (911 Address: 32379 Powell Farm Road, Frankford) (Tax Map Parcel: 134-11.00-219.03) (Zoning: AR-1 [Agricultural Residential District]) filed on behalf of Tayra Trinidad.

The Planning & Zoning Commission held a Public Hearing on the application on September 25, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 10 recommended conditions as outlined.

The Council found that Ms. Tayra Trinidad spoke on behalf of the application; that she has owned the business at this location for three years now and is looking to expand: that she is looking to add one employee and another manicure/pedicure station; that she has never had a problem; that she is currently under the home occupation classification and needs to apply for the Conditional Use in order to have more than one employee.

There were no public comments.

The Public Hearing and public record were closed.

**M 569 24
Adopt
Ordinance
No. 3054/
CU2523**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 3054 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NAIL SALON BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This small business use is appropriate within this area.**
- 2. This area is zoned AR-1 Agricultural Residential. The use of the property as a small nail salon business that was just the applicant as a home occupation. The Applicant seeks to expand the use to include an additional employee. A conditional use for this relatively inconspicuous business is appropriate at this location.**
- 3. The use will not adversely affect area roadways or neighboring properties with the conditions imposed with this Conditional Use.**
- 4. A small nail salon provides a service at a convenient location to nearby Sussex County residents, and it has a public or semi-public character that will benefit residents of Sussex County.**
- 5. No parties appeared in opposition to this application.**
- 6. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to nail salon business.**

**M 569 24
Adopt
Ordinance
No. 3054/
CU2523
(continued)**

- b. There shall be not more than 2 manicure stations and 2 pedicure stations. The Final Site Plan shall depict the area of the existing structure set aside for the business use and this floorplan shall show the locations of the stations.**
- c. There shall only be retail sales occurring from the site that coincide with scheduled appointments of clients, not general retailing.**
- d. There shall be one lighted sign, not to exceed 32 square feet per side.**
- e. The hours of operation shall be limited to 9:00 a.m. through 7:00 p.m., Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturdays. There shall be no Sunday hours.**
- f. Any lighting on the site shall be screened so that it does not shine on neighboring properties or roadways.**
- g. The applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.**
- h. The Final Site Plan shall clearly show all areas for employee and customer vehicle parking, and these areas shall be clearly marked on the site itself. There shall not be any parking within the property’s setbacks.**
- i. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CZ2018**

Mr. Whitehouse discussed a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” (property lying on the east side of Old Shawnee Road [S.C.R. 619] approximately 0.35-mile northeast of Shawnee Road [Rt. 36]) (911 Address: N/A) (Tax Map Parcel: 130-3.00-170.04) (Zoning: MR [Medium Density Residential District]) filed on behalf of James Yerkie, II.

The Council found that James Yerkie requested that the application be withdrawn.

**M 570 24
Approve
Withdrawal/
CZ2018**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to allow the withdrawal of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL

OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS”.

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
Ordinance
No. 23-01
(12)**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 433-11.00-17.00 and 433-11.00-17.01”. The properties are lying on the east side of Dupont Boulevard (Route 113) on the north and south sides of Delaware Avenue (S.C.R. 54A), at the intersection of Dupont Boulevard (Route 113) and Delaware Avenue (S.C.R. 54A). 911 Addresses: 34910 & 33913 Delaware Avenue, Frankford. Tax Map Parcels: 433-11.00-17.00 & 17.01. Zoning: C-1 (General Commercial District).

The Planning & Zoning Commission held a Public Hearing on the application on September 25, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended adoption of the Ordinance for the reasons as outlined in the motion.

The Council found that Mr. Travis Martin spoke on behalf of the application; that he purchased the property in 2006; that they have several businesses that they operate; that they have been pumping a holding tank for 18 years; that he is happy to have sewer available.

There were no public comments.

The Public Hearing and public record were closed.

**M 571 24
Adopt
Ordinance
No. 3055/
Ordinance
No. 23-01
(12)**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 3055 entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 433-11.00-17.00 and 433-11.00-17.01” for the reasons given by the Planning and Zoning Commission as follows:

This is an Ordinance to Amend the County Sewer Tier Map of the Comprehensive Plan from the Tier 4 area, which is system operational areas to the Tier 2 Area, which is Sussex County planning area in relation to tax parcels 433-11.00-17.00 and 433-11.00-17.01. The properties are lying on the east side of DuPont Blvd. (Route 113) and on the North and South side of

M 571 24 **Delaware Ave., (C.R. 54 A) at the intersection of DuPont Blvd. (Route 113)**
Adopt **and Delaware. Avenue again, (C.R. 54 A). 911 address is 34910 and 33913**
Ordinance **Delaware Ave. Frankford. Tax map parcels are 433-11.00-17.00 and 17.01.**
No. 3055/ **The zoning is C1, General Commercial district, and the motion is that the**
Ordinance **Commission moved to recommend this ordinance based upon the record**
No. 23-01 **made during the public hearing and with the concurrence of the County**
(12) **Engineering Department for the map amendment. This will enable the**
(continued) **property, which has been used for business purposes, to connect to county**
 sewer. This property is adjacent to Tier 1, and this change to Tier 2 will
 enable it to be annexed into the Sussex County Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent

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

M 572 24 **A Motion was made by Mr. Rieley, seconded by Mrs. Green, to adjourn at**
Adjourn **1:53 p.m.**

Motion Adopted: 4 Yeas, 1 Absent

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