

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 12, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 12, 2024, 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</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 573 24  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes of the October 29, 2024, meeting were approved by consent.**

**Correspondence**

**There was no correspondence.**

**There were no public comments.**

**Public  
Comments**

**A public interview was held for Board of Adjustment Nominee – Shawn Lovenguth.**

**Public  
Interview/  
BOA**

**A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, be it moved that the Sussex County Council approve the appointment of Mr. Shawn Lovenguth to the Sussex County Board of Adjustment effective immediately for a term of three years.**

**M 574 24  
Appoint  
BOA  
Member**

**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 for his Administrator's Report:**

**1. Sussex County Tentative Value Statements**

Throughout the month of November, Sussex County property owners will be receiving their tentative assessments as part of the County's ongoing property reassessment project, the result of a lawsuit brought against the State of Delaware and the three counties back in 2018. Since the settlement in 2021, the County has contracted third-party vendor Tyler Technologies to conduct the revaluation of nearly 200,000 parcels across the county. The tentative valuations are the next step in the process and are a critical component that will be used in determining every property tax bill for 2025, both for the County and the independent school districts. It is important to note, this is NOT your tax bill. This is simply the estimated fair market value for your property. Once all property assessments are finalized, County Council will set a new property tax rate as part of the FY2025 budget process next spring. During the next several weeks, property owners should look for this important document in the mail, review it closely, and then follow the instructions if they wish to appeal the tentative valuation.

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

**FY25  
Human  
Service  
Grants**

Gina Jennings, Finance Director presented FY 2025 Human Service Grant recommendations and award for Council's consideration. Mrs. Jennings reviewed the Human Service Grant purpose and process. She then shared the formula used to distribute the funds consisting of \$225,000. Mrs. Jennings reported that there were \$469,430 requests received from 85 qualified organizations. There were 12 new recipients this year covering 62,604 Sussex County beneficiaries. The organizations raise approximately \$7.6 million in other types of support for these projects. She then shared the FY 2025 recipients.

**M 575 24  
Approve  
Human  
Service  
Grant  
Awards**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved that the Sussex County Council, approve the Fiscal Year 2025 Human Service Grant 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**

**Family Paid  
Leave Act**

Karen Brewington, Human Resources Director presented a recommendation for the implementation of the family paid leave act for Council's consideration.

**M 576 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that Sussex County Council opt out of the State’s paid family leave plan and Approve Family Paid Leave Act enter into a fully insured private plan with the Hartford for the County’s paid family medical leave at a rate of .494% that includes the FICA match for a period of one year ending December 31, 2026.**

**Motion Adopted:      5 Yeas**

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

**Briarwood Estates**      **Paul Mauser, Assistant County Engineer presented a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH” and JMT – Amendment 1 – Design for Council’s consideration.**

**Introduction of Proposed Ordinance/ Briarwood Estates**      **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**M 577 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department that amendment no. 1 to the base engineering service agreement Approve Amendment 1/Briarwood Estates with Johnson, Mirmiran & Thompson for Briarwood Estates septic elimination project, S23-11 be approved in the amount not to exceed \$245,960.00 for design and bidding phase services.**

**Motion Adopted:      5 Yeas**

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

**Winding Creek Village**      **Paul Mauser, Assistant County Engineer presented a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Introduction of Proposed Ordinance/ Winding Creek Village** Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,413,059 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WINDING CREEK VILLAGE WATER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

**Old Business/ CU2416** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS” filed on behalf of Over the Hill Holdings, LLC.

The County Council held a Public Hearing on the application at its meeting on July 30, 2024. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 578 24 Adopt Ordinance No. 3056/ CU2416** A Motion was made by Mr. Vincent, seconded by Mr. Schaeffer to Adopt Ordinance No. 3056 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS” for a partial approval and partial denial with the reasons and conditions given by the Planning & Zoning Commission as follows:

1. The use as an indoor shooting range was approved in 2018 as Case No. 12083 by the Sussex County Board of Adjustment. I have no objection to the continued use of the indoor shooting range under that approval. Also, Sussex County certainly respects the need for firearm practice and training by our residents and law enforcement agencies. However, this Application is a zoning issue, and the fundamental question is whether this is an appropriate location for this type of use – in this case particularly the outdoor shooting range. I do not believe that this is the most appropriate location for this proposed use as an outdoor shooting range.
2. During the Board of Adjustment hearing on Case No. 12083 for an indoor range, the Applicant specifically stated that they were not seeking approval for an outdoor shooting range, and that “The Environmental Protection Agency discourages the practice of commercial outdoor firing ranges.” After the Board of Adjustment approved the indoor range, the Applicant sought approval of a change in zone for the property. That change in zone did not occur. Despite the Applicant’s knowledge and involvement

**M 578 24  
Adopt  
Ordinance  
No. 3056/  
CU2416  
(continued)**

- with Sussex County's land use process, and despite the Applicant's contrary statements to the Board of Adjustment that it was not seeking an outdoor shooting range, an outdoor shooting range was nevertheless constructed on the property without any zoning permits or approvals for the use.
3. There are homes in close proximity to the site. There was opposition testimony from one of the owners of a home adjacent to this site that the outdoor range would be noisy and would interfere with her quiet enjoyment of her property. I believe these concerns are legitimate and apply equally to all of the houses that are adjacent to, or near this property. I also believe that it is reasonable to conclude that the outdoor shooting range and noise generated by it will adversely affect the values and marketability of the nearby residential properties.
  4. Although the Applicant provided evidence suggesting that the noise generated by the outdoor shooting range will be minimal, I am not satisfied that this evidence accurately reflects how the outdoor range will be used. The noise testimony was based upon the discharge of a single firearm. However, from the photographs in the record it appears that there will be 8 shooting positions or stalls allowing at least 8 firearms to be discharged simultaneously or in rapid succession. As a result, the actual noise will be much louder and more prolonged than the single firearm that was tested and presented as noise evidence by the Applicant.
  5. I am not satisfied that the outdoor range and particularly the down-range portion of it has been constructed in a way that mitigates the noise generated by the outdoor use to the fullest extent possible. It may be possible that the Applicant can provide additional protections against the noise disturbance from this facility on the neighboring properties during the County Council hearing. But I am not satisfied that the evidence presented to the Commission sufficiently addresses this concern.
  6. While there is definitely a need for indoor and outdoor shooting ranges in Sussex County, particularly so that law enforcement and police agencies can use them for training, there are other more appropriate locations for them that are not so close to existing homes.
  7. It is unfortunate that the Applicant constructed the outdoor shooting range without the appropriate approvals for the use. They did so contrary to their own statements that such a range would not be built. They constructed the range at their own peril, without approvals, and with the risk that the use would not be approved. As a result, the existence of the outdoor range cannot be used in support of the conditional use.
  8. For all of these reasons and based on the record before the Commission which may be supplemented during the Council hearing, I move that the Commission recommend a denial of the outdoor shooting range portion of this Conditional Use.

**M 578 24  
Adopt  
Ordinance  
No. 3056/  
CU2416  
(continued)**

9. The indoor shooting range was approved by the Board of Adjustment as a special exception in Case No. 12083 decided in 2018. It is appropriate to confirm the indoor shooting range through this conditional use, and the indoor shooting range shall be permitted to include sales of guns, rifles and equipment in a manner that is accessory to the primary use as an indoor shooting range.
10. The indoor shooting range is entirely self-contained with noise-deadening and safety features built into it. There is no evidence that the indoor shooting range will adversely affect neighboring properties or roadways.
11. The indoor shooting range provides a needed venue for shooting and target practice for residents of Sussex County, law enforcement agencies and police departments. As a result, it has a public or semi-public character.
12. This recommendation for approval of only the indoor shooting range is subject to the following conditions:
  - a. The permitted use shall only include the indoor shooting range. This may include limited retail sales including sales of guns, rifles, ammunition and equipment in a manner that is accessory to the primary use as an indoor shooting range.
  - b. The Applicant must comply with all Federal and State licenses and regulations for the use, including compliance with all federal and state requirements for the recovery and disposal of used ammunition.
  - c. The use of the indoor range facilities shall occur between the hours of 8:00 a.m. and 10:00 p.m.
  - d. All dumpsters shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - e. Parking shall be prohibited on any area roadways. All on-site parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
  - f. All lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
  - g. One lighted sign, no larger than 32 square feet in size, shall be permitted.
  - 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**

**Grant  
Requests**

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

**M 579 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$5,000**  
**Delmar**            **(\$5,000 from Mr. Vincent’s Councilmanic Grant Account) to Delmar**  
**Historical &**      **Historical & Arts Society, Inc. for their historical museum.**  
**Arts Society**

**Motion Adopted:      5 Yeas**

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

**M 580 24**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000**  
**American**            **(\$2,000 from Mrs. Green’s Councilmanic Grant Account) to American Youth**  
**Youth**                **Football, Inc. for their regional tournament.**  
**Football,**  
**Inc.**

**Motion Adopted:      5 Yeas**

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

**M 581 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$3,000**  
**Contractors**            **(\$2,000 from Mr. Hudson’s Councilmanic Grant Account and \$1,000 from**  
**for a Cause**      **Mr. Rieley’s Councilmanic Grant Account) to Contractors for a Cause**  
**Foundation,**      **Foundation, LLC for their helping hands program.**  
**LLC**

**Motion Adopted:      5 Yeas**

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

**Proposed**      **Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE**  
**Ordinance**      **TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX**  
**Introduc-**      **COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-**  
**tion**                **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN**  
**b PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED,**  
**b SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” filed on**  
**b behalf of James Yerkie, II.**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE**  
**TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**  
**AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE**  
**FACILITY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF**  
**LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX**  
**COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS” filed on behalf**  
**of Rehoboth Family Storage, LLC.**

**Proposed Ordinance Introduction (continued)**

**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 DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS” filed on behalf of Breeze-A-Bella Land Group, LLC.**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” filed on behalf of J&T Properties, LLC.**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS” filed on behalf of Jane Brady.**

**The Proposed Ordinances will be advertised for a public hearing.**

**CM Comments**

**There were no Council Member comments.**

**M 582 24 Adjourn**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to adjourn at 10:29 a.m.**

**Motion Adopted: 5 Yeas**

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

**Respectfully submitted,**

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

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



