

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 30, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 30, 2021, at 12:30 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 506 21
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 16, 2021 were approved by consent.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from the following in appreciation of Human Service Grants: The Arc of Delaware, Read Aloud Delaware, Milford Housing Development Corporation, and Delaware Foundation Reaching Citizens.

**Public
Comments**

Public comments were heard and the following spoke:

William Kinnick, State Advocate for Manufactured Housing and President of the Delaware Manufactured Housing Association, reported on sewer problems in manufactured housing communities in the County. Mr. Kinnick provided a listing of manufactured housing communities in Delaware, noting that there is a total of 90 communities in Sussex County.

**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 October 2021 is attached listing the number of violent crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total

Administrator's
Report
(continued)

vehicle crashes investigated are listed. In total, there were 189 troopers assigned to Sussex County for the month of October.

2. Distinguished Budget Presentation Award

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Distinguished Budget Presentation Award for the Fiscal Year 2022 Budget Report. This is the fourth year that the County has received this prestigious award acknowledging its budget report. In order to receive the award, the budget document must serve an entity as a policy document, financial plan, operations guide, and communication device.

Congratulations to Gina Jennings, Finance Director/Chief Operating Officer, and Kathy Roth, Deputy Finance Director, for their efforts in achieving this award.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets the following projects have received Substantial Completion: The Estuary – Phase 3F (Construction Record) effective November 11th; and The Vineyards at Nassau Valley – Phase 4 (Plan Review) effective November 12th.

4. Caroling on The Circle

A reminder that the annual Caroling on The Circle program will take place on Monday, December 6th, at 6:30 p.m. in front of the Sussex County Courthouse. This is a free event sponsored by the Sussex County Council each year. Everyone is welcome and encouraged to attend, and to bring a food item for the less fortunate if they can afford to do so. The “Pack the Pod” campaign will remain in full swing until the end of December.

(Attachments to the Administrator's Report are not attached to the minutes.)

Mulberry
Knoll
Sewer
Collection
System/
Project
S20-22

Hans Medlarz, County Engineer, reported on the readvertisement of bids for the Mulberry Knoll Sewer Collection System, Project S20-22. Following a review of the bids received, along with KCI's evaluation of the apparent lowest three bids, the Engineering Department recommends awarding the project to the lowest responsive bidder, Carrow Construction in the amount of \$1,857,038.00. Total project financing was evaluated using the bids received for S20-22 in combination with the current S20-14 construction market and pricing requires additional funding to maintain overall project financing. Mr. Medlarz advised that the Engineering Department requests Council authorize development of a supplemental funding request and submission to DNREC for approval. Also presented was Amendment No. 4

(continued) to the Owner-Engineer Agreement for Mulberry Knoll additional work.

M 507 21
Award
Contract
S20-22/
Mulberry
Knoll
Sewer
Collection
System

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Contract S20-22, Mulberry Knoll Sewer Collection System, be awarded to Carrow Construction for the Base Bid and Add Alternate Bid Item for a total of \$1,861,538.00, contingent upon DNREC concurrence and to authorize the Department's development of a supplemental funding request to the Delaware SRF.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 508 21
Approve
Amendment
No. 4/
Five-Year
Misc. Eng.
Services
Agreement
with
KCI Tech-
nologies

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 4 to the Five-Year Miscellaneous Engineering Services Agreement with KCI Technologies, Inc. be approved in the amount not to exceed \$50,000.00 for as-needed construction fee services related to the Mulberry Knoll Sewer Expansion Project, S20-14 and S20-22.

Motion Adopted: 4 Yeas, 1 Absent.

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

Bid Results/
DE Coastal
Business
Park
Improve-
ments/
Project
A21-11

Mark Parker, Assistant County Engineer, presented the bid results for the Delaware Coastal Business Park Improvements Project, Project A21-11. Mr. Parker reported that, following a review of the bids received, numerous discrepancies were found in multiple bids affecting potential award recommendation. As a result, the Engineering Department is recommending that all bids be rejected and the project rebid immediately with no change in scope.

M 509 21
Reject Bids/
Project
A21-11/
DE Coastal
Business
Park
Improve-
ments
Project

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, due to the discovery of numerous discrepancies in bids received on November 18, 2021, for the Delaware Coastal Business Park Improvements Project, that all bids be rejected and the project be immediately readvertised with no change in scope.

Motion Adopted: 4 Yeas, 1 Absent.

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

**EMS
Public
Safety
Building/
Project
C19-04**

Hans Medlarz, County Engineer, presented Change Orders for the EMS Public Safety Building Project, Project C19-04. Mr. Medlarz reported that, when the project was bid, the Fire Marshall's site permit was issued but the associated building was still under review. When it was finalized, two issues had to be addressed: rating of the plenum and a secondary emergency egress from the mezzanine on the second floor (Change Order No. 3). Mr. Medlarz reported that the Engineering Department is still working on a County initiated proposed change order for air filtration system safety upgrades to be paid for through the American Rescue Plan Act; the air filtration system upgrade was requested by EMS due to COVID concerns (Change Order No. 4).

**M 510 21
Approve
Change
Orders/
Contract
C19-04/
EMS
Public
Safety
Building
Project**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 3 and 4 for Contract C19-04, Sussex County Public Safety Building, be approved, increasing the Contract by \$13,554.94 and \$4,740.28, respectively.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Herring
Creek
Preserve
ORPT**

Hans Medlarz, County Engineer, presented for Council's consideration a grant application and grant agreement pertaining to the Herring Creek Preserve Outdoor Recreation, Parks and Trails (ORPT). In 2020, Sussex County acquired property on Route 24 in Angola and now wishes to investigate the potential use of the property. On behalf of Sussex County, the Center for the Inland Bays has submitted an application which needs a Resolution adopted by the County. Additionally, Council's approval for execution of the ORPT Agreement when received (in the future).

**M 511 21
Adopt
R 025 21**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Resolution No. R 025 21 entitled "TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A MATCHING GRANT TO FINANCE AN OUTDOOR RECREATION FEASIBILITY AND PLANNING STUDY FOR THE HERRING CREEK PRESERVE".

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 512 21
Approve
DNREC
ORPT
Grant
Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes the execution of the DNREC ORPT Grant Agreement when received from DNREC in the amount of \$37,944.00 for a Master Plan Study at the Herring Creek Preserve.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Herring
Creek SSD/
Project
S20-07/
Change
Order**

Hans Medlarz, County Engineer, presented a Change Order for the Herring Creek Sanitary Sewer District, North Gravity Sewer and Force Main Project, Project S20-07. The Engineering Department and the County Engineer has made the suggestion to the Contractor for a no compensation contract suspension to get out of the winter months before starting the next gravity sewer section, i.e. any deep sewer work or dewatering. Mr. Medlarz stated that it is not a good idea to do an 18-foot sewer project on a DelDOT road in the winter.

**M 513 21
Approve
Change
Order/
Contract
S20-07**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based on the recommendation of the Sussex County Engineering Department, that Change Order No. 5 for Contract S20-07, Herring Creek Sanitary Sewer District, North Gravity Sewer and Force Main, be approved for a non-compensatory contract time extension and suspension contingent upon USDA concurrence.

Motion Adopted: 4 Yeas, 1 Absent.

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

**SCRWF &
RBWTP
Capital
Improve-
ment
Program/
Project
C19-11/
Change
Order**

Hans Medlarz, County Engineer, presented a Change Order for the South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction Project, Project C19-11. Change Order No. 14, in the amount of \$7,380.37, is for evaluation and upgrade design for the State Road pump station and modification of the air intake for B-10 building ventilation. Mr. Medlarz noted this Change Order is for Michael F. Ronca & Sons, Inc. and deals with exploratory for the main land pump station, which triggered changes to the headworks for the restoration. Mr. Medlarz noted that this is strictly a Rehoboth piece of the project.

**M 514 21
Approve
Change
Order/**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 14 for Contract C19-11, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach

M 514 21 **Wastewater Treatment Plant Capital Improvement Program, Phase 2,**
Approve **General Construction, increasing the Contract by \$7,380.37.**
Change
Order/ **Motion Adopted: 4 Yeas, 1 Absent.**
Contract **Vote by Roll Call: Mrs. Green, Absent; Mr. Schaeffer, Yea;**
C19-11 **Mr. Hudson, Yea; Mr. Rieley, Yea;**
(continued) **Mr. Vincent, Yea**

Introduction **Mr. Schaeffer introduced the Proposed Ordinance entitled “AN**
of Proposed **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
Ordinances **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR**
GENERAL RESIDENTIAL DISTRICT TO DESIGNATE LOT 39,
BLOCK A, WITHIN THE EXISTING AVALON WOODS SUBDIVISION
AS OPEN SPACE AND TO ALLOW FOR A SHED AMENITY TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.42
ACRES, MORE OR LESS” (Conditional Use No. 2277) filed on behalf of
Avalon Woods Owners Association, Inc. (Tax I.D. No. 234-15.00-81.00) (911
Address: 27826 Avalon Drive, Georgetown).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REALTY
OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX
COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” (Conditional
Use No. 2313) filed on behalf of John Ford (Tax I.D. No. 335-12.06-49.00)
(911 Address: 1528 Savannah Road, Lewes).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A
CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST
FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.16 ACRES,
MORE OR LESS” (Change of Zone No. 1939) filed on behalf of Gerald R.
and Valerie V. Campbell, Trustees (Tax I.D. No. 530-17.00-2.01) (911
Address: 9155 & 9167 Campbell Lane, Bridgeville).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A
PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN
BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.17
ACRES, MORE OR LESS” (Change of Zone No. 1951) filed on behalf of
Shiloh Investments, LLC (Tax I.D. No. 235-30.00-50.01) (911 Address: None
Available).

(continued) The Proposed Ordinances will be advertised for Public Hearing.

M 515 21 At 1:05 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to
Go Into recess the Regular Session and go into Executive Session to discuss matters
Executive relating to pending/potential litigation, land acquisition and personnel.
Session

Motion Adopted: 4 Yeas, 1 Absent.

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

Executive At 1:08 p.m., an Executive Session of the Sussex County Council was held in
Session the Basement Caucus Room to discuss matters relating to pending/potential
litigation, land acquisition and personnel. The Executive Session concluded at
1:35 p.m.

M 516 21 At 1:39 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer,
Reconvene to come out of Executive Session and reconvene the Regular Session.
Regular
Session

Motion Adopted: 4 Yeas, 1 Absent.

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

M 517 21 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to authorize
Authorize the County Administrator to negotiate, enter into a contract and close on
Land Parcel 2021-V.
Acquisition

Parcel **Motion Adopted: 4 Yeas, 1 Absent.**
2021-V

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

Rules Mr. Moore read the rules of procedure for Public Hearings.

Public A Public Hearing was held on the Proposed Ordinance entitled "AN
Hearing/ ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
CU 2273 AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE USE OF
COMMERCIAL DELIVERIES OF PARTS TO BE SOLD OFFSITE TO
BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,
CONTAINING 0.99 ACRES, MORE OR LESS" (Conditional Use No.
2273) filed on behalf of Michael Parsons (Tax I.D. No. 234-5.00-49.00) (911
Address: 30274 Pecan Drive, Lewes).

**Public
Hearing/
CU 2273
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on November 4, 2021 at which time action was deferred. On November 18, 2021, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated November 4 and 18, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Michael Parsons was present on behalf of his application. He stated that he would like to receive deliveries at the site for racing go-carts; that Fed Ex trucks would come to the site approximately three times per week; that the parts would be stored on the site until Fridays and then would be taken to and sold at the track; that there would be no sales on the property; and that he has no employees.

There were no public comments.

The Public Hearing and public record were closed.

**M 518 21
Adopt
Ordinance
No. 2815/
CU 2273**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2815 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE USE OF COMMERCIAL DELIVERIES OF PARTS TO BE SOLD OFFSITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS” (Conditional Use No. 2273) filed on behalf of Michael Parsons, with the following conditions:

- A. The use shall be limited to the receipt of deliveries to and from the Applicant’s residence and the storage of a trailer associated with the use upon the property.**
- B. The primary use of this property shall remain residential at all times that this Conditional Use is in effect. It shall also maintain a residential appearance at all times.**
- C. No retail sales shall occur directly from the property and no customers shall come to the property. This condition does not prevent indirect retail sales conducted via the telephone and/or the internet.**
- D. No manufacturing shall occur on the property.**
- E. No outside storage of any deliveries, parts, equipment, or inventory associated with the use shall be permitted.**
- F. One unlighted sign shall be permitted. It shall not be larger than 32 square feet per side.**
- G. The Applicant shall comply with any requirements imposed by DeIDOT regarding this use.**

**M 518 21
Adopt
Ordinance
No. 2815/
CU 2273
(continued)**

- H. The failure to comply with any of these conditions of approval may result in the termination of this Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2314**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS” (Conditional Use No. 2314) filed on behalf of Millsboro Fire Company (Tax I.D. No. 133-20.00-17.16) (911 Address: 30134 Millsboro Highway, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on November 4, 2021 at which time the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated November 4, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

Mr. Whitehouse reported that 82 letters of support have been received.

The Council found that Rachel Bleshman, Attorney, was present on behalf of the application with Ron O’Neal, Dennis Swain and Bob Ricker, all members of the Millsboro Fire Company. Ms. Bleshman stated that the Town of Millsboro is growing; that fire and ambulance calls have increased; that one-half of the fire company members live on the west side of Route 113; that the standard response time is 8 minutes; that traffic creates road blocks on Route 113 on weekends and in the summer; that a substation on the west side of Route 113 is needed; that lighting would be screened; that no sirens are proposed; that no structural changes are necessary; that 80+ letters of support have been received; that the site is located in a Developing Area; that Light Industrial zoning and a Conditional Use are nearby; and that this site is an appropriate location for a fire department substation.

Mr. O’Neal stated that, at this time, they are still considering what type of apparatus that will be located at the proposed substation; that apparatus will include one ambulance; and that the need for additional equipment will

**Public
Hearing
(continued)**

be considered.

There were no public comments.

The Public Hearing and public record were closed.

**M 519 21
Adopt
Ordinance
No. 2816/
CU 2314**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2816 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS” (Conditional Use No. 2314) filed on behalf of Millsboro Fire Company, with the following conditions:

- A. Any security lighting shall be screened away from neighboring properties and County roads.**
- B. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CZ 1936**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1883 (ORDINANCE NO. 2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) RELATING TO THE MAXIMUM NUMBER AND TYPES OF HOUSING PERMITTED FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 778.39 ACRES, MORE OR LESS” (Change of Zone No. 1936) filed on behalf of OA-BP Marina Bay-Lakeside, LLC (Tax I.D. Nos. 234-30.00-1.00 thru 430.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on November 4, 2021 at which time action was deferred. On November 18, 2021, the Commission recommended approval.

(See the minutes of the Planning and Zoning commission dated November 4 and 18, 2021.)

**Public
Hearing/
CZ 1936
(continued)**

Jamie Whitehouse, Planning and Zoning Director presented the application.

Mr. Whitehouse reported that five letters of opposition have been received (some duplicates).

The Council found that Zac Crouch with Davis, Bowen & Friedel was present on behalf of the Applicant. Mr. Crouch stated that the application is for the purpose of changing the type of some units; that this was previously done in July 2019 at which time the total number of units was reduced from 1404 to 1394 and some of the multi-family and single family units were changed, and no additional units were proposed; that this application is to maintain the 1394 units that was approved in July 2019 but increase the single family units from 388 to 471 and to decrease multi-family units from 378 to 295; that the total number will stay the same; and that these changes are being requested for marketing purposes. Greg Tobias of Ocean Atlantic was present representing the Developer.

There were no public comments in support of the application.

Public comments were heard in opposition to the application.

Stephen Dulin spoke in opposition to the application. He stated that there is a discrepancy in the Applicant's stated number of units and he noted corrections to the record regarding the changes in number/type of units. He stated that the proposal will eliminate diversity (affordable/moderate housing) and that the new plan will result in more asphalt and more chemical run-off into the Creek and the Bay. Mr. Dulin submitted a letter which has been made a part of the record.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 520 21
Defer
Action/
CZ 1936**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to defer action for one week on Change of Zone No. 1936 filed on behalf of OA-BP Marina Bay-Lakeside, LLC.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 521 21
Adjourn**

At 2:26 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn.

Motion Adopted: 4 Yeas, 1 Absent.

**M 521 21
(continued)**

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

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

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