

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 6, 2022**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 6, 2022, at 10:00 a.m., in Council Chambers, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Douglas B. Hudson</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**Call to Order**

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

**Mr. Vincent called the meeting to order.**

**M 546 22  
Approve  
Agenda**

**Mr. Lawson reported that Executive Session – Land Acquisition & Pending/Potential Litigation and possible action on Executive Session items can be removed. A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda as amended.**

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes of the November 15, 2022 meeting were approved by consensus.**

**Correspon-  
dence**

**Mr. Moore reported that letters were received from Delaware Read Aloud, Milford Housing Development Corporation, Shoes That Fit, People’s Place, Delaware Foundation Reaching Citizens, Delaware Breast Cancer Coalition, Autism Delaware, Girls Scouts of the Chesapeake Bay and Great Futures Fund thanking Council for grants that were received.**

**Public  
Comments**

**Public comments were heard.**

**Janet spoke about a newcomer tax for any new resident that purchases a home in Sussex County that was not previously a resident of Delaware.**

**M 547 22  
Approve  
Consent**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to approve the following consent agenda:**

**Agenda Use of Existing Wastewater Infrastructure Agreement, IUA 615-5 Peninsula 18<sup>th</sup> on the Bay, Long Neck Area**

**Motion Adopted: 5 Yeas**

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

**Conditional Option Agreement/ Annex Property in Georgetown** Mr. Lawson presented a conditional option agreement with the State of Delaware for the Annex Property in Georgetown. Mr. Lawson explained that in 2021, the Council sold four parcels to the State on East Pine Street and East Market Street where the courthouse and garage are to be built. The State has agreed to sell the JP Annex Property, if the County opts to buy it, when the State has vacated the Annex Building. This Agreement gives the County the option to purchase the JP Annex Property in the future at the Council's discretion. If the County opts to purchase the JP Annex Property, the cost will be \$2,150,000.00, which is agreed upon sales amount based on the reconciliation of both the State and County's respective appraisals. The State is requested to notify the County of its intent to vacate the JP Annex Building within five years after the agreement is executed or after the State's renovations to the existing Family Court building located at 22 The Circle are completed.

**M 548 22 Approve Agreement/ Annex Property in Georgetown** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that be it moved that the Sussex County Council approves the Conditional Option Agreement for the JP Annex Property of the State of Delaware 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**

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

**1. Caroling on the Circle**

The Sussex County Council would like to thank the community for participating in the 39<sup>th</sup> annual Caroling on The Circle on Monday, December 5<sup>th</sup>. We had a very successful night with hundreds of carolers and thus far have collected nearly 13,300 canned goods and nonperishable food items for our less fortunate neighbors.

We remind everyone that the County is continuing to collect items until the end of the year and will continue to distribute these

**Adminis-  
trator's  
Report  
(continued)**

**goods to our local food pantries. We want to thank all our volunteers, local businesses, and schools for helping to collect the food over the last month and for making this year's Caroling on The Circle a success!**

**2. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for October 2022 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 October.**

**3. C.S. Holder**

**It is with great sadness that we inform you that pensioner, C.S Holder, passed away on Tuesday, November 15, 2022. Mr. Holder began his career with Sussex County in February 1978 where he worked until August 2019 for a total of 41 years of service. His last position with the County was Assessor III. We would like to extend our condolences to the Holder family.**

**4. Robert "Bubba" Eldreth**

**It is with great sadness that we inform you that Robert "Bubba" Eldreth passed away on Thursday, November 17, 2022. Bubba began his career with Sussex County in February 2000 where he worked until July 2022 for a total of 22 years of service. His last position with the County was Water District Manager. We would like to extend our condolences to the Eldreth family.**

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

**Permission  
to Prepare  
& Post  
Notices/  
Black Oak**

**John Ashman, Director of Utility Planning presented a request for the proposed Black Oak Expansion of the Sussex County Unified Sanitary Sewer District. The Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client Leslie Gay Knapp Marini, Successor Trustee Under Revocable Trust Agreement of Halsey G. Knapp and Joan D. Knapp the owners/developers of parcel 335-7.00-6.00 along New Road. The parcel has P&Z preliminary approval. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.**

**M 549 22**  
**Authoriza-**  
**tion to**  
**Prepare &**  
**Post Notices/**  
**Black Oak**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Black Oak Expansion of the Sussex County Unified Sanitary Sewer District to include parcel 335-7.00-6.00 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**

**Permission**  
**to Prepare**  
**& Post**  
**Notices/**  
**Coral Lakes**

**John Ashman, Director of Utility Planning presented a request for the proposed Coral Lakes Annexation Expansion of the Sussex County Unified Sanitary Sewer District. The Engineering Department received a request from George, Miles & Buhr on behalf of their client Schell Brothers, LLC the owners/developers of parcels 234-6.00-67.00 & 234-6.00-84.00 along Robinsonville Road. The parcel has P&Z approval. The project will be responsible for \$6,600 per EDU based on current rates. The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.**

**M 550 22**  
**Authozia-**  
**tion to**  
**Prepare &**  
**Post Notices/**  
**Coral Lakes**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Coral Lakes Expansion of the Sussex County Unified Sanitary Sewer District to include parcels 234-6.00-67.00 & 234-6.00-84.00 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**

**Public**  
**Hearing**  
**Results/**  
**Bethany**  
**Forest**

**John Ashman, Director of Utility Planning presented public hearing results for Bethany Forest, Millville Area. The public hearing was held on October 21, 2022, at the Millville Town Hall. Permission to prepare and post notices was approved on August 23, 2022, for an expansion of the Sussex County Unified Sanitary Sewer District (Millville Area) to include parcels in the Bethany Forest subdivision off of Whites Neck Road. The Engineering Department received a request from the Homeowners Association several years ago and sent petitions in October 2019. At that time, there was not sufficient interest; recently, the HOA held a meeting again to discuss central sewer. The HOA distributed polling letters to all residents of the community. The results they submitted to the Engineering Department show 60 in favor, 12 opposed and 21 failed to respond. This depicts 63% of the parcels in favor of County sewer service.**

**M 551 22  
Adopt  
Resolution  
No. R 012  
22/Bethany  
Forest,  
Millville  
Area**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Resolution No. R 012 22 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE BETHANY FOREST SUBDIVISION LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.**

**Motion Adopted: 5 Yeas**

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

**LBPW/Long  
Range  
Planning  
Study  
Results**

**Hans Medlarz, County Engineer presented the Lewes Board of Public Works – Sussex County Long Range Planning Study Results.**

**Mr. Medlarz provided the project background for Council’s information. Mr. Medlarz reported that the GHD analysis has been summarized in the Lewes WWTF Long Range Planning Study Conceptual Evaluation Report which has also been posted on the County website.**

**Mr. Medlarz then discussed the project options that are being considered as well as the related scope.**

**Mr. Medlarz reviewed each of the concept development options for the project and the waste load allocations.**

**A chart showing the concept evaluation was shown and discussed.**

**Tom Panetta, President of Lewes Board of Public Works shared that in March, a public workshop was held which raised a series of questions. Since then, the study has been completed and another workshop has been scheduled for January 23, 2023, for the public to hear the results of the report which will be presented by GHD. He added that at this time, no decisions have been made. Mr. Panetta added that this presentation will be in front of the LBPW tomorrow for acceptance, pending any decision after the public hearing is held.**

**Project C19-  
11/CO No.  
26**

**Hans Medlarz, County Engineer presented Change Order No. 26 for the South Coastal WRF Treatment Process Upgrade & Rehoboth Beach WTP Capital Improvement Program – General Construction and Change Order Nos. 20 & 21 for Electrical Construction. Change Order No. 26 for General Construction is to perform upgrades to the State Street Pump Station. Change Order Nos. 20 & 21 for Electrical Construction is for the headworks ventilation and the expanded State Street Pump Station electrical repair scope.**

**M 552 22  
Approve CO  
No. 26/  
Project C19-  
11**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved upon the recommendation of the Sussex County Engineering and Finance Departments, that Change Order No. 26 for Contract C19-11, South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 – General Construction, be approved, increasing the contract by \$2,270,000.00 and paid directly by the City of Rehoboth.**

**Motion Adopted: 5 Yeas,**

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

**M 553 22  
Approve CO  
Nos. 20 &  
21/Project  
C19-17**

**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 Change Order Nos. 20 & 21 for Contract C19-17, SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction, be approved, for an increase of \$19,401.62 and \$462,938.82 respectively.**

**Motion Adopted: 5 Yeas**

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

**Herring  
Creek/  
Project S20-  
09/CO No. 1**

**Hans Medlarz, County Engineer presented Change Order No. 1 for Herring Creek Phase IV for Council’s consideration. The Change Order is for an additional time allotment of 34-days.**

**M 554 22  
Approve CO  
No. 1/  
Herring  
Creek**

**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 Change Order No. 1 for Contract S20-09, Herring Creek Sanitary Sewer District, East Gravity Sewer and Force Main, Phase 1V be approved, increasing the contract by \$33,254.43 and an additional time allotment of 37 days, 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**

**WSUSD/  
Segment  
C/CO  
No. 1/**

**Hans Medlarz, County Engineer presented Change Order No. 1 for Western Sussex Unified Sewer District for Segment C and Change Order No. 3 for Segment D. For Segment C, the contractor is requesting additional unit price work at the Bridgeville Pump Station and the Engineering Department is requesting to uncouple the work at the Heritage Shores**

**Segment D/  
CO No. 3**      **Pump Station. For Segment D, the contractor proposed a no-cost extension of the contract timeline by 180-days.**

**M 555 22**  
**Approve CO**  
**No. 1/  
WSUSD/  
Segment C**      **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract S19-29, Western Sussex Transmission Facilities Segment C, be approved, for a decrease to the contract of \$229,133.70.**

**Motion Adopted:      5 Yeas**

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

**M 556 22**  
**Approve CO**  
**No. 3/  
WSUSD/  
Segment D**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for Contract S19-29, Western Sussex Transmission Facilities Segment D, be approved, for a 180 day no-cost time extension to the contract.**

**Motion Adopted:      5 Yeas**

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

**Slaughter  
Beach      &  
North  
Ellendale  
Sewer  
Projects**      **Hans Medlarz, County Engineer presented Amendment No. 7 – Slaughter Beach Sewer Extension & North Ellendale Sewer Diversion Projects for Council’s consideration. The department is requesting approval of Amendment No. 7 in order for Davis, Bowen & Friedel to provide survey and engineering services.**

**M 557 22**  
**Approve**  
**Amendment**  
**No. 7**      **A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 7 to the 2019 Miscellaneous Engineering Base Agreement with Davis, Bowen & Friedel, be approved in the amount not to exceed \$1,475,500.00, for survey and engineering services associated with the Slaughter Beach Sewer Extension and North Ellendale Sewer Diversion projects, contingents upon DNREC concurrence.**

**Motion Adopted:      5 Yeas**

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

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

**Requests**  
**M 558 22**  
**DE Seaside**  
**Railroad**  
**Club**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$500 (\$250 from Mr. Hudson's Councilmanic Grant Account and \$250 from Mr. Rieley's Councilmanic Grant Account) to Delaware Seaside Railroad Club, Inc. for their Fall Children's Workshop and Annual Georgetown Holiday Train Display.

**Motion Adopted: 5 Yeas**

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

**M 559 22**  
**Bethany**  
**Beach**  
**Fenwick**  
**Island**  
**Chamber of**  
**Commerce**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500 (\$1,500 from Mr. Hudson's Councilmanic Grant Account) to Bethany Beach Fenwick Island Chamber of Commerce for their Shop Local extravaganza.

**Motion Adopted: 5 Yeas**

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

**M 560 22**  
**Sussex**  
**Technical**  
**High School**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to grant \$1,187.69 (\$1,187.69 from the Countywide Youth Grant Account) to Sussex Technical High School for their High School Junior Club Presentation in Grand Rapids.

**Motion Adopted: 5 Yeas**

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

**M 561 22**  
**Police Unity**  
**Tour**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$250 from Mr. Hudson's Councilmanic Grant Account, \$250 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Schaeffer's Councilmanic Grant Account) to Police Unity for their Police Unity Annual Bike Ride 2023.

**Motion Adopted: 5 Yeas**

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

**M 562 22**  
**William T.**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$5,000 (\$3,000 from Mr. Schaeffer's Councilmanic Grant Account, \$500 from Mrs. Green's Councilmanic Grant Account, \$500 from Mr. Rieley's



**Spoooner American Legion Post 17, Inc.** Councilmanic Grant Account, \$500 from Mr. Hudson's Councilmanic Grant Account and \$500 from Mr. Vincent's Councilmanic Grant Accounts) to William T. Spoooner American Legion Post 17, Inc. for their Pavilion Revitalization project.

**Motion Adopted:** 5 Yeas

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

**M 563 22 Clothing Our Kids** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$5,000 (\$2,500 from Mr. Rieley's Councilmanic Grant Account, \$500 from Mr. Vincent's Councilmanic Grant Account and \$2,000 from the Countywide Youth Grant Account) to Clothing Our Kids for their Clothe A Kid program.

**Motion Adopted:** 5 Yeas

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

**M 564 22 Western Sussex Chamber of Commerce** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,250 (\$1,000 from Mr. Vincent's Councilmanic Grant Account and \$250 from Mr. Schaeffer's Councilmanic Grant Account) to the Western Sussex Chamber of Commerce, Inc. for their Annual Christmas Parade.

**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 Zoning Ordinances** Mrs. Green reintroduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 25.327 ACRES, MORE OR LESS"

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 AND C-1 GENERAL COMMERCIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING

**Introduction  
of Proposed  
Zoning  
Ordinances  
(continued)**

**AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 61.39 ACRES, MORE OR LESS”**

**Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-5.00-153.00”**

**Council  
Member  
Comments**

**Mrs. Green commented about a meeting that was held at the Pine Haven Mobile Home Park yesterday to discuss water issues.**

**Mr. Hudson asked everyone to keep in mind that tomorrow is Pearl Harbor Day.**

**M 565 22  
Recess**

**At 11:20 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess until 1:30 p.m. Public Hearings.**

**Motion Adopted: 5 Yeas**

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

**M 566 22  
Reconvene**

**At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Recess to go back into Regular Session.**

**Motion Adopted: 5 Yeas**

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

**Rules**

**Public  
Hearing/  
CU2326**

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

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION “N” OF THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2766 (CONDITIONAL USE NO. 2201) RELATING TO THE SALE OF CAMPSITES WITHIN A CAMPGROUND/RV PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS” filed on behalf of Sun Leisure Point Resort, LLC (property lying on the south side of Dogwood Lane, approximately 305 feet south of Radie Kay Lane, approximately 0.29-mile northeast of Long Neck Road [Rt. 23]) (911 Address: 25491 Dogwood Lane, Millsboro) (Tax Parcels: 234-24.00-38.00 [portion of]) (F.K.A. Tax Parcels: 234-24.00-39.02 & 39.06)**

Public  
Hearing/  
CU2326  
(continued)

The Planning & Zoning Commission held a Public Hearing on the application on October 27, 2022, at which time the Planning & Zoning Commission recommended approval of the application for the reasons stated and subject to the recommended revised condition wording as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. David Hutt, Esq. with Morris James, spoke on behalf of the Application for Sun Leisure Point Resort, LLC, who is the owner and operator of Leisure Point Resort Community; that also present was Ms. Amy Eskridge who is the General Manager for the Leisure Point Resort Community; that the Leisure Point Resort Community is a combination manufactured home community, RV park and marina located off Long Neck Rd.; that no exhibit books were submitted into the record for the Application; that the Application request is for the limited purpose of requesting modification to Condition N; that Condition N was adopted by County Council through Ordinance No. 2766, being the approval of C/U 2201; that the subject portion of the property, is eight acres, located at the entrance of the community, off of Radie Kay Lane; that when the original Application was filed, there were two, four acre parcels which comprised the subject property; that the two previous four acre parcels were the subject of C/U 2201; that in January 2021 a public hearing was held before the Planning & Zoning Commission to request a Conditional Use to allow for 58 campsites as an extension of the existing campground the existed as part of Leisure Point Resort; that at the original public hearing, he did propose Findings of Fact and Conditions of Approval; that as part of the Conditions of Approval, Condition No. 15 stated there shall be no sale of campsites; that in February 2021 the Commission issued their recommendations of approval with conditions A through R; that Condition N modified what had been proposed by the Applicant, adding to it, language which stated no sales of campsite or camping units, including park models, RVs, travel trailers, or cabins; that in March 2021 the Application moved to County Council; that during the County Council meeting before the public hearing, he requested a revision to Condition N, allowing the Condition to state that there shall be no sales of campsites; that he read his statement, made during the public hearing before County Council, from the approved meeting minutes of March 2, 2021, which stated that Sun Leisure does sell RVs; that these RVs are on a campsite and there is no separate show room area; that this request is made so that the expansion site will be consistent with the existing site; that County Council did not have any opposition to the proposed revision to the conditions; that during the original application, there was opposition to the overall Application request for the expansion of the campground; that at the time of the public hearing, County Council did defer making a decision; that when County Council did act on the Application, the requested amendment was seemed to be forgotten; that at the County Council meeting in March 2021, the short title was read into the record, a motion was read to approve the Application and

Public  
Hearing/  
CU2326  
(continued)

the motion was immediately adopted without any discussion to the requested proposed amendment to Condition N; that the current Application request, is the same as the previous request to amend Condition N; that the current request is to propose Condition N to read that there shall be no sale of campsites; that the request is made for multiple reasons; that the proposed language is consistent with §115-172 which provide for special requirements which exist for certain types of Conditional Uses; that a campground is a Conditional Use which has special requirements; that Subsection H and Subsection 4 reference campsites within a campground; that the last sentence of §115-172(H)(4) states that no site shall be offered for sale or sold; that the condition proposed by the Applicant was consistent with the Code; that the proposed condition is also consistent with the practice of the existing community; that the existing Leisure Point Resort community, was developed in the 1960s through today; that the community was originally developed by the Harrison family; that the community was subsequently purchased and developed by Sun Leisure Point Resort, LLC; that the current community consists of 211 manufactured homesites, 317 RV sites and 305 boat slips in the marina; that for RVs in the existing portion of Leisure Point, the community acts as the broker for those sales; that this practice has been conducted from the 1960s until current times; that, in a typical year, there are 15 to 20 of sales brokered through the community; that the RV sales are for RVs located on individual sites within Leisure Point Resort; that this indicated there is not a separate showroom or display area onsite; that there is no intention to become an RV dealership; that since that time, the site plan as received all agency approvals, receiving final approval by staff in September 2021, and recorded; that the Sussex County Engineering Department did submit comments in relation to the current Application; that he feels the Engineering Department may have misunderstood the Application request; that with the Engineering comments it mentions addressing the “Leisure Point Condition N removal request”; that the current Application is not a request to remove Condition N, but rather to amend Condition N to remove a portion of the current language; that the language used by the Engineering Department, was that which can be found in the Code, except with the additional language and cabin sat the end; that there is no definition within the Code for cabins; that to avoid confusion, he requested the word, cabin, not be included in the condition; that; that the Engineering Department also provided comments regarding the disconnection of sewer attachments from RVs, which are not hard piped to the County sewer system and clipping the sewer connections closed during storm events; that he questioned if the Engineering comments fell within the purview of that Application request; that Final Site Plan was recently approved; that construction is about to begin; that if there is a construction requirement and Applicant is happy to work with the Engineering Department to comply; that there were some oppositions received in reference to this Application; that their complaints related to the 58 campsites themselves rather than the selling of RVs from those campsites; that it is not being requested to add any additional campsites or display areas.

**There were no public comments.**

**Public  
Hearing/  
CU2326  
(continued)**

**The Public Hearing and public record were closed.**

**M 567 22  
Adopt  
Ordinance  
No. 2896  
/CU 2326**

**A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt Ordinance No. 2896 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION “N” OF THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2766 (CONDITIONAL USE NO. 2201) RELATING TO THE SALE OF CAMPSITES WITHIN A CAMPGROUND/RV PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS” based on the evidence presented during the Planning and Zoning hearing and Council hearing which would specifically strike the words or camping units, including park model RVs, travel trailers or cabins which would leave “There shall be no sales of campsites”.**

**Motion Adopted: 5 Yeas**

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

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to adjourn at 1:51 p.m.**

**M 568 22  
Adjourn**

**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.}*