

COUNTY COUNCIL



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

**SUSSEX COUNTY COUNCIL**

**AGENDA**

**January 7, 2025**

**1:00 P.M.\*\*\* - Swearing-In Ceremony**

**Regular Meeting to follow**

**AMENDED ON January 6, 2025 at 6:00 p.m. \*\*\***

**Call to Order**

**Approval of Agenda**

**Election of Council Officers**

**Council Member Appointments**

**Appointment of Legal Counsel**

**Adoption of Rules of Procedure**

**Approval of Minutes - December 10, 2024 & December 17, 2024**

[Draft Minutes 121024](#)

[Draft Minutes 121724](#)

**Reading of Correspondence**

**Public Comments**



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

## **Consent Agenda**

1. **Use of Existing Wastewater Agreement  
Delmarva Bioenergy Center, South Blades Area**  
[Consent Agenda Delmarva Bioenergy Center](#)

## **Todd Lawson, County Administrator**

1. **Administrator's Report**

## **Gina Jennings, Finance Director**

1. **Bank Accounts Resolutions**  
[Bank Resolution](#)

## **Robert Bryant, Airport Manager**

1. **Airport Advisory Committee Member Appointments**  
[Airport Advisory Committee](#)

## **Hans Medlarz, Project Engineer**

1. **Lochwood Sewer Expansion, Project S22-07**  
**A. Change Order 3**  
[Lochwood CO 3 CP](#)
2. **Joy Beach Sewer Expansion, Project S20-12**  
**A. Change Order 3**  
[Joy Beach Change Order 3 CP](#)

## **Grant Requests**

1. **Frankford Public Library for safety doors for their meeting room**  
[Frankford Public Library](#)
2. **Bethany-Fenwick Area Chamber of Commerce their 2025 Fire & Ice Festival**  
[Bethany-Fenwick Chamber of Commerce](#)

## **Introduction of Proposed Zoning Ordinances**

[CU2519 CZ2017 CU2462 CU2489](#)

## **Council Members' Comments**

## **Executive Session - Land Acquisition pursuant to 29 Del.C.§10004(b)**

## **Possible action on Executive Session Items**

**1:30 p.m. Public Hearings**

1. **[Change of Zone No. 2020 filed on behalf of Samuel Petersheim](#)**

**“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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.86 ACRES, MORE OR LESS” (property lying on the west side of Sussex Highway [Rt. 13], and on the east side of Gordy Road [S.C.R. 70] approximately 150 feet north of the intersection of Sussex Highway [Rt. 13] and Gordy Road [S.C.R. 70]) (911 Address: N/A) (Tax Map Parcel: 332-1.00-67.03)**

**[Public Hearing CZ 2020](#)**

**Adjourn**

**\*\*\* The start time was changed from 10:00 a.m. to 1:00 p.m. because of the severe snowstorm and the need to allow additional time for plows to clear the roads for those who are required or wish to attend.**

**-MEETING DETAILS-**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 31, 2024 at 4:15 p.m. and at least seven (7) days in advance of the meeting.**

**This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.**

**Agenda items may be considered out of sequence.**

**The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.**

**The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.****

**Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.**

**To join the meeting via telephone, please dial:**

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

**Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.**

**The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.**

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 10, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 10, 2024, at 9:00 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 603 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**

**Public interviews were held for Board of Assessment Review candidates.**

**Minutes**

**The minutes of the November 19, 2024, meeting were approved by consent.**

**Correspondence**

**Mr. Moore reported that letters were received Read Aloud Delaware, Selbyville Historical Society, Down Syndrome Association of Delaware, Shoes That Fit, Southern Delaware Therapeutic Riding and Delaware Foundation of Reaching Citizens thanking Council for their support.**

**Public  
Comments**

**Ms. Monique Jones spoke about support that her sorority can offer the Council.**

**M 604 24  
Approve  
Consent  
Agenda**

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

**Use of Existing Wastewater Infrastructure Agreement – IUA 1190  
Millville by the Sea (West Villages A-1 & C-1), Millville Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA 1252  
Woods at Angola Beach, Angola Neck Area**

**M 604 24**  
**Approve**  
**Consent**  
**Agenda**  
**(continued)**

**Use of Existing Wastewater Infrastructure Agreement**  
**Delaware Electric Cooperative, South Greenwood Area**

**Motion Adopted: 5 Yeas**

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

**Recognition**

**Mr. Lawson recognized staff and contractors who received the Associated Builders & Contractors Award.**

**Appoint-  
ment**

**Mr. Lawson reported that a reappointment was needed for Mr. Scott Edmonston for the Board of Adjustments and Appeals.**

**M 605 24**  
**Approve**  
**Board of**  
**Adjustments**  
**& Appeal**  
**Board**  
**Appoint-  
ment**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved that Sussex County reappoints Mr. Scott Edmonston to the Sussex County Board of Adjustments & Appeals effective immediately for a term of four years or until June 2028.**

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

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

**Adminis-  
trator's  
Report**

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

**1. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Highlands of Peppers Creek – Phase 1 (Construction Record) effective November 14<sup>th</sup>; Welches Pond (FKA Fieldstone – The Grove at Love Creek) Phase - 5 (Construction Record) effective November 19<sup>th</sup>; Millville by the Sea – Seagull Village (FKA Millville by the Sea Village 2) – Phase 3 effective November 21<sup>st</sup>; Long Neck Community Bank – effective November 25<sup>th</sup>; and Newdale Acres – Phase 1 (Construction Record) effective November 25<sup>th</sup>.**

**2. Glenn Barrentine, Sr.**

**It is with great sadness that we inform you that County Pensioner, Glenn Barrentine, Sr., passed away on Saturday, November 16, 2024. Mr. Barrentine began his career with Sussex County in August 1975 where he worked until January 1991 for a total of 16 years of service.**

**Administrator's Report (continued)**

**His last position with the County was Delivery Service Driver with the Department of Libraries. We would like to extend our condolences to the Barrentine family.**

**3. Patricia "Pat" Brown**

**It is with great sadness that we inform you that County Pensioner, Patricia "Pat" Brown passed away on Sunday, November 17, 2024. Ms. Brown began her career with Sussex County in July 1993 where she worked until November 2014 for a total of 21 years of service. Her last position with the County was Assistant Library Director at the Greenwood Library. We would like to extend our condolences to the Brown family.**

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

**Piney Neck Recommendation**

**Mike Harmer, County Engineer presented a recommendation for award and approval of Phase I service costs for Piney Neck Regional wastewater facility for Council's consideration.**

**M 606 24  
Approve  
Piney Neck  
Phase 1  
Service  
Costs**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved upon the recommendation of the Engineering recommendation committee that Sussex County Council approves the selection of Garney Companies, Inc. and GHD, Inc. to provide engineering and construction services for project S20-31, Piney Neck Regional Wastewater Facility Diversion Transmission System and to approve a design build agreement along with a phase 1 proposal based on hourly pricing not to exceed \$2,000,000.00.**

**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/ Estuary Phase 6**

**John Ashman, Director of Utility Planning & Review presented a permission to prepare and post notices for Estuary Phase 6 (Showell Farm). Mr. Ashman reported that the engineering department received a request from GMB, LLC on behalf of their client, CB Land, LLC owners/developers of parcels 134-19.00-112.00, 112.01 & 112.04, adjacent to the existing Miller Creek Area of the Sussex County Unified Sanitary Sewer District. Parcels are located along Camp Barnes Road, the project is proposed for 45 single family lots. The project will be responsible for system connection charges per EDU based on current rates.**

**M 607 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved by**  
**Approve**      **Sussex County Council that the Sussex County Engineering Department is**  
**Permission**      **authorized to prepare and post notices for the Estuary Phase 6 expansion of**  
**to Prepare &**      **the Sussex County Unified Sanitary Sewer District to include parcels 134-**  
**Post Notices/**      **19.00-112.00, 112.01 & 112.04 as presented.**  
**Estuary**

**Phase 6**      **Motion Adopted:      5 Yeas**

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

**Permission**      **John Ashman, Director of Utility Planning & Review presented a permission**  
**to Prepare &**      **to prepare and post notices for Delmarva Land Company. The Engineering**  
**Post Notices/**      **Department received a request from Delmarva Land Company**  
**Delmarva**      **owners/developers of parcels 433-11.00-17.00 & 17.01, adjacent to the**  
**Land**      **existing Dagsboro/Frankford area of the Sussex County Unified Sanitary**  
**Company**      **Sewer District. Parcels are located along Delaware Avenue and Dupont**  
      **Boulevard, and the request is to allow them to extend central sewer service**  
      **to the existing facilities on the parcel. The project will be responsible for**  
      **system connection charges per EDU based on current rates.**

**M 608 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved by**  
**Approve**      **Sussex County Council that the Sussex County Engineering Department is**  
**Permission**      **authorized to prepare and post notices for the Delmarva Land expansion of**  
**to Prepare &**      **the Sussex County Unified Sanitary Sewer District to include parcels 433-**  
**Post Notices/**      **11.00-17.00 & 17.01 as presented.**  
**Delmarva**

**Land**      **Motion Adopted:      5 Yeas**  
**Company**

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

**Permission**      **John Ashman, Director of Utility Planning & Design Review presented a**  
**to Prepare &**      **permission to prepare and post notices for Bay Oak Community. This**  
**Post Notices/**      **includes all parcels within the Bay Oak Subdivision except parcels 234-12.00-**  
**Bay      Oak**      **210.00, 211.00, 212.00 & 213.00 which have been previously annexed and**  
**Community**      **served with a service connection. The Engineering Department has received**  
      **a request from the Board of Directors of the Bay Oaks Homeowners**  
      **Association requesting to have their development put on the County's list for**  
      **central sewer service.**

**M 609 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved by**  
**Approve**      **Sussex County Council that the Sussex County Engineering Department is**  
**Permission**      **authorized to prepare and post notices for the Bay Oak expansion of the**  
**to Prepare &**      **Sussex County Unified Sanitary Sewer District no already in the sewer**  
**Post Notices/**      **district as presented.**



**Bay Oak Community**      **Motion Adopted:      5 Yeas**

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

**Pintail Pointe CO**      **Hans Medlarz, Project Engineer presented change order no. 1 for Pintail Pointe for Council’s consideration.**

**M 610 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved**  
**Approve CO**      **based upon the recommendation of the Sussex County Engineering**  
**No. 1/Pintail**      **Department, that change order no. 1 for contract S21-16, Pintail Pointe, be**  
**Pointe**      **approved, increasing the contract amount by \$81,010.00 and increasing the**  
      **contract time by 126 calendar days, contingent upon SRF concurrence.**

**Motion Adopted:      5 Yeas**

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

**Artesian WW Agreement**      **Hans Medlarz, Project Engineer presented a request for approval for a consolidated wastewater services agreement with Artesian for Council’s consideration.**

**M 611 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved**  
**Approve**      **upon the recommendation of the Sussex County Engineering and Finance**  
**Artesian**      **Departments, that County Council approve the Artesian consolidated bulk**  
**WW**      **wastewater agreement, as presented.**  
**Agreement**

**Motion Adopted:      5 Yeas**

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

**SC WRF**      **Hans Medlarz, Project Engineer presented change order no. 35 and change**  
**Change**      **orders nos. 36.1 and 36.2 for South Coastal WRF treatment process upgrade**  
**Orders**      **and Rehoboth Beach WTP capital improvement project for Council’s**  
      **consideration.**

**M 612 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved**  
**Approve**      **based upon the recommendation of the Sussex County Engineering**  
**CO No. 36.1**      **Department, that balancing change order nos. 36.1 and 36.2 for contract C19-**  
**& 36.2**      **11, South Coastal RWF treatment process upgrade no. 3 & Rehoboth Beach**  
      **WTP capital improvement program – general construction, be approved,**  
      **increasing the contract by \$1,048,615.73 and \$190,933.32 respectively.**

**Motion Adopted: 5 Yeas**

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

**M 613 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  
**IB-001** Department, that change order no. IB-001 for the Inland Bays phase 2  
project, be approved in the amount of \$3,471,541.57, including previously  
approved change order no. 35.

**Motion Adopted: 5 Yeas**

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

**M 614 24** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved  
**Approve** based upon the recommendation of the Sussex County Engineering  
**Substantial** Department, that contract C19-11, South Coastal RWF treatment process  
**Completion** upgrade no. 3 & Rehoboth Beach WTP capital improvement program –  
general construction, be granted substantial completion as of December 31,  
2024.

**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 615 24** A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,100  
**Southern** (\$1,100 from Mrs. Green's Councilmanic Grant Account) to Southern  
**Delaware** Delaware Therapeutic and Recreational Horseback Riding Inc. for their  
Equine project for Veterans.

**Motion Adopted: 5 Yeas**

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

**M 616 24** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$4,000  
**Tether** (\$1,500 from Countywide Youth Grant Account, \$500 from Mr. Hudson's  
**Foundation** Councilmanic Grant Account, \$500 from Mr. Vincent's Councilmanic Grant

**Account and \$1,500 from Mr. Rieley's Councilmanic Grant Account) to Tether Foundation for their camp abilities Delaware 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 617 24** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$5,000  
**Sussex** (\$5,000 from Mr. Schaeffer's Councilmanic Grant Account) to Sussex  
**County** County Rotary Can-Do Playground, Inc. for their can-do playground at  
**Rotary Can-** Hudson Park.  
**Do**

**Playground,** Motion Adopted: 5 Yeas  
**Inc.**

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

**M 618 24** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$5,000  
**Children's** (\$2,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Mr.  
**Beach House** Hudson's Councilmanic Grant Account, \$1,000 from Mrs. Green's  
Councilmanic Grant Account and \$1,000 from Mr. Rieley's Councilmanic  
Grant Account) to Children's Beach House, Inc. for out of school time  
support.

**Motion Adopted: 5 Yeas**

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

**M 619 24** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$5,000  
**Greater** (\$2,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Mr.  
**Lewes** Hudson's Councilmanic Grant Account, \$500 from Mr. Vincent's  
**Foundation** Councilmanic Grant Account, \$500 from Mrs. Green's Councilmanic Grant  
Account and \$1,000 from Mr. Rieley's Councilmanic Grant Account) to  
Greater Lewes Foundation for their 4<sup>th</sup> annual rally for our first responder's  
event.

**Motion Adopted: 5 Yeas**

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

**M 620 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$5,000**  
**CAMP**            **(\$5,000 from Mr. Schaeffer's Councilmanic Grant Account) to CAMP**  
**Rehoboth**       **Rehoboth for their health and wellness in the community effort.**

**Motion Adopted:      5 Yeas**

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

**M 621 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$4,000**  
**Sussex**            **(\$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$1,000 from Mr.**  
**County**            **Rieley's Councilmanic Grant Account, \$1,000 from Mrs. Green's**  
**Land**               **Councilmanic Grant Account, \$500 from Mr. Vincent's Councilmanic Grant**  
**Foundation,**      **Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to**  
**Inc.**               **Sussex County Land Foundation, Inc. for their dogfish dash sponsorship.**

**Motion Adopted:      5 Yeas**

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

**M 622 24**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**  
**Town      of**      **(\$2,000 from Mr. Vincent's Councilmanic Grant Account) to the Town of**  
**Laurel**            **Laurel for their 4<sup>th</sup> of July fireworks 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 623 24**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000**  
**Slaughter**            **(\$2,000 from Mrs. Green's Councilmanic Grant Account) to Slaughter Neck**  
**Neck**               **Community Action Organization for their senior center.**  
**Community**

**Action**  
**Organiza-**  
**tion**

**Motion Adopted:      5 Yeas**

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

**M 624 24**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,100**  
**New**               **(\$1,100 from Mrs. Green's Councilmanic Grant Account) to New Coverdale**  
**Coverdale**       **Outreach Mission, Inc. for their thanksgiving project.**  
**Outreach**

**Mission, 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 625 24 Kim and Evans Foundation** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$500 (\$500 from Mr. Vincent’s Councilmanic Grant Account) to Kim and Evans Foundation, Inc. for their paint the town red celebration and dance event.

**Motion Adopted: 5 Yeas**

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

**M 626 24 Community Resource Center** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$4,000 (\$4,000 from Mr. Schaeffer’s Councilmanic Grant Account) to Community Resource Center, Inc. for their safe harbor day shelter.

**Motion Adopted: 5 Yeas**

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

**M 627 24 Eastern AFRAM festival** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$750.00 (\$750.00 from Mr. Vincent’s Councilmanic Grant Account) to Eastern AFRAM Festival and Dr. King celebration.

**Motion Adopted: 5 Yeas**

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

**M 628 24 Seaford Historical Society** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$2,000 (\$2,000 from Mr. Vincent’s Councilmanic Grant Account) to Seaford Historical Society for their milestone & grinding stones signage.

**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/** A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,631,363 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN

**Briarwood  
Estates**

**CONNECTION WITH BRIARWOOD ESTATES PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Paul Mauser, Assistant County Engineer provided a brief background of the project.**

**There were no public comments.**

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

**M 629 24  
Adopt  
Ordinance  
No. 3059/  
Briarwood  
Estates**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3059 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”.**

**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/  
Winding  
Creek  
Village**

**A Public Hearing was held on 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”.**

**Paul Mauser, Assistant County Engineer provided a brief background of the project.**

**There were no public comments.**

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

**M 630 24  
Adopt  
Ordinance  
No. 3060/  
Winding  
Creek  
Village**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 3060 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”.**

**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/  
Proposed  
Ordinance/  
Lodging Tax**

**A Public Hearing was held on 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”.**

**Gina Jennings, Finance Director provided background information of the action taken by the State.**

**Mr. Moore read a letter into the record that was received from the Sussex County Association of Realtors.**

**Public comments were heard.**

**Mr. Tim Abbott and Mrs. Myrna Abbott spoke about the Proposed Ordinance. Mrs. Abbott stated that they have a seasonal rental in Fenwick Island, DE. Most of their rentals are done through them and they are only charge for the rent and the cleaning. In the past, they have benefited from having a rental in Delaware rather than Maryland. They have tried to keep their rates low so that middle class for their vacation. They have many tenants that return year to year. The people that use these rentals do not put an added burden on our schools and communities as those who live in the development being created.**

**Mr. Joe Sterner spoke about the Proposed Ordinance. He is a business owner and is subject to the County’s three percent rental tax. He requested that the Council vote yes for the lodging tax on short term rentals.**

**Mr. Carl Frampton spoke about the Proposed Ordinance. He is a full-time realtor and manages his family rentals. He believes that adding another three percent will affect the people that will come to the area. He believes that this will affect other small local businesses.**

**Mr. John Yost spoke about the Proposed Ordinance. He has a three-bedroom house on the bay and many people come back each year. Within the last year to 18-months, he has seen a decrease in rentals due to the economy. He would like to see Milton continue to grow and requested that the Council vote no.**

**Ms. Rodriguez spoke about the Proposed Ordinance via telephone. She has a rental that she rents in the summertime. She asked that the impact of the Proposed Ordinance be considered.**

**Mrs. Jennings showed a slide outlining what other municipalities are charging, the state's rate and the total that will be charged.**

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

**M 631 24** A Motion was made by Mr. Schaeffer to defer action on a Proposed  
**Defer** Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103,  
**Action/** ARTICLE VI ("LODGING TAX") OF THE CODE OF SUSSEX COUNTY  
**Lodging Tax** TO INCLUDE THE IMPOSITION OF A LODGING TAX OF THREE  
**Ordinance/** PERCENT (3%) OF THE RENT FOR SHORT-TERM RENTALS IN THE  
**NO** UNINCORPORATED AREAS OF SUSSEX COUNTY IN ACCORDANCE  
**SECOND** WITH 9 DEL. C. § 8112(c) AND 30 DEL. C. § 6201".

**The Motion did not move forward due to no second.**

**The gavel was given to Mr. Rieley.**

**M 632 24** A Motion was made by Mr. Vincent, seconded by Mr. Hudson to approve a  
**Approve** Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER  
**Lodging Tax** 103, ARTICLE VI ("LODGING TAX") OF THE CODE OF SUSSEX  
**Ordinance/** COUNTY TO INCLUDE THE IMPOSITION OF A LODGING TAX OF  
**DENIED** 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".

**Motion DENIED: 3 Nays, 2 Yeas**

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

**The gavel was given back to Mr. Vincent.**

**Public** A Public Hearing was held on a Proposed Ordinance entitled "AN  
**Hearing/** ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9,  
**Ordinance** "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR  
**No. 24-05/** DISAPPROVAL" OF THE CODE OF SUSSEX COUNTY REGARDING  
**Subdivision** DESIGN CRITERIA FOR ALL SUBDIVISIONS".  
**Criteria**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the Ordinance at its meeting of November 13, 2024. At the meeting of December 4, 2024, the Planning & Zoning Commission recommended the adoption of the Ordinance, for the six reasons as outlined.**

**Vince Robertson, Assistant County Attorney spoke on the Ordinance; that the word "considered" was something that was looked at; that it was not clear**



**Public  
Hearing/  
Ordinance  
No. 24-05/  
Subdivision  
Criteria  
(continued)**

**of the meaning and no guidance; that there are a lot of word smithing; that the first change is located in the first paragraph; that it was changed to read “an applicant for approval of a preliminary plat shall provide the following criteria are satisfied and the manner in which each one is satisfied through the design of the preliminary plat”; that several of the changes are editorial; that in number two, it was referenced to be sure that compliance was done with the Resource Buffer Ordinance requirements; that in number three, text was added for clarification; that Planning & Zoning recommended deletion of the fifth item and sixth item; that they were duplication and there is other language relating to them in the Code; that eleven discussed groundwater levels and was made specific to groundwater; that with the other language, it will have to be shown how the runoff is being managed; that number 14 was changed to include that the local school district is notified of the proposed subdivision and where it will be located; that number 16 was updated to include language from the MOU that the County has with DelDOT.**

**Public comments were heard.**

**The Council found that Mr. Jon Horner, Esq. on behalf of the Homebuilders Association of Delaware stated that they are in support; that a goal of any zoning Ordinance should be to set clear guidelines so that compliance can be easily obtained; that if it is not clear, it has a risk of being overturned in court; that he questioned item no. 3 and what it meant; that he questioned how attorneys and engineers would design a site plan; that there are DNREC rules and questioned why they were set rules for the County to review when those are in place; that there are set standard in pollution of surface and groundwater; that it should be a primary goal to set this Ordinance to be able to be complied with; that he believes this is a step in the right direction to add some clarity; that these factors need to be more objective; that there needs to be a degree of satisfaction.**

**The Council found that Mr. Rich Borasso spoke on behalf of the Sussex Preservation Coalition; that he discussed Chapter 99 and the purpose; that there are references to the Comprehensive Plan which he explained; that Section 99-9C is too vague to give clear direction; that the 17 items speak to the what; that the entire Chapter 99 speaks to the how; that the proposed amendments fall short of addressing vague and nonspecific language in the subchapters of 99; that he questioned the rush to pass something that he believes is insufficient in addressing the real issue; that many of the proposed changes were word flipping; that he provided a handout of their recommendations; that a list of definitions was given to support the needed changes in the appropriate subchapters.**

**The Council found that Mr. Steve Sinclair spoke about the Proposed Ordinance; that some word changes have been provided by the Sussex Preservation Coalition; that he presented recommended language which was presented during the Planning & Zoning Commission public hearing; that**

**Public  
Hearing/  
Ordinance  
No. 24-05/  
Subdivision  
Criteria  
(continued)**

**they believe that demonstrate is a better word to use rather than satisfied; that he believes that better landscaping needs to be done in developments.**

**The Council found that Mr. Rich Borasso stated that he believes that it is time with the growth that has taken place in Sussex County to take a look at how schools, institutions and public buildings are considered as it relates to the impact that a subdivision will make; that the impact on the schools should be considered; that he discussed the current MOU and the Henlopen Transportation agreement; that they recommend to defer action.**

**The Council found that Ms. Jill Hicks spoke about the Proposed Ordinance; that she believes that this should be deferred; that she believes that the public should have access and be able to comment.**

**The Council found that Mr. Jeff Semmons spoke about the Proposed Ordinance; that he has been following the items discussed in the Council's workshop; that this affects every residential subdivision greater than 5 lots and commercial development; that this will amend will shall be requirement on every plat; that he discussed items that this will affect; that he questioned the rush; that some of the proposed changes are too vague; that he requested that the pause button be hit and to allow more time.**

**The Council found that Michelle Koenig, Director of Conservation and Watershed from the Inland Bays spoke about the Proposed Ordinance; that they applaud for the work on the Ordinances; that she believes that this is not clearing things up; that the timeline is not working; that this is too important to rush; that she has three recommendations to provide; that she requested that sea level rise and flood risks be taken into consideration.**

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

**M 633 24  
Approve PZ  
Amend-  
ments**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to approve the amendments that were made by Planning & Zoning Commission as follows:**

- a. At Line 47 and 48, replace the word "satisfied" with "incorporated and addressed in the plat" in the first instance, and "incorporated and addressed" in the second instance. There were concerns stated that some of the items in Section 99-9C are too general to be clearly "satisfied", so a requirement showing where and how they are addressed in a plat more clearly achieves the intended purpose of this ordinance amendment.**
- b. At Line 60, insert "and vegetation and soil removal" after the words "forest fragmentation". This adds the need to address the minimization of vegetation and soil removal in an appropriate location with other similar criteria. In this same Item at Line 61, replace the term "included" with "shall be provided with" regarding the forest assessment, since the forest assessment is a separate document from the preliminary plat.**

**M 633 24**  
**Approve PZ**  
**Amend-**  
**ments**  
**(continued)**

- c. At Lines 68 through 70, delete this Item #5 in its entirety since it is incorporated into #3 with the changes referenced above in Item B of this motion. Renumber the rest of the items in Section 99-9C accordingly.
- d. At Lines 72 through 74, delete this Item #6 in its entirety since the screening of objectionable features is already addressed through the County's recent update to the perimeter buffer requirements. Renumber the rest of the items in Section 99-9C accordingly.
- e. At Line 93, insert the word "anticipated" so that it states that the anticipated methods of dealing with groundwater levels and recharge are provided. This eliminates the requirement that these measures must be fully designed prior to the approval of a subdivision, which is not feasible in every instance.
- f. At Lines 93 and 94, again regarding groundwater and stormwater, delete the words "there will not be increased rates of runoff or increased risk of flooding onto adjoining properties" and replace it with "adjacent properties will not be adversely affected by flooding or runoff". This more accurately reflects the legal requirements for handling stormwater.
- g. At Line 104, add the phrase "or tree farming" so that tree farming is clearly included in the reference to active farmland.
- h. At Line 109, replace the phrase "consulted with" with the word "notified".
- i. At Lines 125 through 126, delete this Item 18 in its entirety regarding the effect of the subdivision on area waterways since this is already addressed through the recently enacted Resource and Resource Buffer requirements. Renumber the rest of the items in Section 99-9C accordingly.
- j. At Line 129, insert the phrase "where appropriate" after the phrase "with interconnectivity" so that interconnectivity is always considered as part of a subdivision's design and possible approval.

**Motion Adopted: 5 Yeas**

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

**M 634 24**  
**Amend Item**  
**No. 10**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, for Item No. 10 at line 88-89 to delete "That erosion and sedimentation is minimized, and the methods of minimization are adequately identified" and replace that with "That the anticipated method of minimization of erosion and sedimentation are adequately identified".**

**Motion Adopted: 4 Yeas, 1 Nay**

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

**Mr. Vincent, Yea**

**M 635 24**  
**Adopt**  
**Ordinance**  
**No. 3061/**  
**Subdivision**  
**Design**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3061 entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS” as amended by this Council.

**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/**  
**Ord. No. 24-**  
**06/**  
**Open Space**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE”.

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the Ordinance at its meeting of November 13, 2024. At the meeting of December 4, 2024, the Planning & Zoning Commission recommended the adoption of the Ordinance, for the five reasons as outlined.**

**Mr. Whitehouse reported that it is a 8-page ordinance, open space is actually defined in two places, and much of the length of the current ordinance is to address that in both places; that what the ordinance seeks to do, primarily, is to change the definition of open space; that he highlighted to summarize Lines 55-83 some of the main changes; that the first section lists the uses that are included in the definition of open space; that play areas still continue to be included in the definition of open space, but playgrounds and tot lots are not included in the definition of open space, and that specifically because the difference between play areas and playgrounds and tot lots is that they're improved, they have buildings and structures which reduces their openness; that its contrary to the very goal of what open space is; that this section also seeks to do is change references, previous references or existing references to tidal and non-tidal wetlands and renames them to resources, which aligns with the resource buffer ordinances and the changes in definitions in code that have already been adopted by County Council; that it removes sidewalks from the definition and removes spray irrigation areas; that the next section lines 86 to 105 lists the uses that are not included**

**Public  
Hearing/  
Ord. No. 24-  
06/  
Open Space  
(continued)**

**in the definition of open space; that it expands the list of uses that are not included and now explicitly excluded will be clubhouses, community buildings, recreational facilities including swimming pools, game courts, tot lots, playgrounds, pavilions and other similar facilities such as patios and impervious recreational community facilities that are now specifically excluded; that with the previous definition that the focus and intent is on physical man-made improvements and structures that by definition are not open; that also excluded final lines 104 to 105 in the proposed revisions are medians, boulevards, parking islands and other often narrow and unusable strips of land that are being excluded; that we've seen cases and examples where large areas of thin, narrow strips of land are included in the open space definition, and cumulatively that can be a large area of land that's not significantly usable; that there are 99 subdivisions that have been through the Planning and Zoning Commission and various states have approval of implementation and we have Brentwood and we have a states of Bridgewater and Tower Hill and North Star and that is an application that is currently pending, but it has a subdivision element that we wanted to look at due to its size; that if you look at the table, we plotted the open space in acres and then we looked at the percentage of the overall site that open space acreage reflects; then what we calculated, went into the drawings and measured the amenity area within those subdivisions and we subtracted it from the total amount; that if you look at Brentwood the total number of acres, there's over 100 acres of open space in that development representing approximately 60.1% of open space of the overall site; that the amenity came up as 2.17 acres which we subtracted, down to 98.45 acres and it reduced the overall percentage from 69% to 67.7%; that we wanted to replicate this across other subdivisions because there's a drop in open space associated with the changing the definition but, it was not mathematically significant; that another example was a development on Robinsonville Road formally known as Coal Lakes, chosen because of its size; that it has 77.90 acres of open space representing 50% of the site, we looked at the amenities and calculated all the area and amenities, including sports courts, a dog park, a trail system, amenities, clubhouse, and pool, and totaled all of it, as 3.302 acres, which would, if that was not counted in the definition of open space, that would reduce it down to 74.618 acres, which overall reduced the open space percentage from 50% down to 48.98%, which we wanted to show was not significant mathematically and it wouldn't put the development below the minimum requirement as outlined in the subdivision code; that the ordinance in Lines 220 to 221 for multifamily and townhouse developments, the ordinance adds greater precision as to how open space is to be calculated, and historically, the Council has seen site plans where the footprint of a multifamily building is shown and then for the purposes of open space, then for calculation of open space, it's as if you step out of the back door of a townhouse and then you're in open space, which is not how open space is practically experienced by those living in the dwellings; that the ordinance seeks to do is add greater precision and it removes the land area, within an area that's 40 feet from the front, 10 feet from the side and 10**

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06/  
Open Space  
(continued)**

feet from the rear of any multifamily or townhouse, it specifies that there is a rectangular area around that.

Mr. Robertson stated that the Commission made an exception where the Proposed Ordinance includes an exception for moderately priced housing units and affordably priced rental units under Chapter 72; that they worked with the County's Housing Department to include any other affordable housing program.

Public comments were heard.

The Council found that Mr. Steve Sinclair spoke on behalf of the Proposed Ordinance; that open space is filled with all sorts of things; that in the past, open space has been primarily set aside for people to enjoy and recreation; that he believes that there is an opportunity to protect natural resources; that the Sussex Preservation Coalition believes that this is a step in the right direction; that the Coalition has provided recommendations for the Proposed Ordinance that he discussed and reviewed.

The Council found that Ms. Jill Hicks spoke about the Proposed Ordinance; that she reviewed developments in Sussex County and the open space in those developments; that she believes that contiguous needs to be better defined.

The Council found that Mr. Jon Horner, Esq. spoke on behalf of the Homebuilders Association; that they want to have a clear definition of open space; that we are in the middle of a housing crisis; that everything being proposed has the effect of reducing density; that we need to look at bulk standards and lot sizes; that his recommendation is to keep that in mind as we go forward; that these changes are impactful on small projects; that he believes that there is a place for these amenities in these communities.

The Council found that Mr. Jason Dean spoke about the Proposed Ordinance; that he did some quick calculations; that there are 15,000 acres of open space in Sussex County just in the state parks; that we have a choice to buy into this development or not.

The Council found that Ms. Michelle Koenig, Director of Conservation and Watershed from the Inland Bays spoke about the Proposed Ordinance; that they applaud the Ordinance; that they have a few recommended of changes which she discussed.

The Council found that Ms. Eul Lee spoke about the Proposed Ordinance; that she send one comment about this Ordinance; that it was about contiguous open space; that she discussed her reasons for her comments that were submitted.

The Public Hearing and public record were closed.

**M 636 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to accept the**  
**Approve PZ**      **amendments by the P&Z Commission as follows:**  
**Amend-**  
**ments**

- a. At Lines 50 and 51 and Lines 180 and 181 for both Chapter 99 and Chapter 115, the words “and undisturbed” should be inserted after the word “natural” so that this phrase in the definition of “Open Space” now states that it is intended to “maintain land in a predominantly undeveloped or natural and undisturbed state....”
- b. At Lines 66 and 67 and Lines 196 and 197, return the language to what currently exists regarding Resource Buffers and perimeter buffers since this was just recently updated through the Perimeter Buffer Ordinance and not reflected in the introduced Ordinance.
- c. At Lines 104 and 105 and at Lines 237 and 238 for both Chapter 99 and Chapter 115 regarding the exclusion of medians, boulevards, parking islands and similar structures, add “unless these areas are planted with trees no further than 30 feet from one another that have a minimum height of six feet above ground when planted and will obtain a minimum height of ten feet when fully grown.”
- d. Based upon testimony during the hearing that areas of land smaller than 21,780 can have an open space benefit for active or passive recreation, at Line 144 and 244, decrease the minimum open space area from 21,780 square feet to 10,000 square feet.
- e. Finally, to maximize the ability to construct affordable housing through the County’s codified programs, developments including Moderately Priced Housing Units and Affordably Priced Rental Units under Chapter 72 of the Sussex County Code should be excluded from certain open space calculations for multifamily dwellings in Chapter 115. Therefore, insert the phrase “With the exception of Moderately Priced Housing Units and Affordably Priced Rental Units under Chapter 72 herein or projects that will be truly “affordable” as part of an official HUD, DSHA, USDA or similarly recognized housing program,” at the beginning of Line 220 regarding the exclusion of the area around a multifamily dwelling from the open space calculation. Also, and for the same reason, insert “(with the exception of Moderately Priced Housing Units and Affordably Priced Rental Units under Chapter 72 herein or projects that will be truly “affordable” as part of an official HUD, DSHA, USDA or similarly recognized housing program)” at Line 240 after the phrase “residential land development”.

**Motion Adopted:      5 Yeas**

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

**M 637 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley that the**  
**Ordinance shall become effective six months from the date of adoption.**

**Approve  
Effective  
Date**

**Motion Adopted: 5 Yeas**

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

**M 638 24  
Adopt  
Ordinance  
No. 3062/  
Ord. No. 24-  
06**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3062 entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE” for the reasons given by Planning & Zoning and the amendments by this Council.**

**Motion Adopted: 5 Yeas**

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

**Intro. of  
Proposed  
Ordinances**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT REPAIR FACILITY WITH OUTDOOR BOAT AND RV STORAGE, A LANDSCAPE BUSINESS, AND A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.371 ACRES, MORE OR LESS” filed on behalf of Dick Ennis.**

**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 RECREATIONAL VEHICLE AND TENTING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.24 ACRES, MORE OR LESS” filed on behalf of Aron and Pamela Osterlund.**

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

**CM  
Comments**

**There were no Council Member comments.**

**M 639 24  
Go Into  
Executive  
Session**

**At 1:14 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session to discuss matters relating to personnel, land acquisition and pending & potential litigation.**



**Motion Adopted: 5 Yeas**

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

**Executive Session** At 1:22 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to personnel, land acquisition and pending & potential litigation. The Executive Session concluded at 1:49 p.m.

**M 640 24 Reconvene** At 1:53 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Executive Session 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**

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

**Rules** Mr. Moore read the rules of procedures for public hearings.

**Public Hearing/  
CU2457** 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 SMALL BUSINESS TO SERVICE GAS STATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.29 ACRES, MORE OR LESS” (property lying on the northeast side of Clendaniel Pond Road [Rt. 38] approximately 0.50 mile southeast of Greentop Road [S.C.R. 225]) (911 Address: 8913 Clendaniel Road, Lincoln) (Tax Parcel: 230-6.00-20.02) filed on behalf of JBM Petroleum Service, LLC.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on November 13, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 10 recommended conditions as outlined.

Mr. Dean Vincent, President of JBM Petroleum Service, LLC, spoke on behalf of himself that they have been in business for 12 years and have about 10 employees that build and service gas stations and fuel tanks, fuel pumps, and generators; that at their current property they store parts for the employees to come pick up before heading out for the day; that there is no fuel stored on the property and their employees take the vehicles home so

**Public  
Hearing/  
CU2457  
(continued)**

there isn't any vehicle storage being done; that their hours of operation are 7:30 a.m. - 4:00 p.m., but have 24hr service calls also; that they would like to have sign; that they live on the property and have the storage in the pole building next door to their home.

There were no public comments.

The Public Hearing and public record were closed.

**M 641 24  
Adopt  
Ordinance  
No. 3063/  
CU2457**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 3063 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL BUSINESS TO SERVICE GAS STATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.29 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. The property is located on a parcel of land that is also occupied by the owner of the Applicant company. The Applicant proposes a small business that constructs and services other businesses that use petroleum products. Most of this activity occurs off-site at the location where the construction or servicing happens. This will basically be the office for this business, with some limited on-site, inside storage.
2. The site is located within the Low Density Area according to the Sussex County Comprehensive Plan. This low-impact type of use is appropriate within this Area.
3. The property is zoned AR-1 Agricultural Residential. The use of the property for this limited, low-intensity business is generally consistent with the underlying agricultural zoning of the property.
4. The use will not adversely affect area roadways or neighboring properties.
5. This company provides a service to a wide variety of current and future Sussex County businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. There was no opposition to this application.
7. This recommendation is subject to the following conditions:
  - a. This use shall be limited to a business that performs off-site service work for gas stations and other businesses that use petroleum. It shall occur within the existing dwelling and the pole building that is located on the site.
  - b. No manufacturing shall occur on the site.
  - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - d. The hours of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday. There shall not be any Sunday

**M 641 24  
Adopt  
Ordinance  
No. 3063/  
CU2457  
(continued)**

- hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited emergency situations.
- e. The applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.
  - f. There shall not be any outside storage of materials.
  - g. Since this property also includes the Applicant's residence, the Final Site Plan shall clearly show the area where this business will be located on the property.
  - h. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and 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: 5 Yeas**

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

**Public  
Hearing/  
CU2490**

**A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" (property lying on the northeast side of Lincoln Street, and the south side of Jefferson Street [Rt. 1B], at the intersection of Lincoln Street and Jefferson Street within the Rehoboth Manor subdivision) (911 Address: 20455 Lincoln Street, Rehoboth Beach) (Tax Map No. 334-19.08-164.00) filed on behalf of Mason Hayes.**

**The Planning & Zoning Commission held a Public Hearing on the application on October 23, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the 12 reasons stated and subject to the 14 recommended conditions as outlined.**

**Mr. Hal Dukes, Esq., of Tunnel & Raysor, spoke on behalf of the applicant that this was an application to get a Conditional Use to allow for a 5-unit townhouse development; that the site is located across the street from the Rehoboth Beach construction and utility yard; that the request meets the Comprehensive Plan and neighborhood character for this area.**

**Ms. Anne Lynam, the applicant spoke on behalf of the application that there is a strong family history within the ownership; that her family has owned**

**Public  
Hearing/  
CU2490  
(continued)**

**multiple properties and businesses in Rehoboth Beach for close to 100 years and they are just trying to complete this project as her family has done in the past.**

**Mr. Mason Hayes, spoke on behalf of the application that they will be constructing the townhomes; that it is a family business; that they care about this area; that they have worked with the Planning & Zoning office; that they are building two-story, 5-unit townhomes; that parking has been taken into consideration; that they are 2.5 parking spots over the required limit; that all of the setbacks will be taken into consideration; that there are many projects like this in the area; that they have been in business for 44 years and never had any issues; that DelDOT report stated this would be minor related to traffic.**

**Public comments were heard.**

**Ms. Ester Lebegern spoke in opposition to the application; that the street have been quiet; that the neighbors look out for each other; that it is a lovely neighborhood to live in; that she has concerns with multiple homes being built that there will be constant noise; that she has concerns about the traffic.**

**Ms. Liza Hodskins spoke in opposition to the application; that the area is zoned for only 2 houses; that she has concerns about the people who signed the petition; that she believes that this does not fit the neighborhood character; that they are only single-family homes.**

**Mr. Shawn Dockery spoke remotely about the application; that he submitted a letter online with his concerns; that he believes that this will create a precedent for this type of development in their neighborhood; that stormwater management plan needs to be completed; that he believes that additional conditions needs to be given which he discussed.**

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

**M 642 24  
Adopt  
Ordinance  
No. 3064/  
CU2490**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 3064 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. The purpose of the GR zone is to provide for medium-density residential use, the property is contained within the Coastal area, with close proximity to Route 1 and several similar developments that have been approved and built in recent years.**

**M 642 24  
Adopt  
Ordinance  
No. 3064/  
CU2490  
(continued)**

- 2. The property is in an area with a more urban character, including a variety of single, multi-family, small and mid-sized businesses, commercial and office uses and higher-density residential development near Route 1 and close to this proposed development. This conditional use is consistent with other zoning and land uses in the area. Multi-family development is appropriate for this property.**
- 3. The proposed use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single-family homes, townhouses and multifamily units.**
- 4. In this case the purpose of the development is to provide 5 Townhome style residences which is similar to developments in the area.**
- 5. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing.**
- 6. This project is located in an area where the use is consistent with the existing and planned infrastructure.**
- 7. There are no wetlands located on the property.**
- 8. DelDOT has stated that the proposed multi-family conditional use will have a "minor" impact upon local area roadways.**
- 9. As part of the Final Site Plan approval process, the stormwater management design will be reviewed and approved by the Sussex Conservation District, ensuring that the drainage system will be adequately designed and constructed to protect adjoining developments.**
- 10. The proposed multi-family conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.**
- 11. There is no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.**
- 12. This recommendation is subject to the following conditions:**
  - a. There shall be no more than 5 units in the development.**
  - b. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.**
  - c. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.**

**M 642 24  
Adopt  
Ordinance  
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CU2490  
(continued)**

- d. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- e. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- f. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
- g. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 7:00 am and 2:00 pm on Saturdays from September 15 until May 15 of each year. No Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
- h. A 10-foot-wide forested buffer shall be installed along the eastern and southern sides of the development. This buffer area shall comply with the planning requirements for such a buffer as contained in Section 99-5 of the Sussex County Code.**
- i. Balconies and outdoor patios shall be designed such that they do not overlook neighboring residences.**
- j. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall include the “Limits of Disturbance” within the site and these “Limits of Disturbance” shall be clearly marked on the site itself.**
- k. All lighting on the site shall not exceed 18 feet in height and it shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- l. The trash receptacles shall be standard residential roll-out containers for each of the 5 units. They shall be stored in enclosed areas on the site.**
- m. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**

**M 642 24  
Adopt  
Ordinance  
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(continued)**

- n. The developer and then the condominium association or similar type of unified control shall be responsible for the perpetual maintenance of the project's stormwater management facilities, erosion and sedimentation control facilities, roadways and other common areas.
- o. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

**Motion Adopted: 5 Years**

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

**Public  
Hearing/  
CU2545**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "H" AND THE AMENDMENT/DELETION OF CONDITION "R" CONTAINED WITHIN CONDITIONAL USE NO. 2359 (ORDINANCE NO. 2964) REGARDING THE REQUIREMENTS FOR LANDSCAPING, AND FOR THE INSTALLATION OF GATES ON STOCKLEY BLVD BETWEEN THE GOVERNORS COMMUNITY AND THE PROPOSED COTTAGES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS" (property lying on the east side of Kings Highway [Rt. 9] and the south side of Gills Neck Road [S.C.R. 267] at the intersection of Kings Highway [Rt. 9] and Gills Neck Road [S.C.R. 267]) (911 Address: 16673 Kings Highway, Lewes) (Tax Parcel: 335-12.00-3.00 [p/o]) filed on behalf of J.G. Townsend Jr. & Co.

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on November 13, 2024. At the meeting of December 4, 2024, the Planning & Zoning Commission recommended deferred action on the application for further consideration. The Planning & Zoning Commission's recommendation will be reported to the County Council at a future meeting.**

**Mr. David Hutt, Esq., of Morris & James, spoke on behalf of the owner, J.G. Townsend Jr., & Co., and the applicant, Jack Lingo Asset Management, that this application is in relation to two specific conditions of Conditional Use #2359, Ordinance #2964; that the original application was heard on May 25, 2023, for a Conditional Use to put multifamily dwellings of 102 units on about 25 1/2 acres of land and on December 5, 2023 County Council adopted Ordinance #2964; that 2 conditions are the reason for this case, Condition**

**Public  
Hearing/  
CU2545  
(continued)**

**“H” and Condition “R”; that Condition "H" regarding interconnectivity is the part of the original application, which references to portions of the Sussex County Comprehensive Plan and the importance of interconnectivity between parcels of land within subdivisions and this is consistent with Comprehensive Plan, Section 12.2.3, which directly encourages interconnectivity between parcels; that it's also consistent with strategies. 12.1.4.2 and 12.1.4.3, which states that the County should encourage interconnectivity between parcels and create multiple alternative methods for automobiles and pedestrians to reach a property; that the master plan reflected sound land use principles which puts the most intense activity, such as commercial or business activities and higher densities for residential uses closer to main roads; that the property is located within an Investment Level 1; that this property is MR (Medium Residential); that there are a number of zoning classifications in this area; that last June when the CU and CZ were presented, a slide was shown with the proposed community; that the interconnection with Governor's in the middle of an island; that the main roads that Sussex County and DelDOT refer to as arterials, major arterials and collector roads, and then the more distant one gets from those areas, the intensity and the density will generally speaking decrease; that when you have that type of sound land use planning and a singular owner it's an opportunity for the County to have master planning so that there can be things like shared stormwater management, pedestrian and vehicular interconnectivity; that when the master planning was done, the working assumption was that the intersection of Clay Rd. and Stokely Blvd., the road that extends from Kings Highway past the village center commercial and the village center cottages to the Governor's community, it was thought that that would be a signalized intersection; that DelDOT has decided that this would be a roundabout since the plan was developed, however it was always part of the plan to have that connection there; that at the May 2023 hearing, there was a rendering of the future village center commercial along that faces King's Highway, right behind that is the village center cottages, then behind that you can see an aerial image that includes the Governors Community; that this afternoon's application will be create a four way intersection on Kings Highway with Stokley Blvd. coming off directly across from Clay Rd., going past the future village Center commercial area, past the cottages and immediately to the entrance of the Governor's Community off of the future Stokely Blvd.; that Stokely Blvd. is intended to be a Blvd. with islands in the middle and the travel lanes on either side; that those travel lanes extend right to the property line and bisect the island and the travel ways; that the interconnectivity is the exact same interconnectivity that was shown on the Governor's site plan when that was presented in 2008 to the Planning Commission and County Council; that the same bisected road with an island in the middle extending to the property line and then ultimately out to an intersection with Clay Rd. is what has been shown on all site plans, record plans, and condominium declaration plans since this was laid out prior to 2008; that the discussions that occurred during the public hearings before the Planning Commission and County Council, the applicant asked Mr. Mumford at Davis, Bowen and**



**Public  
Hearing/  
CU2545  
(continued)**

**Friedel to redesign that point of interconnection to address traffic calming measures; that in order to address the concern that people would travel off of Stokely Blvd. and accelerate through Stokely Blvd. past the village center commercial and cottages area and then into the Governor's Community; that Davis, Bowen and Friedel came up with a plan to have the connection point at the Governors Community townhomes and then to the village center cottages; that Stokely Blvd. would have the islands and the sides of the road on either side and pinch the roadway to be narrower and then the second addition to was to put in elevated crosswalks to calm traffic; that the community adjacent to this property is the Governor's community; that it consists of 432 single-family and townhome units; that in the documents provided, it included CU1722 which allowed for the creation of the Governor's community; that when a CU is approved, there are often conditions; that in 2008 when it was approved, the 7<sup>th</sup> condition states "the interior street design shall be in accordance with or exceeds Sussex County street design requirements. Street design shall include curbs, sidewalks on both sides of the street and street lighting. There shall also be interconnectivity with the adjoining properties."; that all approvals were approved and were recorded; that Governor's has a condominium declaration plan was also recorded; that for reference, there are 323 recorded plots that relate to the Governor's Community, either record plans or condominium declarations, and 320 of them included the interconnectivity; that this shows the future plans of interconnectivity for the property; that there is a public offering statement for communities that are being sold; that the document refers all of the recorded documents that were discussed; that when the community was marketed, it showed the points of interconnection; that pursuant to Chapter 25 of Title 6 of the Delaware Code, whenever a residential property is being sold, there is a seller's disclosure; that an example was shown and discussed; that the box for no. 24 was checked yes and it was described as "per the approved site plan, future roads will be constructed to adjoining properties via Stokley Blvd (next to townhome lot T-97 and JG Townsend Blvd) (between single-family lots S-73 and S-74); that this same disclosure identified the interconnection points; that everyone that purchased a unit would have signed this document; that this interconnection because it is located on the property physically; that in 2018, a request was denied by the Commission during their May 24, 2018 meeting; that in 2023, the Commission considered a request from the Showfield for a gate; that the Commission denied the request for a gate; that a concern was raised about the traffic circle; that the size was questioned as being unsafe; that it was shown how traffic would navigate the circle; that another concern that these are private roads; that they are not exclusive roads; that another concern was Stokley Blvd was poorly designed and did not anticipate the interconnectivity or a short cut; that the amenities center is the fourth leg of the traffic circle and has it only designated leg that goes off the traffic circle; that this is the master planning concept; that a traffic circle is a traffic calming measure; that Condition 9 R was added by County Council and is a landscape plan for the subdivisions frontage along Kings Highway and being consistent with the goals of the Lewes Scenic and Historic Byway Corridor**

**Public  
Hearing/  
CU2545  
(continued)**

**Management Plan; that the only connection point that this application has with Kings Highway is the intersection of Clay Road and Stokely Blvd., and there wouldn't be any landscaping at that intersection to maintain consistent with the Lewes Scenic and Historic Byway Corridor Management Plan; that Mr. Mumford and the applicant met with The Byways Committee, the chairwoman Mary Roth, and she suggested that rather than delete the condition that the condition be modified so that it relates to the portion of the property that is on Gills Neck Rd. which is a part of the scenic byway around the City of Lewes; that that's the change to the conditions that are different than the requested changes that were filed with the initial application, that the references to Kings Highway are deleted and in their place Gills Neck Rd. has been inserted; that with respect to Section 9H, directly addressed in the Planning Commission's recommendation on this application it stated this interconnectivity has been part of the developer's master plan for this entire area and has been shown and approved by Sussex County at each stage of development; that along Gills Neck, Rd. the indication and evidence that once construction is completed, this interconnectivity must remain open to all vehicular traffic at all times without obstruction; that County Council adds obstructions to that condition as they ask for there to be a gate installed; that the applicants request to strike the language that County Council added to Condition "H" and then add language that states while the interconnection must remain open, to address the concerns about this becoming a shortcut where people will speed through these connected communities, the applicant shall install an elevated crosswalk as a traffic calming measure at the boundary line between the Governors Community and the cottage community.**

**A discussion was held about maintenance of the roads and if they were built to state standards. In addition, it was discussed who will pay for the maintenance of the roads in the community. A discussed was held about access for emergency vehicles and how they would gain entrance to the community with the gate.**

**Mr. Hutt discussed the Showfield application for a gate was being considered and then denied; that he referenced language in the motion for denial given by Commissioner Kim Hoey Stevenson.**

**Public comments were heard.**

**Mr. Bob Valihura, Esq. spoke on behalf of Governor's Condominium Association, spoke in opposition to the application; that they are in opposition of the deletion of Condition H; that they are here to fix a mistake by the developer; that they need to keep control of the road; that they when the last unit sold, the land them belonged to the unit owners; that in this County, and they understand private property rights which are important; that this was not built to be a part of the public road system; that the road could have been built to the standards by DelDOT; that a development near this property was**

**Public  
Hearing/  
CU2545  
(continued)**

**not disclosed to anybody; that safety is critical to keep the traffic and speeding off of this road; that they will have to pay for this due to the failure of the developer; that the cost has not been discussed and it will be dumped on his clients; that they ask to uphold the gate.**

**Mr. Rick Hansen, of Collins Rd., spoke in opposition to the application that he was the former President of the HOA for Governor's during the transfer of the development from JLAM to Governor's; that the gates critical for the safety of Governors residents; that people use the roads to go to the pool; that stop signs were added and painting; that there is a concern of safety; that there is a bus stop with 20-30 children and cars stacked up waiting for the bus; that during the winter, there will be many children waiting for the bus and cars coming through; that this becomes a bypass; that if a truck turns into the narrow road and has to turn around; that the road cutting through the Village Center is not wide enough for two cars in his opinion; that he questioned how a truck would turn around; that he believes that the street design should go back to the beginning; that in his sales agreement, it states private street; that another document which are the bylaws and declaration; that it states they have rights as homeowners; that it never states that he has to let other people into the community; that his deed states the roads are private and not to be maintained by the State of Delaware; that they had Wayland Industries do a reserve study twice on their neighborhood; that it stated that they will need to have \$4.3 million to maintain their roads; that Hawkseye didn't want a gate to be connected to Senators, Governors doesn't want to be connected to the village center; that interconnectivity makes senses at only certain times; that the break away gate has been looked into and is acceptable; that the traffic problem needs to be looked into and how it can be fixed; that it needs to be questioned as to why the developer wants this interconnectivity.**

**Mr. Scott Beagle spoke in opposition of the application; that it was approved earlier in the year; that most of the traffic will be due to the commercial; that he believes the other references to interconnectivity to other communities should be compared to this development.**

**Mr. Michael Wolfe, President of Governor's Condominium Association, spoke in opposition to the application; that he thanked the Council for putting safety first and voting for this gate; that nothing has changed; that this design is still unsafe; that without a gate, the traffic will backup into their community; that a petition has been submitted opposing the gate; that there are safety concerns if the gate is eliminated; that the developer is requesting that the gate be eliminated; that the gate was approved after the hearing and listening to their community concerns; that providing card access to Governors residents would place a burden on the village center cottages, Property Owners Association, and property manager; that the Master Plan is a plan; that it is a road map for where or how the County wants to develop; that the plan needs to be modified when issues arise; that the Council responded to a safety concern with the gate.**

**Public  
Hearing/  
CU2545  
(continued)**

**Mr. Lee Thompson spoke in opposition to the application; that he is a local security expert; that they put up hundreds of gates; that as emergency vehicles approach, it can be set up to for the gate to open; that this community is across the street from the High School; that there are many young drivers going to and from the school.**

**The Public Hearing was closed, and the public record was left open for comments in writing only and for Planning & Zoning’s recommendation.**

**M 643 24  
Defer  
Action/  
CU2545**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "H" AND THE AMENDMENT/DELETION OF CONDITION "R" CONTAINED WITHIN CONDITIONAL USE NO. 2359 (ORDINANCE NO. 2964) REGARDING THE REQUIREMENTS FOR LANDSCAPING, AND FOR THE INSTALLATION OF GATES ON STOCKLEY BLVD BETWEEN THE GOVERNORS COMMUNITY AND THE PROPOSED COTTAGES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS”.**

**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/  
CU2543**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS” (property lying on the northeast side of Hersel Davis Road approximately 0.42-mile northeast of Oak Orchard Road [Rt. 5]) (911 Address: 32404 Hersel Davis Road, Millsboro) (Tax Map Parcel: 234-29.00-274.02) filed on behalf of Toney Floyd & Charletta Speaks-Floyd.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on October 23, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended denial of the application for the 9 reasons stated.**

**Public  
Hearing/  
CU2543  
(continued)**

**Ms. Mackenzie Peet, Esq., of Saul Ewing, spoke on behalf of the applicants that they are seeking a conditional use of land in a GR, General Residential district for commercial hauling of goods and material services and driveway installation business known as Tony Floyd Trucking LLC, together with storage of vehicles, equipment and materials to be located on a 1.08 acre portion of an approximately 2.31 acre lot; that Tony Floyd Trucking, LLC has been operating in the county since 1998 and Mr. Floyd runs the front of the house operations and Mrs. Speaks-Floyd handles all of the administrative aspects of the business remotely; that Mrs. Speaks-Floyd also has two hair styling businesses; that the items submitted into the record were discussed; that comments from DNREC have been received; that the DNREC report notes that progress has been made; that Ms. Pete reviewed the report that was received from DNREC; that an updated concept was submitted showing additional screening; that recent photographs were also submitted into the record; that the decision from the PZ Commission to deny lacks reasons; that a denial must be based on legitimate reasons grounded in the actual application and actual evidence; that the decision was insufficient; that the Floyd's previously applied for conditional use on this property in 2021, having Pole Buildings Unlimited construct a 46 by 60 by 16 feet pole building at a cost of approximately \$60,272; that they applied for a building permit and permit number 202103547 was issued on April 1, 2021 by the county allowing the construction of the pole building; that following the completion of inspections, Sussex County issued a certificate of occupancy and compliance on January 13, 2022 and the Floyd's began operating their business on site under the assumption that no further approvals were needed; that the certificate stated, "This certifies that the structure premise described in application number 202103547 conforms to and complies with the requirements of Chapter 52, building code and Chapter 115 zoning code for Sussex County, Delaware, and may be occupied as of the date"; that the certificate confirms compliance with Chapter 115, the county zoning code, which is obviously not the case because the conditional use was also required, which is not clear whatsoever from their certificate issued; that after the pole building was completed, the Floyd's operated without issue until a violation was issued in 2023, following a public complaint and to address this violation, they filed an application on March 30, 2023 without legal counsel and worked with Planning & Zoning staff to complete that application; that the application only referenced storage of work equipment and trucks failing to mention that it also involves stockpiling materials; that the applicants attended the Planning and Zoning Commission hearing on January 3, 2024, and soon after they engaged our firm for representation; that upon reviewing the application and its history, it was determined that they needed to withdraw the application to correct the noted deficiencies and address public concerns consequently; that on March 29, 2024, her office submitted a letter to Planning and Zoning requesting to withdraw CU2436 and notifying them of the Floyd's intent to revise and reapply for the conditional use once plans were prepared by Vista Design and the DelDOT SLER was received, both essential for filing the amended application, the Floyd's submitted their current proposal on July**

**Public  
Hearing/  
CU2543  
(continued)**

**29, 2024; that according to the new application the plan is to subdivide this 2.3 acre piece into two lots, so one area will be designated for the conditional use area and the other area is earmarked for the development of the Floyd's future home; that the conditional use area is approximately 1.08 acres and has included provisions for screening along the Reynolds property and to plant additional vegetation along the wetlands boundary; that there are additional screenings and buffer that were shown and discussed; that the conditional use is now set to be located between 478.75 feet and 581.97 feet away from nearby residents of Peninsula Lakes community; that the revised proposal eliminates any stockpiling activities altogether, there has been cleanup of this site and they've been removing the stockpiles that were on the site as part of the DNREC compliance; that if the new conditions were approved that there would be no more tailgate related noise, as there would be no more dumping on site which means no slamming of tailgates and backup alarms which were a concern of the neighbors; that there may be situation where backup alarms may be necessary; that the ongoing stockpile has been eliminated; that is not a dirt storage business; that there are two reports and we also received another report from DNREC today confirming that the applicant has continued to bring the property into compliance and stabilize the area; that removal of the stockpiles did cause noise for the residents; that the noise was temporary and once completed, there will be no additional noise; that this holds historical significance, having been in the Davis family for generations, it specifically operated historically as a farm, then it was taken out of production and has been surrounded by residential developments; that creates challenges, but the Floyds are committed to coexisting harmoniously with their neighbors and are focused on minimizing any negative impacts their business may have on their surrounding residential community; that there are numerous small businesses coexisting with neighboring residential communities; that the GR is not solely for residential uses; that there have been 22 conditional uses near the property since 2011; that 17 of those approved, 13 withdrawn and 2 denied; that it is located within the Coastal Area; that the proposed use aligns with the vision by supporting both residential and commercial growth within Sussex County, specifically, the business will facilitate the transportation of materials that are critical for construction and development projects in the area, while also offering services such as driveway installation for residents and commercial property owners; that public water and sewer are available to the site and the property is located in Tier 1 and connections available nearby are Tidewater Utility and the provider access to the site will be from Hersel Davis Rd. which connects to Oak Orchard Road; that DelDOT reviewed the SLER and concluded that the proposed use would have a diminutive impact on the local roads; that Mr. Floyd employs only three to five workers at any given time, and most of them typically depart for job sites directly from their homes, meaning that trucks are not frequently coming and going from the site throughout the day; that on an average day, there would be only a few trips in the morning as trucks head out to job sites and then returning later in the evening.**

**Public  
Hearing/  
CU2543  
(continued)**

**Mr. Edward Launay, a professional wetland scientist, of Environmental Resource Insights, spoke on behalf of the application that he was retained by the Floyds to assist them with the DNREC drainage section and the soil erosion control section; that Mr. Floyd was stockpiling and moving gravel material back and forth, so there were some piles on the site; that the easterly boundary of the site there's a small intermittent stream that has seasonal flow and adjacent to that stream, there's a band of wooded wetlands; that he along with DNREC had the same opinion that number one was to implement a plan to: #1, consolidate and remove the piles, #2, regrade the land, #3, install a soil erosion set of control measures to prevent any erosion, and #4, stabilize the land that was really going to be inactive on the wetland side of where the soil erosion and control fencing was installed; that he did an analysis and determined that there was small encroachment well under a 10th of an acre of material that had clearing had been done and there was material that was in the wetlands; that he worked with Mr. Floyd to supervise that removal, which was consistently coordinated and inspected with DNREC, any encroachment in the wetlands; that there was super silt fence measures installed and all while Mr. Floyd was working to get the piles of material consolidated and removed; that then he came in and stabilized that area of disturbance with grassy vegetation and including a seed mix within the wetland area; that Vista Design came in and located the boundary of the entire wetland area and showed that the area in which is up for the Conditional Use is now well elevated with good soils; that the intention is to put the Floyd home on that area of land if this was to be approved.**

**Mr. Bruce Howell, P.E., of Vista Design, spoke on behalf of the application that he was the engineer working on the sediment and stormwater management for this project; that they were brought on to handle the DNREC Stormwater Management Plan; that the site is 2.31 acres and of that .34 acres are impervious; that the goal is to catch all of the impervious runoff in the two grass areas to prevent any downstream flood issues on the Emily's Gut.**

**Ms. Mackenzie Peet, Esq., stated that the applicant submitted specific conditions as outlined in a memo included in the packet; that the applicant met with the nearby residents, specifically the Peninsula Lakes Board, to present the offered conditions and receive any feedback, but none have been received as of yet; that the applicant remains open to the work with the community; that the proposed use meets the purpose of the conditional use as outlined in the code given its public and semipublic character which serves the general convenience and welfare of the community; that the conditions set forth for the proposed use, reflect careful consideration of potential impacts on neighboring properties and the broader community; that the business will focus on commercial hauling goods and material delivery services and driveway installation on a 1.08 acre portion of the property, operating hours are limited to minimize disturbances with deliveries restricted to specific times during the week and no operations on Sunday; that measures will be implemented to manage materials and maintain**

**Public  
Hearing/  
CU2543  
(continued)**

cleanliness on site, including prohibitions on stockpiling and designated vehicle, trailer and equipment, and material storage areas; that the proposed parking and vehicle management plan adheres to the county's standards, ensuring efficient use of space while minimizing noise and safety concerns associated with vehicle operations; that there will be limitations on vehicle idling, maintenance activities and the handling of hazardous materials such as oil and to safeguard the environment and neighboring properties, security measures, including a well-designed lighting plan and visual screening through landscaping, further enhance the compatibility of the use with its surroundings; that by addressing these considerations through specific conditions, the proposed use aligns with the intent of the conditional use regulations; that the conditions proposed by the applicant were discussed; that she urged the Council to recognize that many of the reasons for denial are flawed; that several of the reasons represent misunderstanding; that the Commission claimed that it was the same application which is not true; that this is for a different site area; that the previous site included all of the property including another parcel; that the prior application only included Mr. Floyd and this application include him and his wife; that upon reviewing evidence, she found no claims of odor or dust; that the DNREC reports state no evidence of dust on site; that there was an audio recording mentioning noise but there is no way to prove when it was taken; that there is construction going on around this site; that she is not sure how you photograph noise; that the application is not for dirt storage; that there is legal access to the site; that there was nothing that she found that restricted use of this road for commercial purposes; that this plan was approved by the County; that an application cannot be denied solely off of public opposition; that this is does not provide meaningful insight based on public opposition; that they are aware of no expert information provided; that the Commission overlooked wetlands issues that were shown to be in compliance; that she is unclear of the environmental impacts that the Commission mentions; that she believes that there are none; that there are no prohibitions to tree clearing; that there were trees where Peninsula Lakes is; that there will be more natural screening as proposed; that applicants have taken the concerns into consideration; that the applicant has made significant investments in order to bring the property into compliance and wishes to work with all neighboring homeowners to coexist with each other.

**Public comments were heard.**

**Representative Jeff Hilovsky spoke in opposition to the application; that there are about 800-900 homes in this area; that the impact of this business is real and ongoing; that he supports the residents in this area; that he is asking for support to restore the peace and quiet that the residents deserve; that he requested denial of the application.**

**Mr. Bob Valihura, Esq. on behalf of Captains Grant and Peninsula Lakes Community spoke in opposition of the application; that this is affecting the quality of life for the residents in this area; that this is not a brownfield site;**



**Public  
Hearing/  
CU2543  
(continued)**

**that they came in and cleared cut and didn't care about the property; that the application is about hauling business and material on this site; that this is a business that has been put in a residential neighborhood; that this should not be in a residential area; that the use of the roadway is an unpaved, dirt road that they are using to access their business; that Hersel Davis Road is a right given by indivial homeowners along that strip to access that lot in the back; that it is not publicly dedicated to anybody; that he believes that every property owner needs to be given permission to use that road; that he believes that they are abusing the easement; that he believes the application is defective.**

**Mr. Bob Verdugo, a resident of Peninsula Lakes, who represented over 700 Sussex County residents and residents in Peninsula Lakes that are all in opposition to this application; that the main concern is that this business is better fit for a Light Industrial District not an Agricultural Residential District or General Residential; that there's insufficient distance with regard to the noise and mitigation strategies between neighboring properties; that there is concern with wildlife preservation being negated and diminished as a result of the activity taking place on this property; that many of the residents did research prior to purchasing their homes and being it is a General Residential zoning there should be no light commercial business in their backyards; that based on photos taken a couple of months ago the business is operating with a skip loader, a bobcat, multiple trailers, seven dump trucks, a roller and a large container holding some type of liquid; that the concern is that the homes that border this property only have a small berm separating them now that the vegetation is dying off for the winter season and with that the amount of noise from the movement of materials is in abundance.**

**Mr. David Charles a resident of Peninsula Lakes, spoke in opposition to the application; that the applicants have indicated they will reduce the footprint of the area they intend to use, but that does not change the nature of their business; that in meeting with the Peninsula's Board of Directors, the applicant has indicated his wish to grow and expand his business by adding additional trucks; that if approved, this would set a precedent and the applicants could then submit additional applications to expand their business as it grows, on acreage that they own or adjacent; that the residents of Peninsula Lakes have invested significantly in our properties and recognized that the undeveloped contingent properties could be built on in the future, but that the zoning was for undeveloped land is general residential, not commercial.**

**Mr. Gary Weeks, a resident of Peninsula Lakes, spoke in opposition to the application; that a front-end loader has to go in and back up; that the alarm sounds each time; that is asking for peace and quiet; that the first application was recommended for denial; that at that time, they didn't stop working; that the second conditional use was recommended for denial; that they have had ash rain down on their home; that their pets have been affected; that they are**

**Public  
Hearing/  
CU2543  
(continued)**

**not able to enjoy their outdoor space; that they shouldn't have to defend their properties; that he believes that this will affect the values of homes in the area; that he questioned how a property that is zoned residential can be used for a commercial use; that the precedent will be set if this is approved; that he requested that the application be denied; that this business does not belong at this location.**

**Mr. Tony Morgan, of Herschel Davis Rd., spoke in opposition to the application; that he owns the three-acre parcel that's on Herschel Davis Rd; that Herschel Davis Rd. is actually not in the right place, it's half on Captain's Grant, and half on his property, so it ends up coming out to be a one lane road out onto Oak Orchard Rd.; that the road is not meant for large trucks as its currently only one lane and in order to correct the width of the road he would have to take part of his land in order to make two lanes; that having eight dump trucks ride down the dirt road with the dust, is going to adversely affect his four properties that he's going to build; that it makes it difficult because he is putting all this money out to sell a piece of property after he builds a house they will have dump trucks riding on the dirt road; that he has to maintain that road and he's in legal issues with people; that there's three lots and people here use his route, but they want me to put two lanes in and the two lanes is going to be off of my property; that nobody wants to help maintain the road so he have to go after them; that he needs some assistance with that and he has not even got that far yet.**

**Ms. Donna Jakubowski spoke in opposition to the application; that on August 27<sup>th</sup>, Sussex County did a press release about a newly adopted Ordinance; that she discussed quotes that were included in that press release; that she requested that they deny the application.**

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

**M 644 24  
Defer  
Action/  
CU2543**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS".**

**Motion Adopted: 5 Yeas**

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

**Mr. Moore discussed the J.G. Townsend application and the time frame for written comments.**

**M 645 24  
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to adjourn at 6:26 p.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.}*

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 17, 2024**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 17, 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 646 24  
Approve  
Agenda**

Mr. Lawson reported that the Approval of Minutes – December 10, 2024 can be removed from the agenda. A Motion was made by Mr. Rieley, 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**

**M 647 24  
Approve  
Consent  
Agenda**

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

- 1. Proclamation Request – Cape Henlopen High School Field Hockey Division I State Champions**
- 2. Proclamation Request – Delmar High School Field Hockey Division II State Champions**
- 3. Proclamation Request – Sussex Academy High School Boys' Soccer Division II State Champions**
- 4. Proclamation Request – Indian River High School Unified Football Champions**
- 5. Proclamation Request – Indian River High School Football Division 1A State Champions**

**Motion Adopted: 5 Yeas**

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

**Correspondence** Mr. Moore reported that letters were received from Delmarva Council of Boy Scouts and Family Promises of Southern Delaware thanking Council for their donation.

**Public Comments** Public comments were heard.  
Ms. Blair Brown spoke about growth occurring in Sussex County.  
Ms. Christy Wimmer spoke about the Voluntary School Assessment.  
Mr. Lawrence Green thanked Councilwoman Green for her service to Sussex County.

Ms. June Rose Fatcher thanked County Council for their continued support of the Police Unity Tour.

Mr. Jason Hale spoke about growth in Sussex County and impact fees.

Ms. Eul Lee thanked Mr. Vincent, Mrs. Green and Mr. Schaeffer for their service to the County.

A caller spoke about impact fees in Sussex County.

**Recognition/  
Council  
Members** Recognition of Council Members Michael H. Vincent, Cynthia C. Green and Mark G. Schaeffer was given.

**Appoint-  
ment** Mr. Lawson reported that an appointment is needed for District 1 for the Board of Adjustments and Appeals Member.

**M 648 24  
Approve  
Board of  
Adjustment  
& Appeals** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that the Sussex County Council appoints Mr. Keith Lecates to the Sussex County Board of Adjustments and Appeals Member effective immediately for a term of four years until June 2028.

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

**Report**

**1. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Estuary – Phase 4F (Construction Record) effective November 26<sup>th</sup> and Brentwood (FKA Coral Lakes & Coral Crossing) – Phase 1 (Construction Record) effective December 5<sup>th</sup>.

**2. Christmas and New Year’s Holidays**

Please note, County offices will be closed on December 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup>, to celebrate the Christmas holiday and January 1<sup>st</sup> for the New Year’s holiday. The next regularly scheduled Council meeting will be held on Tuesday, January 7, 2025, at 10:00 a.m.

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

**Board of Assessment Members**

**Gina Jennings, Finance Director presented appointments of Board of Adjustments and Appeals Member for Council’s consideration.**

**M 649 24 Approve Board of Assessment Members**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that the Sussex County Council, appoint the following individuals to the Board of Assessment Review with the respective terms; for a 3-year term: Eric Davis, Ashley Godwin and Thomas Roth, for a 2-year term: Anne Angel and Karen Wahner and alternates: Renee Edge, James O’Rourke and Irene Baxter-Plank.**

**Motion Adopted: 5 Yeas**

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

**Referees Appointment**

**Gina Jennings, Finance Director presented referees appointments for Council’s concurrence.**

**M 650 24 Concurrence on Referee Appointments**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that the Sussex County Council authorizes the Finance Director to appoint the recommended 15 referees 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**

**Excite Loan Update** Bill Pfaff, Economic Development Director presented an update on the Excite Sussex Loan Program for Council's information.

**M 651 24**  
**Approve**  
**ExciteSussex**  
**Fund**  
**Increase** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that the Sussex County Council approve the amended agreement between Sussex County and Grow America Fund, Inc., and approve the additional increase to the ExciteSussex Fund. This increased funding will significantly enhance our ability to support local businesses and foster continued economic growth throughout Sussex County.

**Motion Adopted: 5 Yeas**

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

**P&Z On-Call Services** Jamie Whitehouse, Planning & Zoning Director presented a recommendation for contractors for on-call planning services for Council's consideration.

**M 652 24**  
**Approve**  
**P&Z On-Call Services**  
**Contractor** A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved that Sussex County Council approves the six year award under the RFP to AECOM Technical Services, Inc.; and Century Engineering, Inc.; and McCormick Taylor, Inc.

**Motion Adopted: 5 Yeas**

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

**Peninsula Community/CO No. 1** Mark Parker, Assistant County Engineer presented change order no. 1 and a substantial completion request for Peninsula Community Road Repairs for Council's consideration.

**M 653 24**  
**Approve CO**  
**No. 1/**  
**Peninsula**  
**Community** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon on the recommendation of the Sussex County Engineering Department that change order no. 1 for contract T24-12, Peninsula Community Road repairs be approved in the amount of \$36,127.26 and substantial completion be granted effective December 6, 2024, with any retainage released in accordance with the contract documents.

**Motion Adopted: 5 Yeas**

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

**Lagoon Solar** Hans Medlarz, Project Engineer presented a lease amendment for phases 2 & 3 for lagoon solar for Council's consideration.

**M 654 24 Approve Amendment Phases 2 & 3** 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 amended and restated solar energy lease and easement agreements with addenda, the amended and restated memorandum of solar energy lease and easement agreements as well as the amended and restated decommission funding, agreements for Blacktail I, II & III, as presented.

**Motion Adopted:** 5 Years

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

**Old Business/ CU2515** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS" (property lying on the northwest side of Gate A Road, located off Iron Branch Road [S.C.R. 331]) (911 Address: N/A) (Tax Map Parcel: 233-2.00-2.01) filed on behalf of Renewable Redevelopment, 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 655 24 Approve CU2515/ DENIED** A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS".

**Motion DENIED:** 4 Nays, 1 Yea

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

Mrs. Green, Mr. Schaeffer, Mr. Hudson and Mr. Rieley voted no for the reasons provided.



**Old  
Business/  
CU2545**

**Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "H" AND THE AMENDMENT/DELETION OF CONDITION "R" CONTAINED WITHIN CONDITIONAL USE NO. 2359 (ORDINANCE NO. 2964) REGARDING THE REQUIREMENTS FOR LANDSCAPING, AND FOR THE INSTALLATION OF GATES ON STOCKLEY BLVD BETWEEN THE GOVERNORS COMMUNITY AND THE PROPOSED COTTAGES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS” (property lying on the east side of Kings Highway [Rt. 9] and the south side of Gills Neck Road [S.C.R. 267] at the intersection of Kings Highway [Rt. 9] and Gills Neck Road [S.C.R. 267]) (911 Address: 16673 Kings Highway, Lewes) (Tax Parcel: 335-12.00-3.00 [p/o]) filed on behalf of J.G. Townsend Jr. & Co.**

**The County Council held a Public Hearing on the application at its meeting on December 10, 2024. At the conclusion of the meeting, and as a recommendation on the application had not been received from the Planning & Zoning Commission, the Council deferred action on the application, holding the record open for both the receipt of the Planning & Zoning Commission’s recommendation and also for any additional public comments received before the end of business on Monday, December 16, 2024. The Planning & Zoning Commission did make a recommendation for approval during the December 12, 2024, meeting for the 11 reasons stated and subject to the revised wording as outlined. Mr. Whitehouse reported that additional comments were received and were circulated to County Council.**

**M 656 24  
Amend Item  
No. 11/  
CU2545**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to amend Item No. 11 and their conditions be deleted and that condition 9R as was originally passed in CU2359 application, also Ordinance No. 2964 be amended to remove the 2 references to King Highway and substitute Gills Neck Road in their place.**

**Motion Adopted: 5 Yeas**

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

**M 657 24  
Amend  
Condition  
9H/CU2545**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to delete the original condition 9H that read “Therefore, once construction is completed, this interconnectivity must remain open to all vehicular traffic at all times without obstruction” and keep the remainder of the condition as was originally approved in CU2359 application, also Ordinance No. 2964.**

**Motion Adopted: 4 Yeas, 1 Nay**

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

**M 658 24** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that the  
**Remove** reasons given by Planning & Zoning be removed.  
**Reasons/**

**CU2545** **Motion Adopted:** 4 Yeas, 1 Nay

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

**M 659 24** A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt  
**Adopt** Ordinance No. 3065 entitled "AN ORDINANCE TO GRANT A  
**Ordinance** CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY  
**No. 3065/** RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION  
**CU2545** "H" AND THE AMENDMENT/DELETION OF CONDITION "R"  
CONTAINED WITHIN CONDITIONAL USE NO. 2359 (ORDINANCE  
NO. 2964) REGARDING THE REQUIREMENTS FOR LANDSCAPING,  
AND FOR THE INSTALLATION OF GATES ON STOCKLEY BLVD  
BETWEEN THE GOVERNORS COMMUNITY AND THE PROPOSED  
COTTAGES, TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX  
COUNTY, CONTAINING 25.56 ACRES, MORE OR LESS" for the reasons  
and conditions given by Planning & Zoning and as amended by this Council.

**Motion Adopted:** 4 Yeas, 1 Nay

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

**Old** Under Old Business, Jamie Whitehouse, Planning & Zoning Director  
**Business/** presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A  
**CU2454** CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL  
RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON  
A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK  
HUNDRED, SUSSEX COUNTY, CONTAINING 309.6 ACRES, MORE OR  
LESS" (property lying on northwest side of Shiloh Church Road [Rt. 74]  
approximately 0.38 mile west of East Trap Pond Road [Rt. 62]) (911 Address:  
N/A) (Tax Map Parcel: 232-8.00-44.01) (Zoning: AR-1 [Agricultural  
Residential District]) filed on behalf of H&K Group LLC.

Mr. Whitehouse reported that a public hearing was held before Council on  
November 19, 2024. At the conclusion of that public hearing, staff was

notified of an error in the short title of the location of the application. The application will be re-noticed, and new hearings will be held.

**Old  
Business/  
CU2543**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS” filed on behalf of Toney Floyd & Charletta Speaks-Floyd.

The County Council held a Public Hearing on the application at its meeting on December 10, 2024. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration.

**M 660 24  
Approve  
CU2543/  
DENIED**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS”.

**Motion DENIED: 5 Nays**

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

**Proposed  
Ordinance  
Introduc-  
tion**

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 AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” filed on behalf of Holdren, LLC.

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MUTLI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL

**OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” filed on behalf of Rudder Road, LLC.**

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

**Council Member Comments**      **Mr. Schaeffer thanked Mr. Vincent, Mrs. Green, Mr. Rieley and Mr. Hudson for their service and his wife for allowing him to serve. He wished everyone a Merry Christmas and a Happy New Year.**

**Mr. Vincent thanked his wife for allowing him to serve and being away from home. He added comments relating to the reassessment project.**

**M 661 24 Go Into Executive Session**      **At 12:02 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session to discuss matters relating to personnel.**

**Motion Adopted:      5 Yeas**

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

**Executive Session**      **At 12:12 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to personnel. The Executive Session ended at 12:16 p.m.**

**M 662 24 Reconvene**      **At 12:19 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to come out of Executive Session 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**

**M 663 24 Administrator Contract Update**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, authorize the President to update and execute the Employment Agreement with the Sussex County Administrator as follows: to extend the date of the contract until December 31, 2028.**

**Motion Adopted:      4 Yeas, 1 Nay**

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

**M 664 24 Recess**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson 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 665 24  
Reconvene**

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

**Motion Adopted: 5 Yeas**

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

**Rules**

**Mr. Moore read the rules of procedures for public hearings.**

**Public  
Hearing/  
CU2526**

**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 RESTAURANT AND FARMERS MARKET TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.3 ACRES, MORE OR LESS” (properties are lying on the south side of Zion Church Road [Route 20], approximately 0.50 mile west of the intersection of Zion Church Road [Route 20] and New Road [Route 391]) (911 Address: 37051 Johnson Road, Selbyville) (Tax Map Parcels: 533-11.00-103.00 & 533-11.00-104.00) filed on behalf of Common Ground Hospitality.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on October 23, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons and subject to the 9 recommended conditions as stated.**

**Ms. Mackenzie Peet, Esq., of Saul Ewing, spoke on behalf of the applicant that Common Ground Hospitality Group is a restaurant group which includes 4 restaurants and a catering division; that the 4 restaurants are, Hooked and Tail Chasers in Ocean City, MD, Off the Hook in Bethany Beach, DE, and Hooked Up in Millville, DE; that the Conditional Use is to open a new restaurant within an AR-1 zoning; that the proposed area is owned by H&M, Johnson Farms, LLC and one of the owners of the Common Ground Group is a relative of the Johnson Farms, LLC which will ensure that the land and its uses will stay within the family; that currently the site is operated agriculturally and grows its own produce and has chicken houses; that the building in which the restaurant would be is currently used as a roadside**

**Public  
Hearing/  
CU2526  
(continued)**

farmers market which received conditional approval under conditional use #1657 in 2006 for a produce market and sales facility; that the market aimed to sell products grown on site as well as those from other producers, local producers specifically; that this use was approved, but the market eventually closed in 2012 and nothing's been in this space since; that the concept is to open a farm to table restaurant while upgrading the existing buildings to help preserve the property; that it represents a natural progression of the previously approved use preserving the properties legacy, but also creating the opportunity to keep it within the family and maintaining its productivity, rather than allowing for alternative developments that may not reflect its historical significance; that the proposed restaurant will feature an interior area and a small outside seating area; that in 2019, the County issued a building permit (#201910080) for Johnson's Market and Table which allowed for the enclosure of existing overhangs and noted that it was a shell only; that the permit was accompanied by a comprehensive set of architectural plans detailing the construction of the addition to the existing pole barn structure, fit out of a new commercial kitchen, installation of new bar equipment and the inclusion of two new accessible bathrooms; that the plans also a restaurant equipment schedule; that the applicant interpreted the application as authorized to operate a restaurant; that the floor plan showed dining areas and a kitchen; that following discussions, it was found that a separate application was needed for restaurant operations; that the permit was stamped and approved in August of 2019; that the applicant appeared before the Commission on October 23, 2024; that on November 13, 2024, the Commission recommended approval of the application; that the applicant has reviewed the conditions; that the applicant requests hours of operation from 10:00 a.m. until 10:00 p.m.

There were no public comments.

The Public Hearing and the public record were closed.

**M 666 24  
Add  
Condition J/  
CU2526**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to add Condition J to read "One lighted sign 32 square feet per side permitted on the property".

**Motion Adopted: 5 Yeas**

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

**M 667 24  
Adopt  
Ordinance  
No. 3066**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 3066 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RESTAURANT AND FARMERS MARKET TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

**M 667 24  
Adopt  
Ordinance  
No. 3066/  
CU2526  
(continued)**

**CONTAINING 71.3 ACRES, MORE OR LESS” (properties are lying on the south side of Zion Church Road [Route 20], approximately 0.50 mile west of the intersection of Zion Church Road [Route 20] and New Road [Route 391]) (911 Address: 37051 Johnson Road, Selbyville) (Tax Map Parcels: 533-11.00-103.00 & 533-11.00-104.00) for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended:**

- 1. The use will occur within a small portion of a 71.3-acre parcel that has had a farm market known as “Johnson’s Country Market” located on it for decades. The remainder of the property will remain in agricultural use. This application simply seeks to add a restaurant to the long-standing use of the property.**
- 2. This use is an extension of ongoing agricultural use of the property and the surrounding farmland. The use promotes the agricultural industry in Sussex County.**
- 3. There is a mixture of commercial and residentially zoned properties in the vicinity of this site, including GR General Residential, HR-1 High-Density Residential, MR Medium Density Residential, L1 Limited Industrial, C1 General Commercial, C2 Medium Commercial, C3 Heavy Commercial, and B1 Neighborhood Business. Surrounding uses include Harris Teeter, Signatures Restaurant, and the Freeman Arts Pavilion near the intersection of Route 20 and Route 54 as well as other commercial and business uses.**
- 4. The site is located in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan states that this type of use is appropriate within the Coastal Area.**
- 5. DelDOT has stated that the use will have a “negligible” impact on area roadways and traffic.**
- 6. The site will have sufficient areas for parking.**
- 7. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.**
- 8. This recommendation is subject to the following conditions:**
  - a. The use shall be limited to a restaurant and farmers market located on 2.61 acres of the site as shown on the site plan that was presented during the public hearing.**
  - b. The restaurant shall not have a “drive-through” capability or design. Any expansion of the use may require an additional public hearing.**
  - c. The hours of operation shall be from 10:00 am until 10:00 pm, daily.**
  - d. Any security lighting shall only illuminate downward so that it does not shine on neighboring properties or roadways.**
  - e. All dumpsters or trash receptacles shall be screened from the view of neighboring properties and roadways. The location of these items shall be shown on the Final Site Plan.**
  - f. The consumption of alcoholic beverages shall be permitted within the restaurant and its patios on the site subject to the approval**

from the Delaware Office of the Alcoholic Beverage Control Commissioner.

- g. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
- h. The Final Site Plan shall be subject to the receipt of all applicable agency approvals, including but not limited to DelDOT, Sussex County Engineering, the Sussex Conservation District, and the State Fire Marshall.
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.
- j. One lighted sign 32 square feet per side permitted on the property.

**Motion Adopted: 5 Years**

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

**Public  
Hearing/  
CU2542**

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 “D” FOR C/U 2264 (ORDINANCE NO. 2813) RELATING TO THE PERMITTED DAYS AND HOURS OF OPERATION FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRE, MORE OR LESS” (properties are lying on the southeastern side of Savannah Road [S.C.R. 443A], approximately 0.77 mile northeast of Westcoats Road [Rt. 12]) (911 Address: 1302 & 1304 Savannah Road, Lewes) (Tax Map Parcels: 335-8.18-15.00 & 16.00) filed on behalf of Lauden Investments, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 23, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the reasons stated and subject to the recommended revised conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

Mr. James Churchman, Esq., of Fuqua, Willard & Schab, spoke on behalf of Tim Willard, Esq., who represents the applicant; that the application is a conditional use to amend Condition “D” to allow weekend hours; that the initial application was to only allow Saturday hours, but that has been changed and submitted to the Planning & Zoning Department to now allow Saturday and Sunday hours; that the new proposed hours would be Saturday 8:00 a.m. to 8:00 p.m. and Sunday 10:00 a.m. to 5:00 p.m.; that the property was approved for a conditional use #1549 to use the parcel as a medical office; that the second parcel was purchased and that was granted a conditional use



**Public  
Hearing/  
CU2542  
(continued)**

**#1744 for a professional office; that in November of 2021, there was an amendment for both parcels, ordinance #2813; that both are the parcels are served by an entrance approved by DeIDOT; that DeIDOT did not require a traffic impact study to be completed; that there are 21 approved conditional uses since 2011 within a one-mile radius; that the current conditional use application is to amend the hours of operation, as Dr. Aponte wishes to rent out the professional building to a real estate office and they work weekends; that the properties within a mile radius have 21 conditional uses and out of those there are 10 that allow for Saturday hours, and 3 that have Sunday hours.**

**There were no public comments.**

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

**M 668 24  
Adopt  
Ordinance  
No. 3067/  
CU2542**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 3067 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION “D” FOR C/U 2264 (ORDINANCE NO. 2813) RELATING TO THE PERMITTED DAYS AND HOURS OF OPERATION FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRE, MORE OR LESS” as recommended by Planning & Zoning that Condition D shall be deleted in its entirety.**

**Motion Adopted: 5 Yeas**

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

**M 669 24  
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 2:00 p.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,**

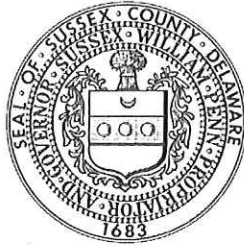
**Tracy N. Torbert  
Clerk of the Council**

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

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T  
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jashman@sussexcountyde.gov




# Sussex County

DELAWARE  
sussexcountyde.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Matt Lloyd – District 1  
The Honorable Steve McCarron – District 2  
The Honorable Jane Gruenebaum – District 3  
The Honorable Douglas B. Hudson – District 4  
The Honorable John L. Rieley – District 5

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement  
Delmarva Bioenergy Center  
File: OM 9.01*

DATE: January 7, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of “oversizing” credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **BDG DE, LLC** for **Delmarva Bioenergy Center** project in the **South Blades Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Delmarva Bioenergy Center** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **BDG DR, LLC** will contribute **\$585,856.00** for the financial catch-up contribution of the existing infrastructure to serve **400.00** Equivalent Dwelling Units. Payments of the contribution will be required in two installments. 50% or \$292,928.00 on January 2, 2025, and the balance in the amount of \$292,928.00 prior to beneficial acceptance of the on-site pumpstation and forcemain.

**EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

**Delmarva Bioenergy Center**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**BDG DE, LLC** a limited liability corporation and developer of a project known as **Delmarva Bioenergy Center**, hereinafter called the “Developer.”

**WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcels 132-6.00-88.01 & 95.00, 132-11.00-41.00 & 41.02 to be known as **Delmarva Bioenergy Center** (“Project”) and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (South Blades Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect **400.00** (based on 100,000 GPD\*\*) additional equivalent dwelling units (EDUs) to County’s existing sanitary sewer system and to utilize the existing transmission capacity in said system, Developer agrees to financial catch-up contribution in the net amount of **\$585,856.00** \* (**herein the “Contribution”**) for said existing facilities.

**\* 50% of the payment of the Contribution, in the amount of \$292,928.00, to be submitted on January 2, 2025 and the balance, in the amount of \$292,928.00, to be submitted at granting of beneficial acceptance of the pumpstation and forcemain by the Sussex County Engineering Department.**

**\*\* This agreement is based on EDUs equivalent to the 100,000 GPD, if this flow is exceeded for two (2) consecutive months by up to 10% additional**

**System Connection Charges and catch-up contributions will be charged. Any increase beyond 10% will require a new agreement.**

- (3) The Contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) Payment of the full Contribution will be required prior to connection to the existing county infrastructure.
- (5) All the conditions of this Agreement must be disclosed to any and all third-party purchasers of the Project and/or part of the Project prior to the time of settlement.
- (6) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (7) The Contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (8) In the event that the project does not proceed at all, and no infrastructure is installed, the County shall refund the Contribution.
- (9) Developer shall be responsible for payment of "treatment portion only" system connection charges, equivalent to the EDUs based on flow, in accordance with and pursuant to the requirements of the Sussex County Code for all lots, due at such time the Developer receives a Sussex County sewer connection permit.
- (10) The sewer service charges will be invoiced quarterly based on 400 EDUs unless the quarterly average daily flow exceeds the flow equivalent of 100,000 GPD in which case the higher number of EDUs will be billed.
- (11) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (12) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.

- (13) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (14) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (15) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (16) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (17) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (18) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (19) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on

the part of either party in exercising any right shall operate as a waiver of such right or any other right.

(20) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.

(21) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **50 State Circle, Annapolis, Maryland 21401.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy N. Torbert  
Clerk of the County Council

**FOR BDG DE, LLC**

By: Michael Woodward (Seal)

Mike Woodward, President

Dec 26, 2024  
\_\_\_\_\_ (DATE)

WITNESS: Kathryn Hollender



GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

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(302) 855-7749 F

gjennings@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.gov

## **Memorandum**

TO: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
Councilmember-elect Jane Gruenebaum  
Councilmember-elect Matt Lloyd  
Councilmember-elect Steve C. McCarron

FROM: Gina A. Jennings  
Finance Director/Chief Operating Officer

DATE: December 31, 2024

RE: **Bank Resolution**

When there is a change in County Council leadership the signers on the County's financial institutional and investment accounts need to change. The signers are the President and Vice President of County Council and the Finance Director. To have the signers changed, a formal authorization is needed by County Council. The authorization is done through a resolution. The resolution's short title, which will be read into the record with the appropriate names, is as follows:

BE IT RESOLVED THAT THE SUSSEX COUNTY COUNCIL IS AUTHORIZING THE SIGNATURES ON THE ACCOUNTS OF THE SUSSEX COUNTY COUNCIL WITH VARIOUS FINANCIAL INSTITUTIONS AND INVESTMENT FIRMS TO BE \_\_\_\_\_, PRESIDENT; \_\_\_\_\_, VICE PRESIDENT; AND GINA A. JENNINGS, FINANCE DIRECTOR/CHIEF OPERATING OFFICER

Thank you for your consideration. Please let me know if you have any questions.

Attachment

pc: Mr. Todd F. Lawson



**RESOLUTION NO. R --- 25**

**AUTHORIZING THE SIGNATURES ON THE ACCOUNTS OF THE SUSSEX COUNTY COUNCIL WITH VARIOUS FINANCIAL INSTITUTIONS AND INVESTMENT FIRMS TO BE \_\_\_\_\_, PRESIDENT; \_\_\_\_\_, VICE PRESIDENT; AND GINA A. JENNNINGS, FINANCE DIRECTOR/CHIEF OPERATING OFFICER**

**BE IT RESOLVED** by the Sussex County Council that the accounts of the Sussex County Council be open or kept with financial institutions and investment firms for deposit to the credit of Sussex County Council from time to time of any and all moneys, checks, drafts, notes, acceptances, or other evidences of indebtedness, whether belonging to the Sussex County Council or otherwise, which may or hereafter come into its possession; and

**BE IT FUTHER RESOLVED** by Sussex County Council that all accounts opened at the financial institutions and investment firms are administered using the investment policies adopted by County Council; and

**BE IT FURTHER RESOLVED** by the Sussex County Council that the financial institutions and investment firms be and is hereby authorized to make payment from the funds on deposit with it and according to the checks, drafts, notes or acceptances of the Sussex County Council signed by any two of the following individuals:

\_\_\_\_\_  
– President

\_\_\_\_\_  
– Vice President

Gina A. Jennings – Finance Director/Chief Operating Officer

and a signature may be a facsimile, resembling the facsimile specimens filed with the financial institution and investment firms by the Clerk of the Sussex County Council.

**BE IT FURTHER RESOLVED** that the effective date of this Resolution shall be January 7, 2025.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ---25 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7th DAY OF JANUARY 2025.**

\_\_\_\_\_  
TRACY TORBERT  
CLERK OF THE COUNCIL

ROBERT L. BRYANT, A.A.E.  
AIRPORT MANAGER  
robert.bryant@sussexcountyde.gov



(302) 855-7774 T  
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www.delawarecoastalairport.com

## DELAWARE COASTAL AIRPORT ADVISORY COMMITTEE

### 2025 Committee Appointments

One representative of the Fixed Base Operator	Dustin Berlinger
One non-commercial Airport tenant	Larry Kelley
One commercial Airport tenant	Jeff Reed
Two Airport-based aircraft owners	Rick Garner
	Ezra Rickards
One Industrial Business/Business Park tenant representative	Mark Ryan
One tourism industry representative	Scott Thomas
One representative at large	Ray Hopkins



AIRPORT TERMINAL BUILDING  
21553 RUDDER LANE | PO BOX 589  
GEORGETOWN, DE 19947

**SUSSEX COUNTY  
AIRPORT ADVISORY COMMITTEE BYLAWS**

I. Committee

A. Name & Definitions

1. The name of the Committee shall be the Delaware Coastal Airport Advisory Committee, hereinafter referred to as "Committee".
2. The Sussex County Council shall hereinafter be referred to as "County Council".
3. The Director, Airport & Industrial Park Operations shall hereinafter be referred to as "Airport Manager".
4. Delaware Coastal Airport shall be hereinafter referred to as "Airport".

II. Objective

- A. The Committee is established by the County Council to advise and to make recommendations to the Airport Manager and the County Council on policy and programs of the Airport. The Committee's purpose is to enhance the Airport and to provide opportunities for involvement by individuals with aviation and business knowledge and experience. The Committee shall exchange, discuss, review, and gather information on Airport-related issues.
- B. The Committee shall be advisory and shall have no authority to bind Sussex County to any liability, whether contractual or otherwise, or to expend any County funds or to direct County staff.

III. Members

- A. The Committee shall consist of twelve members appointed by the County Council: (Terms will be for one year periods and expire December 31 and members may be re-appointed.)
1. One County Council Member
  2. The Sussex County Administrator
  3. The Sussex County Engineer
  4. The Sussex County Economic Development Director
  5. One representative of the Fixed Base Operator
  6. One non-commercial Airport tenant
  7. One commercial Airport tenant
  8. Two Airport-based aircraft owners
  9. One Business Park tenant representative
  10. One tourism industry representative

11. One representative at large

B. The County Administrator and County Engineer may delegate their position at each meeting to another representative who will have a voice and a vote at that meeting.

C. The Airport Manager shall be the County staff liaison to assist the Committee and shall have a voice and vote at all meetings.

D. Members shall have current knowledge of commercial or general aviation, airport development, airport operations, and shall demonstrate dedication to public interest and service.

E. Committee members shall receive no County reimbursement except as allowed by the County Council.

F. Members of the Committee may be removed from the Committee, for cause, by action of the County Council.

IV. Officers

A. The Committee shall elect officers, who shall be elected at the first regular Committee meeting subsequent to January 1.

1. Officers shall hold office until December 31 and are eligible for re-appointment.

B. The Committee shall designate offices to be held and determine the role of each.

V. Meetings

A. The Committee is a "public body" subject to the provisions of Delaware's Freedom of Information Act (29 Del. C. §1000, et. seq) and is required to follow the requirements of §10004 regarding "open meetings.

B. Meetings of the Committee shall be held at the Sussex County Emergency Operations Center, 21911 Rudder Lane, Georgetown, Delaware, unless otherwise posted.

C. Meetings will be held every other month beginning each January. Dates and times shall be determined by the Committee at the first regular Committee meeting subsequent to January 1. Additionally, the Committee may change the frequency, dates, and times of meetings by majority vote of the Committee.

D. Special meetings may be called for a specified time and date determined by the Committee or at the request of the Airport Manager or the County Council. Public notice of all special meetings shall be posted as soon as reasonably possible, but in any event no later than 24 hours before such meeting.

E. A quorum for the transaction of business shall consist of not less than six (6) members of the Committee. A simple majority of voting members present shall be sufficient to act on any matter.

F. The Committee may establish subcommittees or work groups to address specific issues.

G. The Committee may develop and adopt Committee Policies to address meeting and organizational issues.

H. The agenda shall be finalized and posted no later than seven (7) calendar days prior to the scheduled meeting. Committee members shall submit all items to be placed on the agenda to the Council staff liaison or representative no later than one (1) business day prior to the date the agenda is to be finalized.

I. Robert's Rules of Order shall govern the Committee in all cases to which they are applicable, provided that they are not in conflict with any Rules adopted by the Committee or the laws of the State of Delaware.

J. Written meeting minutes shall be recorded, kept and placed on file with the County.

VI. Procedures

A. The Airport Manager or County Council may refer such matters as they deem appropriate to the Committee for recommendations or input.

B. Committee will reply to all submitted items in a timely and appropriate manner.

C. Recommendations and reports of the advisory committee shall be included in staff recommendations to the County Council.

VII. Areas of Emphasis

A. The Committee shall promote Airport development and public benefit, and shall give priority consideration to the following:

1. Provide a communication forum for Airport topics, issues, and opportunities.
2. Ensure the long-term financial health of the Airport
3. Encourage the development and operation of general aviation businesses
4. The provision of quality aviation products, services, and facilities to the public at the Airport
5. Review and provide recommendations for consideration and possible inclusion into the Airport Master Plan.
6. Submit recommendations for consideration and possible inclusion in grant applications for airport projects.
7. Assist in the marketing of the Airport and related aviation activities.
8. Share and disseminate information to Airport tenants, customers, and affiliates.
9. Ensure compliance with FAA obligations to ensure a continued source of funding for airport development.

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

**TO:** Sussex County Council  
The Honorable John L. Rieley  
The Honorable Jane Gruenebaum  
The Honorable Douglas B. Hudson  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

**FROM:** Hans Medlarz, P.E., Director of Special Projects

**DATE:** January 7, 2025

**RE:** *Lochwood Community Area, Sewer Expansion Project S22-17*  
*A. Change Order No. 3*

In October of 2018, the Lochwood Property Owners Association requested the County distribute a polling letter. The responses to the polling letter being favorable the Engineering Department conducted a public hearing on September 7, 2019. The hearing results were presented to County Council who voted to extend the Sewer District on September 17, 2019.

On May 14, 2020, the Preliminary Engineering Report and the Environmental Information Documents were combined with the \$8,440,000.00 USDA/Rural Development funding application prepared by the Finance Department and filed. On May 21, 2021, County Council accepted the letter of conditions and on May 24, 2021, approved the obligating documents associated in the loan amount of \$4,723,000 and \$3,717,000 of grant funding.

On June 15, 2021, Council approved the USDA Loan Resolution and introduction of the debt ordinance authorizing the issuance of general obligation bonds which was approved on July 13, 2021. On September 19, 2023, the Engineering & Finance Department submitted a supplemental funding request to USDA/Rural Development for \$844,000.00.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF) Since then, Council has approved five amendments for various projects, as well as a standalone agreement for the Ellendale Water District. The Engineering Department determined that DBF was the most suitable on-call firm to implement the design of the project. On October 26, 2021, Council authorized the agreement for the Lochwood sewer area expansion design project in the not to exceed amount of \$179,850.00. In the spring of 2023, the Department requested DBF to revise the agreement to include construction phase services. On July 25, 2023, with the construction awarded, Council approved the revised, all-inclusive agreement in the not to exceed amount of \$554,000.00.



Invitations to Bid were advertised, five (5) contractors attended the pre-bid meeting on March 29, 2023, and on April 19, 2023, four (4) bids were received. All bids were significantly higher than the available funding. The Engineering Department debriefed the contractors and concluded that several value engineering options could be incorporated in a rebid. One of the recommendations was to break out the scope in two contracts with the piping under contract A and the vacuum station under contract B. On May 16, 2023, Council rejected all bids and approved the contract be value engineered and rebid.

Invitations for the Re-Bid were advertised, four (4) contractors attended the pre-bid meeting on June 21, 2023, and on July 7, 2023, four (4) bids were received. Lindstrom Excavating submitted the lowest bid of \$5,749,640.00 for Construction Contract A and on July 25, 2023, Council awarded Contract A to Lindstrom Excavating, Inc.

The only bidder for Contract B was Chesapeake Turf in the amount of \$1,809,470.00 and their bid was higher than the average bids for this scope item from the original bid. Therefore, Council rejected Chesapeake Turf's bid and authorized the pursuit of a pre-purchase agreement for the equipment. After the \$417,000.00 direct purchase order for the AirVac equipment was issued on August 15, 2023, the Engineering Department requested a change order for the building and equipment installation from Lindstrom Excavating.

The vacuum station was included in the first round of Lochwood bidding and resulted in a four-bid average of \$1,631,682.25 (bid item 3) not including a portion of the mobilization (bid item 1). The rebid amount was \$1,809,470.00 and Lindstrom change order proposal was \$1,221,350.00. This approach allowed the County (i) to provide competitive pricing below the average cost during the first round of bidding and (ii) advance the supplemental funding request in federal FY 23 for <10% of original budget.

Change Order No. 1 for Lindstrom Excavating, Inc. in the amount of \$1,221,350.00, for award of the building portion of the Lochwood Project was approved on September 26, 2023.

In Mid-August 2024, Lindstrom Excavating, Inc. performed test pits in preparation for the excavation of the most challenging section of vacuum mains on Lake Shore Drive next to Burton Pond. The encountered ground water table elevations were one to two feet higher than anticipated, based on the 2022 Geotechnical Report. The approved design called for 8-foot deep set sectional vacuum pits along Lake Shore Drive requiring dewatering under a DNREC permit. The entire project area is in the groundwater management zone of the County's legacy landfill prohibiting groundwater extraction.

The contractor and the Department developed a solution returning fifteen (15) of 8-foot deep set sectional vacuum pits and purchase 15 of the 6-foot one-piece units allowing installation without dewatering. Lindstrom Excavating, Inc. agreed, in the spirit of cooperation, to waive any of the contractually allowed mark-ups and on September 17, 2024 Council approved Lindstrom Excavating, Inc.'s Change Order No. 2 for \$8,907.18.

In the course of construction Lindstrom Excavating, Inc. lost production time due to numerous "hits" of unmarked utilities triggering work stoppages. In addition, several vacuum pit locations required the relocation of the potable water service connection resulting in more lost



production days. The associated cost issues are covered under contingency unit cost items which will be adjusted accordingly in the final balancing change order to be presented in a few weeks. However, the time extension has to be granted now otherwise USDA won't approve partial payment applications outside of the contract times.

Therefore, the Engineering Department request approval of Lindstrom Excavating, Inc.'s Change Order No. 3 extending the contract by eighty-nine (89) days, contingent upon USDA concurrence.

**CHANGE ORDER NO.: 3**

Owner:	Sussex County Engineering	Owner's Project No.:	S22-07
Engineer:	Davis, Bowen & Friedel, Inc.	Engineer's Project No.:	1897B023.A01
Contractor:	Lindstrom Excavating Inc.	Contractor's Project No.:	
Project:	Lochwood Sewer Expansion Project		
Contract Name:			
Date Issued:	August 7, 2023	Effective Date of Change Order:	December 12, 2024

The Contract is modified as follows upon execution of this Change Order:

Description:

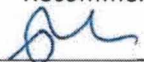
**Contract time extension from January 1, 2025 until March 31, 2025.**

Attachments:

None.

**Change in Contract Times**  
[State Contract Times as either a specific date or a number of days]

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>5,749,640.00</u>	Original Contract Times: Substantial Completion: <u>330</u> Ready for final payment: <u>360</u>
<b>Increase</b> from previously approved Change Orders No. 1 to No.2: \$ <u>1,230,257.18</u>	<b>Increase</b> from previously approved Change Orders No.1 to No. 1: Substantial Completion: <u>90</u> Ready for final payment: <u>90</u>
Contract Price prior to this Change Order: \$ <u>6,979,897.18</u>	Contract Times prior to this Change Order: Substantial Completion: <u>420</u> Ready for final payment: <u>450</u>
<b>Increase</b> this Change Order: \$ <u>n/a</u>	<b>Increase</b> this Change Order: Substantial Completion: <u>89</u> Ready for final payment: <u>89</u>
Contract Price incorporating this Change Order: \$ <u>n/a</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>509</u> Ready for final payment: <u>539</u>

Recommended by Engineer (if required)  
By: 

Title: President

Date: 12/12/2024

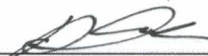
Authorized by Owner

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Requested by Contractor



President

1/2/2025

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

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# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

TO: Sussex County Council  
The Honorable John L. Rieley  
The Honorable Jane Gruenebaum  
The Honorable Douglas B. Hudson  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Director of Special Projects

RE: ***Joy Beach Sewer Expansion, Project 20-12***  
***A. Change Order No. 3***

DATE: January 7, 2025

On August 29, 2017, County Council authorized the posting of notices for a public hearing regarding the Joy Beach Community and adjacent area expansion of the Sussex County Unified Sewer District. Based on a recommendation from the Engineering Department, annexation of the proposed sewer boundary was adopted on November 7, 2017, by Resolution R 030 17.

Following the August 13, 2019 public hearing on the project financing, County Council adopted Ordinance No. 2671 providing for issuance of General Obligation Bonds up to \$5,691,821 to finance or reimburse the County for a portion of costs for the project, with principal forgiveness up to \$3,396,000 reducing the principal amount to \$2,295,821 upon completion.

The Engineering Department's procurement process for 5-year Professional Service Contracts began in January 2019 with issuance of RFP 19-22, Miscellaneous Engineering Services. On May 14, 2019 Council approved the selection of three (3) firms including KCI Technologies, Inc. (KCI). The Engineering Department selected KCI to submit a proposal for design, and bidding phase services associated with the Joy Beach Sewer Expansion Project.

Subsequently, KCI provided Amendment No. 1 to the Base Owner-Engineer Professional Services Agreement dated September 10, 2019, for design and bidding services associated with the Joy Beach Sewer Expansion Project, with an estimated total cost of \$340,300.00. On October 22, 2019, Council awarded Amendment No. 1 for professional services at a not-to-exceed value of \$340,300.00, for design and bidding of the Joy Beach Sewer Expansion.

After a lengthy easement acquisition and permitting phase Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website early in 2023. Nine (9) contractors attended the pre-bid meeting on February 1, 2023, and on February 22, 2023, six (6)



bids were received. The low bidder was Chesapeake Turf, LLC at \$4,758,640.00. The Engineering Department recommended award to Chesapeake Turf in the same amount.

During the Engineering Department's pre-award debriefing with Chesapeake Turf, the contractor proposed two cost saving means & methods changes. The first one replaced the open cut method of forcemain installation with a directional drill approach. The Engineering Department agreed if all driveway restoration unit cost items (26,27&28) were zeroed out as well as any additional air release manholes provided by the contractor at no cost. In addition, Chesapeake Turf suggested to replace the boring and jacking installation method of the steel casing under Waterview Road with a directional drill for a 10%-unit price reduction of item 17 and the acquisition of the associated temporary construction easement at their expense. On April 18, 2023, Council approved award to Chesapeake Turf in the amount of \$4,758,640.00 and Change Order No. 1 in the overall reduction amount of \$63,250.00.

Construction has been underway since the Notice to Proceed on August 14, 2023 with most of the work focused on the installation of the pump station, 3 and 4-inch forcemain, residential grinder pumps and connections to the forcemain. The receipt of various critical components enabling the grinder pumps to be connected to the forcemain were delayed. Additionally, delivery of various pump station electrical components was also delayed, further lengthening the timeframe for completion of pump station.

Chesapeake Turf, LLC did not reach substantial completion for the pressurized system before June 12, 2024, for the work involving the installation of 3 and 4-inch low pressure force main, 1 ¼-inch low pressure laterals and appurtenances, along with thirty (30), E-One grinder pumps. This portion of the system was deemed operational, and connection letters were sent to those residences in September 2024.

The remainder of the project included installation of gravity sewer within Joy Beach. Because of the delays detailed above, the gravity sewer was planned for installation during the summer of 2024. This was problematic recognizing that Joy Beach has many seasonal residents and construction during this timeframe would create unnecessary hardships. Chesapeake Turf, LLC requested an overall non-compensatory time extension of 226 calendar days and a non-compensatory 90 calendar day contract suspension to cover the summer months. Council approved the request via Change Order No.2 on April 30, 2024.

After the non-compensatory 90 calendar day contract suspension, the installation of the gravity sewer and repaving of roads commenced in September 2024. The installation of the gravity sewer and base paving of the of roads within the Joy Beach community were completed by December 21, 2024. However, based upon current ambient temperatures, placement of the final wearing coat pavement is not recommended. A non-compensatory time extension is requested to permit this final paving to occur when temperatures are within the specification range. Chesapeake Turf, LLC has requested a non-compensatory time extension of 115 calendar days to the Substantial Completion and Final Payment dates to permit this work to be completed.

The Engineering Department supports the request of Chesapeake Turf, LLC and recommends Council approve Change Order No.3 which provides Chesapeake Turf, LLC with a non-compensatory time extension of 115 calendar days to the anticipated Substantial Completion date.

Date of Issuance: 1/7/2025  
 Owner: Sussex County  
 Contractor: Chesapeake Turf, LLC  
 Engineer: KCI Technologies  
 Project: Joy Beach Sewer Expansion

Effective Date: 1/7/2025  
 Owner's Contract No.: S20-12  
 Contractor's Project No.:  
 Engineer's Project No.:  
 Contract Name:

**The Contract is modified as follows upon execution of this Change Order:**

The installation of the gravity sewer and base paving of the of roads within the Joy Beach community were completed by December 21, 2024. However, based upon current ambient temperatures, placement of the final coat of Type C pavement is not recommended. A non-compensatory time extension is requested to permit this final paving to occur when temperatures are within the specification range.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,758,640.00</u>	Original Contract Times: Substantial Completion: <u>270</u> calendar days Ready for Final Payment: <u>300</u> calendar days
Increase from previously approved Change Orders No. 1 to No. <u>2</u> : \$ <u>(-63,250.00)</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: <u>226</u> Ready for Final Payment: <u>226</u>
Contract Price prior to this Change Order: \$ <u>4,695,390.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>496</u> calendar days Ready for Final Payment: <u>526</u> calendar days (time included a 90 calendar day contract suspension)
Increase/Decrease of this Change Order: \$ <u>0.00</u>	Increase of this Change Order: Substantial Completion: <u>115</u> calendar days Ready for Final Payment: <u>115</u> calendar days
Contract Price incorporating this Change Order: \$ <u>4,695,390.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>611</u> calendar days Ready for Final Payment: <u>641</u> calendar days (time included a 90 calendar day contract suspension)

RECOMMENDED:  
 By: John J. Johnson  
 Engineer (if required)  
 Title: Project Engineer  
 Date: 12/19/2024

ACCEPTED:  
 By: \_\_\_\_\_  
 Owner (Authorized Signature)  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

ACCEPTED:  
 By: Ray Tucker  
 Contractor (Authorized Signature)  
 Title: Pres. Chesapeake Turf, LLC  
 Date: 12/19/2024

Approved by Funding Agency (if applicable)  
 By: Kush Kohler 12-19-24 Date:  
 Title: Project Manager

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>  
**Sent:** Wednesday, December 11, 2024 11:37 AM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

**Council Grant Form**

<b>Legal Name of Agency/Organization</b>	Frankford Public Library ✓
<b>Project Name</b>	Safety Doors for the Meeting Room
<b>Federal Tax ID</b>	51-0185831 ✓
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	The purpose of the Frankford Public Library is to provide residents of and visitors to the local community with access to a wide variety of educational, informational, and recreational materials and programs.
<b>Address</b>	P.O. Box 610
<b>Address 2</b>	8 Main Street
<b>City</b>	Frankford
<b>State</b>	DE

**Zip Code** 19945  
**Contact Person** Bonnie Bly Elliott  
**Contact Title** Director  
**Contact Phone Number** 3027329351  
**Contact Email Address** [frankfordpubliclibrary@gmail.com](mailto:frankfordpubliclibrary@gmail.com)

**Total Funding Request** \$2500.00

**Has your organization received other grant funds from Sussex County Government in the last year?** No

**If YES, how much was received in the last 12 months?** N/A

**Are you seeking other sources of funding other than Sussex County Council?** Yes

**If YES, approximately what percentage of the project's funding does the Council grant represent?** 30

**Program Category (choose all that apply)** Cultural  
Infrastructure

<b>Primary Beneficiary Category</b>	Elderly Persons (62 +)
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	6600
<b>Scope</b>	We need to address our meeting room doors. Presently they are solid with no glass in them to allow individuals to see into the meeting room. Even though we have cameras in that room it puts our staff at a disadvantage in case someone would say that something inappropriate happens during programming.
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	0.00
<b>Description</b>	2 non rated unfinished 72"x80" Active doors
<b>Amount</b>	2,127.78
<b>Description</b>	Frame package
<b>Amount</b>	431.94
<b>Description</b>	Hardware/Accessory Package
<b>Amount</b>	2,357.64
<b>Description</b>	Non-rated unfinished 36"x80" Single Door



<b>Amount</b>	911.81
<b>Description</b>	Frame Package
<b>Amount</b>	319.44
<b>Description</b>	Hardware/Accessory Package
<b>Amount</b>	1,007.64
<b>TOTAL EXPENDITURES</b>	7,156.25
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-7,156.25
<b>Name of Organization</b>	Frankford Public Library
<b>Applicant/Authorized Official</b>	Bonnie Bly Elliott
<b>Date</b>	12/11/2024
<b>Affidavit Acknowledgement</b>	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

Yes 12/31  
HUDSON.

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Bethany-Fenwick Area Chamber of Commerce  
PROJECT NAME: 2025 Fire & Ice Festival  
FEDERAL TAX ID: 51-0203227 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Chamber's mission is to develop and implement destination events, participate in advocacy efforts, and provide opportunities for networking, marketing, and education with a goal of improving member success and enhance the quality of life throughout the Quiet Resorts.

ADDRESS: 36913 Coastal Hwy  
Fenwick Island DE 19944  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Lauren Weaver  
TITLE: Executive Director  
PHONE: 302-539-2100 ext. 118 EMAIL: lauren@bethany-fenwick.org

TOTAL FUNDING REQUEST: \$3,000

Has your organization received other grant funds from Sussex County Government in the last year?  YES  NO

If YES, how much was received in the last 12 months? \$1,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

Are you seeking other sources of funding other than Sussex County Council?  YES  NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 1.2%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |   |                                      |
|--|---|--------------------------------------|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services                | <input type="checkbox"/> Cultural    |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input checked="" type="checkbox"/> Other <u>Off-Season Event</u> | <input type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |  |                                   |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence        | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons            | <input type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other <u>Community</u>   |                                   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

5,000<sup>+</sup>

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

On behalf of the Bethany-Fenwick Area Chamber of Commerce, we are writing to request financial support for the 2025 Fire & Ice Festival. The Festival will be hosted January 31st to February 2nd. Our presenting sponsors in previous years have been the Bethany Beach Ocean Suites – Marriott Residences, the Town of Bethany Beach, and the Town of Ocean View, all of whom have agreed to continue their support for the eighth year of this event. The Fire & Ice Festival was created to fulfill a portion of our mission that creates off-season events to increase tourism throughout the state and providing opportunity for expansion, promotion, and growth for the business community. We have been successful in achieving this portion of the mission the previous three years by selling out local hotels and positively impacting the local business community. Retail and restaurant businesses have reported numbers that rival the Fourth of July.

The growth plan of this event over the last five years has successfully expanded from Bethany Beach into the neighboring towns of Millville, Ocean View, Frankford, Selbyville, and Fenwick, providing more activities to area guests and residents. All ice attractions, in addition to over 70 sculptures, will be provided by a company called The Ice God, which executes large-scale ice events in D.C, Northern Virginia, and the Baltimore area. Their work can be found at [www.meettheicegod.com](http://www.meettheicegod.com). With an even larger event in 2025, our desire is to create a more compelling reason for people to travel to The Quiet Resorts in January.

The Chamber is requesting financial support of up to \$3,000 to be distributed for additional public safety cost and execution of festival activities happening in each of the towns representing participating businesses. We know that with our success in prior years, we can continue to run a successful event that continues to provide a welcome economic boost during the winter season.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	140,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Personnel	-\$ 10,000.00
Vendor/Ice (210 @ ~\$450)	-\$ 94,500.00
Signage/Safety	-\$ 2,000.00
Advertising	-\$ 10,000.00
Entertainment	-\$ 15,000.00
Event Expenses (products, merchandise, rentals)	-\$ 3,000.00
Licensing/Insurance	-\$ 500.00
Featured Events	-\$ 15,000.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 150,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 10,000.00</b>

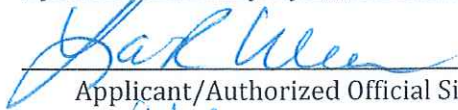
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Bethany-Fenwick Area Chamber of Commerce agrees that:  
 (Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

  
Applicant/Authorized Official Signature

12/30/2024

Date

  
Witness Signature

12/30/2024

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

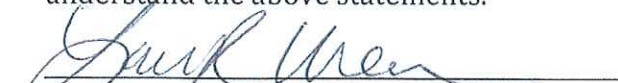
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.


For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

  
\_\_\_\_\_  
Applicant/Authorized Official Signature

  
\_\_\_\_\_  
Witness Signature

**Executive Director**

\_\_\_\_\_  
Title

**12/30/2024**

\_\_\_\_\_  
Date

To Be Introduced: 1/7/25

Council District 2: Mr. McCarron

Tax I.D. No.: 235-25.00-33.00, 33.02 & 33.04

911 Address: 16902 Shingle Point Road, 8301 Old Silo Lane, Milton & N/A

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING AND HOME CONSTRUCTION BUSINESS, SERVICE & PROFESSIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.57 ACRES, MORE OR LESS**

WHEREAS, on the 8th day of March 2024, a Conditional Use application, denominated Conditional Use No. 2519 was filed on behalf of Savini Companies and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2519 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2519 as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

**ALL that certain tract, piece, or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the north and south side of Old Silo Lane, and on the west side of Shingle Point Road (S.C.R. 249), approximately 0.81 mile north of Gravel Hill Road (Rt. 30), and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A. and Pennoni Associates, said parcels containing 5.57 acres, more or less.**

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



To Be Introduced: 1/7/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS**

WHEREAS, on the 5<sup>th</sup> day of July 2023, a zoning application, denominated Change of Zone No. 2017 was filed on behalf of Gulfstream Glen Cove, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2017 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR Medium Density Residential District as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352), and being more particularly described in the attached legal description prepared by Civil Engineering Associates said parcels containing 12.32 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/7/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS**

WHEREAS, on the 5<sup>th</sup> day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2462 was filed on behalf of Gulfstream Glen Cove, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2462 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article IV, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2462 as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352), and being more particularly described in the attached legal description prepared by Civil Engineering Associates said parcels containing 12.32 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/7/25

Council District 1: Mr. Lloyd  
Tax I.D. No.: 232-12.00-2.05  
911 Address: 9093 Woodland Ferry Road, Laurel

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMUNITY SOLAR ENERGY GENERATING FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.6 ACRES, MORE OR LESS**

WHEREAS, on the 23<sup>rd</sup> day of October 2023, a Conditional Use Application, denominated Conditional Use No. 2489 was filed on behalf of Woodland Ferry Road Solar 1, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2489 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2489 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the north side of Woodland Ferry Road (S.C.R. 78) approximately 0.5 mile northwest of Sussex Highway (Rt. 13), and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A. said parcel containing 39.6 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



## Memorandum

To: Sussex County Council  
The Honorable Jane Gruenebaum  
The Honorable Douglas B. Hudson  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: January 2, 2025

RE: County Council Report for C/Z 2020 filed on behalf of Samuel Petersheim

---

The Planning and Zoning Department received an application (C/Z 2020 filed on behalf of Samuel Petersheim) for a Change of Zone from an AR-1 Agricultural Residential District to a B-2 Business Community Zoning District, for a 4.86 ac. parcel, to be located at Tax Parcel 332-1.00-67.03. The property is located on the west side of Sussex Highway (Rt.13), and on the east side of Gordy Road (SCR 70) approximately 150 feet north of the intersection of Sussex Highway (Rt.13) and Gordy Road (SCR 70).

The Planning & Zoning Commission held a Public Hearing on the application on November 13, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on November 13, 2024.

Minutes of the November 13, 2024, Planning & Zoning Commission Meeting

### C/Z 2020 Samuel Petersheim

**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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.86 ACRES, MORE OR LESS.** The property is lying on the west side of Sussex Highway (Rt. 13), and on the east side of Gordy Road (S.C.R. 70) approximately 150 feet north of the intersection of Sussex Highway (Rt. 13) and Gordy Road (S.C.R. 70). 911 Address: N/A. Tax Map Parcel: 332-1.00-67.03



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual site plan, a copy of the staff analysis documents, a copy of a survey for the property, a copy of the DelDOT SLER, a copy of a letter from the Sussex County Engineering Department Utility Planning Division and zero comments.

Mr. Samuel Petersheim and Mrs. Glenda Petersheim, the applicants spoke on behalf of themselves that they want to sell storage buildings and display backyard properties, backyard structures, gazebos, pergolas, and pavilions; that the property is directly across from another commercial lot so there is no infringement of a residential area.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

Ms. Wingate moved the Commission to recommend approval of C/Z 2020 Samuel Petersheim for a change in zone from AR-1 “Agricultural Residential” to B-2 “Business Community” based upon the record made during the public hearing and for the following reasons:

1. B-2 Business Community Zoning is designed to allow office, retail shopping, and personal service uses that serve a relatively small area, including low-density and medium-density neighborhoods.
2. The site is in the Developing Area according to the current Sussex County Comprehensive Plan. B-2 zoning and the uses permitted in that District are appropriate in the Developing Area according to the Plan.
3. This location is in an area along Route 13 where there is a larger commercially zoned area of land that includes a large store complex and warehousing as well as other retail and commercial uses.
4. The rezoning will not adversely affect area roadways or traffic.
5. The rezoning will also not adversely affect nearby properties or property values.
6. No parties appeared in opposition to this Application.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/Z 2020 Samuel Petersheim for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
BRIAN BUTLER



**Sussex County**

DELAWARE  
SUSSEXCOUNTYDE.GOV  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: November 13, 2024

Application: C/Z 2020 – Sam Petersheim

Applicant: Sam Petersheim/Dutch Country Furniture  
11233 Trussum Pond Road  
Laurel, DE 19956

Owner: Sam Petersheim  
8229 Delmar Road  
Delmar, DE 19940

Site Location: Located on the west side of Sussex Highway (Rt. 13), and on the east side of Gordy Road (S.C.R. 70) approximately 150 feet north of the intersection of Sussex Highway (Rt. 13) and Gordy Road (S.C.R. 70).

Current Zoning: Agricultural Residential (AR-1) Zoning District.

Proposed Zoning: Business Community (B-2) Zoning District

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: District 1 – Mr. Lloyd

School District: Laurel School District

Fire District: Laurel Fire Department

Sewer: N/A

Water: Well

Site Area: 4.86 acres +/-

Tax Map ID: 332-1.00-67.03



JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Ann Lepore, Planner I  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: November 13, 2024  
RE: Staff Analysis for C/Z 2020 Samuel Petersheim

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The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of Application C/Z 2020 Samuel Petersheim to be reviewed at the November 13, 2024, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

**Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 332-1.00-67.03

**Proposal:** The request is for a Change of Zone for Tax Parcel 332-1.00-67.03 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Business Community (B-2) District to accommodate a Furniture Store. The property lying on the west side of Sussex Highway (Rt. 13), and on the east side of Gordy Road (S.C.R. 70) approximately 150 feet north of the intersection of Sussex Highway (Rt. 13) and Gordy Road (S.C.R. 70) in Laurel. The Parcel contains 4.86 acres +/-

**Comprehensive Plan Analysis:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of “Developing Area.” All surrounding Parcels to the north, south, west, and east (on the opposite side of Sussex Highway (Rt. 13)) contain a Growth Area Future Land Use designation of “Developing Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Developing Area” are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers.” (2018 Sussex County Comprehensive Plan, 4-14). The Plan further notes that, “In selected areas and at appropriate intersections, commercial uses should be allowed (2018 Sussex County Comprehensive Plan, 4-14).



**Zoning Information:** The parcel is zoned Agricultural Residential (AR-1) District. Adjacent parcels to the north, west, and south are zoned Agricultural Residential (AR-1) District. Parcels to the east (on the opposite side of Sussex Highway (Rt. 13) are zoned General Commercial (C-1) District.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the proposed Business Commercial (B-2) District is currently listed as an Applicable Zoning Districts within the “Developing Area” Future Land Use Map category.

**Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** There are agricultural uses in the vicinity of this property.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The site is not located in a Wellhead Protection Area

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Business Commercial (B-2) District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

**Existing Change of Zones within the Vicinity of the Subject Property:**

Since 2011, there have been three (3) Change of Zone Applications within a 1-mile radius of the Application site.

<b>Change of Zone Applications</b> (Within a 1.0-mile radius of the subject site)						
Application Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
1730	Two Farms Inc.	AR-1	CR-1	Approved	6/25/2013	2312
1739	Vance Phillips	AR-1	CR-1	Approved	1/17/2014	2337
1889	Air Fish Automotive	AR-1	C-3	Approved	9/17/2019	2680





CZ 2020 – Sam Petersheim - Street Map  
 TM#: 332-1.00-67.03



CZ 2020 – Sam Petersheim - Zoning Map  
TM#: 332-1.00-67.03



CZ 2020 – Sam Petersheim - Aerial Map

TM#: 332-1.00-67.03

Introduced: 8/27/24

Council District 1: Mr. Vincent  
Tax I.D. No.: 332-1.00-67.03  
911 Address: N/A

ORDINANCE NO. \_\_\_\_

**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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.86 ACRES, MORE OR LESS**

WHEREAS, on the 28<sup>th</sup> day of August 2023, a zoning application, denominated Change of Zone No. 2020 was filed on behalf of Samuel J. Petersheim and Glenda G. Petersheim; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2020 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-2 Business Community District as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Rt. 13), and on the east side of Gordy Road (S.C.R. 70) approximately 150 feet north of the intersection of Sussex Highway (Rt. 13) and Gordy Road (S.C.R. 70) and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcels containing 4.86 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.