

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 13, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 13, 2024, at 12:30 p.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Vincent. Mr. Vincent called the meeting to order.
M 406 24 Approve Agenda	A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the agenda as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Minutes	The minutes of July 30, 2024, were approved by consent.
Correspondence	Mr. Moore reported that correspondence was received from Delaware Community Foundation thanking Council for their donation. Mr. Rieley noted that the public hearing and public record for the Wind Farm has been closed.
Public Comments	There were no public comments.
M 407 24 Approve Consent Agenda	A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve the following item under the Consent Agenda: Use of Existing Wastewater Infrastructure Agreement – IUA 522 Plantation Medical and Professional Building (Building #4), West Rehoboth Area Motion Adopted: 5 Yeas Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea;

Mr. Vincent, Yea

Retirement **Bobby Schoonover was recognized for his upcoming retirement.**

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

Report

1. Certificate of Achievement for Excellence in Financial Reporting

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Certificate of Achievement for Excellence in Financial Reporting for the 2023 Comprehensive Annual Financial Report. This is the 22nd consecutive year that the County has received this prestigious award acknowledging the financial report. The award is among the highest forms of recognition for governmental accounting and financial reporting.

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

2. Delaware Aglands Round 28 Participation

Sussex County is proud to announce its participation in the latest round of the Delaware Aglands farm preservation program, which, since its inception in the mid-1990s has protected more than a fifth of Sussex County farmland for future generations. In the 28th round announced today by the Delaware Department of Agriculture in the attached press release, the County contributed more than \$500,000, along with State funding, to help protect some 1,300 acres of land. Sussex County has been a long-standing partner in this endeavor, and will continue to look for ways to preserve our agricultural heritage.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Heritage Shores – Phase 4F (P) (Construction Record) and Heritage Shores – Phase 4F (S) (Construction Record) effective July 30th and Scenic Harbor (FKA Estates at Mulberry Knoll & Scenic Manor) Phase 2 (Construction Record) effective August 1st.

4. FY 2025 Human Service Grant Program

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

Applications for the Fiscal Year 2025 Human Service Grant Program are now being accepted. The Human Service Grant Program provides grants to county-wide nonprofit agencies for the purpose of enhancing health and human services which contribute to a safe, healthy, and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

To be eligible for a grant, organizations must fill out an application which is available on the County's website at www.sussexcountype.gov.

The deadline for filing grant requests is Monday, September 30th.

5. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, August 20th. The next regularly scheduled Council meeting will be held on Tuesday, August 27th at 10:00 a.m.

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

**DE Transit
Reimburse-
ment
Program
Request**

Gina Jennings, Finance Director presented a request for the Delaware Transit Reimbursement program for Council's consideration. Mrs. Jennings reported that as in the past, DART, a division of DelDOT, has allocated funding for transportation expenses for various senior centers in Sussex County. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2024 as per State law. This process is an allocation of State grant funds to various senior agencies for transportation purposes. The amount the State has allocated is \$846,868. This amount is up \$50,000 due to a change in epilogue language in the State's budget. Typically, the \$50,000 goes straight to CHEER but this year the amount was included in the County's amount to allocate. Mrs. Jennings is recommending that the funds still go back to CHEER and the other funding stay consistent as in the past.

**M 408 24
Approve DE
Transit
Reimburse-
ment
Program**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that be it moved that the Sussex County Council recommends the following allocation of State funding to: Nanticoke Senior Center \$44,962, Indian River Senior Center \$2,100, Laurel Senior Center \$99,083, Lewes Senior Center \$27,123 and Cape Henlopen Senior Center \$43,066 and CHEER, Inc. \$630,534.

Motion Adopted: 5 Yeas

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

**Wolfe Neck
CO No. 1** **Mike Harmer, County Engineer presented change order no. 1 for Wolfe Neck Region WWF electrical construction project for Council's consideration.**

**M 409 24
Approve
Wolfe Neck
CO No. 1** **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that change order no. 1 for contract S24-09, Wolfe Neck Regional WWF electrical service and switchgear replacement – electrical construction, be approved, increasing the contract by \$87,423.45.**

Motion Adopted: 5 Yeas

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

**JP Court
Proposal
Request** **Mike Harmer, County Engineer presented a request for authorization to solicit proposals for the J.P. Court Annex/Building project for Council's consideration.**

**M 410 24
Approve JP
Court
Proposal
Authoriza-
tion** **A Motion was made by Mrs. Green, seconded by Mr. Hudson, be it moved, based upon the recommendation of the Sussex County Engineering Department, that Council authorize the Engineering Department to request a proposal from Tevebaugh Associates, Inc. under an existing state contract, to provide architectural/design services for the JP Court Annex Building.**

Motion Adopted: 5 Yeas

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

**Ocean
Outfall
Repairs** **Mark Parker, Assistant County Engineer presented a project completion and balancing change order for Ocean Outfall repairs for Council's consideration.**

**M 411 24
Approve
Ocean
Outfall
Repairs** **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved, based upon the recommendation of the Sussex County Engineering Department, that balancing change order no. 1 be approved for contract G23-18, 2023 Ocean Outfall repairs, reflecting \$70,406.97 worth of contingency repairs added to the base bid for a final project cost of \$224,906.97.**

Motion Adopted: 5 Yeas

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

DE Coastal Business Park CO 5 **Mark Parker, Assistant County Engineer presented a project closeout and change order no. 5 for Delaware Coastal Business Park Improvements for Council's consideration.**

M 412 24 **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that project closeout and final balancing change order no. 5 be approved for contact A21-11, Delaware Coastal Business Park Improvements, decreasing the contract amount by \$264,590.09 to a final project cost of \$4,090,431.91.**

Motion Adopted: 5 Yeas

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

Paramedic Station 103 CO No. 2 **Mark Parker, Assistant County Engineer presented change order no. 2 for Paramedic Station 103 for Council's consideration. Mr. Parker reviewed the nine items that were included in the change order.**

M 413 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved, based upon the recommendation of the Sussex County Engineering Department, that change order no. 2 be approved for contract C21-18, Paramedic Station 103 increasing the contract amount by \$8,313.20 to \$1,819,067.20.**

Motion Adopted: 5 Yeas

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

Herring Creek CO No. 4 **Hans Medlarz, Project Manager presented change order no. 4 for Herring Creek Sanitary Sewer District: South Gravity sewer and force main for Council's consideration.**

M 414 24 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 4 for contract S20-08, Herring Creek sanitary sewer district: South Gravity sewer and force main, phase III be approved, increasing the contract time by 112-calendar days, contingent upon USDA concurrence.**

Motion Adopted: 5 Yeas

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

Mr. Vincent, Yea

Winding Creek Village Findings **Hans Medlarz, Project Manager presented findings and recommendations for Winding Creek Village – Water District for Council’s consideration.**

Findings **Mr. Vincent gave the gavel to Mr. Rieley.**

M 415 24 Accept Staff Recommendation **A Motion was made by Mr. Hudson, seconded by Mr. Vincent, to accept the recommendation of staff to not move forward with a referendum.**

Motion Adopted: 5 Yeas

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

The gavel was given back to Mr. Vincent.

**Old Business/
CU2431** **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS” (property lying on the east side of Savannah Road [Rt. 9] at the intersection of Savannah Road [Rt. 9] and Quaker Road, approximately 0.33-mile northeast of Westcoats Road [Rt. 12]) (911 Address: 1510 Savannah Road, Lewes) (Tax Map Parcel: 335-12.06-10.00) filed on behalf of Play It Safe, LLC.**

The County Council held a Public Hearing on the application at its meeting of July 16, 2024. At the conclusion of the Public Hearing action on the application was deferred for further consideration.

**M 416 24 Amend Condition F/
CU2431** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to amend Condition F to read “The Applicant shall install physical barriers, landscaping and “no parking” signs along both Savannah Road and Quaker Road, as may be permitted by DelDOT. Specifically on Quaker Road, there shall be balusters or other DelDOT approved traffic control devices from the back corner of the lot along Quaker Road to the DelDOT approved entrance. All parking shall occur on site and in accordance with the requirements of the County Zoning Code for this use. The parking spaces located at the rear of the site shall only be utilized by employees for their use of the site. All parking shall be clearly shown on the Final Site Plan and on the site itself”.**

Motion Adopted: 5 Yeas

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

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 417 24
Adopt
Ordinance
No. 3034/
CU2431**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 3034 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. This application seeks to allow the conversion of an existing day care facility into a professional office.**
- 2. The use of this property as an office is in character with the development trend of medical and professional office space along Savannah Road. For example, there are approximately 14 other conditional uses within a one-mile radius of this site. Many of these are office uses very similar to what is sought here.**
- 3. The use as a professional office is supported by the Sussex County Comprehensive Plan.**
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways. In fact, it is likely to have less of an impact on neighboring properties and roadways than the prior more intensive use as a day care facility.**
- 5. DelDOT will review the proposed entrance locations and may require design changes for the entrances as well as roadway improvements.**
- 6. There is sufficient space on the property for parking to serve the office building.**
- 7. The Applicant has stated the intention to maintain the residential appearance of the building that currently exists on the site.**
- 8. This recommendation is subject to the following conditions:**
 - a. The building shall be used for office use only. No retail sales or other commercial uses shall occur on the site.**
 - b. The building shall be permitted to have one lighted sign. The sign shall not exceed 32 square feet in size on each side.**
 - c. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
 - d. The business hours shall be limited to 7:00 a.m. until 8:00 p.m., Monday through Friday, and 8:00 a.m. until 4:00 p.m. on Saturdays. Additional hours for emergency services are permitted, but only on a limited “as-needed” emergency basis.**
 - e. All entrances and roadway improvements shall be modified or installed as required by DelDOT. All required DelDOT improvements or modifications shall be shown or documented on the Final Site Plan.**
 - f. The Applicant shall install physical barriers, landscaping and “no parking” signs along both Savannah Road and Quaker Road, as**

**M 417 24
Adopt
Ordinance
No. 3034/
CU2431
(continued)**

may be permitted by DelDOT. Specifically on Quaker Road, there shall be balusters or other DelDOT approved traffic control devices from the back corner of the lot along Quaker Road to the DelDOT approved entrance. All parking shall occur on site and in accordance with the requirements of the County Zoning Code for this use. The parking spaces located at the rear of the site shall only be utilized by employees for their use of the site. All parking shall be clearly shown on the Final Site Plan and on the site itself.

- g. The existing fence located on the property that separates this site from the adjacent property to the rear along Quaker Road shall remain in its current configuration and location, including restoration or repair as needed by the owner of this site.
- h. All trash receptacles shall be of a residential type and design. No commercial dumpsters shall be utilized on this site.
- i. The existing outbuilding on the rear of the site shall only be used for storage.
- j. As stated by the Applicant during the public hearing, the residential appearance of the structure shall be maintained.
- k. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.
- l. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

M 418 24

**Ron G.
Williams
Foundation,
Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$1,000 (\$500 from Mr. Schaeffer's Councilmanic Grant Account, \$500 from Mrs. Green's Councilmanic Grant Account) to Ron G. Williams, Jr. Foundation, Inc. for their Delaware Law Enforcement Thank You Ride 2024.

Motion Adopted: 5 Yeas

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

M 419 24

**Trinty
Foundation**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to Trinty Foundation for their 2024 Golf Tournament.

Motion Adopted: 5 Yeas

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

M 420 24 A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,200
New (\$1,200 from Mrs. Green's Councilmanic Grant Account) to New Coverdale
Coverdale Outreach Mission, Inc. for back-to-school supplies.
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 421 24 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to give \$1,000
Sussex (\$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr.
County Schaeffer's Councilmanic Grant Account) to Sussex County Land
Land Foundation Inc. for Sponsorship of Dogfish Dash.
Foundation,

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 422 24 A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$4,000
Delaware (\$2,500 from Mr. Hudson's Councilmanic Grant Account, \$500 Mr.
Botanic Vincent's Councilmanic Grant Account and \$1,000 from Mr. Rieley's
Gardens Inc. Councilmanic Grant Account) to Delaware Botanic Gardens Inc. for their
2024 DBG dinner party 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 423 24 A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,500
Bridgeville (\$1,500 from Mrs. Green's Councilmanic Grant Account) to Bridgeville
Apple- Apple-Scrapple Festival, Inc. for their 32nd Annual Apple-Scrapple festival.
Scrapple

Festival, 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 424 24
Western
Sussex
Chamber of
Commerce,
Inc.

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant Account) to the Western Sussex Chamber of Commerce, Inc. for their Broad Creek bike and brew 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 425 24
American
Cancer
Society, Inc.

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,500 (\$300 each Council Members Councilmanic Grant Account) to the American Cancer Society, Inc. for their Sussex County Relay for Life 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 426 24
Rehoboth
Concert
Band, Inc.

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account) to the Rehoboth Concert Band, Inc. for their concert honoring 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 427 24
CHEER Inc.
(George-
town)

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$500 (\$500 from Mr. Rieley's Councilmanic Grant Account) to CHEER Inc. (Georegtown) for their 14th annual classic car, truck and bike show.

Motion Adopted: 5 Yeas

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

M 428 24
Delaware
State College
Alumni
Association

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$500 from Mr. Schaeffer's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to Delaware State College Alumni Association for their band to the beach event.

Motion Adopted: 5 Yeas

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

Proposed Ordinance Introduction Mr. Schaeffer introduced 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” filed on behalf of J.G. Townsend Jr. & Co.

CC The Proposed Ordinance will be advertised for a public hearing.

Comments There were no Council Member comments.

M 429 24 Go Into Executive Session At 1:23 p.m., A Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matter relating to pending & potential litigation and land acquisition.

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 1:25 p.m. an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to pending & potential litigation and land acquisition. The Executive Session concluded at 1:41 p.m.

M 430 24 Reconvene At 1:44 p.m., a Motion was made by Mr. Hudson, seconded by Mrs. Green to come out of Executive Session back into Regular Session.

Motion Adopted: 3 Yeas, 2 Absent

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

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

Public Hearing/ A Public Hearing was held for the South Blades Area creation of the Sussex County Sanitary Sewer District. Mr. Ashman reported that County Council

Creation of South Blades Area granted permission to prepare and post notices for a public hearing on June 11, 2024, which includes parcels 132-6.00-95.00 & 88.01 and parcels 132-11.00-41.00 & 41.02. The Engineering Department received a request from Bioenergy Devco for sewer service for the proposed Delmarva Bioenergy Center – Seaford (BDC) facility south of Blades. The facility is not contiguous to the existing boundary therefore it needs to be established as a new area. The request comes for a flow allocation of 100,000 GPD fully equalized with BDC obtaining a pretreatment agreement with the City of Seaford. BDC will be responsible for all system connection charges at the completion of the referendum process, if in the affirmative. BDC will be responsible for design & construction of a pumpstation and force main to connect to the County's existing infrastructure and for a catch-up contribution as outlined in the Use of Existing Infrastructure Agreement. The Engineering Department posted notices on July 23rd, placed on the County website and advertised the proposed expansion the weeks of July 31st and August 7th. To date, there has been no correspondence received in support or opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 431 24 Adopt Resolution No. R 016 24 Creation of South Blades Area A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Resolution No. R 016 24 entitled "A RESOLUTION ESTABLISHING THE PROPOSED BOUNDARAY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) SOUTH BLADES AREA".

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/ Zion Church Road Storage into SCUSSD A Public Hearing was held for the Zion Church Road Storage Annexation of the Sussex County Unified Sanitary Sewer District (Johnson Corner Area). Mr. Ashman reported that County Council granted permission to prepare and post notices for a public hearing on June 11th. The Engineering Department received a request form Davis, Bowen & Friedel, Inc. on behalf of their clients Zion Church Ventures, LLC for the western area and AWH Properties, LLC for the eastern area, for the projects known as Roxana Storage (East & West). The request includes parcels 533-11.00-23.00, 23.02, 23.03 & 23.04. The projects are proposed as storage facility & warehouses. The projects will be responsible for System Connection Charges at the time of connection. The Engineering Department posted notices on July 23rd, placed on the County website and advertised the proposed expansion the weeks of July 31st and August 7th. To date, there has been no correspondence received in support or in opposition of the expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 432 24 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt**
Adopt **Resolution No. R 017 24 entitled “A RESOLUTION TO EXTEND THE**
Resolution **BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER**
No. R 017 24 **DISTRICT (SCUSSD) JOHNSON’S CORNER AREA, TO INCLUDE THE**
Zion Church **ROXANA STORAGE AREA AND LOCATED IN THE BALTIMORE**
Road **HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE**
Storage **OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX**
 COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

Rules **Mr. Moore read the rules and procedures for Public Hearings.**

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2428 **1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE**
 CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1713
 (ORDINANCE NO. 1961) TO ALLOW FOR AN ADDITIONAL BUILDING
 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
 BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING
 1.28 ACRES, MORE OR LESS” (property lying on the north side of Roxana
 Road [Rt. 17] approximately 177 feet southwest of Pyle Center Road [Rt. 20])
 (911 Address: 35160 Roxana Road, Frankford) (Tax Map Parcel: 533-6.00-
 30.00) filed on behalf of TN Hitch, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 10, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 2 recommended revised conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Council found that Mr. Ray Blakeney with Plitko Engineering, spoke on behalf of the Applicant, TN Hitch, LLC. Mr. Blakeney stated that Mr. Hitch purchased the property in January 2017; that at the time of the purchase, all the existing buildings were present on site; that Mr. Hitch cleaned up the property; that Mr. Hitch was unaware of the Condition of Approval which prevented additional buildings on the site; that the existing buildings are used by the owner for storage and one building is rented out; that the proposed building would be used by the owner for storage for his expanding business; that the typical traffic on the site is 3 trucks once a day; that there will not be

a dramatic change in traffic if the new building is built; that the Applicant is working with Sussex Conservation District regarding stormwater management and drainage; that there may be minor changes based on comments from the Planning and Zoning Department in addition to Sussex Conservation District which include the removal of some hardscape, a driveway to serve the proposed pole building, landscape plan, etc.

There were no public comments.

The Public Hearing and public record were closed.

**M 433 24
Adopt
Ordinance
No. 3035/
CU2428**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 3035 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1713 (ORDINANCE NO. 1961) TO ALLOW FOR AN ADDITIONAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS" for the reasons and modification of condition 8 A & B given by the Planning & Zoning Commission as follows:

1. A four-building conditional use was approved several years ago. That was in addition to the two legally nonconforming grandfathered buildings that already existed on the site.
2. The site had a history of commercial uses, as referenced in the approval of Conditional Use #1713.
3. Although Conditional Use # 1713 limited the site to 4 additional buildings, there was no opposition to that conditional use and no clear basis for the limitation, other than the fact that only 4 buildings were sought as part of that initial approval.
4. There are a variety of commercial and business uses in this area, and this additional building will be consistent with the surrounding and nearby uses.
5. In the years that Conditional Use #1713 has been in existence, there is no record of any adverse impact of the use on the neighboring properties and roadways. There is nothing in the record to indicate that this expansion will create any adverse issues.
6. This is a reasonable expansion of the existing conditional use that is consistent with the development trends in this area.
7. No parties appeared in opposition to this application.
8. This Conditional Use is subject to the following conditions:
 - a. Condition #1 of Conditional Use #1713 and Ordinance # 1961 shall be amended to allow one additional building as shown on the site plan presented during the public hearing along with one additional dumpster for that building.
 - b. The Final Site Plan shall be subject to the review and approval of the Planning & 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/
CU2429**

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 LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRE, MORE OR LESS” (property lying on the west side of Camp Road [S.C.R. 532], approximately 0.19 mile north of Eskridge Road [S.C.R. 531]) (911 Address: 20914 Camp Road, Bridgeville) (Tax Map Parcel: 331-2.00-17.02) filed on behalf of Jason Hignutt.

The Planning & Zoning Commission held a Public Hearing on the application on July 10, 2024. At the meeting of July 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 11 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Council found that Mrs. Keri Hignutt and Mr. Jason Hignutt spoke on behalf of the Application. Mrs. Hignutt stated that the application is for a landscaping company; that they are looking for approval to continue to run their business at this location; that they currently have one employee; that they designated three parking spaces for potential growth in the future; that the conditions from the Planning & Zoning Commission were reviewed; that the applicant agreed with the conditions.

There were no public comments.

The Public Hearing and public record were closed.

**M 434 24
Adopt
Ordinance
No. 3036/
CU2429**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 3036 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The property is located on a small parcel of land, but the Applicant proposes a small landscaping business that will fit the location. As the business hopefully grows, another larger location may become**

M 434 24
Adopt
Ordinance
No. 3036/
CU2429
(continued)

- necessary in the future.
2. The site is located within the Developing 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 as a landscaping business is consistent with the underlying agricultural zoning of the property.
 4. The use will not adversely affect area roadways or neighboring properties.
 5. A landscaping company provides a service to a wide variety of Sussex County residents and 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 landscaping business that performs off-site landscaping work.
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - c. As stated by the Applicant, there shall not be any retail sales occurring from the site, and no materials such as dirt, topsoil, mulch, stone or compost shall be stored on the site.
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - e. 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 hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.
 - f. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - g. Since this property also includes the Applicant's residence, the Final Site Plan shall show the area where this landscaping 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. No more than 6 vehicles associated with the use shall be parked on the site. There shall not be any parking or storage within the property's setbacks.
 - i. Because this Application was filed as a result of a Constable's Violation, the Final Site Plan must be submitted within 6 months of

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(continued)**

approval of this Ordinance by County Council. Otherwise, the violation process shall continue with respect to the Applicant and this property.

- j. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
- k. 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/
CU2432**

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 BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.56 ACRE, MORE OR LESS” (property lying on the east side of Old Landing Road [S.C.R. 274], approximately 0.28 mile south of Warrington Road [S.C.R. 275]) (911 Address: 19747 Old Landing Road, Rehoboth Beach) (Tax Map Parcel: 334-12.00-181.03) filed on behalf of Simon Fares & Lorne Crawford.

The Planning & Zoning Commission held a Public Hearing on the application on July 10, 2024. At the meeting of July 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 11 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Council found that Mr. Blake Carey, Esq. with The Smith Firm spoke on behalf of the Applicants, Simon Fares and Lorne Crawford who were also present. Mr. Carey stated that the property is located on the easterly side of Old Landing Road and the address is 19747 Old Landing Road, Rehoboth Beach; that the Applicants acquired this property around June 2020; that they have since spent time between this property and their other home in Pennsylvania; that they have removed a dilapidated sailboat and extensively renovated the exterior and interior of the buildings on the property; that Simon Fares has 33 years of experience in the hair industry around the globe and has been licensed in Pennsylvania for over 11 years; that it is the Applicant’s goal to reside in Rehoboth Beach full-time and to continue to provide his services in Delaware; that the Applicants are respectfully requesting a Conditional Use to allow for a salon at the property in an area which was formerly a garage and is existing on the property; that water for the property is provided by Tidewater and the property is on Sussex County

**Public
Hearing/
CU2432
(continued)**

sewer; that the hours of operation would be 9:00 a.m. – 6:00 p.m. Monday through Saturday with no Sunday hours; that services would be limited to hair services only with limited sales of hair products to patrons in the salon; that the business will be by appointment only with no walk-in appointments; that there would be no outdoor storage relating to the salon and no manufacturing of any kind; that there will be a maximum of five employees including Mr. Fares; that the request is for three styling stations or chairs and one hair washing station; that the employee parking will be on the north side of the property and client parking will be on the south side of the property; that there would be no exterior improvements to the property if this Conditional Use is granted with the exception of parking lot stripes and some arrows for directional use; there would be no changes to the rear of the property which backs up to the Landing Association; that setbacks are met and exist within the property; that this use would be minimal compared to other Conditional Uses which surround the property; that if approved the Applicant would require additional approval from the State Department of Health to operate; that the proposed Conditional Use is similar in character to other Conditional Uses on Old Landing Road and within a mile radius which include several medical offices and other businesses including a salon, real estate business, investment office and offices for a cleaning business, self-storage, etc. which are within the AR-1 zoning district and have Conditional Uses; that the proposed use will not have an adverse effect on the surrounding areas or impact property values in the surrounding area; that DelDOT has determined that a Traffic Impact Study (TIS) is not required; that the property will retain its residential look and feel as it looks today; that the property is located in the Coastal Area pursuant to the Sussex County's Comprehensive Plan which is a growth area; that the Plan notes that mixed use development should be allowed and in doing so a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide for convenience services to allow people to work close to home; that the Applicant's proposal is not an intense use such as auto repair, gasoline sales or even as intense as some of the medical offices; that the proposed use is not large in scale and uses an existing structures on the property and therefore is permissible according to the Comprehensive Plan; that according to the Planning and Zoning Department's Staff Analysis which states based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a salon at the site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses; that the proposed use will benefit the health, safety and welfare of future residents of Sussex County; that the proposed use of the existing building on the property as a salon benefits the needs of the residents in the immediate area and provide convenient services to neighboring properties on Old Landing Road, so that residents don't have to travel out to Route 1 and Route 24; that the use will increase competition in the salon business sector which is beneficial to residents and to the economy; that it is difficult to find commercial properties in the area, which is often very expensive and limiting this type of business to only commercially zoned areas stifles small businesses to operate in Sussex

**Public
Hearing/
CU2432
(continued)**

County; that the use will not impact neighboring properties or roadways; that the Applicants have spent significant time and resources improving the property and this benefits surrounding property owners; that the Application is consistent with the proposed requirements for a Conditional Use; that it was requested to amend Condition B to allow three stylist stations and one hair washing station; that it is the intent to utilize the existing driveways that are on the property for parking; that part of which may be in setbacks, but the structure is not in setback areas.

Public comments were heard.

Mr. Ryan Lehmann spoke in opposition of the application; that this is a residential area; that there is not a single business on Old Landing Road; that he does not believe there should be a business in this area.

The Public Hearing and public record were closed.

**M 435 24
Amend
Condition B/
CU2432**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to amend Condition B to read “There shall be not more than three stylist stations with one accompanying washing and drying station. The Final Site Plan shall depict the area of the existing structure set aside for the business use and this floorplan shall show the locations of the two sets of stations”.

Motion Adopted: 5 Yeas.

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

**M 436 24
Amend
Condition I/
CU2432**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to amend Condition I to read “The Final Site Plan shall clearly show all areas for employee and customer vehicle parking, and these areas shall be clearly marked on the site itself.

Motion Adopted: 5 Yeas.

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

**M 437 24
Adopt
Ordinance
No. 3037/
CU2432**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 3037 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.56 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended Conditions B & I by this

**M 437 24
Adopt
Ordinance
No. 3037/
CU2432
(continued)**

Council:

- 1. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This use is appropriate within this Area.**
- 2. The property is zoned AR-1 Agricultural Residential. The use of the property as a home-based salon business is consistent with the mix of other businesses in the area, of note are a Bed and Breakfast, a Boutique Hotel, two Landscaping businesses, and a storage facility within close proximity to the site.**
- 3. The use will not adversely affect area roadways or neighboring properties with the conditions imposed with this CU.**
- 4. A Beauty Salon provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County. In particular, it would be convenient to area residents who prefer to not travel Rt. 1 to reach a local salon.**
- 5. There was a mix of support and opposition to the proposal, with supporters noting the benefits to locals who may prefer to avoid the highway, general support of small businesses, specific support for the owner's based on prior experiences with their business in Pennsylvania. Several neighboring property owners noted concerns about reduction of enjoyment of their properties due to customer or employee headlights shining into their properties and concerns about the traffic conditions on Old Landing Road and safety issues that might be worsened by adding this home-based business to the area. These concerns can be mitigated with appropriate conditions.**
- 6. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to a Beauty salon business.**
 - b. There shall be not more than three stylist stations with one accompanying washing and drying station. The Final Site Plan shall depict the area of the existing structure set aside for the business use and this floorplan shall show the locations of the two sets of stations.**
 - c. As stated by the Applicant, there shall only be retail sales occurring from the site that coincide with scheduled appointments of clients, not general retailing.**
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
 - e. The hours of operation shall be limited to 8:00 a.m. through 6:00 p.m., Monday through Friday, and from 8:00 a.m. until 6:00 p.m. on Saturdays. There shall not be any Sunday hours.**

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Ordinance
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(continued)**

- f. There shall be a vegetative screen and/or Privacy Fence erected by the applicant on the back and South side of the property to reduce impact of customer and employee headlights on neighboring residents. The location and type of vegetation and fencing shall be shown on the Final Site Plan.**
- g. Any lighting on the site shall be screened so that it does not shine on neighboring properties or roadways.**
- h. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
- i. The Final Site Plan shall clearly show all areas for employee and customer vehicle parking, and these areas shall be clearly marked on the site itself.**
- j. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
- k. 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**

**M 438 24
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to adjourn at 2:27 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.}