

**COUNTY COUNCIL**

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**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

**SUSSEX COUNTY COUNCIL**

**AGENDA**

**December 5, 2023**

**10:00 AM**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes - November 14, 2023**

**Reading of Correspondence**

**Public Comments**

**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. **Use of Existing Wastewater Infrastructure Use Agreement IUA-18 02 350  
Millville Square (Millville Area)**
5. **Use of Existing Wastewater Infrastructure Use Agreement IUA-1193  
The Preserve at Shore Vista (Ocean View Area)**

**Todd Lawson, County Administrator**

1. **Administrator's Report**



**John Ashman, Director of Utility Planning & Design Review**

1. **Plan Review and Inspection Agreement**
  - A. **Municipal Boundaries**
2. **Permission to Prepare and Post Notices for South Greenwood Annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area)**

**Hans Medlarz, County Engineer**

1. **Joy Beach Phase II**
  - A. **KCI Amendment 5**
2. **South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**
  - A. **Electrical Construction, Project C19-17, Change Order No. 25**
3. **Cannon–Inland Bays Roads Drainage Improvements & Constructed Wetlands, Project S22-05**
  - A. **Change Order No. 3**

**Vince Robertson, Assistant County Attorney**

1. **Presentation & Discussion related to the Delaware Marijuana Control Act**

**Old Business**

1. **[Ordinance No. 20-06](#)**

**“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)”**
2. **[Change of Zone No. 1910 filed on behalf of Brickyard Apartments, LLC](#)**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.093 ACRES, MORE OR LESS” (property lying on the northwest side of Brickyard Road, approximately 0.3 miles southeast of Sussex Highway) (Route 13) (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford)**

3. [Conditional Use No. 2212 filed on behalf of Brickyard Apartments, LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (48 APARTMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS”** (property lying on the northwest side of Brickyard Road, approximately 0.3 miles southeast of Sussex Highway (Route 13) (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford)

4. [Ordinance No. 22-08](#)

**“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00”** (property located on the north side of Lewes Georgetown Highway [Rt. 9], approximately 620 feet northeast of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Parcel: 135-11.00-65.00)

5. [Change of Zone No. 1959 filed on behalf of Charles E. Turner, Jr.](#)

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS”** (property located on the north side of Lewes Georgetown Highway [Rt. 9], approximately 620 feet northeast of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Parcel: 135-11.00-65.00)

6. [Conditional Use No. 2320 filed on behalf of Charles E. Turner, Jr.](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (42 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.72 ACRES, MORE OR LESS”** (property located on the north side of Lewes Georgetown Highway [Rt. 9], approximately 620 feet northeast of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Parcel: 135-11.00-65.00)

7. [Change of Zone No. 1979 filed on behalf on J.G. Townsend, Jr. & Co.](#)

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM RESIDENTIAL DISTRICT FOR 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 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 Map Parcel: 335-12.00-3.00 [p/o])

8. [Conditional Use No. 2359 filed on behalf of J.G. Townsend Jr. & Co.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR (MEDIUM RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (102 UNITS) 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 Map Parcel: 335-12.00-3.00 [p/o])

**Grant Requests**

1. Law Enforcement United, Inc. for Road to Hope 2024
2. Good Samaritan Aid Organization, Inc. for their Annual Christmas Food Basket/Toy Outreach
3. Blades Police Department for security cameras and a shelf monitor

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session - Personnel pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session Items**

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

1. “AN ORDINANCE TO AMEND ORDINANCE NO. 2787 TO AUTHORIZE THE ISSUANCE OF UP TO A TOTAL OF \$5,187,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY TO COVER THE INCREASED COSTS OF THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

A. USDA Loan Resolution for Lochwood Area

2. [Conditional Use No. 2381 filed on behalf of Consolidated Edison Development, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 43.27 ACRES, MORE OR LESS” (properties lying on the south side of Lewes Georgetown Highway [Rt. 9], approximately 0.40 mile east of Harbeson Road [Rt. 5]) (911 Address: 26628 & 26772 Lewes Georgetown Highway, Harbeson) (Tax Map Parcels: 235-30.00-61.00, 58.06 & 58.07)

3. [Conditional Use No. 2382 filed on behalf of Consolidated Edison Development, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 37.04 ACRES, MORE OR LESS” (property lying on the south side of Kendale Road [S.C.R. 287], approximately 0.15 mile east of Wil King Road [Rt. 288]) (911 Address: N/A) (Tax Map Parcel: 234-2.00-18.00)

4. [Conditional Use No. 2383 filed on behalf of Consolidated Edison Development, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 30.1 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 143.09 ACRES, MORE OR LESS” (property lying on the southwest side of Woodland Ferry Road [S.C.R. 78], approximately 635 feet northwest of Old Sailor Road [S.C.R. 78A]) (911 Address: N/A) (Tax Map Parcel: 232-12.00-4.00 [p/o])

5. [Conditional Use No. 2384 filed on behalf of Consolidated Edison Development, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A 19.61 ACRE, PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 74.96 ACRES, MORE OR LESS” (property is lying on the west side of South Main Street [Rt. 13A], approximately 380 feet north of Rifle Range Road [S.C.R. 545]) (911 Address: 18374 South Main Street, Bridgeville) (Tax Map Parcel: 131-14.00-29.00 [p/o])

6. [Conditional Use No. 2385 filed on behalf of Consolidated Edison Development, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A 17.45 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 29.45 ACRES, MORE OR LESS” (property lying on the north side of West Line Road [S.C.R. 512], approximately 0.67 mile west of Delmar Road [Route 54]) (911 Address: 8517 West Line Road, Delmar) (Tax Map Parcel: 532-19.00-57.00)

7. [Conditional Use No. 2386 filed on behalf of Consolidated Edison Development, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 53.891 ACRES, MORE OR LESS” (property lying on the east and west side of Cast Rite Drive on the south side of Bacons Road [S.C.R. 515], approximately 0.39 mile west of Country Walk) (911 Address: 35204 Cast Rite Drive, Delmar) (Tax Map Parcel: 532-6.00-32.00)

8. [Conditional Use No. 2387 filed on behalf of Consolidated Edison Development, Inc.](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 17.04 ACRES, MORE OR LESS” (property lying on the north and south sides of Hastings Lane and the west side of Bi-State Boulevard [Rt. 13A], approximately 0.37 mile north of Old Crow Road [S.C.R. 503B]) (911 Address: 10311 Hastings Lane, Delmar) (Tax Map Parcel: 532-13.00-22.00 [p/o])**

**Adjourn**

**-MEETING DETAILS-**

**In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 28, 2023 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>.**