

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 9, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 9, 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>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

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

**M 158 24  
Approve  
Agenda**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda, as presented.**

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

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

**Minutes**

**The minutes from March 19, 2024, were approved by consensus.**

**Correspon-  
dence**

**Mr. Moore reported that there was no correspondence.**

**There were no public comments.**

**Public  
Comments**

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

**M 159 24  
Approve  
Consent  
Agenda**

**Use of Existing Infrastructure Agreement – IUA-08 01 270.1**

**Beebe Healthcare – Long Neck Campus, Long Neck Area**

**Use of Existing Infrastructure Agreement – IUA-1267**

**Chapel Branch Apartments, Angola Neck Area**

**Proclamation Request – Fair Housing Month**

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

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

**Presentation** A presentation was given by Ms. Margaret Hughes, Director of Delaware 250. Ms. Hughes provided the Council with information regarding the upcoming celebration of Delaware's 250<sup>th</sup> anniversary.

**Recognition** Robert Moore was recognized for his upcoming retirement.

**Board of Adjustments & Appeals Appointments** Mr. Lawson reported that there are two appointments being recommended for the Board of Adjustments and Appeals, one for District 5 and one for District 3. For District 5, Mr. Rieley would like to appoint Mr. Daniel Betts and Mr. Schaeffer would like to appoint Mr. Andrew Staton for District 3.

**M 160 24 Approve Board of Adjustments & Appeals Appointment** A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved that the Sussex County Council appoint Mr. Daniel Betts to the Sussex County Board of Adjustments and Appeals effective immediately for a term of four years.

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

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

**M 161 24 Approve Board of Adjustments & Appeals Appointment** A Motion was made by Mrs. Green, seconded by Mr. Hudson, that be it moved that the Sussex County Council appoint Mr. Andrew Staton to the Sussex County Board of Adjustments and Appeals effective immediately for a term of four years.

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

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

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

1. Department of Public Safety

Sussex County is reorganizing its emergency services divisions, including its 9-1-1 operations, emergency management, and paramedic programs and creating the new Department of Public Safety.

The County Council recognizes that now is the time to reorganize the government's public safety apparatus into one, centralized department of three divisions with a unified management structure guiding the public safety mission. This change will enhance collaboration, improve

**Administrator's  
Report  
(continued)**

**efficiency, and put the County in line with the standard found elsewhere in Delaware and across the nation.**

**Robert W. Murray Jr. will serve as the first-ever director of the County's Department of Public Safety. As you know, Robbie currently serves as the director of Emergency Medical Services and the County could think of no one more qualified and prepared to lead this new Department. Each division will be managed by a newly titled Deputy Director of Public Safety, with Mr. Robert Mauch serving as Deputy Director of Public Safety-EMS and Mr. Richard Short serving as Deputy Director of Public Safety-Emergency Operations/9-1-1. The County intends to advertise and hire a candidate to serve as Deputy Director of Public Safety-Emergency Management.**

**Since 2023, all three of the County's public safety branches have been housed at the expanded Sussex County Emergency Operations Complex, next to Delaware Coastal Airport outside Georgetown. The paramedic service relocated into a nearly 20,000-square-foot addition last summer. That, coupled with the recent retirement of the longtime emergency management director, Mr. Joe Thomas, prompted us to re-evaluate the organizational model at this time. This change is a logical step in our organization's evolution, and we are certain the men and women who serve the County in our Department of Public Safety will continue to provide the world-class care we have all become accustomed to.**

**Today's announced changes will take effect immediately with Director Murray serving in this capacity until the County Personnel Code is updated to include the new position of Director of Public Safety.**

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

**Stormwater  
BMP**

**Hans Medlarz, County Engineer, Ret. presented a recommendation to award for the stormwater BMP O&M on-call for Council's consideration.**

**M 162 24  
Approve  
Stormwater  
BMP**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that contract G24-03 for the stormwater operations and maintenance services on-call contract be awarded to Tributaries, LLC for a total bid not to exceed \$254,000.00.**

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

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

**IBRWF  
Loop Proj.**

**Hans Medlarz, County Engineer, Ret. presented a recommendation to award for the IBRWF loop project for Council's consideration.**

**M 163 24**  
**Approve**  
**IBRWF**  
**Loop**  
**Project**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that contract S24-01 for the Inland Bays Regional Wastewater Facility loop project be awarded to Atlantic Contracting & Material Co., Inc. for their base amount with Alternate Bid 9A in the total of \$7,649,916.00.

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

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

**Tanglewood/**  
**Oak Acres**

Hans Medlarz, County Engineer, Ret. presented a recommendation to award and amendment no. 1 for Tanglewood/Oak Acres for Council's consideration.

**M 164 24**  
**Approve**  
**Tanglewood/**  
**Oak Acres**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that contract S22-24 for the Tanglewood and Oak Acres sanitary sewer expansion be awarded to Teal Construction for the total bid of \$1,891,891.00 contingent upon DNREC approval.

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

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

**M 165 24**  
**Approve**  
**Engineering**  
**Services**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that Amendment No. 1 for the engineering services agreement with George, Miles & Buhr, Inc. for Tanglewood and Oak Acres sanitary sewer district expansion S22-24 be approved in the amount not to exceed \$206,076.00 for construction and resident project fee services.

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

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

**Resolution/**  
**Waterside**  
**Community**  
**Road**

Patrick Brown, Project Engineer III presented a project resolution for Waterside Community Road Improvements – Chapter 96 Sussex Community Improvements for Council's consideration.

**M 166 24**  
**Adopt**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Resolution No. R 007 24 entitled "A RESOLUTION ESTABLISHING THE DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD

**Resolution No. R 007 24/Water-side Community**      **TO CONSIDER THE CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT FOR WATERSIDE AS AMENDED WITH PROPER NOTIFICATION OF ANY DATE, TIME, AND PLACE CHANGES”.**

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

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

**Old Business/ CU2407**      **Under Old Business, Jamie Whitehouse, Director of Planning & Zoning presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS” filed on behalf of Lori & Jose Solis Martin.**

**The County Council held a Public Hearing on the application at its meeting on March 12, 2024. At the conclusion of the Public Hearing action on the application was deferred for further consideration.**

**M 167 24 Approve CU2407/ DENIED**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to approve a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS”.**

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

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

**Old Business/ Ord. No. 23-09**      **Under Old Business, Jamie Whitehouse, Director of Planning & Zoning presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02”.**

**At the meeting of March 5, 2024, the required PLUS comments were presented to the County Council. The record was then left open for a period of 30 calendar days for receipt of any additional written public comments on the PLUS comment letter.**

**M 168 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to close the**

**Close Public  
Record/Ord.  
No. 23-09**

**public record.**

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

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

**M 169 24  
Adopt  
Ordinance  
No. 2997/  
Ord. No.  
23-09**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2997 entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02”.**

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

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

**Old  
Business/  
CU2389**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS” filed on behalf of AWH Properties, LLC.**

**At the meeting of March 5, 2024, the County Council considered the application under Old Business, and a motion was made and passed to defer action on the application for further consideration.**

**M 170 24  
Amend  
Condition  
9B**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition 9B to read “Other than picking up or dropping off a vehicle, trailer boat, or RV, the facility shall only be accessible from 6:00 a.m. until 10:00 p.m. and access to the site shall be locked to limit access accordingly”.**

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

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

**M 171 24  
Amend  
Condition  
9D, 9K &  
9M**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition 9D, to read “No sales or maintenance of vehicles, trailers, motorcycles, boats or RVs shall occur on site”. Condition 9K would read “No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of vehicles, trailers, motorcycles, boats and RVs**

located on the site”. Condition 9M would read “No junked or unregistered vehicles, trailers, motorcycles, boats, boat trailers, or RVs shall be stored on the site”.

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

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

**M 172 24  
Amend  
Condition  
9A**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition 9A to read “The use shall be limited to the outside storage (covered or uncovered) of vehicles, trailers, motorcycles, boats and RVs, a 2,500-square-foot building for self-storage and a 576-square-foot office building. No other outside storage of vehicles or equipment shall occur on the site”.

**Motion Adopted: 3 Yeas, 1 Nay, 1 Absent**

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

**M 173 24  
Amend  
Condition  
9C**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to amend Condition 9C to read “The perimeter of the storage area and buildings shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways. In addition, there shall be a landscaped berm along the property’s road frontage. The details of this berm shall be shown on the Final Site Plan”.

**Motion Adopted: 3 Yeas, 1 Nay, 1 Absent**

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

**M 174 24  
Adopt  
Ordinance  
No. 2998/  
CU2389**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2998 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council as follows:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 6.95 acres.

**M 174 24  
Adopt  
Ordinance  
No. 2998/  
CU2389  
(continued)**

- 2. The location is within the “Coastal Area” according to the Sussex County Comprehensive Plan. This type of use can be appropriate in this Area according to the Plan.**
- 3. The site is in the vicinity of several areas that have developed with commercially and residential-zoned properties. This includes properties in the area with HR (High Density) Zoning, GR (General Residential) Zoning, AR-1 Zoning, and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.**
- 4. There is a need for the use proposed by the Applicant in this area of Sussex County. There are many nearby residential developments that prohibit the storage or parking of boats and RVs within them. This is an appropriate, convenient location that addresses the need for off-site storage of their boats and RVs.**
- 5. The Applicant has stated that access will be limited and will be controlled by keycards. As a result, the use will not have a substantial impact on area roadways. DeIDOT has also stated that the use will have a “Diminutive” impact on area roadways.**
- 6. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. The use is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.**
- 8. No parties appeared in opposition to this Application.**
- 9. This recommendation for approval is subject to the following conditions:**
  - a. The use shall be limited to the outside storage (covered or uncovered) of vehicles, trailers, motorcycles, boats and RVs, a 2,500-square-foot building for self-storage and a 576-square-foot office building. No other outside storage of vehicles or equipment shall occur on the site.**
  - b. Other than picking up or dropping off a vehicle, trailer boat, or RV, the facility shall only be accessible from 6:00 a.m. until 10:00 p.m. and access to the site shall be locked to limit access accordingly.**
  - c. The perimeter of the storage area and buildings shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways. In addition, there shall be a landscaped berm along the property’s road frontage. The details of this berm shall be shown on the Final Site Plan.**
  - d. No sales or maintenance of vehicles, trailers, motorcycles, boats or RVs shall occur on site.**
  - e. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
  - f. Any wetlands shall be delineated on the Final Site Plan and there shall be a 25-foot buffer from those wetlands.**
  - g. The site will be served with public sanitary sewer via a**

**M 174 24  
Adopt  
Ordinance  
No. 2998/  
CU2389  
(continued)**

connection to the Sussex County regional wastewater transmission, treatment, and disposal Unified District facilities. The Applicant shall comply with all requirements and specifications of the County Engineering Department.

- h. The Final Site Plan shall clearly show all areas for parking and these areas shall be clearly marked on the property itself. There shall be no parking within the Property’s setbacks.**
- i. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**
- j. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.**
- k. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of vehicles, trailers, motorcycles, boats and RVs located on the site.**
- l. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.**
- m. No junked or unregistered vehicles, trailers, motorcycles, boats, boat trailers, or RVs shall be stored on the site”.**
- n. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

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

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

**Old  
Business/  
CU2392**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS” filed on behalf of Zion Church Ventures, LLC.**

**The County Council held a Public Hearing on the application at its meeting of November 14, 2023. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration.**

**M 175 24  
Amend  
Condition  
9A/CU2392**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition 9A to read “This conditional use shall be limited to 180,500 square feet of warehouse/storage area, a 2,500 square foot car wash area, and an optional pool and clubhouse amenity for the owners of the units. The amenities (car wash area, oil recycling and disposal facility, RV sewer clean**

**M 175 24  
Amend  
Condition  
9A/CU2392  
(continued)**

and optional pool and clubhouse) shall be for the exclusive use of the owners and their families and guests; it shall not be operated commercially or as a club for persons not otherwise affiliated with the primary use of this project. No businesses that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or food service”.

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

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

**M 176 24  
Amend  
Condition  
9D, 9N, 9O/  
CU2392**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition 9D to read “If a unit is used for business purposes, that business may only use the area for storage. The property shall not be used by a business for manufacturing or industrial purposes. In addition, the property may not be used by a business as a “mail-drop” or pick up or delivery location for customers” and to remove Condition 9N and Condition 9O.

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

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

**M 177 24  
Adopt  
Ordinance  
No. 2999/  
CU2392**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2999 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission and as amended by this Council as follows:

1. The purpose of this application is to create climate-controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars, and collectibles including specific areas for a car wash, proper recycling, and disposal of automobile fluids to serve the many individuals in the area who do not have room within their home and property to store or work on such items. The use also includes a pool and clubhouse amenity for the owners of the units and their guests.
2. The site is in the vicinity of several areas that have developed with commercially and residential-zoned properties. This includes properties in the area with HR (High Density) Zoning, GR (General

**M 177 24  
Adopt  
Ordinance  
No. 2999/  
CU2392  
(continued)**

- Residential) Zoning, AR-1 Zoning, and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.**
- 3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways. DelDOT has stated that the traffic generated by this use will be “negligible.”**
  - 4. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.**
  - 5. The property is located in the Coastal and Developing Areas, which are both “Growth Areas” according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan’s guidelines for these areas since it will provide convenient areas for businesses, homeowners, and property owners in this area of Sussex County.**
  - 6. The site will be served by central water and sewer.**
  - 7. There are wetlands that have been preliminarily delineated on the Property and a 25-foot buffer is proposed from those wetlands except in two locations which will be mitigated with approval from the USACOE.**
  - 8. With conditions and limitations proposed by the applicant, the conditional use will not adversely affect the neighboring and adjacent properties.**
  - 9. This recommendation is subject to the following conditions:**
    - a. This conditional use shall be limited to 180,500 square feet of warehouse/storage area, a 2,500 square foot car wash area, and an optional pool and clubhouse amenity for the owners of the units. The amenities (car wash area, oil recycling and disposal facility, RV sewer clean and optional pool and clubhouse) shall be for the exclusive use of the owners and their families and guests; it shall not be operated commercially or as a club for persons not otherwise affiliated with the primary use of this project. No businesses that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or food service.**
    - b. No unit or area within the conditional use shall be used as a dwelling or for housing. No overnight accommodation shall be allowed.**
    - c. There shall not be any outside storage, including boats, materials, RVs, or equipment within the site.**
    - d. If a unit is used for business purposes, that business may only use the area for storage. The property shall not be used by a business for manufacturing or industrial purposes. In addition, the property may not be used by a business as a “mail-drop” or pick up or delivery location for customers.**
    - e. An oil recycling and disposal facility shall be provided, and its location shall be shown on the Final Site Plan.**
    - f. An RV sewer cleanout shall be provided on the property and its location shall be shown on the Final Site Plan.**

**M 177 24  
Adopt  
Ordinance  
No. 2999/  
CU2392  
(continued)**

- g. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- h. A fence shall be installed along the perimeter of this project. The location and type of fencing shall be shown on the Final Site Plan.**
- i. Any dumpsters must be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- j. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- k. There shall be adequate parking as required by the Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property’s setbacks.**
- l. One lighted sign, not to exceed 32 square feet per side, shall be permitted along Zion Church Road.**
- m. The Applicant shall submit as part of the Final Site Plan a landscape plan showing all “Limits of Disturbance” within the Property. These “Limits of Disturbance” shall be clearly marked on the Property itself.**
- n. Any wetlands will be delineated on the Final Site Plan which shall also show a 25-foot buffer from those wetlands or a permit from the USACOE for mitigation (fill)in specific locations shown on the Final Site Plan.**
- o. The applicant, its successors, and/or assigns, shall cause a condominium association to be formed to be responsible for the maintenance of the roads, parking areas, amenities, stormwater management facilities, and other common areas, and the compliance with these conditions, which shall be incorporated into the condominium documents.**
- p. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- q. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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

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

**Grant  
Requests**

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

**M 178 24  
Red Bird  
Legacy  
Foundation**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$500 from Mr. Vincent’s Councilmanic Grant Account, \$500 from Mr. Hudson’s Councilmanic Grant Account, \$500 from Mr. Rieley’s Councilmanic Grant Account and \$500 from Mrs. Green’s Councilmanic Grant Account) to Red Bird Legacy Foundation for their kickoff event**

**featuring Bethany Hamilton.**

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

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

**M 179 24** A Motion was made by Mr. Hudson, seconded by Mrs. Green to grant \$500  
**West Side** (\$500 from Mr. Schaeffer's Councilmanic Grant Account) to West Side New  
**New** Beginnings, Inc. for project safe street lighting.  
**Beginnings,**  
**Inc.**

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

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

**M 180 24** A Motion was made by Mr. Hudson, seconded by Mrs. Green to grant \$500  
**Developing** (\$500 from Mr. Schaeffer's Councilmanic Grant Account) to Developing  
**Artist** Artist Collaboration for their West Side creative market investment.  
**Collabora-**  
**tion**

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

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

**M 181 24** A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$8,500  
**Nanticoke** (\$7,500 from Mr. Hudson's Councilmanic Grant Account and \$1,000 from  
**Indian** Mr. Rieley's Councilmanic Grant Account) to Nanticoke Indian Association,  
**Association,** Inc. for their 46<sup>th</sup> annual Nanticoke Indian Powwow.  
**Inc.**

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

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

**The grant for Greater Lewes Foundation was deferred.**

**M 182 24** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,500  
**Cape** (\$500 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr.  
**Henlopen** Rieley's Councilmanic Grant Account and \$500 from Mr. Schaeffer's  
**Senior** Councilmanic Grant Account) to Cape Henlopen Senior Center for their  
**Center** Rehoboth concert band fundraiser.

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

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

**The grant for What is Your Voice Inc. was deferred.**

**M 183 24** A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$500  
**Lewes Lions** (\$500 from Mr. Schaeffer’s Councilmanic Grant Account) to Lewes Lions  
**Foundation** Foundation for their beach bowl event.

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

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

**M 184 24** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$750  
**Laurel** (\$750 from Mr. Vincent’s Councilmanic Grant Account) to Laurel School  
**School** District (Laurel High BPA) for their Business Professionals of America  
**District** program.

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

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

**M 185 24** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$750  
**Seaford** (\$750 from Mr. Vincent’s Councilmanic Grant Account) to Seaford School  
**School** District (Seaford High Drama Club) for their drama club program.  
**District**

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

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

**Proposed** Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE  
**Ordinance** TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
**Introduction** AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT  
RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN  
PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED,  
SUSSEX COUNTY, CONTAINING 3.13 ACRES, MORE OR LESS” filed  
on behalf of Kelly Benson.

**The Proposed Ordinance will be advertised for a Public Hearing.**

**CC Member** There were no Council Member comments.  
**Comments**

**M 186 24**  
**Go Into**  
**Executive**  
**Session**

**At 11:01 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session for the purpose of discussing matters related to land acquisition.**

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

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

**Executive**  
**Session**

**At 11:07 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session concluded at 12:00 p.m.**

**M 187 24**  
**Reconvene**

**At 12:08 p.m., a Motion was made by Mr. Hudson, seconded Mr. Rieley to come out of Executive Session back into Regular Session.**

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

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

**M 188 24**  
**Parcel 2024-**  
**E**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to authorize the County Administrator the ability to negotiate, enter into a contract and go to closing on parcel 2024-E.**

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

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

**M 189 24**  
**Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at 12:09 p.m.**

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

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