

SUSSEX COUNTY COUNCIL

BUDGET WORKSHOP

MAY 7, 2024

The Sussex County Council held a Budget Workshop on May 7, 2024, beginning at 9:00 a.m. at the Sussex County Emergency Operations Center in Georgetown for the purpose of discussing the Proposed FY 2025 Budget.

The following were present:

Michael H. Vincent	President
John L. Rieley	Vice President
Douglas B. Hudson	Councilman
Cynthia C. Green	Councilwoman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
Kathy Roth	Deputy Finance Director
Andrea Wall	Accounting Manager

Mr. Lawson stated that the purpose of the Budget Workshop was to hold an open discussion among the County Council, County Administrator, and staff regarding budget matters and initiatives which will affect the FY 2025 Budget.

An overview of FY 2024 Budget accomplishments and highlights of the Proposed FY 2025 Budget were presented.

Department presentations were provided by the following departments: Paramedics and Engineering - Water and Sewer (Operating and Capital). Presentations were also given on Grants and Capital projects.

No action was taken.

The workshop concluded at 12:05 p.m.

Respectfully submitted,

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 7, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 7, 2024, at 1:30 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 F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 220 24
Approve
Agenda**

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

Motion Adopted: 5 Yeas

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

Minutes

The minutes from April 30, 2024, were approved by consensus.

Correspondence

Mr. Moore reported that correspondence was received from Love, Inc. and Delaware Technical Community College thanking Council for their support.

**Public
Comments**

There were no public comments.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Cattail Villas (F/K/A Warrington Multi-Family Townhomes) effective April 12th and Ingram Village – Phase 3 effective April 17th.

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

2. Rodney T. Marvel Jr.

It is with great sadness that we inform you that County pensioner, Rodney Marvel, passed away on Monday, May 6, 2024. Mr. Marvel began his career with Sussex County in 1993 where he worked until May 2023 for a total of 30 years of service. His last position with the County was Assistant Director of Environmental Services – Electrical Division. We would like to extend our condolences to the Marvel family.

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

**Old
Business/
CU2386**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “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” filed on behalf of Consolidated Edison Development, Inc.

The County Council held a public hearing on the application at its meeting on December 5, 2023. At the conclusion of the public hearing, action on the application was deferred for further consideration.

**M 221 24
Adopt
Ordinance
No. 3004/
CU2386**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3004 entitled “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” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar array will be located on approximately 23.35 acres of a larger 53.89-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array would benefit residential, business, and municipal subscribers with lower power costs.**
- 4. This Application was submitted prior to the adoption of Ordinance No. 2920 regarding solar arrays. However, with the**

**M 221 24
Adopt
Ordinance
No. 3004/
CU2386
(continued)**

- recommendations it will comply with many parts of the Ordinance.
5. The solar array is set back 350 feet from Bacons Road and another side of it is adjacent to a railroad. Most of the site is surrounded by woods. With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighborhood.
 6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
 7. The Applicant has included a Decommissioning Plan in the record for when their solar array is no longer in use.
 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.
 9. In addition to all of the existing vegetation, there will be a buffer of planted vegetation along the boundary of the array facing Bacons Road to screen it from view.
 10. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
 11. There was no opposition to this Application.
 12. This recommendation is subject to the following conditions:
 - a. The use shall be for ground-mounted solar arrays. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - d. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - e. The site shall be secured by gated fencing and a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fencing shall include interwoven screening along the north and eastern sides of the array area. The fence line and type of screening shall be shown on the Final Site Plan.
 - f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
 - g. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
 - h. 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 using Best Management Practices.
 - i. There shall be a 30-foot-wide buffer of planted vegetation along the northern and northeastern boundary of this site. These areas shall be clearly shown on the Final Site Plan. The Final Site Plan

**M 221 24
Adopt
Ordinance
No. 3004/
CU2386
(continued)**

- shall include a landscape plan showing the proposed tree and shrub landscape design in the buffer area.
- j. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
 - k. 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**

**Old
Business/
CU2387**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A 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” filed on behalf of Consolidated Edison Development, Inc.

The County Council held a public hearing on the application at its meeting on December 5, 2023. At the conclusion of the public hearing, action on the application was deferred for further consideration.

**M 222 24
Amend
Condition I/
CU2387**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to amend Condition I to now read “There shall be a 30-foot-wide buffer of planted vegetation along the western, and southern boundary of the array area. There should be a setback of 100 feet from the eastern boundary of the array area 30 feet of which should be a vegetative buffer. These areas shall be clearly shown on the Final Site Plan. The Final Site Plan shall include a landscape plan showing the proposed tree and shrub landscape design in the buffer area”.

Motion Adopted: 5 Yeas

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

**M 223 24
Adopt
Ordinance
No. 3005/
CU2387**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3005 entitled “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,

**M 223 24
Adopt
Ordinance
No. 3005/
CU2387
(continued)**

MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar array will be located on approximately 16.94 acres of a larger 54.49-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array would benefit residential, business, and municipal subscribers with lower power costs.**
- 4. This Application was submitted prior to the adoption of Ordinance No. 2920 regarding solar arrays. However, the recommended conditions will make it comply with many parts of that Ordinance.**
- 5. The solar array is located approximately 410 feet from the County Road. With the buffering and the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighborhood.**
- 6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 7. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.**
- 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
- 9. There will be a buffer of planted vegetation along the eastern, western, and southern boundaries of this site to screen it from the view of the neighboring residential properties.**
- 10. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 11. This recommendation is subject to the following conditions:**
 - a. The use shall be for ground-mounted solar arrays. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
 - c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - d. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - e. The site shall be secured by gated fencing and a “Knox Box” or**

**M 223 24
Adopt
Ordinance
No. 3005/
CU2387
(continued)**

similar device to accommodate emergency access by the local fire company or other emergency responders. The fencing shall be installed inside of the vegetated buffer, and it shall include interwoven screening along the western and southern boundaries of the array area. The fence line and type of screening shall be shown on the Final Site Plan.

- f. All transformers and similar equipment shall be centrally located within the array. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
- g. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
- h. 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 using Best Management Practices.
- i. There shall be a 30-foot-wide buffer of planted vegetation along the western, and southern boundary of the array area. There should be a setback of 100 feet from the eastern boundary of the array area 30 feet of which should be a vegetative buffer. These areas shall be clearly shown on the Final Site Plan. The Final Site Plan shall include a landscape plan showing the proposed tree and shrub landscape design in the buffer area.
- j. The Final Site Plan shall include a Decommissioning Plan that includes financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- k. 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**

**Old
Business/
CU2390**

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 SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 79.59 ACRES, MORE OR LESS” filed on behalf of Taylor Mill Road Solar 1, LLC.

The County Council held a Public Hearing at its meeting on December 12, 2023. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 224 24
Adopt**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3006 entitled “AN ORDINANCE TO GRANT A

**Ordinance
No. 3006/
CU2390**

CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 79.59 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience of and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar array will be located on approximately 18.64 acres of a larger 79.5-acre parcel.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array would benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located outside of the Town of Laurel, next to one of Laurel’s Fire Stations and agricultural uses. The land is designated as being within the “Low-Density Area” according to Sussex County’s Future Land Use Map. This is an appropriate location for this solar array.**
- 5. This Application generally complies with Ordinance No. 2920 regarding solar arrays. Therefore, specific conditions regarding its operation and screening are not necessary.**
- 6. The solar array is located in an area that primarily consists of agricultural land. With the conditions imposed by the operation of Ordinance No. 2920 including separation distances and buffering, the proposed use will not have any adverse impact on the surrounding property.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
- 9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:**
 - a. The use shall be for ground-mounted solar arrays. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array, as well as the remaining acreage that is not part of the Conditional Use.**
 - c. All required fencing shall include interwoven screening. The**

**M 224 24
Adopt
Ordinance
No. 3006/
CU2390
(continued)**

- fence location and type of screening shall be shown on the Final Site Plan.
- d. Any lighting at the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - e. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of an emergency.
 - f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
 - g. 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 using Best Management Practices.
 - h. No chemicals or herbicides shall be applied to the land where the solar arrays will be located.
 - i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - j. 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**

**Old
Business/
CU2393**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 134.61 ACRES, MORE OR LESS” filed on behalf of Sunrise Solar, Inc.

The County Council held a Public Hearing at its meeting on December 12, 2023. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 225 24
Adopt
Ordinance
No. 3007/
CU2393**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3007 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 134.61 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning

**M 225 24
Adopt
Ordinance
No. 3007/
CU2393
(continued)**

Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience of and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar array will be located on approximately 22 acres of a larger 134.61-acre parcel.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array would benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located in a rural area, which is largely surrounded by tilled lands and forest. The land is designated as being within the “Existing Development Area” according to Sussex County’s Future Land Use Map. This is an appropriate location for this solar array.**
- 5. This Application generally complies with Ordinance No. 2920 regarding solar arrays. Therefore, specific conditions regarding its operation and screening are not necessary.**
- 6. The solar array is located in an area that primarily consists of agricultural land. With the conditions imposed by the operation of Ordinance No. 2920 including separation distances and buffering, the proposed use will not have any adverse impact on the surrounding property.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
- 9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 10. There was no opposition to this Application.**
- 11. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:**
 - a. The use shall be for ground-mounted solar arrays. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array, as well as the remaining acreage that is not part of the Conditional Use.**
 - c. All required fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.**
 - d. Any lighting at the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward**

**M 225 24
Adopt
Ordinance
No. 3007/
CU2393
(continued)**

- screened so that it does not shine on neighboring properties or roadways.
- e. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of an emergency.
 - f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
 - g. 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 using Best Management Practices.
 - h. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - i. 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**

**Old
Business/
CU2447**

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 SOLAR ARRAYS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 51.83 ACRES, MORE OR LESS” filed on behalf of Elk Development, LLC.

The County Council held a Public Hearing at its meeting on January 9, 2024. At the conclusion of the Public Hearing, action on the application was deferred for further consideration, and to receive the recommendation of the Planning & Zoning Commission.

**M 226 24
Amend
Condition C/
CU2447**

A Motion was made by Mr. Vincent, seconded by Mr. Rieley to add Condition C to read “The Final Site Plan should show the location of all solar arrays, inventors, cabling, fencing and equipment. None of the solar arrays, inventors, cabling, fencing or equipment shall be located within the existing forested area shown on the drawing E-100 dated January 9, 2023. The extend of the forest area is to be retained and shall be clearly shown on the Final Site Plan and shall be retained as such for the lifetime of the solar arrays hereby approved”.

Motion Adopted: 5 Yeas

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

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

**M 227 24
Adopt
Ordinance
No. 3008/
CU2447**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3008 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 51.83 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and amended by this Council:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located on approximately 40.7 acres of a larger 51-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is partially used for agricultural purposes and partly wooded. It is located at the rear of other land used for agricultural purposes, including poultry houses. Although there are residential properties to the south of this site, the arrays are at least 225 feet from the closest dwelling and the nearby properties will also be protected by the conditions set forth in the Code and in this recommendation.**
- 5. The land is designated as being within the “Low Density Area” according to Sussex County’s Future Land Use Map; this is an appropriate location for a solar array.**
- 6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
- 9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:**
 - a. The use shall be for ground-mounted solar arrays. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining**

**M 227 24
Adopt
Ordinance
No. 3008/
CU2447
(continued)**

- acreage that is not part of this Conditional Use.
- c. The Final Site Plan should show the location of all solar arrays, inventors, cabling, fencing and equipment. None of the solar arrays, inventors, cabling, fencing or equipment shall be located within the existing forested area shown on the drawing E-100 dated January 9, 2023. The extend of the forest area is to be retained and shall be clearly shown on the Final Site Plan and shall be retained as such for the lifetime of the solar arrays hereby approved.**
 - d. All required fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. In addition, there was opposition from residential property owners immediately adjacent to the southern boundary of this facility about its impact upon the use and enjoyment of their properties and impacts upon their property values. For this reason, the solar arrays shall be separated at least 100 feet from these residential properties, and there shall be a landscaped buffer that is at least 50 feet wide along the common boundary with these residential properties. The landscaping shall include at least fifteen trees within every fifty linear feet of the buffer. Wherever trees exist within the buffer areas, they shall be preserved, and these non-disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.**
 - e. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - f. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - g. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.**
 - h. 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 using Best Management Practices.**
 - i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
 - j. 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

**Old
Business/
CU2456**

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 SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 67.72 ACRES, MORE OR LESS” filed on behalf of Elk Development, LLC.

The County Council held a Public Hearing at its meeting on January 9, 2024. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 228 24
Adopt
Ordinance
No. 3009/
CU2456**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3009 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 67.72 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar array will be located on approximately 26 acres of a larger 67-acre parcel.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy options, such as solar arrays. There was testimony that this solar array would benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located adjacent to a railroad, and next to new chicken houses, with woods to the east. It is also next to the Bio Energy site, which recycles poultry waste. The closest array is located at least 500 feet from the county road. The land is also designated as being within the Low-Density Area, according to Sussex County’s Future Land Use Map, and there are nearby Industrial Areas according to the map as well.**
- 5. This Application generally complies with Ordinance No. 2920 regarding solar arrays. Therefore, specific conditions regarding its operation and screening are not necessary.**
- 6. The solar array is located in an area that primarily consists of agricultural and industrial land. With the conditions imposed by the operation of Ordinance No. 2920 including separation distances and buffering, the proposed use will not have any adverse impact on the**

**M 228 24
Adopt
Ordinance
No. 3009/
CU2456
(continued)**

- surrounding property.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels. DelDOT has determined that the proposed Conditional Use would have a “Diminutive” impact on traffic.
 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.
 9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
 10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array, as well as the remaining acreage that is not part of the Conditional Use.
 - c. All existing wooded buffers shall remain and shall be identified as non-disturbance areas on the Final Site Plan. Additional buffering shall be provided as shown on the Becker Morgan Group Site Plan, dated September 14, 2023, as submitted during the public hearing. In addition, all required fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.
 - d. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - e. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of an emergency.
 - f. The location of all transformers, similar equipment, or structures, shall be shown on the Final Site Plan.
 - g. 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 by Best Management Practices.
 - h. The Final Site Plan shall include a Decommissioning Plan that includes financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - i. 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

**Old
Business/
CZ1997**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.219 ACRES, MORE OR LESS” filed on behalf of Waste Management of Delaware, Inc.

The County Council held a Public Hearing on the application at its meeting on January 23, 2024, at the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 229 24
Adopt
CZ1997/
DENIED**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.219 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission.

Mr. Vincent stated that while the Planning & Zoning Commission recommended approval of this Change of Zone, in his opinion, he does not feel that this location is appropriate for a C-3 Heavy Commercial Zoning District. Mr. Vincent added that his motion is to deny this application for the following reasons: the purpose of the C-3 district is to provide larger scale, auto-oriented, retail and service businesses. This may be an appropriate location for a smaller scale business that serve the community and neighborhood, but this property is not appropriate for large scale retail and service businesses permitted in the C-3 zoning. C-3 is too intensive of a zoning for the area located between C-1 and residential properties with dwellings. The Change of Zone would potentially allow more intense uses that are not compatible with the surrounding area. The Change of Zone to C-3 would create a precedent for future C-3 zoning applications and approvals not only in this area but other areas where the site is located near residential property. The rezoning to C-3 would be out of character with the surrounding properties and does not promote the orderly growth of the County. The parcel is located between General Commercial District to the west and General Residential/Agricultural to the east. Due to the proximity of the general residential zoning districts, less intensive commercial districts zoning districts such as C-2 and B-2 would be more suitable for this location than a C-3 zoning district.

All Members voted no based on the reasons provided by Mr. Vincent.

Motion DENIED: 5 Nays

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

**Old
Business/
CU2408**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CAR DEALERSHIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES MORE OR LESS” filed on behalf of Efren Fernando Acevedo.

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

**M 230 24
Amend
Condition I/
CU2408**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to amend Condition I to read “The Final Site Plan shall specifically show the area of the Conditional Use, which shall only be extended 200 feet from the front boundary. No vehicles shall be located outside of the Conditional Use area”.

Motion Adopted: 5 Yeas

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

**M 231 24
Adopt
Ordinance
No. 3010/
CU2408**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3010 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CAR DEALERSHIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and as amended by this Council:

- 1. The Applicant proposes to redevelop this site with a small used car dealership.**
- 2. There are other small business uses and home occupations in the general area. This small use is consistent with the area.**
- 3. The use of a car sales facility at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 4. This use, with the conditions and stipulations placed upon it, will not adversely affect the neighborhood or area roadways.**
- 5. This recommendation for approval is subject to the following conditions and stipulations:**
 - a. One lighted sign shall be permitted. It shall not exceed 24 square**

**M 231 24
Adopt
Ordinance
No. 3010/
CU2408
(continued)**

- feet in size.
- b. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - c. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - d. No repairs other than very basic maintenance like oil changes or tire replacements shall occur on this site.
 - e. No junked, unregistered, or permanently inoperable vehicles or trailers shall be stored on the site.
 - f. The site shall be subject to all DelDOT entrance and roadway requirements.
 - g. No vehicles shall be parked within the setback areas on the property. The Final site plan shall clearly show the areas designated for vehicle parking and display.
 - h. No more than 20 vehicles shall be located on the site at any one time. This includes all vehicles, such as the Applicant's personal vehicles, vehicles being stored or prepared for sale, or vehicles actively displayed for sale.
 - i. The Final Site Plan shall specifically show the area of the Conditional Use, which shall only be extended 200 feet from the front boundary. No vehicles shall be located outside of the Conditional Use area.
 - j. The entire boundary of the conditional use area other than the road frontage shall be fenced to screen the use from the neighboring properties. The location and type of fencing shall be shown on the Final Site Plan.
 - k. The hours of operation shall be from 9:00 a.m. through 5:00 p.m., Monday through Saturday. There shall not be any Sunday hours.
 - l. Failure to comply with these conditions of approval may result in a termination of this Conditional Use.
 - m. The Final Site Plan shall be subject to the review and approval of the 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**

**Old
Business/
CU2413**

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 AN OUTDOOR VENUE FOR SEASONAL VENDORS AND SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.84 ACRES MORE OR LESS" filed on behalf of Blue Hen Rental Company, LLC.

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

**M 232 24
Amend
Condition C
& H
CU2413**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to amend Condition C to read “Events shall only be permitted on Saturdays and Sundays. The hours of operation shall be limited to 7:00 a.m. through 9:00 p.m. and for Condition H to read “The Final Site Plan shall clearly show all parking areas and structures associated with the use as well as the areas set aside for the outdoor sales. Parking shall be prohibited on Old Stage Road and Route 54. Prior to the applicants first use of the property no parking signs should be placed along the applicant’s property adjacent to Old Stage Road and Route 54. The applicant should install permanent non-fold down fixed posts to prevent any parking on these areas.”

Motion Adopted: 5 Yeas

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

**M 233 24
Adopt
Ordinance
No. 3011/
CU2413**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3011 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OUTDOOR VENUE FOR SEASONAL VENDORS AND SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.84 ACRES MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and as amended by this Council:

1. This property is located very near the intersection of Route 13 and Line Road at Delmar, with all of the intensive commercial uses that exist there. It is also at the intersection of Old Stage Road and Line Road, and it is bounded on the north by existing C-1 property. This is an appropriate location for a conditional use such as this.
2. This use will be compatible with all of the other business and commercial uses in this immediate area.
3. The use is a benefit to the entire community, providing an outlet for local artisans, musicians, and other small businesses.
4. With the conditions imposed by the County, the use will not adversely affect neighboring properties, roadways, or traffic.
5. The use has a public or semi-public character that is a benefit to residents of nearby communities and Sussex County.
6. As part of this use, food service in the form of food trucks or similar temporary stands shall be permitted. Also, the service of alcoholic beverages shall be permitted, subject to the receipt of all required approvals from the Delaware Alcoholic Beverage Control

**M 233 24
Adopt
Ordinance
No. 3011/
CU2413
(continued)**

Commission.

- 7. No parties appeared in opposition to this Application, and several letters were submitted in support of this application.**
- 8. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to an outdoor marketplace, which may include food and beverage service and live music.**
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
 - c. Events shall only be permitted on Saturdays and Sundays. The hours of operation shall be limited to 7:00 a.m. through 9:00 p.m.**
 - d. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
 - e. The Applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.**
 - f. There shall not be any dumping on the site. Also, no junk or unsold items shall accumulate outdoors on the site.**
 - g. Any dumpsters associated with the use shall be screened from view from neighboring properties or roadways.**
 - h. The Final Site Plan shall clearly show all parking areas and structures associated with the use as well as the areas set aside for the outdoor sales. Parking shall be prohibited on Old Stage Road and Route 54. Prior to the applicants first use of the property no parking signs should be placed along the applicant’s property adjacent to Old Stage Road and Route 54. The applicant should install permanent non-fold down fixed posts to prevent any parking on these areas.**
 - i. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
 - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Old
Business/
CU2445**

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 TRUCK PARKING, STORAGE, & MAINTENANCE AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS” filed on behalf of Deihm’s Trucking, Inc.

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

M 234 24
Amend
Condition J/
CU2445

A Motion was made by Mr. Vincent, seconded by Mr. Rieley to amend Condition J to read “There shall be a 50-foot vegetated buffer planted and maintained to screen the use from neighboring properties and roadways and to suppress noise. The location and details of this vegetated buffer shall be shown on the Final Site Plan.”

Motion Adopted: 5 Yeas

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

M 235 24
Adopt
Ordinance
No. 3012/
CU2445

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3012 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK PARKING, STORAGE, & MAINTENANCE AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and as amended by this Council:

- 1. The proposed facility is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring area. It is also small enough that it will not negatively impact traffic or nearby roadways.**
- 2. The property previously had a small business conditional use approved for it. This use is consistent with the prior small-business use that has existed on the site.**
- 3. The location is mostly surrounded by farms and other large tracts of land.**
- 4. The Applicants live on the site and the Applicants intend to keep the residential appearance of the property.**
- 5. No parties appeared in opposition to this application.**
- 6. This recommendation for approval is subject to the following conditions and stipulations:**
 - a. One unlighted sign shall be permitted. It shall not be larger than 32 square feet on each side.**
 - b. Security lighting shall be shielded and downward screened and shall be directed away from neighboring properties and roadways.**
 - c. Any dumpsters or roll-offs shall be screened from the view of neighbors and roadways. The dumpster and roll-off locations shall be shown on the Final Site Plan.**
 - d. No junked, unregistered, or permanently inoperable vehicles, trucks or trailers shall be stored on the site.**
 - e. There shall be no more than 20 trucks or trailers on the site at any time.**

**M 235 24
Adopt
Ordinance
No. 3012/
CU2445
(continued)**

- f. There shall not be any parking or storage in the front yard setback.**
- g. The parking and repair areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks, and trailers shall only be parked and worked on within these designated areas. All maintenance activities shall occur inside of a building on the site.**
- h. All oils and other fluids shall be properly stored indoors in appropriate containers. The applicant shall also comply with all state and federal requirements for the disposal of these fluids.**
- i. The site shall be subject to all DelDOT entrance and roadway requirements.**
- j. There shall be a 50-foot vegetated buffer planted and maintained to screen the use from neighboring properties and roadways and to suppress noise. The location and details of this vegetated buffer shall be shown on the Final Site Plan.**
- k. This conditional use is on a property that is more than 4 acres in size, and not all of it is intended for use as part of the conditional use business. Therefore, the Final Site Plan shall clearly show the area set aside under the Conditional Use and the remaining portion of the property that is not part of the Conditional Use.**
- l. Any violation of these conditions may be grounds for termination of this conditional use.**
- m. The Final Site Plan shall be subject to the review and approval of the 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**

**Grant
Requests**

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

**M 236 24
Lord
Baltimore
Elementary**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,000 (\$1,000 from Mr. Hudson’s Councilmanic Grant Account) to Lord Baltimore Elementary for Blue Ribbon Sign and T-Shirts.

Motion Adopted: 5 Yeas

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

**M 237 24
Delaware
Community
Foundation**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Rieley’s Councilmanic Grant Account) to Delaware Community Foundation for Flags for Heroes 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 238 24
History
Book
Festival**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$2,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$500 from Mr. Hudson's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to History Book Festival Educational Outreach for their History Book Educational Outreach.

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
Introducti-
ons**

Mr. Rieley introduced 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.51 ACRES, MORE OR LESS" filed on behalf of Joshua L. Wharton.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS" filed on behalf of Albert Fanelli Living Trust.

Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TIRE AND BRAKE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 10.96 ACRES, MORE OR LESS" filed on behalf of James L. Sturgis.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" filed on behalf of DJ Tire Center, LLC.

Proposed Ordinance Introductions (continued)

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL FOR LAWN MOWER, YARD, GARDEN EQUIPMENT ENGINE REPAIR SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.20 ACRES, MORE OR LESS” filed on behalf of Wade R. Hudson, Sr. & Jacqueline L. Hudson, TTEES.

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 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” filed on behalf of Simon Fares & Lorne Crawford.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.26 ACRES, MORE OR LESS” filed on behalf of Holdren, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CC Member Comments

Mr. Rieley commended the Finance Department on the good work that was done on the budget.

M 239 24 Go Into Executive Session

At 2:04 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition, personnel & job applicants’ qualifications.

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 2:05 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters related to land acquisition, personnel & job applicants’ qualifications. The Executive Session concluded at 3:05 p.m.

M 240 24 Reconvene

At 3:06 p.m., a Motion was made by Mr. Schaeffer, seconded Mr. Rieley to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

M 241 24 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to authorize
Authorize the County Administrator to negotiate, enter into contracts and proceed to
Parcel 2024- closing on Parcel 2024-G.
G

Motion Adopted: 4 Yeas, 1 Nay

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

M 242 24 A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to adjourn at
Adjourn 3:07 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.}