

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

January 2, 2024

10:00 AM

Call to Order

Approval of Agenda

Election of Council Officers

Council Member Appointments

[2024 County Council Formation](#)

Appointment of Legal Counsel

[2024 Legal Appointments](#)

Adoption of Rules of Procedure

[County Council Rules of Procedure](#)

Approval of Minutes - December 12, 2023

[Draft Minutes 121223](#)

Reading of Correspondence

Public Comments

Department of Education – Presentation and Discussion related to Voluntary School Assessment



Todd Lawson, County Administrator

1. **Consideration & Approval of Dewey Beach Memorandum of Understanding related to new Town Hall**
[Dewey Beach MOU related to Town Hall](#)
2. **Administrator's Report**

Gina Jennings, Finance Director

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

Mark Parker, Assistant County Engineer

1. **T- Hangar Building, Project A22-23**
A. Change Order 2 and Substantial Completion
[T-Hangar Building - Change Order 2](#)

Robert Bryant, Airport Manager

1. **Airport Advisory Committee Member Appointments Discussion and Recommendation**
[Airport Advisory Committee Appointments](#)
2. **Delaware State Police**
A. Second Lease Extension
[Delaware State Police Lease Hangar 2nd Extension](#)

Grant Requests

1. **Boardwalk Buddy Walk Fund for their Uncle David's Ice Cream Shop**
[Boardwalk Buddy Walk Fund](#)
2. **Eastern Shore AFRAM Festival for their MLK Day of Celebration**
[Eastern Shore AFRAM Festival](#)
3. **Bethany-Fenwick Island Chamber of Commerce for their Fire and Ice Festival**
[Bethany-Fenwick Island Chamber of Commerce](#)

Introduction of Proposed Zoning Ordinances

[Ord Intro CU2410](#)

Council Members' Comments

Executive Session - Pending/Potential Litigation and Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 22, 2023 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

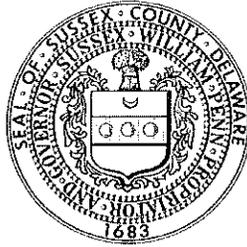
Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

TODD F. LAWSON
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Sussex County
DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson
County Administrator 

RE: **2024 COUNTY COUNCIL FORMATION INFORMATION**

DATE: December 29, 2023

During our first meeting on January 2, 2024, we will approve the formation of the 2024 County Council President and Vice President positions and adopt the requisite procedural matters, including: 1) the Council Member Appointments, 2) the Appointment of Legal Counsel, and 3) the Adoption of the Rules of Procedure.

In preparation for the meeting, I am providing the current list of appointments, see below. This is the same list the Council will consider and approve on Tuesday.

1. Council Member Appointments

The following table lists the 2023 appointment positions, if you have any changes, please let me know.

Appointment	2023
DE Association of Counties – County Director	Cindy Green
DE Association of Counties – Executive Board	Doug Hudson
DE League of Local Governments	Mike Vincent
Salisbury/Wicomico MPO (District Specific)	Mike Vincent
Sussex Conservation District Board	John Rieley
Sussex County Airport Committee	Doug Hudson
Sussex County Land Trust	John Rieley Mark Schaeffer



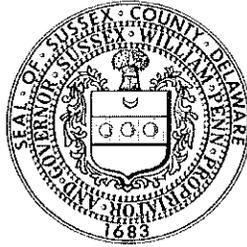
2. Appointment of Legal Counsel

The following table lists the proposed 2024 legal representation and includes the addition of Potter Anderson & Corroon LLP who will assist with personnel matters should the need arise.

Appointment	Effective January 2024
County Attorney	Everett Moore
Assistant County Attorney	Vince Robertson
Legal representation for all matters involving the Board of Adjustment; Planning & Zoning Commission; and Sussex County Council/Government	<ul style="list-style-type: none">• Ballard Spahr LLP• Barnes & Thornburg• Moore & Rutt, P.A.• Parkowski, Guerke & Swayze, P.A.• Potter Anderson & Corroon LLP• Young Conaway Stargatt & Taylor, LLP

Should you have any suggested changes or questions, please let me know.

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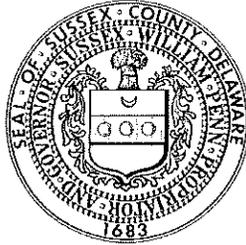
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The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson 
County Administrator

RE: **COUNTY COUNCIL – RULES OF PROCEDURE**

DATE: December 29, 2023

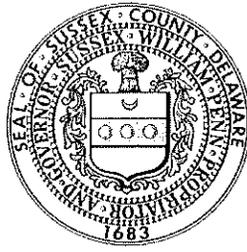
During Tuesday's meeting, Council will review and approve the 2024 Rules of Procedure for County Council.

The Rules have been reviewed by County staff and the legal team and remained unchanged from the last revision in 2023. A copy of the current Rules is attached.

Please let me know if you have any questions.



Sussex



County

RULES OF PROCEDURE OF THE COUNTY COUNCIL

OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure of the County Council of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“County” means Sussex County, Delaware, unless otherwise specified.

“County Council” means the Sussex County Council of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

“President” means the president of the Sussex County Council.

“Presiding Officer” means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

“Public business” means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del. C. §10002 (d) are not deemed public under the Rules of the Sussex County Council.



Rule 1 – Order of Business

- 1.1 The order of business at each regular meeting of the County Council shall be as follows:**

**Invocation
Pledge of Allegiance
Call to Order
Amendments to Agenda
Adoption of Agenda
Approval of Minutes
Reading of Correspondence
Public Comments
Report of County Administrator
Reports of County Departments
Public Hearings
Introduction of Ordinances
Council Members' Comments
Recess
Additional Public Hearings
Adjournment**

- 1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.**
- 1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.**
- 1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.**

Rule 2 – Meetings of the County Council

- 2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the County Council.**
- 2.2 Regular business meetings shall convene on Tuesdays.**

- 2.3 Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4 Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.
- 2.5 Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6 Except for executive sessions, all meetings shall be open to the public.
- 2.7 On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8 A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9 Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10 Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose of the executive session, but no longer.

Rule 3 – Posting of Meeting Notices

- 3.1 Public notices of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2 Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3 Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.

- 3.4 Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5 Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.
- 3.6 When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1 The agenda for regular and special County Council meeting shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2 The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Tuesday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3 During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

Rule 4A. – Consent Agenda

- 4A.1 The County Administrator or any member of the County Council may propose items to be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.
- 4A.2 An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.

4A.3 All items on a Consent Agenda shall be read and voted on as a single group.

Rule 5 – Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member, or a staff member of the County Council.
- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.
- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.

Rule 6 – Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.

Rule 7 – Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 8 – Minutes of Sussex County Council Meetings

- 8.1** Minutes shall be taken of each meeting of the County Council, and shall reflect the following:
- a.** Kind of meeting.
 - b.** Date and place of meeting.
 - c.** Name of the presiding officer.
 - d.** Members of County Council present.
 - e.** Whether the minutes of the previous meeting were approved.
 - f.** The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather than what was said. However, a member of the County Council may request that a statement or written material be attached to the minutes and made a part thereof.
 - g.** All motions voted upon and the results of said motions.
 - h.** Names of members of County Council making motions and those making secondary motions.
 - i.** A record by individual members of County Council, of each vote taken and action agreed upon.
 - j.** Time of convention and adjournment.
- 8.2** Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.
- 8.3** Recordings will be made of all public County Council business meetings at which County business is transacted. The recordings shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

- 9.1** The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 – Ordinances in General

- 10.1** Any member of the County Council may request a staff member or a County Council retained consultant or the County Attorney to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of 9 Del. C. § 7002. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2** In accordance with 9 Del. C. § 7002, a proposed ordinance drafted pursuant to Rule 10.1 above, may be introduced in writing by any member of County Council at any duly constituted meeting.
- 10.3** The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4** When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a.** Assign an Introduction Number to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected County official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The President or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the County Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.
- 10.7** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.8** Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.

- 10.9 Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 10A – Change of Zone and Conditional Use Ordinances

- 10A.1 In the event the Planning and Zoning Commission has not provided its recommendation report to the County Council prior to the County Council's hearing on a change of zone or conditional use application, the County Council shall accept and consider written comments only from the public on the Planning and Zoning Commission's recommendations to the County Council for a period of 5 calendar days following the Planning and Zoning Commission's issuance of its recommendations. This does not preclude the County Council from requesting additional information as otherwise permitted.
- 10A.2 The Rules of Procedure for County Council Zoning Hearings, as approved by the County Council, shall be announced prior to the commencement of the zoning hearings.
- 10A.3 Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council's public hearing on the application, the matter may be placed on the agenda by the President.
- 10A.4 If the applicant for a change of zone or conditional use fails to appear at the County Council hearing, the County Council shall deny the application for lack of a record. The applicant may submit a petition for reconsideration within fifteen (15) days and demonstrate the failure to appear was beyond the applicant's control.

Rule 11 – Resolutions

- 11.1 All resolutions shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2 Any member of the County Council may request that a resolution be placed on the County Council agenda by submission of the resolution to the County Administrator, in accordance with Rule 4.
- 11.3 No resolution shall contain more than one subject which shall be clearly expressed in its title.
- 11.4 Each resolution shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution may be read by title only.

- 11.5 A resolution may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 11A – Proclamations, Tributes, and Memoriams

- 11A.1 All requests for Sussex County proclamations, tributes, and memoriams recognizing exemplary occasions or persons shall be issued in accordance with the County Council Policy for the Issuance of Proclamations, Tributes, and Memoriams.

Rule 12 – Conduct During Meetings

- 12.1 When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the presiding officer.
- 12.2 No member of the County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3 If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.
- 12.4 A member of County Council may not, directly or indirectly, by any form of words or conduct, impute to another member any conduct or motive unworthy or unbecoming a member. Provided, however, that this shall not apply to a complaint or request for an advisory opinion made to the State Public Integrity Commission as permitted under Title 29, Chapter 58, Subchapter I of the Delaware Code and Rule 20 herein.

Rule 13 – Change or Suspension of Rules

- 13.1 Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 – Rules of Order

- 14.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 15 – Vice-President and Other Presiding Officer

- 15.1 In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 – Appointments

- 16.1 The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.
- 16.2 A member of the County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 16.A – Appointments to the Planning & Zoning Commission and the Board of Adjustment

- 16A.1 All appointments to the Planning & Zoning Commission and the Board of Adjustment shall be governed by 9 Del. C. § 6803.
- 16A.2 With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall submit the name of a nominee to the County Administrator along with the nominee’s resume during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall forward copies of the nominee’s resume to all Council members and place the matter on the Council’s agenda for public session at an upcoming Council meeting. With Council’s input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview.
- 16A.3 With respect to reappointment of board members, the Councilperson in whose district a board member’s term is set to expire shall provide notice of the Councilperson’s intention to reappoint the board member to the County Administrator during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall place the matter on the Council’s agenda for public session at an upcoming Council meeting.

- 16.A.4 With respect to new appointments and reappointments of board members, in the event a nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be more than 2 members appointed for the same Council district.
- 16.A.5 In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable. All other application procedures above shall thereafter apply.

Rule 17 – Standards of Conduct

- 17.1 Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2 Persons attending County Council meetings may wear one (1) “cause supporting sign” affixed to their clothing. The size of such “sign” may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3 The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5 Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.
- 17.6 The right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- A. Each speaker shall place their name and address on a sign-up sheet. Each speaker shall only speak from the podium after being recognized and shall first identify themselves and give their residence address within the County. Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker. At the end of that time, the presiding officer will either inform the speaker that their time is up or grant the speaker up to an additional 2 minutes.

- B. Each speaker shall confine his or her comments to matters which are clearly within the jurisdiction of Council and are matters of legitimate County business.**
- C. Public comment is not intended to provide a means for a member of the public to appeal a decision made by a County employee or subcontractor during the course of their official duties. Matters of that nature must be brought to the attention of the County Administrator or his or her designee.**
- D. Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.**
- E. The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of Council as a body and to the extent possible, be limited to informing the speaker, if appropriate, of the proper person within the County government to whom their concerns should be addressed.**
- F. Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Public Comment is not included on the agenda.**

Rule 18 – Delaware Freedom of Information Act

- 18.1 All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.**

Rule 19 – Adoption and Effective Date

- 19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.**

Rule 20 – Code of Conduct

- 20.1** Members of the County Council are subject to the Code of Conduct under Title 29, Chapter 58, Subchapter I of the Delaware Code and the oversight of the State Public Integrity Commission.
- 20.2** A member of the County Council who has a personal or private interest in an ordinance or any measure requiring Council’s consideration shall not participate in the hearing, discussion, debate or vote on the ordinance or measure.

Date of Adoption: _____

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 12, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 12, 2023, at 10:00 a.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 A. 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 591 23
Approve
Agenda**

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

Motion Adopted: 5 Yeas

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

Minutes

The minutes from December 5, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from Southern Delaware Therapeutic Riding, Read Aloud Delaware, Down Syndrome Association of Delaware, West Side New Beginnings, Inc., and Delaware Foundation Reaching Citizens thanking Council for their donations.

Recognition

The Cape Henlopen High School Field Hockey team was recognized for winning the Division I State Championship.

The Delmar High School Field Hockey team was recognized for winning the Division II State Championship.

The Sussex Academy High School Boys' Soccer team was recognized for winning the Division II State Championship.

Public

Public comments were heard.

Comments **Ms. Judy Rose Siebert spoke about development design initiatives and the recent annual report from the Office of State Planning.**

Ms. Margaret McLaughlin spoke about Senate Bill 186, Voluntary School Assessment.

M 592 23 **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to approve**
Approve **the following items under the Consent Agenda:**
Consent
Agenda

- 1. Use of Existing Wastewater Infrastructure Use Agreement IUA-1189 (Phase 1)
Villas at Bridgeville (Western Sussex Area)**
- 2. Use of Existing Wastewater Infrastructure Use Agreement IUA-1189 (Phase 2)
Villas at Bridgeville (Western Sussex Area)**
- 3. Use of Existing Wastewater Infrastructure Use Agreement IUA-1242
Silver Woods Villa District (Miller Creek Area)**

Motion Adopted: 5 Yeas

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

Recognition **Ms. Jackie Clark and Mr. Richard King were recognized for their retirement.**

Perimeter **Mr. Lawson, Mr. Robertson, and Mr. Whitehouse provided an update**
Buffer **related to perimeter buffers.**
Update

Mr. Lawson reported that County Council ranked Perimeter Buffer as the first item to update for the development design initiative. Staff has developed an outline of suggested updates for Perimeter Buffers.

The first section discussed was definitions which is the section that defines specific terms. Mr. Lawson reported that forest assessment, perimeter buffer, perimeter buffer landscape plan, perimeter buffer protection area and woodlands will be specifically defined in a future document. The definitions are as follows:

Forest Assessment – the process for determining habitat and trees of high value to be preserved.

Perimeter Buffer – a managed area around the outer perimeter of any major subdivision that is 30' in width.

Perimeter Buffer Landscape Plan – a plan prepared by a licensed professional that depicts specific requirements.

**Perimeter
Buffer
Update
(continued)**

Perimeter Buffer Protection Area – the area adjacent to the Perimeter Buffer that contains existing woodlands and remains protected during construction.

Woodlands – contiguous area of wood vegetation at least 10,000 sq. feet in size that contains specific tree sizes.

A discussion was held about the 30 feet and if it was enough for the buffer.

Section II is perimeter buffer standards that defines the standards to which a Perimeter Buffer should be planted or preserved, in the case of existing woodlands. The standards include:

- **All trees and shrubs must be native and on the County list [to be developed]**
- **Plantings to ANSI A300 standards; 70% deciduous and 30% evergreen; 15 trees per 100 feet.**
- **All trees and shrubs must be 6 feet in height at time of planting and obtain a minimum height of 10 feet.**
- **Permanent signage will mark the Perimeter Buffer.**
- **The buffer can include both existing woodlands and planted trees.**
- **When a Resource Buffer (115-193) is required, the Resource Buffer takes precedence over and is not in addition to the Perimeter Buffer.**

Mr. Lawson explained that the perimeter buffer rules would distinguish when existing woodlands are in place where the Perimeter Buffer is to be located or no woodlands are in place where the Perimeter Buffer is to be located.

Mr. Lawson shared some aerial photos of existing subdivisions showing existing woodlands and no woodlands.

The following lists the rules for Existing Woodlands to be used for the Perimeter Buffer:

- **Requires a forest assessment by certified professional.**
- **The woodlands will be shown on the site plan and landscape plan.**
- **Woodlands shall remain in its natural state with limited activity within.**
- **The Perimeter Buffer woodlands will be protected by an area that “buffers-the-buffer” by 20’ and is called the Perimeter Buffer Protection Area.**
- **The buffer and protection area will be fenced-off/marked during construction.**
- **Walking trails in the woodlands is permitted.**
- **All Perimeter Buffer (existing or planted) will have a two-year guarantee.**

In addition, the following lists the rules when no woodlands exist to be used

**Perimeter
Buffer
Update
(continued)**

for the perimeter buffer:

- **The developer must comply with the Perimeter Buffer standards and landscape plan.**
- **The newly planted buffer will be fenced off/marked during construction.**
- **All Perimeter Buffer (existing or planted) will have a two-year guarantee.**

Mr. Lawson explained that the Perimeter Buffer rules aim to incentive saving existing woodlands to be used for the Perimeter Buffer. The rules will have a five year “look back” for the area to be used for the Perimeter Buffer. The following steps will happen if the Perimeter Buffer area is harvested up to five years prior to the application:

- 1. The woodlands area of the Perimeter Buffer will be measured to determine the area harvested – only the area of the 30’ Perimeter Buffer is measured; and**
- 2. The Perimeter Buffer will be replanted with double the density of trees (15 trees every 50 feet); and**
- 3. A new area must be planted or preserved that is double the size of the area harvested; and**
- 4. The new area can be planted or preserved on the development property or at another property that is off-site and within the same HUC-12.**

Mr. Lawson explained that the new rules will look back to see if the perimeter buffer was harvested up to 5 years prior to the development. The woodlands area of the Perimeter Buffer will be measured to determine the area harvested only the area of the 30’ Perimeter Buffer is measured.

Mr. Lawson reported that Section III is the Perimeter Buffer Landscape Plan that defines the information and detail to be demonstrated on the plan to meet the requirements and standards of the Perimeter Buffer and Protection Areas. The section includes the following:

- **The approximate location of the protective fencing.**
- **The locations, spacing, height and species of new trees and shrubs.**
- **The location of the Perimeter Buffer signage**
- **A summary table of the new trees to be planted and existing trees to be retained.**
- **A planting schedule for the installation of the Perimeter Buffer.**
- **The Perimeter Buffer, per phase, must be planted prior to the first residential building permit for the respective phase.**
- **Provides a “miscellaneous clause” allowing the PZ Commission to approve a plan with other features along the roadway frontage not necessarily part of the Perimeter Buffer requirements.**

Section IV relates to timing; bonds and guarantees which defines the timing

**Perimeter
Buffer
Update
(continued)**

of the Perimeter Buffer installation and the guaranties required for the protection of the buffer's trees and shrubs. Mr. Lawson noted that nothing was new in this section other than codifying some of the bonding practices that we have today.

In Section V, Perimeter Buffer Maintenance is discussed to define the responsibility for the health and survival of the Perimeter Buffer. The developer is responsible for the survival of the Perimeter Buffer for two years.

Perimeter Buffer Tree Mitigation is included in Section VI that defines what happens when trees or shrubs are removed or damaged without authorization.

Section VII outlines violations and penalties for violations of the new requirements that may be imposed.

**Adminis-
trator's
Report**

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

1. Caroling on The Circle

The Sussex County Council would like to thank the community for participating in the 40th annual Caroling on The Circle on Thursday, December 7th. We had a very successful night with hundreds of carolers and thus far have collected nearly 15,300 canned goods and nonperishable food items for our less fortunate neighbors.

We remind everyone that the County is continuing to collect items until the end of the year and will continue to distribute these goods to our local food pantries. We want to thank all our volunteers, local businesses, and schools for helping to collect the food over the last month and for making this year's Caroling on The Circle a success!

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion effective November 21st: Osprey Point – Phase 4 a.1 – Old Landing Road Sewer Tie In; Osprey Point – Phase 4a – Construction Record and Osprey Point – 4b – Construction Record.

3. Shirley Sommers

It is with great sadness that we inform you that pensioner, Shirley Sommers, passed away on Tuesday, December 5, 2023. Her last position with the County was Deputy Register of Chancery where

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

she worked until March 1997 for a total of 23 years of service. We would like to extend our condolences to the Sommers family.

4. Christmas and New Year's Holidays

Please note, County offices will be closed on December 25th and December 26th, to celebrate the Christmas holiday and January 1st for the New Year's holiday. The next regularly scheduled Council meeting will be held on Tuesday, January 2, 2024, at 10:00 a.m.

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

**Interim
Sewer
Operation**

Hans Medlarz, County Engineer and John Ashman, Director of Utility Planning & Design Review presented an interim sewer operations and transition agreement for Council's consideration.

**M 593 23
Approve
Interim
Sewer
Operation &
Transition
Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved based upon the recommendation of the Sussex County Engineering Department that the County Council President is authorized to execute the Interim Sewer Operation & Transition Agreements of Warwick Cove and Gull Point as presented on December 12, 2023.

Motion Adopted: 5 Yeas

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

**M 594 23
Authorize
Contract/
White Marsh
Environm-
ental Services**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved based upon the recommendation of the Sussex County Engineering Department that the Sussex County Council authorizes a contract with White Marsh Environmental Services for the operations and maintenance of the existing Warwick Cove and Gull Point onsite systems as presented on December 12, 2023.

Motion Adopted: 5 Yeas

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

**Blackwater
Village**

Hans Medlarz, County Engineer and John Ashman, Director of Utility Planning & Design Review presented a tentative SRF funding offer for Blackwater Village for Council's consideration.

**M 595 23
Approve**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved by Sussex County Council that the Sussex County Engineering

Public Hearing/ Blackwater Village **Department to advertise and conduct a public hearing for the Blackwater Sanitary Sewer District Area in accordance with Delaware Code Title 9.**
Motion Adopted: 5 Yeas

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

2023 Mass Annexation **John Ashman, Director of Utility Planning & Design Review presented 2023 mass annexation for Council’s consideration. Mr. Ashman reported that the following parcels are being submitted: 234-12.00-9.03, 234-23.00-116.03 and 334-6.00-552.01.**

M 596 23 Approve 2023 Mass Annexation **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that Sussex County Council approves the Mass Annexation as presented on December 12, 2023 and gives permission to adjust the sewer tier maps accordingly.**

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/ CU2285 **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 TOURIST HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.831 ACRES, MORE OR LESS” (property lying on the south side of Cave Neck Road [S.C.R. 88] approximately 0.43 mile west of Diamond Farm Road [S.C.R. 257]) (911 Address: 26182 Cave Neck Road, Milton) (Tax Parcel: 235-21.00-48.00) filed on behalf of Ashley DiMichele.**

The County Council held a Public Hearing on the Ordinance at its meeting of April 26, 2022. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

M 597 23 Approve CU2285/ 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 A TOURIST HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.831 ACRES, MORE OR LESS”.**

Motion DENIED: 5 Nays

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

Old Business/ Ord. No. 23-11 Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02)

The County Council held a Public Hearing on the Ordinance at its meeting of September 19, 2023. At the conclusion of the Public Hearing, action was deferred, and the record was left open to receive a recommendation from the Planning & Zoning Commission which it did and then Council closed the public record.

M 598 23 Adopt Ordinance No. 2966/ Ord. No. 23-11 A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2966 entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-6.00-6.02” for the reasons given by the Planning & Zoning Commission as follows:

1. The property is currently designated as a “Low-Density Area” within the County’s Future Land Use Map.
2. The Future Land Use Map designates the property on the opposite side of Beaver Dam Road as “Coastal Area” and there is some existing “Coastal Area” land mapped on the same side of Beaver Dam Road.
3. There was no opposition to this proposed amendment to the Future Land Use Map.
4. This property is located along Beaver Dam Road in an area that has developed with multiple large subdivisions around it. Presumably, since these subdivisions preceded the current Future Land Use Map, there was no consideration about mapping them to direct their future development and they were left within the Low-Density Area. However, they are also consistent with the Coastal Area designation and could have been given that designation at the time the current Future Land Use Map was drafted and approved.
5. For all of these reasons, it is appropriate to recommend that Parcel No. 234-6.00-6.02 be changed to the “Coastal Area” on the Future Land Use Map.
6. In addition, in recognition of the existing development in this area and the nearby mapping, it would be appropriate for the County Council to separately consider changing all of the land in this triangle between Fisher Road, Hopkins Road, and Beaver Dam Road to the Coastal Area in our Future Land Use Map.

7. For all of these reasons, I move that the Commission recommend approval of Ordinance No. 23-11.

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/
CU2350** 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 MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.50 mile north of Hopkins Road [S.C.R. 286]) (911 Address: 30857 Saddle Ridge Way, Lewes) (Tax Map Parcel: 234-6.00-6.02) filed on behalf of Beaver Dam Enterprises, LLC.

A Public Hearing was held before the County Council on September 19, 2023. On September 28, 2023, the Planning & Zoning Commission recommended approval of application C/U 2350 for the 7 reasons stated and subject to the 13 recommended conditions as outlined.

**M 599 23
Adopt
Ordinance
No. 2967/
CU2350** A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2967 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.144 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The property is zoned AR-1 Agricultural Residential. Multi-Family conditional uses can be appropriate in the AR-1 District when the land is located in the Coastal Area according to the Future Land Use Map in Sussex County’s Comprehensive Plan. This Commission has recommended approval of a change to the Future Land Use Map to designate this land as being within the Coastal Area.**
- 2. The property is in the vicinity of other residential developments and land that is zoned AR-1, GR, and MR. This conditional use is consistent with other zoning and development in the area.**
- 3. DelDOT has reviewed the proposed project and has determined that the development’s traffic impact will be “diminutive”. This development will also be required to comply with all roadway and entrance improvements mandated by DelDOT.**
- 4. This small multi-family conditional use meets the purpose of the Zoning Code since it promotes the orderly growth of the County in**

**M 599 23
Adopt
Ordinance
No. 2967/
CU2350
(continued)**

- an appropriate location.**
- 5. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It will be in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single-family homes, townhouses, and multifamily units.**
 - 6. There is no evidence that this project will adversely affect the neighboring properties, area roadways, or community facilities.**
 - 7. There was no opposition to this Application and there was one letter in support from the site’s neighbors.**
 - 8. This recommendation is subject to the following conditions:**
 - a. There shall be no more than 2 Units within the development.**
 - b. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination.**
 - c. Central sewer shall be provided to the development.**
 - d. The development shall be served by a central water system providing adequate drinking water and fire protection.**
 - e. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
 - f. The trash receptacles shall be standard roll-out residential containers assigned to each unit. They shall be stored in an enclosed area. No dumpsters shall be permitted.**
 - g. Construction, site work, and deliveries shall only occur on the site between the hours of 7:30 a.m. through 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
 - h. As required by Section 115-22 of the Zoning Code regarding Multi-Family conditional uses in the AR-1 District, a 75-foot-wide vegetated buffer shall be installed along the perimeter of the development. This buffer area shall utilize existing trees and other vegetation to the fullest extent, with infill planting as needed to comply with the buffer requirements Section G (1) through (5) of Section 115-22 of the Zoning Code addressing AR-1 multi-family conditional uses.**
 - i. The Final Site Plan shall include a landscape plan for the development showing the forested areas to be preserved, the proposed tree and shrub landscape design, and the buffer areas. The existing trees and other vegetation that will not be disturbed shall be clearly shown on the Final Site Plan and marked on the site**

**M 599 23
Adopt
Ordinance
No. 2967/
CU2350
(continued)**

- itself so that they are not disturbed during construction.
- j. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - k. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - l. This recommendation is contingent upon County Council approving the amendment to the Future Land Use Map designating this property as being within the Coastal Area.
 - m. 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/
CU2379**

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 SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 ACRES, MORE OR LESS” (properties lying on the north and south side of Saddle Ridge Way and the west side of Beaver Dam Road [S.C.R. 23], approximately 0.57-mile northeast of Hopkins Road [S.C.R. 286]) (911 Address: 30857 & 30862 Saddle Ridge Way) (Tax Map Parcels: 234-6.00-6.02, 6.03 & 6.04) filed on behalf of Lewes Saddle Ridge Solar 1, LLC.

The County Council held a Public Hearing on the application at its meeting on October 10, 2023. At the conclusion of the Public Hearing the Council closed the Public Record and deferred action on the application for further consideration.

**M 600 23
Adopt
Ordinance
No. 2968/
CU2379**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2968 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.97 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 undeveloped land that will preserve it from

**M 600 23
Adopt
Ordinance
No. 2968/
CU2379
(continued)**

- more intensive development. The solar array will be located on approximately 6.26 acres of a larger 7.06-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. There were concerns stated during the hearing about this solar array facility having negative impacts on the surrounding properties and property owners. These concerns are not supported by substantial or well-defined evidence in the record. Instead, the information supplied by the Applicant's experts suggests that the solar array will not adversely affect the neighborhood, and there are solar array facilities throughout not only the United States but also here in Sussex County that indicate that locations such as this are appropriate for this type of use. According to Planning & Zoning Staff:
 - There have been 51 approved solar array applications in Sussex County; of these 13 have received final approval from County Council.
 - Of these 13 sites:
 - o2 of them are within 1/4 of a mile of a village like Roxana or Lincoln.
 - o4 of them are within 1/4 of a mile of a subdivision.
 - o3 of them are within 1/4 of a mile of a town boundary.
 - o2 of them share the boundaries of a subdivision.
 5. Based on the evidence and 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 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 boundary of this site along adjacent Parcels 6.03 and part of Parcel 6.00 as well as the entire Ridings Development to screen it from view as shown on the Preliminary Site Plan.
 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 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 this Conditional Use.

**M 600 23
Adopt
Ordinance
No. 2968/
CU2379
(continued)**

- c. **Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All 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 array and shall provide contact information in case of emergency.**
- e. **The site shall be secured by gated fencing with interwoven screening and a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. 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 forested buffer along the boundary of the parcel adjacent to Parcels 6.03, the Ridings development buffer, and Parcel 6.00 to the point where the 25-foot wetlands setback begins. No buffer is required for Parcels 6.01 and 6.02. The buffer shall consist of continuous evergreen trees at least 6-feet in height, planted in a staggered arrangement to**
- j. **effectively achieve a visual buffer. The buffer shall be 20 feet wide and for every 100 linear feet, there shall be a minimum of 15 trees. All new trees shall be guaranteed throughout the existence of this conditional use. This shall be shown, with the requirements stated, on the Final Site Plan.**
- k. **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.**

Motion Adopted: 3 Yeas, 2 Nays

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

**Old Business/
CU2380**

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 SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 ACRES, MORE OR LESS” (property lying on the east side of Thorogoods Road [S.C.R. 333], approximately 0.41-mile

northeast of Dagsboro Road [Rt. 20]) (911 Address: 30561 Thorogoods Road, Dagsboro) (Tax Map Parcel: 233-5.00-187.00) filed on behalf of Dagsboro Thorogoods Solar 1, LLC.

The County Council held a Public Hearing on the application at its meeting on October 10, 2023. At the conclusion of the Public Hearing the Council closed the Public Record and deferred action on the application for further consideration.

**M 601 23
Adopt
Ordinance
No. 2969/
CU2380**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2969 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.81 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 26.23 acres of a larger 30.36-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. This Application was submitted prior to the adoption of Ordinance No. 2920 regarding solar arrays. However, it materially complies with the requirements of that Ordinance.**
- 5. 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 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 boundary of this site facing Thorogoods Road and the east and west front corners of the site to screen it from view as shown on the Preliminary Site Plan.**
- 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.**

**M 601 23
Adopt
Ordinance
No. 2969/
CU2380
(continued)**

- 12. This recommendation is subject to the following conditions:**
- a. The use shall be for 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 this Conditional Use.**
 - c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All 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 with interwoven screening and a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. 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 boundary of this site facing Thoroughgoods Road and the east and west front corners of the site as shown on the Preliminary Site Plan. This buffer shall consist primarily of spruce trees spaced at 20-foot intervals within this buffer area. 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 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**

**Grant
Requests**

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

M 602 23

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give

Greater Lewes Foundation **\$3,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr. Rieley's, Councilmanic Grant Account, \$500 from Mr. Vincent's Councilmanic Grant Account and \$500 from Mrs. Green's Councilmanic Grant Accounts) to Greater Lewes Foundation for their 3rd annual rally for first responders.**

Motion Adopted: 5 Yeas

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

M 603 23 Southern DE Alliance for Racial Justice **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$500 (\$500 from Mr. Schaeffer's Councilmanic Grant Account) to Southern Delaware Alliance for Radical Justice for their Black Voices magazine program.**

Motion Adopted: 5 Yeas

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

M 604 23 New Coverdale Outreach Mission **A Motion was made by Mrs. Green, seconded by Mr. Rieley to give \$2,500 (\$1,500 from Mrs. Green's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to New Coverdale Outreach Mission for Clothing for kids for Christmas.**

Motion Adopted: 5 Yeas

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

M 605 23 Historical Georgetown Association **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000 (\$2,000 from Mr. Rieley's Councilmanic Grant Account) to Historical Georgetown Association for Education and Disability Purposes.**

Motion Adopted: 5 Yeas

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

M 606 23 Clothing our Kids **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$4,000 (\$2,000 from Countywide Youth Grant Account and \$2,000 from Mr. Rieley's Councilmanic Grant Account) to Clothing our Kids for their Clothe a Kid program.**

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 Introductions

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS FOR THE STORAGE AND HAULING OF DIRT AND GRAVEL, AND THE STORAGE OF WORK EQUIPMENT AND TRUCKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS” filed on behalf of Toney & Charletta Floyd.

Mrs. Green introduced 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-4 PLANNED COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41.15 ACRES, MORE OR LESS” filed on behalf of Key Properties Group, LLC.

Mrs. Green reintroduced 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-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS”.

CC Member Comments

Mr. Rieley commented about the infrastructure in Sussex County.

M 607 23 Go Into Executive Session

At 12:11 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session for the purpose of discussing matters related to pending & potential litigation, collective bargaining, 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 12:20 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to pending & potential litigation, collective bargaining, personnel & job applicants’ qualifications. The Executive Session concluded at 1:25 p.m.

M 608 23 **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to Reconvene** **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 609 23 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to authorize County Engineer Position** **the County Administrator to extend an offer to Applicant No. 2023-C for the position of County Engineer.**

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**

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

**Public Hearing/
CU2471** **A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8.19 ACRES, MORE OR LESS” (property lying on the southeast side of Holland Glade Road [S.C.R. 271], approximately 950 ft. northeast of Coastal Highway [Rt. 1]) (911 Address: 19285 Holland Glade Road, Rehoboth Beach) (Tax Map Parcel: 334-13.00-325.47) filed on behalf of Epworth UMC.**

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Lynn Rogers with Rogers Sign Co., Inc. spoke on behalf of the Applicant. Mr. Rogers stated that the sign already exists; that the church is proposing to replace the current wooden sign with a full color electronic message center, in smaller dimensions than the existing sign; that electronic signs are capable of displaying computer generated images and text communication in various message from Epworth Church to the community; that the sign will be in compliance with the Sussex County Sign Ordinance as it is written to govern electronic message centers.

There were no public comments.

The Public Hearing and public record were closed.

**M 610 23
Adopt
Ordinance
No. 2970/
CU2471**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2970 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8.19 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission as follows:

- 1. This is an application for a Conditional Use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code.**
- 2. The sign will be located on the Epworth United Methodist Church property, and it will be used to display information about the Church and its various activities and events.**
- 3. This sign will replace the existing window static-display sign on the site that is on the Church property.**
- 4. The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.**
- 5. The sign will not adversely affect neighboring properties or area roadways and traffic.**
- 6. A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CZ1996 &
CU2402**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” (properties on the west side of Central Avenue [Rt. 84] approximately 0.25 mile east of Peppers Corner Road [S.C.R. 365]) (911 Address: 34428 & 34434 Central Avenue, Frankford) (Tax Map Parcels: 134-19.00-13.00 & 13.04) filed on behalf of McKee Builders, Inc.

The Planning & Zoning Commission held a Public Hearing on the application

**Public
Hearing/
CZ1996 &
CU2402
(continued)**

on October 26, 2023. At the meeting of November 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (174 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” (properties lie on the west side of Central Avenue [Rt. 84] approximately 0.25 mile east of Peppers Corner Road [S.C.R. 365]) (911 Address: 34428 & 34434 Central Avenue, Frankford) (Tax Map Parcels: 134-19.00-13.00 & 13.04) filed on behalf of McKee Builders, Inc.

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of November 9, 2023, the Planning & Zoning Commission recommended approval of the application for the 7 reasons and subject to the 18 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the applications.

The Council found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, McKee Builders, LLC for both C/Z 1996 and C/U 2402 applications, also present were Mr. Jason Palkewicz, Professional Engineer with Solutions IPeM, and Mr. Mark Macgonalic on behalf of McKee Builders, LLC. Mr. Fuqua stated that there were two applications submitted for the property; that the Change of Zone application is requesting a change in zoning from AR-1 (Agricultural Residential) to MR (Medium-Density Residential); that the Conditional Use application proposes 174 multifamily townhouse units; that the property consists of a 51.23 acre site, located south of Ocean View; that the site has frontage on the west side of Central Ave.; that there is also frontage on the northside of Lizard Hill Rd.; that the majority of the property along the frontage of Central Ave. is cleared farmland; that there is a portion of the Beaver Dam Canal prong tax ditch that crosses the southern portion of the property; that along the frontage of Lizard Hill Rd. the site is mostly wooded; that there is an area of Federally regulated non-tidal wetlands located in that wooded area; that both sides of Central Ave. have been fairly well developed with single-family and multifamily residential communities; that located about a half mile north of the site are the developments of Fairway Village and Bear Trap Dunes; that on the east side of Central Ave. near the site are the developments of Forest Landing and Friendship Creek; that Friendship Creek was approved by Sussex County in 2018, as a Conditional Use for 133 multifamily units to be located on a 47 acre parcel, within the GR (General Residential) Zoning District; that south of Friendship Creek, just past Central Ave. at the intersection with Lizard Hill Rd. is a 14 acre parcel, referred to as Seaway; that this parcel was rezoned from AR-1 to MR in February 2023, as Conditional Use for 57 multifamily

**Public
Hearing/
CZ1996 &
CU2402
(continued)**

units; that across from Seaway, there is the Wilson Property, that is zoned C-1 (General Commercial), and is being used commercially at this time; that on the northside of Lizard Hill Rd. bordering the property to the west, is Milos Haven, which was approved in 2019 as a GR-RPC with 179 units, 41 single-family lots and 138 townhouse units located on 71.75 acres in the GR District; that the Applications were reviewed as part of the PLUS process about a year ago; that as noted within the PLUS comment letter, the site is located in both Investment Levels 3 and 4 according to the State Strategies Investment Map; that the development is concentrated in the Investment Level 3 portion of the site, which is a Growth Area, and where growth is anticipated by the State and County; that also in the PLUS comments is a note that the development Site Plan shows minimal disturbance to the wooded and wetland areas on the site; that they are requesting a rezoning to the MR Zoning District; that the MR District provides for medium-density residential development in areas which are expected to be urban in character, particularly where central water and sewer are available; that multifamily dwellings, such as townhouses are authorized as a Conditional Use in the MR District, subject to County Council approval; that their requests are in character with the surrounding area; that the site is adjacent to Milos Haven, Friendship Creek and Forest Landing; that MR Zoning or GR Zoning surround the majority of the site; that both the MR and GR Zoning Districts permit the same density at 4.35 units to the acre; that the Application proposes 174 townhouse units to be located on 51.23 acres results in a density of 3.39 units per acre, being significantly less than the maximum that could be requested, which would be 223 townhomes; that the Sussex County Comprehensive Plan designates the property as being within the Coastal Area, which is Growth Area; that the Comprehensive Plan states that it seeks to encourage the most concentrated forms of new development in the Growth Areas, including higher density residential developments; that the Comprehensive Plan recognizes that a range of housing types should be permitted, including townhomes; that the Comprehensive Plan recognizes that medium and higher density development of four to 12 units per acre can be appropriate in certain locations, where central water and sewer are available, and the proposed use is in keeping with the character of the area; that based on those factors, they believe the proposed Applications are consistent with the State Investment Levels map; that the Applications are in character with the existing uses and zoning designations of the surrounding area; that the Applications are in accordance with the goals of the current Comprehensive Plan; that Tidewater Utilities will provide central water for domestic use and fire protection; that Tidewater also holds the CPCN to serve the area and are already serving the area; that the site will be served by the Sussex County Sewer; that Sussex County Engineering Department has indicated that adequate sewer capacity is available for the proposed development; that there will be an onsite sewer pump station on the site; that stormwater management facilities will be designed and constructed in compliance with DNREC regulations; that they will be reviewed by Sussex Construction District; that all stormwater management facilities will meet or exceed current stormwater regulations, including management of water quantity

**Public
Hearing/
CZ1996 &
CU2402
(continued)**

and quality; that Geotechnology Associates, Inc. performed a Subsurface Soil Exploration Study of the site to determine recommendations for the most appropriate locations for the stormwater facilities; that DelDOT indicated that in accordance with the Development Coordination Manual, DelDOT would accept an Area Wide Study Fee in lieu of a Traffic Impact Study (TIS); that DelDOT will require the Applicant to improve Central Ave. along the site's frontage, to provide 11-ft. travel lanes with five foot shoulders; that the Applicant will provide a shared use path on the Central Ave. frontage, and will dedicate additional right of way need on Central Ave. to provide a 40 ft. right of way from Central Ave. and on Lizard Hill Rd.; that there will be improvements to the road to provide 11 ft. travel lanes, and five foot shoulders, with a dedication to provide a 30 ft. right of way from the center line; that the development entrance will be designed and constructed in accordance with DelDOT requirements; that the development design was based on the superior design criteria for cluster subdivisions, by identifying areas on the property that are most appropriate for preservation due to natural features such as wetlands, wooded areas and water ways; that they then identified the most appropriate areas for development to minimize impact on the areas that were identified as containing natural features that were worthy of preservation; that the site consists of mostly cleared farmland, with some wooded areas, containing pockets of wetlands; that there is a home and some agricultural outbuildings on the property; that the site borders the tax ditch and a prong that bisects the property; that the southern portion of the site is wooded, containing wooded uplands and non-tidal wetlands; that there was a Wetland Delineation performed by Environmental Resources, Inc.; that the study indicated that the site contained 5.9 acres of Federally regulated non-tidal wetlands, being the land located along the tax ditch and the prong; that additionally, there were three pockets of wetlands located in the wooded area; that the portion of the parcel proposed for development is located within Flood Zone X according to the FEMA Flood Maps; that the townhouse development is proposed to be located on the cleared agricultural lands located on the northern portion of the site; that the entire southern portion of the site, fronting on Lizard Hill Rd., contains the wooded uplands and wetlands; that this area will remain in a natural state and will be permanently preserved; that there will be a 50-ft. resource buffer provided adjacent to the Beaver Dam Canal Tax Ditch, which is classified as a perennial stream; that there will be a 30 ft. resource buffer provided adjacent to other non-tidal wetlands; that the non-tidal wetlands will be undisturbed, except for any necessary road and utility crossings, which will comply with all U.S. Army Corp of Engineers regulations and permitting requirements; that there are 10.04 acres of existing woodlands on the property; that the vast majority of the woodlands are located on the southern portion of the site; that the proposed site design will preserve 9.47 acres (97%) of the existing woodlands; that the community open space will total 29.78 acres (58.1%) of the site; that the development entrance will be from Central Ave., and will be designed and constructed in accordance with DelDOT requirements; that the 174 townhouse units will be located as shown of the Site Plan; that there is a mixture of three, four and five unit

**Public
Hearing/
CZ1996 &
CU2402
(continued)**

buildings; that the proposed density is 3.39 units per acre, being less than the maximum density permitted in the MR District; that each unit will have two off street parking spaces, which will provide for the 345 required spaces; that there will also be an additional 67 parking spaces located at the recreational center, as well as other locations through the community; that there will be a centrally located recreational facility that will consist, at minimum, of a clubhouse, an outdoor swimming pool, a deck and open space; that there may be other amenities provided, but will be determined based on the demand; that there will be a fenced community dog park located toward the north of the site; that they have proposed that the recreation area and dog park be completed and open for use before the issuance of the 90th residential building permit; that a school bus stop will be located near the development entrance is desired by the school district; that the exact location will be coordinated with the Indian River School District office; that there will be a central mailbox facility that will be located near the entrance or at the recreational area; that the development streets will be private, and built to County standards; that there will be sidewalks on both sides of the streets; that street lighting will be non-intrusive and downward screened; that there is a dead-end street connection located on the west side of the development, adjacent to Milos Haven development for possible future connection; that there is no road or pedestrian access provided into the wooded uplands and wetlands located on the southern portion of the site, as the intention is for those to remain permanently preserved in their natural state; that there will be a 20 ft. landscape buffer along the boundary of the site adjacent to the Rickers property and Milos Haven; that the community will be attractively landscape with native trees and plants; that a detailed Landscape Plan will be submitted as part of the Final Site Plan review process; that there will be a Condominium Association created, which will initially be comprised of the Developer, and subsequently comprised of the future residents; that the Condominium Association will be responsible for the enforcement of the restrictions, collection of assessments, and the maintenance and repair of all the community, property and facilities; that at the meeting of November 9, 2023, the Planning and Zoning Commission recommended approval of the MR Change of Zone and the Conditional Use request subject to conditions A-R; that all of the conditions are acceptable to the applicant; that these applications are in compliance with the applicable land use regulations; that the development is designed to preserve and protect the environmental features of the site being the existing woodlands and wetlands; that the proposed zoning and use is in character with the existing zoning in the area and the existing uses in the area; that the applicant requests the Council's approval for the reasons stated.

A discussion was held about the buffer and the tax ditch.

Mr. Rieley commented about workforce housing.

Public comments were heard.

**Public
Hearing/
CZ1996 &
CU2402
(continued)**

Mr. Tyler Hickman spoke in opposition of the application; that he lives at the neighboring property; that he questioned how many more people we are going to move into the area without considering the infrastructure; that the roads are not big enough to take on more traffic; that there has been many automobile accidents in this area; that healthcare and commercial facilities are not increasing; that he has served as a volunteer firefighter for 23 years and a career firefighter and EMT in Sussex County for 14 years; that he hears common complaints that people can't find a doctor or have to wait a long time for an appointment; that emergency services are getting busier each year; that volunteerism is down especially on the east side of the County; that he waited for an hour and a half in the ER yesterday for a bed for a patient; that it is occurring more and more year round; that Sussex County does not have a police force; that he questioned where the State Trooper would be coming from to help this area; that this property borders the same line on the tax ditch that his property does; that he attends the tax ditch meetings yearly; that he has learned that builders have been allowed to build in the tax ditch easements in the past; that this creates a problem when the system needs to be cleaned out; that his neighbor's yard floods regularly because his ditch is tidal; that he questioned light and noise pollution; that he hunts on his property and per DE law, he has to have 100 yards from an occupied structure; that he does not believe that a change of zone should be allowed to limit his usage of his property as he has been using it in his zoning; that he requests that the working hours be established and enforced; that he requests no Sunday hours and limited Saturday hours; that he asked for no holiday hours; that he worries about the dog park bordering his house and what noise it would cause to him; that he noticed an inconsistency with the density; that there were three letters in support; that they are sound of the same; that two of the authors to the realtor that facilitated the sale of the property; that the other letter has properties associated with developers and builders; that they do not live near this property.

Ms. Camilla Lane spoke in opposition of the application; that he is speaking on behalf of her friend, Demetris Karvounis; that he opposes the plan as it is presented today; that in the 1970s, he purchased 20.5 acres on Central Ave; that he is right across from the property in question for a subdivision; that he met Mr. Hickman, the father of the three children, the present sellers of the property; that they had a lot discussion about his plan; that he suggested to subdivide into half acres lots; that Mr. Hickman said if and when he decided to sell, he would do the same on his property; that under gentlemen's agreement, we agreed and he subdivided his property into 8 lots under phase 1; that lots 1-8 were a half of an acre each; that if he were here with us today, he is certain that he would not subdivide these properties into multi units; that he agrees with Tyler Hickman's letter and comments today to the zoning commission and today's meeting; that Camilla Lane asked what would happen with the traffic; that she agrees with Tyler Hickman about the accidents; that there has been 4-5 accidents that have landed in their front yard; that they are concerned about the traffic, pollution and noise; that they questioned if the sewage would be available to them and other owners on Central Ave.

The Public Hearing and public record were closed.

M 611 23
Defer Action/
CZ1996

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” for the reasons given by Planning & Zoning.

Motion Adopted: 5 Yeas

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

M 612 23
Defer Action/
CU2402

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (174 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 51.23 ACRES, MORE OR LESS” for the reasons and conditions given by Planning & Zoning.

Motion Adopted: 5 Yeas

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

Public
Hearing/
CU2388

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 93.66 ACRES, MORE OR LESS” (property lying on the south side of Rifle Range Road [S.C.R. 545], approximately 1.14 mile east of Sussex Highway [Rt. 13]) (911 Address: N/A) (Tax Map Parcel: 131-15.00-51.00 [p/o]) filed on behalf of Rifle Range Road Solar, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons and subject to the 10 recommended conditions as outlined.

The Council found that Mr. Michael DeNote, Esq. with Barnes &

**Public
Hearing/
CU2388
(continued)**

Thornburg, LLP spoke on behalf of the Applicant; that also present were Mr. James Taylor, Civil Engineer with Verdantas, LLC, and Mr. Kevin Corbitt on behalf of the applicant. Mr. De Note stated the total size of the parcel is approximately 93.66 acres; that the Conditional Use area is proposed to be 36.65 acres of the total acreage; that the advertisement did include the whole parcel acreage, however only a portion of the site is proposed for the use; that they met with members of the community to go over the application; that the solar array is 160 feet from the northwest corner; that that is 772 feet from the northeast corner of the property; that it is 52.6 feet from the side yard and 77 feet from its furthest point; that in the rear at its closest point, it is 370 feet from the array; that the array equipment is no closer than 200 feet from any dwelling; that it is ground mounted and there is no battery storage; that there will be a fence, as required, around the entire facility, being at least seven feet in height; that there will be a Knox box for the lock on the gate; that there will be a decommissioning plan; that there are no wetlands on the property; the plan has been submitted and review by the Fire Marshall.

The Council found that Mr. Taylor discussed the proposed landscaping; that they met with Mr. Cash out in the field to discuss the landscaping screening adjacent to his property; that the landscape screening was pushed closer to his property at his request; that there was some substitutes made based upon his request.

Public comments were heard.

Mr. John Moore, Jr. asked a question about the application; he asked about the health and the property value.

The Public Hearing and public record were closed.

**M 613 23
Defer Action/
CU2388**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 93.66 ACRES, MORE OR LESS" for the reasons and conditions given by Planning & Zoning.

Motion Adopted: 5 Years

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

**Public
Hearing/
CU2390**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND

**Public
Hearing/
CU2390
(continued)**

BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 79.59 ACRES, MORE OR LESS” (property lying on the south side of Taylor Mill Road [S.C.R. 467B], the west side of Fire Tower Road [S.C.R. 479], and the east side of County Seat Highway [Rt. 9], at the intersection of County Seat Highway [Rt. 9] and Fire Tower Road [S.C.R. 467]) (911 Address: N/A) (Tax Map Parcel: 232-7.00-3.00 [p/o]) filed on behalf of Taylor Mill Road Solar 1, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the reasons and subject to the 10 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Claire Habel, with New Leaf Energy, spoke on behalf of the Applicant; that also present was Mr. Shawn Brandt, P.E. with New Leaf Energy, and Mr. Richard Roseberry, P.E. with Colliers Engineering & Design. Ms. Habel stated that the site is located outside of Laurel, across the crossroads of Rt. 9 and Taylor Mill Rd.; that Fire Town Rd. also encompasses the lot; that the site is located adjacent to the Laurel Fire Department Station Sycamore No. 2; that surrounding the site are mostly agricultural uses, such as chicken houses and farming, with some residential homes; that the property is owned by the Givens family; that it has been in their family for over 50 years; that the property is currently owned by Mr. Minos Givens, who did provide a letter of support and his motivation for wanting to lease his land for the use of solar; that the main points of interest for Mr. Givens was securing long term income for generations to come, and keeping the land in the Givens name, while still earning income, without the need for some other kind of development; that the site is just shy of 80 acres; that they are proposing to utilize just short of 20 acres of the entire site for the solar facility; that they intend to keep farming on the remaining parcel; that this site is located adjacent to a fire house; that they spoke with Mr. Jeff Hill–Laurel Fire Chief; that there were some comments heard at the Planning and Zoning meeting referencing endangered species specially bald eagles that have been observed on the site; that they have done their due diligence; that bald eagles were not observed on the memo provided; that the neighbors will still have access to their mailboxes and driveways; that this project is part of Delmarva’s community solar program; that they have completed their studies; that a proposed view was shown of the site; that a letter of support was received by a neighbor.

Mr. Shawn Brandt, P.E. with New Leaf Energy spoke on behalf of the Application. Mr. Brandt stated the project layout had changed some to accommodate compliance to the recently adopted Ordinance; that they have ensured all setback requirements have been met in the Ordinance; that they have added a vegetated buffer to completely surround the project; that they have been in communication with DelDOT; that they did receive DelDOT’s

**Public
Hearing/
CU2390
(continued)**

Service Level Evaluation Response; that recently DelDOT questioned why the project entrance was proposed from Rt. 9; that they are in discussions to move the entrance to be off Fire Tower Rd., as it is the less busy road; that there will be an access along County Seat Highway just for the point of interconnection for utility access; that there will be screening along that road; that no chemicals or pesticides will be used.

Mr. Rick Roseberry spoke about stormwater management; that the project will have a complete stormwater pollution prevention plan prepared; that they will take a condition of road crops and improve it; that they will not be stripping topsoil; that they will be prepared to present all of this information when the time comes.

Ms. Habel stated that there are scientific studies that address health and safety and property values that she would be willing to provide. These studies state that there are no health or safety impacts and the property values do not decrease. Mr. Rieley requested to see them.

There were no public comments.

The Public Hearing was closed, and the public record was left open until January 2, 2024, to receive information about property values and health concerns.

**M 614 23
Defer Action/
CU2390**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN 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 Planning and Zoning.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2393**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A 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” (property lying on the north and south sides of R & R Lane, approximately 0.38 mile west of BiState Boulevard [Rt. 13A]) (911 Address: 10198 R & R Lane, Delmar) (Tax Map Parcel: 532-6.00-8.00 [p/o]) filed on behalf of Sunrise Solar, Inc.

**Public
Hearing/
CU2393
(continued)**

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons and subject to the 9 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Julian Pellegrini, Project Engineer with the PELSA Company, Inc. spoke on behalf of the Applicant. Mr. Pellegrini stated that also present was a representative from the operations and management company, Standard Solar; that Standard Solar is owned by the well-known Brookfield Renewables, which has numerous solar projects in over 22 states across the Country; that additionally, there was a representative from Sunrise Solar present; that Sunrise Solar has worked alongside Standard Solar, and has 15 ongoing projects with them in Delaware currently; that the project proposes a 4.455-megawatt community solar field, which would be able to power about 390 homes; that the project will take access, with a gravel road, from an existing driveway on the property; that within the solar area, the property will be maintained by typical mowing operations or agrovoltaic farming, which involves sheep or other similar livestock to manage the grass height within the solar field.

There were no public comments.

The Public Hearing and public record were closed.

**M 615 23
Defer Action/
CU2393**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A 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 Planning and Zoning.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2397**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 121.33 ACRES, MORE OR LESS” (property lying on the northwest side of Shawnee Road [Rt. 36] approximately 0.20 mile southwest of Old Shawnee Road [S.C.R. 42]) (911 Address: 7152 Shawnee Rd.

**Public
Hearing/
CU2397
(continued)**

Milford) (Tax Map Parcel: 130-3.00-63.00 [p/o]) filed on behalf of Mispillion Solar Farm, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons and subject to the 9 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Council found that Mr. Jeffrey Machiran, with EDF Renewables, Inc., spoke on behalf of the Applicant; that Mr. Frank Miller with Century Engineering was also present. Mr. Machiran stated the subject project is specifically being developed in conjunction with Delaware Electric Cooperative; that the project would be located about 1,700 ft. off Shawnee Rd. in Milford; that they will be tapping into the existing Kirby Substation, located a 1.5 mile north of the project site; that the site was selected specifically because there are existing trees surrounding the property; that the existing trees will enable them to keep the cost down by not having to plant additional trees; that there would be no noise to the adjacent property owners; that Century Engineering did a wetland delineation study; that there is a wetland located on the site approximately 1,000 feet from where the property will sit; that on October 5th and 6th, 2023, they held a community outreach event for surrounding neighbors; that he believed they met with every adjoining neighbor, none of which seemed to have any issues with the proposed project; that they are obligated to decommission the site.

There were no public comments.

The Public Hearing and public record were closed.

**M 616 23
Defer Action/
CU2397**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to defer on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 121.33 ACRES, MORE OR LESS” for the reasons and conditions given by Planning and Zoning.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2398**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A

**Public
Hearing/
CU2398
(continued)**

SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 61.15 ACRES, MORE OR LESS” (property lying on the southeast side of Hudson Road [S.C.R. 387], approximately 0.61 mile south of the intersection of Lighthouse Road [Route 54] and Hudson Road [S.C.R. 387]) (911 Address: N/A) (Tax Map Parcels: 533-17.00-187.00 [p/o]) filed on behalf of Chaberton Energy (Blue Hen Solar)

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons and subject to the 9 recommended conditions as outlined.

The Council found that Mr. Jon Falkowski, Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant, also present was Mr. John Tracy and Mr. Ryan Boswell, Director of Development with Chaberton Energy. Mr. Falkowski stated that the project is located within Selbyville, essentially at the Maryland line, located along West Line Rd.; that the site consists of 61.15 acres; that the solar area will consist of 20.50 acres; that the site is currently utilize for agricultural and farmland; that the area of the solar array will be located on the agricultural portion; that none of the existing woodlands will be cleared or disturbed for installation of the solar array; that the project will be accessed off West Line Rd.; that there was a Wetland Delineation performed on the site; that an area of non-tidal wetlands were found on the site; that there was tree harvesting performed at the rear of the site; that if there are existing trees, they will be retained; that if there are no trees, they will plant trees to provide a buffer; that they propose a full perimeter landscape buffer in all areas where there is not existing vegetation; that this is a Delmarva Power grid; that bonding and decommissioning will be completed; that a community outreach meeting was held on October 29, 2023 and there was no opposition.

There were no public comments.

The Public Hearing and public record were closed.

**M 617 23
Defer Action/
CU2398**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 61.15 ACRES, MORE OR LESS” for the reasons and conditions given by Planning and Zoning.

Motion Adopted: 5 Yeas

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

Mr. Vincent, Yea

**Public
Hearing/
CU2433**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 50.50 ACRES, MORE OR LESS” (property lying on Marlyn Lane, on the south side of Lighthouse Road [Rt. 54], approximately 1.05 miles east of Hudson Road [S.C.R. 387]) (911 Address: 38510 Marlyn Lane, Selbyville) (Tax Map Parcel: 533-18.00-39.00) filed on behalf of Chaberton Solar.

The Planning & Zoning Commission held a Public Hearing on the application on October 26, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons and subject to the 9 recommended conditions as outlined.

The Council found that Mr. Jon Falkowski, Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant, also present was Mr. John Tracy and Mr. Ryan Boswell, Director of Development with Chaberton Energy. Mr. Falkowski stated that the project is located within Selbyville, that the entire site consists of 50.5 acres, located within AR-1 (Agricultural Residential); that this is a Delmarva Power project; that the solar project is proposed to be located on 35.6 acres of the entire site; that the current property use is for agricultural purposes; that the project site is located just behind Lighthouse Lakes; that they held a community meeting on October 5, 2023 with Lighthouse Lakes residents; that some changes were incorporated into as a result of the community meeting; that the changes consist of a larger buffer with more canopy trees to be added along the boundary with the subdivision; that a few residents had requested additional buffering to be provided on top of the provided landscape buffer; that Buffer A, is the typical standard buffer of 25 ft., which is to be located along the south and west sides of the site; that Buffer B provides the standard 25 ft. buffer, with an additional three canopy trees per 100 linear feet of the buffer where residents have requested it; that the project takes access from Lighthouse Rd. off an existing farm lane; that there is a section of established trees that they will keep in place; that a tax ditch is located to the northern boundary of the site, and that the project is in compliance with all tax ditch right-of-way setback requirements, as well as all buffer requirements associated with Ordinance No. 2920; that they have agreed to a two-year landscaping bond to make sure the trees get established.

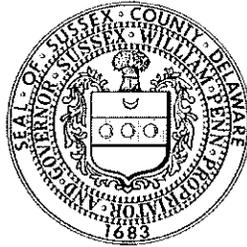
There were no public comments.

The Public Hearing and public record were closed.

**M 618 23
Defer Action/
CU2433**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson
County Administrator 

RE: **SUSSEX COUNTY AND TOWN OF DEWEY MEMORANDUM OF UNDERSTANDING – NEW TOWN HALL**

DATE: December 29, 2023

During Tuesday's meeting, Council is scheduled to review and approve a Memorandum of Understanding (MOU) between Sussex County and the Town of Dewey related to the new Dewey Town Hall.

As you are aware, since 2022 the Sussex County Emergency Medical Services (EMS) has occupied a portion of the Town of Dewey's building located on Coastal Highway (Route 1) in the center of town. The EMS operate a seasonal unit out of this location and have found the proximity to Route 1 and the coastal towns during the summer months improves their response times exponentially.

When the Town of Dewey embarked on the initiative to construct a new Town Hall and Police Department, Town officials approached the County to gauge interest in co-locating an EMS station at the new Town Hall. Based on the improvement to the EMS system as a whole, County stakeholders agreed this arrangement would be worth pursuing.

The discussions have been memorialized in the attached MOU which I will review on Tuesday.



The MOU specifies the County's and Dewey's roles and responsibilities for the property. Dewey is responsible for all aspects of the construction of the facility as well as its long-term maintenance. The County has reviewed and approved the footprint the EMS will use in the new Town Hall as specified in Construction Drawings produced by George, Miles and Buhr. In general, the EMS footprint includes one bay in the garage and over 1,000 square feet of quarter space on the second floor. The County will execute a future lease agreement with Dewey specifying, among other items, these terms and conditions.

The County will contribute one million dollars (\$1,000,000.00) to the overall Town Hall and Police Department construction costs. The County will pay half upon Dewey's execution of a construction contract and the other half upon reaching 75 percent of construction completion.

The MOU has been reviewed by the County and Town's Attorneys, who have approved it to form. On December 7, 2023, Dewey Mayor William Stevens signed the MOU.

I will review the MOU in more detail on Tuesday.

In the meantime, please let me know if you have any questions.

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

SUSSEX COUNTY, DELAWARE

AND

THE TOWN OF DEWEY BEACH, DELAWARE

WHEREAS, Sussex County, Delaware (the “County”) provides Emergency Medical Services (EMS) by and through its paramedic personnel; and

WHEREAS, the County owns or leases EMS stations throughout its coverage area to ensure personnel respond to emergency incidents in a timely manner; and

WHEREAS, the County currently leases property from the Town of Dewey Beach (“Dewey Beach”) for seasonal EMS personnel coverage; and

WHEREAS, Dewey Beach is planning to construct a new Town Hall for its employees and Police Department; and

WHEREAS, the County and Dewey Beach (each, a “Party” and collectively, the “Parties”) have each determined that it is mutually beneficial to include a County EMS station within the new Dewey Beach Town Hall and Police Department; and

WHEREAS, the Parties have entered into this Memorandum of Understanding (“MOU”) to set forth the terms and conditions of an agreement whereby they will establish their roles and responsibilities in the construction of the new Dewey Beach Town Hall and Police Department; and

NOW, THEREFORE, the Parties hereby agree as follows:

I. THE PROJECT

- a. Project Goal. The goal of the construction of the Dewey Beach Town Hall and Police Department (the “Project”) is to enhance the Town’s governmental center and improve the safety and security of the footprint used by its Police Department. The inclusion of the County EMS within the Town Hall will benefit the EMS coverage on the eastern side of the County and improve synergy among first responders in the resort communities.

- b. Dewey Beach Exclusive Responsibility. Dewey Beach shall have exclusive responsibility for managing all phases of the Project, including:
- i. Initial planning, engineering, design and permitting;
 - ii. Project site work and construction; and
 - iii. Project monitoring commencing after construction.
- Dewey Beach shall retain the ultimate authority to determine, in its sole discretion, whether to proceed with the Project upon review of bids submitted for services.
- c. Sussex County EMS Station Footprint. The Town Hall and Police Department is designed with a portion of the building to include the Sussex County EMS Station's internal area and external parking ("EMS Footprint"). The EMS Footprint shall be based on the Construction Drawings produced by George, Miles & Buhr, LLC ("GMB") with the GMB File No. 220242 and dated June 20, 2023 ("GMB Drawings"). Any changes to the EMS Footprint on the GMB Drawings shall be approved in writing by the Sussex County Administrator.
- d. Future Lease Agreement. Dewey Beach and the County shall execute a Lease Agreement prior to the Town Hall's Certificate of Occupancy issuance. The Lease Agreement shall be based on the GMB Drawings illustrating the EMS Footprint. The Lease Agreement will include terms and conditions covering the following:
- i. The County's use of the property as an EMS station;
 - ii. The County's dedicated quarters and garage space and corresponding square footage;
 - iii. EMS vehicle parking spaces; and
 - iv. A minimum term of 20 years with no operation and maintenance costs being billed to the County for its use; and

II. PROJECT FUNDING

- a. Total Project Cost Estimate. As of the date of this MOU, the Parties agree that the estimated total Project cost is approximately _____. It is understood that estimates of the total Project cost may change as the Project progresses.
- b. Contributions of the Parties. The Parties agree that Dewey Beach shall bear the majority responsibility for all Project costs and that the County’s sole responsibility shall be to contribute the amount of one million dollars (\$1,000,000.00) (“County’s Contribution”) to reduce Dewey Beach’s total Project costs and to include the EMS footprint within the new Town Hall. Upon the Project’s award and execution of the contract with a vendor, Dewey Beach will invoice the County for half the County’s Contribution, or \$500,000, and County shall pay the County’s Contribution to Dewey Beach within thirty (30) days of the County’s receipt of such invoice. The remaining amount of the contribution shall be billed by the Town of Dewey to the County at 75 percent of construction completion.

III. MISCELLANEOUS

- 1. The County shall have the right to cancel this MOU and forego the Lease Agreement and County’s Contribution should the EMS Footprint be altered without County approval.
- 2. The County is not, and shall not be, a party to any agreement between Dewey Beach and its Consultants and/or Contractors.
- 3. Dewey Beach shall comply with all applicable state and federal requirements for bidding, and contract award associated with the Project.
- 4. Notices by either Party shall be provided to the other Party in writing at the applicable address below:

- a. If to the Dewey Beach:
Town of Dewey Beach
Attn: Bill Zolper, Town Manager
105 Rodney Avenue
Dewey Beach, DE 19971

b. If to the County:

Sussex County Council

Attn: Todd F. Lawson, County Administrator

2 The Circle

P.O. Box 589

Georgetown, DE 19947

5. This MOU shall be governed by the laws of the State of Delaware.
6. This MOU shall be binding on the Parties' successors and assigns.
7. This MOU may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument.
8. This MOU represents the entire agreement between the Parties regarding the Project and may not be amended or modified except by written agreement signed by both Parties.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereunto have caused this Memorandum of Understanding to be executed and made effective as of the date below.

TOWN OF DEWEY BEACH:

WITNESS:

Name: _____

DATE: _____

William Stevens

Mayor

DATE: _____

SUSSEX COUNTY, DELAWARE:

WITNESS:

Name: _____

DATE: _____

Michael H. Vincent

President

DATE: _____

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T

(302) 855-7749 F

gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Douglas B. Hudson
The Honorable Cynthia C. Green
The Honorable Mark G. Schaeffer

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

DATE: December 28, 2023

RE: **Bank Resolution**

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

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

If the officers do not change, there will be no action needed. Please let me know if you have any questions.

Attachment

pc: Mr. Todd F. Lawson



RESOLUTION NO. R --- 24

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

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

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

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

_____ – President

_____ – Vice President

Gina A. Jennings – Finance Director/Chief Operating Officer

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

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be January 2, 2024.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ---24 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 2nd DAY OF JANUARY 2024.

**TRACY TORBERT
CLERK OF THE COUNCIL**

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

TO: Sussex County Council:
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: *T-Hangar Building, Project A22-23*
A. Change Order No. 2 and Substantial Completion

DATE: January 2, 2024

The T-Hangar Building Project A22-23 was originally advertised for public bid on September 28, 2022, and on October 26, 2022 only one (1) bid was received and opened publicly. The single bid was in the amount of \$1,698,000, more than twice the programmed budget. At the recommendation of the Engineering Department, Council approved rejection of the single bid on November 15, 2022 and pursuance of an alternate project bid structure to establish lower and more competitive project bid pricing.

The alternative bid structure included re-packaging the T-Hangar Building *Invitation to Bid* to only include furnishing and installing the T-Hangar structure, with all site/utility support work providing by a separate Site Contractor through a direct solicitation pricing structure. On January 26, 2023, Project A22-23 was rebid including just the building structure and associated appurtenances. A total of two (2) bids were received on February 23, 2023, with the lowest bid submitted by The Whayland Company in the amount of **\$467,900.00**. The project was subsequently awarded to Whayland Company based on approval by Council March 21, 2023.

Following project award, additional review comments were received from the Office of the State Fire Marshal (OSFM) based on their review of the T-Hangar Building per NFPA 409 Chapter 10, Group III Hangars. The comments results in the addition of five (5) floor-grounding receptacles as well as interior fuel curbs to separate the interior T-Hangar units at the base of each wall. A 1-hour fire separate wall was also required between the interior utility room and adjacent T-Hangar unit which was not known at the time of bid. At the request of the Engineering Department, Whayland Company submitted pricing for these changes in the amount of \$19,451.10 which was subsequently approved by Council on October 24, 2023 as Change Order #1.



As work progressed, it became apparent that additional time was needed to complete the project due to previously identified delays. The delays are attributed to:

- Initial product delivery by building fabricator
- Concrete restoration performed by others
- Wings & Wheels event shut-down
- Fire Marshal approval and time to install additional protection measures noted above

Change Order #2 was submitted to capture twenty-nine (29) additional Contract Calendar Days associated with the above items, and contained no alteration to project cost. Since this time, Substantial Completion on the project was reached on December 5, 2023 and all punch-list related work items have been subsequently completed by the Whayland Company.

Engineering Department recommends approval of Change Order No. 2 to Whayland Company adding twenty-nine (29) additional Contract Calendar Days with no net cost change, as well as granting of Substantial Completion for the T-Hangar Building project.



SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **T-Hanger Building**
2. Sussex County Project No. A22-23
3. Change Order No. 2
4. Date Change Order Initiated 11/09/2023
5.
 - a. Original Contract Sum \$467,900.00
 - b. Net Change by Previous Change Orders \$19,451.10
 - c. Contract Sum Prior to Current Change Order \$487,351.10
 - d. Requested Change \$0.00
 - e. Net Change (No. of days) 29
 - f. New Contract Amount (unchanged) \$487,351.10
 - g. New Project Completion Date 12/07/2023
 - h. New Substantial Completion Date 11/28/2023
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements

- 4. Design Change
- 5. Overrun/Underrun in Quantity
- X 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Work delays due to initial building delivery, additional concrete pad restoration, fire marshal approval & additional work related to building fire permit, wings & wheels event.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. The Whayland Company, Contractor

 11/15/2023
Steve Hentschel (Nov 15, 2023 11:10 EST)
 Signature Date

Steve Hentschel
 Representative's Name in Block Letters

2. Sussex County Assistant Engineer

 15 Nov. '23
 Signature Date

3. Sussex County Council President

 Signature Date

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

December 5, 2023

Michael Cassell
The Whayland Company, LLC
100 West 10th Street
Laurel, DE 19956
via e-mail only

**RE: T-Hanger Building – Project No. A22-23
Substantial Completion**

Dear Mr. Cassell:

Based on our meeting and site inspection today, Sussex County is granting Substantial Completion on this project. During the meeting, we identified a number of items that will require adjustment, repair and/or final completion. We will issue a formal Punch List identifying those items within the next day or so, and upon your review and concurrence of the Punch List items we will establish a mutually agreeable timeline in which to address all items.

The County is pleased with the final T-Hanger product and appreciates the diligent efforts of the Whayland Company throughout the construction process. We look forward to working with you again.

Sincerely,

J. Mark Parker, P.E.
Assistant County Engineer



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



(302) 855-7774 T
(302) 855-7773 F
www.delawarecoastalairport.com

DELAWARE COASTAL AIRPORT ADVISORY COMMITTEE

2024 Committee Appointments

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



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

SUSSEX COUNTY AIRPORT ADVISORY COMMITTEE BYLAWS

I. Committee

A. Name & Definitions

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

II. Objective

A. The Committee is established by the County Council to advise and to make recommendations to the Airport Manager and the County Council on policy and programs of the Airport. The Committee's purpose is to enhance the Airport and to provide opportunities for involvement by individuals with aviation and business knowledge and experience. The Committee shall exchange, discuss, review, and gather information on Airport-related issues.

B. The Committee shall be advisory and shall have no authority to bind Sussex County to any liability, whether contractual or otherwise, or to expend any County funds or to direct County staff.

III. Members

A. The Committee shall consist of twelve members appointed by the County Council: (Terms will be for one year periods and expire December 31 and members may be re-appointed.)

1. One County Council Member
2. The Sussex County Administrator
3. The Sussex County Engineer
4. The Sussex County Economic Development Director
5. One representative of the Fixed Base Operator
6. One non-commercial Airport tenant
7. One commercial Airport tenant
8. Two Airport-based aircraft owners
9. One Business Park tenant representative
10. One tourism industry representative

11. One representative at large

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

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

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

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

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

IV. Officers

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

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

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

V. Meetings

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

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

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

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

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

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

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

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

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

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

VI. Procedures

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

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

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

VII. Areas of Emphasis

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

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

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & BUSINESS PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7773



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
ROBERT L. BRYANT, A.A.E.
AIRPORT MANAGER

MEMORANDUM

TO: Sussex County Council

FROM: Robert L. Bryant, A.A.E.. *RLB*
Airport Manager

DATE: DECEMBER 7, 2023

RE: DELAWARE STATE POLICE LEASE SECOND EXTENSION

The Delaware State Police and the State of Delaware, acting through the Department of Homeland Security, currently lease Lot G at Delaware Coastal Airport. The initial ten-year term expired June 23, 2019 and there are two, five-year options to extend. The first extension was approved by the Sussex County Council on May 14, 2019. They have requested to exercise the second extension option.

The State Police use the State-owned hangar on the property to house and operate their Aviation South unit. The hangar also houses some non-aviation assets used by the State Police in Sussex County.

Council's approval of the extension requests is recommended.

cc: Todd F. Lawson, County Administrator



SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT is made this ___day of _____ 2023 by and between the State of Delaware, Office of Management and Budget, acting on behalf of the Delaware State Police, acting by and through the Department of Safety and Homeland Security (“Tenant”), and Sussex County, a political subdivision of the State of Delaware (“Landlord”).

WHEREAS, Landlord and Tenant originally entered into a Lease Agreement on June 23, 2009 (“Original Lease”), amended on May 14, 2019 (“First Amendment”), (collectively, the “Lease”) for space located at Lot G, 21553 Rudder Lane (Delaware Coastal Airport), Georgetown, DE 19947 (“Premises”). Parcel Survey attached hereto as Exhibit A.

WHEREAS Landlord and Tenant have now agreed to amend such Lease for the purpose of extending their lease term.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Landlord and Tenant hereby agree that the Lease shall be amended further as follows:

1. The revised lease term shall commence on June 24, 2024 (“Lease Commencement”) and shall expire on June 23, 2029.
2. The rental amount for the lease term of June 24, 2024, through June 23, 2029, is listed in Exhibit B from the original lease dated June 23, 2009.
3. Paragraph 13(a) of the Original Lease is to be deleted. Tenant does not carry an all risk property policy to cover the hangar since it is owned by the State of Delaware.

Except as herein modified, all other terms and conditions of the Lease Agreement shall remain in full force and effect. The terms and conditions of the Lease Agreement, as extended, shall bind and inure to the benefit of the parties and their respective permitted successors, transferees, and assigns.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Lease Agreement on the day and year first above written.

LANDLORD

SUSSEX COUNTY

WITNESS: _____

By: _____

Print Name: _____

Date: _____

TENANT

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

WITNESS: *Sumner J. Almond*
9-19-2023

By: *Nathaniel McQueen, Jr.*
Nathaniel McQueen, Jr., Cabinet Secretary

Date: *09-19-2023*

OFFICE OF MANAGEMENT AND BUDGET

WITNESS: *Patricia Bistany*

Cerron Cade
Cerron Cade, Director

Date: *9/20/23*

EXHIBIT B

Services to be Provided in Lieu of Rent

The Delaware State Police shall provide the following services when the corresponding Delaware Coastal Airport based assets are not dispatched elsewhere by the Delaware State Police:

- Emergency medical technician shall be available to respond to aviation and non-aviation related medical emergencies on Delaware Coastal Airport property.
- Routine law enforcement activities all allowed by Delaware State Code.
- Use of Delaware Coastal Airport based aviation assets to conduct routine security surveillance of airport property. Type and frequency of surveillance to be determined by separate agreement between the Delaware Coastal Airport Manage and the Delaware State Police.

GROUND LEASE FOR
LOT G
AT THE SUSSEX COUNTY AIRPORT

THIS GROUND LEASE is entered into this 23rd day of June 2009 (the "Lease") by and between SUSSEX COUNTY, DELAWARE ("Lessor" or "County"), a county and political subdivision of the State of Delaware ("State"), with offices located at 2 The Circle, Georgetown, Delaware 19947 and the State of Delaware and the Delaware State Police, acting by and through the Department of Safety and Homeland Security ("DSHS" or "Lessee"), an agency of the State, with an office located at the Public Safety Building, Rt. 113, Dover, DE 19901.

WITNESSETH

WHEREAS, the County owns Lot G at the Sussex County Airport ("Lot G" or the "Leased Property") upon which a certain hangar has been built; and

WHEREAS, the hangar on Lot G is currently owned and occupied by the Delaware State Police ("State Police") (the "Hangar");

WHEREAS, DSHS, acting on behalf of the State Police would like to lease Lot G on which the Hangar has been constructed from the County pursuant to the terms set forth herein; and

WHEREAS, the County is willing to lease Lot G to DSHS for use by the State Police.

NOW, THEREFORE, for and in consideration of the above and in further consideration of the mutual promises, covenants and undertakings herein set forth, it is mutually agreed by the parties hereto as follows:

1. **Term.** The County will demise and lease to Lessee, Lot G as more fully described in Exhibit A (the "Leased Property") hereto for a term which shall commence on the date hereof and continue for ten (10) years, and terminate on June __, 2019 (the "Term"), subject to Paragraph 2 hereof, provided DSHS and the State Police are not in breach of the terms and conditions set forth herein.

2. **Option to Extend Term.** Provided the Lessee has not been in breach of its obligations under this Lease, the Lease may be extended for two (2) additional five (5) year periods at the discretion of the County. If DSHS intends to request an extension of the Term, it shall send a written request to the County ninety (90) days prior to the end of the Term set forth in Paragraph 1 above and the County will have thirty (30) days to approve or reject such request for an extension of the Term. If the County rejects the extension of the Term, the Lessee shall have six months from the date the County rejects the extension of the Term to sell the Hangar and/or move its operations to a new location.

3. **Rent.** Pursuant to an appraisal obtained by the County in 2007, the fair market value for the rental of the Leased Property is \$19,179 per year or \$1,598.25 per month (the "Fair Rental Value"). In lieu of paying the Fair Rental Value for the Lease Property, the Lessee shall provide certain services to the Sussex County Airport free-of-charge. Those services are listed on Exhibit B attached hereto and incorporated herein by reference. Such services shall be deemed to be equal to the Fair Rental Value of such Leased Property for the initial Term of this Lease. If this Lease is extended pursuant to Paragraph 2, the Fair Rental Value shall be determined by reference to Exhibit C attached hereto and incorporated herein by reference.

If at any time the Lessee does not or can not provide the services listed on Exhibit B, the Lessee shall immediately begin paying on a monthly basis the Fair Rental Value of such Leased Property. Such monthly rental payment shall be due in advance on the first day of each month.

4. **Use.** Lessee shall use and occupy the Leased Property for any legal purpose necessary to operate its business, provided (i) that its business is directly related to the aviation business and (ii) that Lessee has provided evidence of the insurance required herein;

The County shall retain the right to inspect the Leased Property and the Hangar in the case of an emergency or upon reasonable notice to the Lessee.

5. **Use Restrictions.** Lessee may not (i) abandon or vacate the Leased Property without giving notice to the County; (ii) disfigure or deface the Leased Property or permit any waste, nuisance or unlawful use on or about the Leased Property; or (iii) violate any state or federal environmental law.

6. **Care and Maintenance of the Leased Property.** Lessee acknowledges that the Leased Property is in good order and repair and Lessee covenants that it shall at its own expense and at all times, maintain and keep the Leased Property in a good and safe condition, and shall surrender the same at termination of the Lease in the same good condition as received, except for normal wear and tear.

7. **Alterations.** Lessee shall not, without first obtaining the written consent of the County, make any alterations, additions, or improvements, in, to or about the Leased Property or the Hangar. Any such alterations, additions, improvements or construction on the Leased Property or the Hangar shall also be inspected and approved by the County Engineer.

8. **Compliance with Law.** Lessee covenants that it shall comply with all statutes, ordinances, rules, regulations, and other requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Leased Property and any business conducted thereon.

9. **Assignment and Subletting.** The Leased Property, the Hangar and the Lease shall not be transferred, assigned or sublet by Lessee. A transfer shall consist of any of the following whether voluntary or involuntary and whether effected by operation of law or otherwise: (i) any assignment, mortgage, pledge, encumbrance or other transfer of any interest

in the Leased Property, the Hangar or the Lease; (ii) any sublease, concession, license or occupancy of any portion of the Leased Property or the Hangar by any persons other than that State Police and its employees and invitees.

10. **Covenants, Representation and Warranties of Lessee.** The Lessee hereby covenants, represents and warrants the following to the County:

(i) it has full legal power and authority to execute, deliver and perform the obligations set forth in this Lease;

(ii) it has not assigned, transferred, hypothecated, pledged, mortgaged or in any other way encumbered the Hangar or the Leased Property;

(iii) it is not delinquent in any charges for utility services (gas, water, electricity, etc.).

(iv) it has taken all requisite action and obtained any necessary consents in connection with the execution and delivery of this Lease and no consent of any other party is required for the performance of Lessee's obligations hereunder;

(v) the execution and delivery of this Lease and all other documents related thereto are valid and legally binding upon Lessee and enforceable in accordance with their respective terms;

(vi) the execution and delivery of this Lease shall not constitute or result in a breach of or a default under any agreement, document, instrument or other obligation for which Lessee is a party or by which Lessee is bound or any law, statute, ordinance, rule, governmental regulation or any writ, injunction, order or decree;

(vii) it has not received any notice that it or the Leased Property is in violation of any federal, state or local law, ordinance, rule, regulation, code or order;

(viii) to its knowledge no one has used, generated, stored, spilled or released any hazardous materials on the Leased Property or transported hazardous materials to or from the Leased Property and no one has manufactured, processed, treated or disposed of hazardous materials on the Leased Property other than storage of jet fuel for use in the daily operations of the State Police;

(ix) it has no knowledge of any material fact, condition, action or proceeding that would adversely affect the Leased Property.

11. **Utilities.** All applications and connections for necessary utility services on the Leased Property shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including, but without limitation, telephone services, water, sewer, gas and electric services.

12. **Entry, Inspection.** Upon reasonable notice or upon an emergency, the Lessee shall permit Lessor, and/or its agents to enter upon the Leased Property and Hangar in order to inspect the Leased Property and Hangar.

13. **Insurance.**

Lessee shall secure and maintain, at its own expense, the following insurance:

- a) All risk (special form) property insurance that insures against direct physical loss of or damage to personal property and improvements situated at the Leased Property, on a replacement cost valuation basis, with limits not less than 100% of the insurable replacement cost of all such property. Lessee shall also secure all risk (special form) business income and extra expense insurance in amounts satisfactory to protect Lessee or the State Police interests for loss of income or extra expense that result from direct physical loss of or damage to covered property. The County shall be an insured on this insurance, as its interests may appear.
- b) Commercial general liability insurance or airport liability insurance that insures against bodily injury, property damage and personal and advertising injury claims arising from the State Police occupancy of the Leased Property and operations incidental thereto, with minimum limits of \$1,000,000 combined single limit each occurrence; \$2,000,000 combined single limit general aggregate; and \$1,000,000 combined single limit products/completed operations aggregate. This insurance shall include coverage for liability for bodily injury and property damage claims assumed under this Lease. Such insurance shall be endorsed to name County and its elected and appointed officials, officers, directors and employees as additional insureds as respects the State Police occupancy of the Leased Property and operations incidental thereto.
- c) Aircraft liability insurance that insures against bodily injury and property damage claims arising from the State Police ownership, maintenance or use of owned and non-owned aircraft while stored at or operated to or from the Leased Property by the State Police or its agents or contractors, with a combined single limit of \$1,000,000 per occurrence. No per passenger sublimit of liability shall apply and crew coverage is to be included. Such insurance shall be endorsed to name the County and its elected and appointed officials, officers, directors and employees as additional insureds.
- d) Aircraft physical damage insurance that insures against physical loss of or damage to aircraft owned by or leased to the State Police while stored at or being operated to or from the Leased Property. This insurance must be in an amount satisfactory to protect the State Police interests in or liability for such aircraft. If Lessee or the State Police elects or fails to secure and maintain physical damage insurance or the insurance in effect does not fully insure any such aircraft, any uninsured or underinsured loss of or damage to such aircraft shall be the sole responsibility of and at the sole risk of Lessee and the State Police.

- e) Hangarkeeper's insurance in an amount satisfactory to protect State Police interests in or liability for non-owned aircraft in State Police care, custody or control with limits not less than \$500,000 each aircraft and \$1,000,000 each occurrence. If Lessee or the State Police elects or fails to secure and maintain hangarkeeper's insurance or the insurance in effect does not fully insure any such aircraft, any uninsured or underinsured loss of or damage to such aircraft shall be the sole responsibility of and at the sole risk of Lessee or the State Police. This insurance is only required if Lessee and the State Police will have non-owned aircraft in their care, custody or control.

Waiver of Right of Recovery. To the fullest extent permitted by law, Lessee waives any right of recovery from the County and its appointed and elected officials and employees for any loss of or damage to Lessee's property and aircraft situated at the Leased Property (or any resulting loss of income or extra expense), by reason of any peril required to be insured against or retained under this lease, regardless of the cause of origin, including the negligence of the County. To the fullest extent permitted by law, Lessee's property and aircraft physical damage insurers shall not hold any right of subrogation against the County. Lessee shall advise its insurer(s) of the foregoing and such waiver shall be permitted under any property, aircraft physical damage and/or business income insurance policies maintained by Lessee.

14. **Eminent Domain.** If the Leased Property or any part thereof or any estate therein, or any other part of the building materially affecting Lessee's use of the Leased Property, shall be taken by eminent domain, this Lease shall terminate on the date when title vests pursuant to such taking. The rent, and any additional rent, shall be apportioned as of the termination date, and any rent paid for any period beyond that date shall be repaid to Lessee. Lessee shall not be entitled to any part of the award for such taking or any payment in lieu thereof.

15. **Default.** If Lessee defaults in the provision of the services set forth in Exhibit B hereto, or defaults in the performance of any of the other covenants or conditions hereof, the County shall notify the Lessee in writing within seven (7) days of learning of the default and the Lessee shall have thirty (30) to cure such default or the Lease shall be terminated. In the case of a default to provide the services set forth in Exhibit B, the County shall have the option of charging the Fair Rental Value or immediately terminating the lease. Upon such default and Lease termination, the County is authorized to enter upon the Leased Property in order to take possession of such Leased Property.

16. **Waiver.** No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

17. **Emergency Contacts.** Should an emergency occur on the Leased Property the entities set forth in Exhibit D hereto shall be contacted immediately.

18. **Notices.** Any notice which either party may, or is required to give, shall be given in writing by regular first class mail addressed as follows:

To Lessor:

County Administrator
Sussex County, Delaware
2 The Circle
P. O. Box 589
Georgetown, DE 19947

To Lessee:

Secretary
Department of Safety and Homeland Security
Public Safety Building
Route 113
Dover, DE 19901

19. **Entire Agreement.** The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties. The following Exhibits, if any, have been made a part of this Lease before the parties' execution hereof:

20. **Dispute Resolution.** Any dispute regarding this Lease shall be governed by the laws of the State. The parties agree to resolve any such dispute in the courts in Delaware unless the parties agree in writing to use an alternative dispute resolution process.

Signed this _____ day of _____, 2009.

WITNESS:

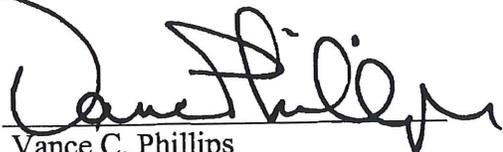
THE STATE OF DELAWARE,
BY AND THROUGH THE
DEPARTMENT OF SAFETY AND
HOMELAND SECURITY

By: 

Name:

Title:

SUSSEX COUNTY, DELAWARE

By: 
By: Vance C. Phillips
President

Acknowledged and Agreed to by:

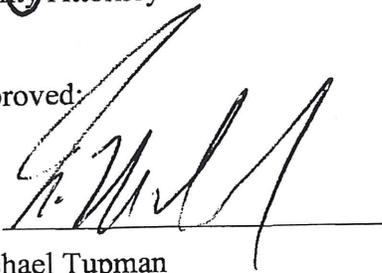
THE DELAWARE STATE POLICE

By: 
Name: ROBERT M. COUPE
Title: COLONEL

Approved as to form:

By: 
James D. Griffin
County Attorney

Approved:

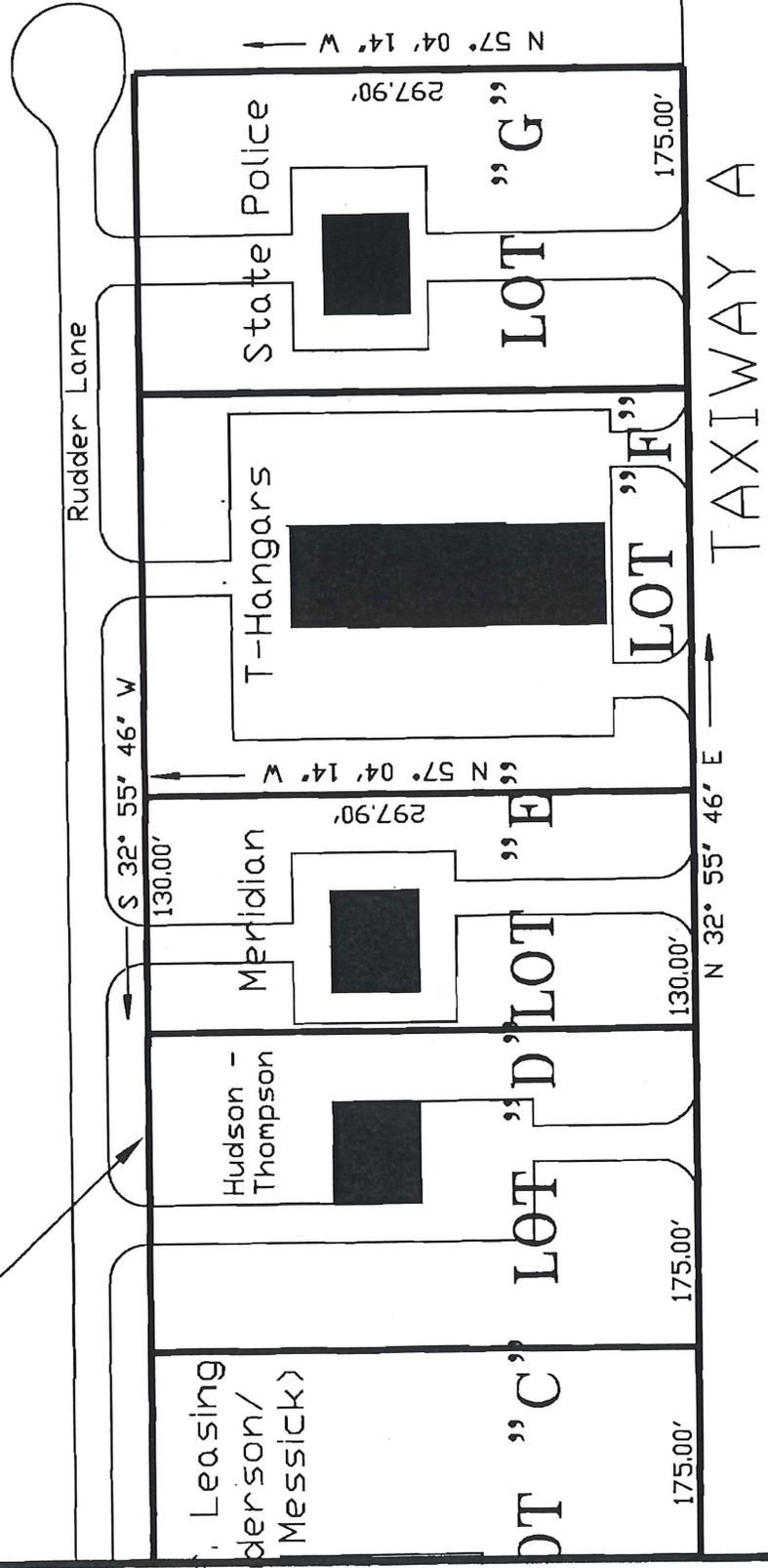
By: 

Michael Tupman
Deputy Attorney General
Department of Justice
State of Delaware

EXHIBIT A

Description of Property

LEASED LOT LINES



Note: Lot lines have not been verified by a Professional Land Surveyor

Lot G	
SUSSEX COUNTY AIRPORT Georgetown, DE	
EXHIBIT A	
DRAWN BY:	SCALE: 1" = 100'
CHECKED BY:	DATE: June 2009

EXHIBIT B

Services to be Provided in Lieu of Rent

The Delaware State Police shall provide the following services when the corresponding Sussex County Airport-based assets are not dispatched elsewhere by the Delaware State Police:

- Emergency medical technician shall be available to respond to aviation and non-aviation related medical emergencies on Sussex County Airport property.
- Routine law enforcement activities as allowed by Delaware State Code.
- Use of Sussex County Airport-based aviation assets to conduct routine security surveillance of airport property. Type and frequency of surveillance to be determined by separate agreement between the Sussex County Airport Manager and the Delaware State Police.

EXHIBIT C

Method for Determining Fair Rental Value

Rent determination will be made in accordance with Federal Aviation Administration policies.

For the Initial Term, the Fair Rental Value shall be \$19, 179 per year pursuant to an appraisal prepared in 2007.

For any extension of the Lease, the County will select a qualified appraiser, experienced in the appraisal of aviation properties, to conduct a market rent analysis of the Leased Property. Rent will be established at the appraised Fair Rental Value of the Leased Property.

If the Sussex County Council adopts a lease/rates policy for the Sussex County Airport, that policy shall supersede the above method for determining Fair Rental Value.

UCS. 12/11
SCHJEFFER.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, December 7, 2023 3:26 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization	Boardwalk Buddy Walk Fund ✓
Project Name	Uncle David's Ice Cream Shop
Federal Tax ID	26-0412489 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Our mission is to create a community were individuals with Down syndrome can live, learn, work and play.
Address	PO Box 805
City	Rehoboth Beach
State	DE
Zip Code	19971
Contact Person	James Watson

Contact Phone Number 13024936001

Contact Email Address watsonjim321@gmail.com

Total Funding Request \$7,500

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 25

Program Category (choose all that apply) Other

Program Category Other Employment

Primary Beneficiary Category Disability & Special Needs

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

24

Scope

We are requesting the County Council to help support the purchase of our ice cream shop equipment which will cost total of \$30,000. We are looking to start construction in January 2024 and open in May 2024, your gift will allow us to purchase some of the equipment needed to open the business. We are also working with local contractors for in-kind services and donations for the construction of Uncle David's Ice Cream Shop.
"Thank You" for supporting Sussex County, De, and our mission, creating a community for individuals with Down syndrome to live, learn, work, and play.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

195,675.00

Description

Personnel

Amount

110,000.00

Description

Operations

Amount

42,750.00

Description

Construction

Amount

125,000.00

Description Equipment

Amount 30,000.00

TOTAL EXPENDITURES 307,750.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -112,075.00

Name of Organization Boardwalk Buddy Walk Fund

**Applicant/Authorized
Official** James Watson

Date 12/07/2023

**Affidavit
Acknowledgement** Yes

VINCENT.
YCS. 12/21.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, December 20, 2023 12:19 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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

Council Grant Form

Legal Name of Agency/Organization Eastern Shore AFRAM Festival Inc ✓

Project Name MLK DAY OF CELEBRATION ✓ 1/20.

Federal Tax ID 050 59 5124 ✓

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission DECEMBER 2023) – PSA

Dr. KING'S National holiday commemorated locally !!!

Help us celebrate the life and achievements of Martin Luther King Jr., an influential American civil rights leader.

Dr. KING was most well-known for his campaigns to end racial segregation on public transport and for racial equality in the United States.

This family-friendly celebration has been dormant since 2020. Help us revive this extraordinary event for our community on Monday,

January 15, 2024.

Historically speaking, Keynote will be
Rev. John Moore, Sr.; Senior Pastor, The Dover Christian Church, Dover,
De.

Our Guest Singers:
Sussex County Community Choir

Together, we can promote harmony across the First State and the Eastern
Shore by furthering the legacy of Dr. King.

In partnership, we can continue the work of nonviolence by promoting
equality to all.

As you consider a level of partnership, it helps to underwrite the cost of
speakers, entertainment, and culinary masters.

The DreamTeam Committee would like to make this a "no cost" event for
participants.

Sponsorship Levels:

\$500.00 Platinum

\$250.00 Gold

\$100.00 Silver

\$50.00 Bronze

In-Kind Donations Appreciated

2024 THEME:

"The Dream Starts With Me"

The 2024 Martin Luther King Jr
Memorial Breakfast
is Co-Sponsored by the:

Community Cornerstone Center,
OUTLOUD, LLC.,
and

Eastern Shore AFRAM Festival DreamTeam Committee

Led by;
Executive Director

JayIn Powell

Event information and links to the festival Facebook page.

www.facebook.com/profile.php?id=100064638761658&mibextid=ZbWKwL

Eastern Shore AFRAM Festival, Inc. also dba:
MLK DAY of CELEBRATION is a
501c3 corporation.

For additional information, contact:

Pat. A. Jones,
AFRAM CONSULTANT

Eastern Shore AFRAM Festival, Inc.

P.O. Box 687

Seaford, DE 19973

Phone:

302-228-5636

Email: Councilwomanpj@comcast.net

cc: EasternShoreAFRAM22@gmail.com

Address	P.O. Box 687
City	Seaford ✪
State	De
Zip Code	19973
Contact Person	JayIn Powell
Contact Title	Executive Director

Contact Phone Number 302-228-5636

Contact Email Address councilwomanpj@comcast.net

Total Funding Request 500.00

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 20

Program Category (choose all that apply) Cultural
Educational

Primary Beneficiary Category Minority

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 250

Scope This family-friendly celebration has been dormant since 2020. Help us revive this extraordinary event for our community on Monday, January 15, 2024.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

0.00

Description As you consider a level of partnership, it helps to underwrite the cost of speakers, entertainment, and culinary masters. The DreamTeam Committee would like to make this a "no cost" event for participants.

Amount 2,000.00

Description Free Breakfast 250 guest

Amount 1,000.00

Description Advertising promotional

Amount 500.00

Description Setup

Amount 1,500.00

Description Honoring speakers, guest

TOTAL EXPENDITURES 5,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -5,000.00

Name of Organization Eastern Shore AFRAM Festival Inc c/o MLK DAY OF CELEBRATION

Applicant/Authorized Official Pat A Jones

Date 12/20/2023

Affidavit Acknowledgement Yes



HUDSON.
yes 12/22

SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Bethany-Fenwick ^{ISLAND} Area Chamber of Commerce

PROJECT NAME: Fire & Ice Festival 9/19

FEDERAL TAX ID: 51-0203227 ✓ NON-PROFIT: YES NO

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

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

ADDRESS: 36913 Coastal Hwy

Fenwick Island DE 19944
(CITY) (STATE) (ZIP)

CONTACT PERSON: Lauren Weaver

TITLE: Executive Director

PHONE: 302-539-2100 ext. 118 EMAIL: lauren@bethany-fenwick.org

TOTAL FUNDING REQUEST: \$5,000

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

If YES, how much was received in the last 12 months? 0

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 3%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

5,000

SECTION 3: PROGRAM SCOPE

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

On behalf of the Bethany-Fenwick Area Chamber of Commerce, we are writing to request financial support for the 2024 Fire & Ice Festival. The Festival will be hosted January 26 to January 28. Our presenting sponsors in previous years have been the Bethany Beach Ocean Suites – Marriott Residences, the Town of Bethany Beach, and the Town of Ocean View, all of whom have agreed to continue their support for the seventh year of this event. The Fire & Ice Festival was created to fulfill a portion of our mission that creates off-season events to increase tourism throughout the state and providing opportunity for expansion, promotion, and growth for the business community. We have been successful in achieving this portion of the mission the previous two years by selling out local hotels and positively impacting the local business community. Retail and restaurant businesses have reported numbers that rival the Fourth of July.

The growth plan of this event over the last five years has successfully expanded from Bethany Beach into the neighboring towns of Millville, Ocean View, and Fenwick, providing more activities to area guests and residents. This year, the festival's expansion will include Dagsboro and Frankford as well. For 2024, the Chamber has partnered with Southern Delaware Tourism to create four large scale ice attractions, and fireworks display. All ice attractions, in addition to over 60 sculptures, will be provided by a company called The Ice God, which executes large-scale ice events in D.C, Northern Virginia, and the Baltimore area. Their work can be found at www.meettheicegod.com. With an even larger event in 2024, our desire is to create a more compelling reason for people to travel to The Quiet Resorts in January.

The Chamber is requesting financial support of up to \$5,000 to be distributed for additional public safety cost and execution of festival activities happening in each of the six towns representing participating businesses. We know that with our success in prior six years, we can continue to run a successful event that continues to provide a welcome economic boost during the winter season.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	140,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel	-\$ 10,000.00
Vendor/Ice (225 @ ~\$400)	-\$ 90,000.00
Signage/Safety	-\$ 1,000.00
Advertising	-\$ 10,000.00
Entertainment	-\$ 11,000.00
Event Expenses (products, merchandise, rentals)	-\$ 3,000.00
Licensing/Insurance	-\$ 500.00
Fireworks	-\$ 15,000.00
TOTAL EXPENDITURES	-\$ 140,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 500.00

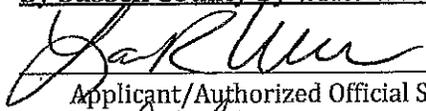
SECTION 5: STATEMENT OF ASSURANCES

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

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

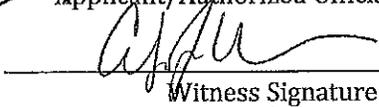
SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official Signature

12/12/2023

Date


Witness Signature

12/12/2023

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

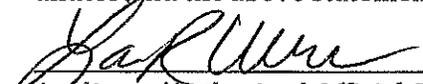
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

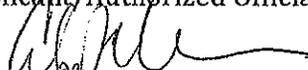
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

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

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



Applicant/Authorized Official Signature



Witness Signature

Executive Director

Title

12/12/2023

Date

To Be Introduced: 1/2/24

Council District 5: Mr. Rieley
Tax I.D. No.: 135-9.00-122.00
911 Address: 58 Garden Circle, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.23 ACRE MORE OR LESS

WHEREAS, on the 17th day of November 2024, a conditional use application, denominated Conditional Use No. 2410 was filed on behalf of Nicasia Chavez Reyes; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2410 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2410 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Garden Circle within the County Seat Gardens Subdivision and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A. said parcels containing 0.23 ac., more or less.

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