SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 18, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 18, 2025, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	**President**
John L. Rieley	**Vice President**
Jane Gruenebaum	**Councilwoman**
Matt Lloyd	**Councilman**
Steve C. McCarron	**Councilman**
Todd F. Lawson	**County Administrator**
Gina Jennings	**Finance Director**
J. Everett Moore, Jr.	**County Attorney**

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

Call to Order **Mr. Hudson called the meeting to order.**

M 460 25 Approve Agenda **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the Agenda as presented.**

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Minutes **The minutes from November 4, 2025, were approved by consensus.**

Correspon-dence **Mr. Moore reported that a letter was received from Laurel Lions Club Foundation thanking Council for their support.**

Public Comments **Public comments were heard.**

Ms. Adele Jones spoke about development in Sussex County.

Ms. Jen Pawloski spoke about renewable energy.

M 461 25 Approve Consent Agenda **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to approve the following item under the Consent Agenda:**

Use of Existing Wastewater Infrastructure Agreement, IUA-1269 Westbury (Toomey Property), Millville Area

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**

Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Retirement **Dina Monaco was recognized for her upcoming retirement.**

Appointment **Mr. Lawson reported that an appointment was needed for District 1 for the Library Advisory Board.**

M 462 25 Approve LAB Appointment **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron be it moved that Sussex County Council approves the appointment of Ms. Carol Fitzgerald to the Library Advisory Board effectively immediately until such time expires in November of 2028.**

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

2026 Calendar **Mr. Lawson reviewed the proposed Council Meeting schedule and holiday schedule for 2026.**

M 463 25 Approve 2026 Calendar **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council approves the 2026 meeting schedule and holiday schedule as presented.**

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

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

1. **<u>Caroling on The Circle</u>**

   A reminder that the annual Caroling on The Circle program will take place on Thursday, December 4th, at 6:00 p.m. in front of the Sussex County Courthouse. This is a free event sponsored by the Sussex County Council each year. Everyone is welcome and encouraged to attend, and to bring a food item for the less fortunate if they can afford to do so. For those wishing to make a monetary donation, the County has partnered again this year with the Food Bank of Delaware. Visit fbd.org/caroling to make an online donation. The "Pack the Pod" food drive campaign will

Administrator's Report (continued)

remain in full swing until the end of December. For the night of Caroling on The Circle, we are once again partnering with the Georgetown Chamber of Commerce, which sponsors the Georgetown Christmas parade. Following Caroling on The Circle, the Town will hold its tree lighting before the parade steps off at 7:00 p.m. We invite the public to attend this fun-filled, festive evening.

2. **Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Village Center Cottages (AKA Lightkeepr's Village) Phase 1 (Construction Record) effective October 22nd, Westridge Shores (Plan Review & Construction Record) effective October 24th, Mitchell's Corner (FKA Zwaanendael Farm) Phase 1B (Construction Record) and Walden (FKA Burton's Pond) Phase 5B (Construction Record) effective October 28th.

3. **Holiday and Council Meeting Schedule**

Council will not meet on Tuesday, November 25th, during the week of Thanksgiving. County offices will be closed on Thursday, November 27th, and Friday November 28th, for the Thanksgiving holiday and will reopen on Monday, December 1st, at 8:30 a.m.

Please also note that Council will not meet on Tuesday, December 2nd. The next regularly scheduled Council meeting will be held on Tuesday, December 9th.

4. **County Holiday and Employee Appreciation Luncheon**

The County's Holiday and Employee Appreciation Luncheon will take place on Friday, December 5, 2025, at the Crossroad Conference Center. County offices will close at 12:00 p.m. on December 5th and will reopen on Monday, December 8th, at 8:30 a.m. The public is asked to plan accordingly during this time, and we appreciate the public's understanding.

5. **Leon Collins**

It is with great sadness that we inform you that pensioner Leon Collins passed away on Wednesday, November 5, 2025. Mr. Collins began his career with Sussex County in September 1979 where he worked until July 2006 for a total of 26 years of service. His last

Administrator's Report (continued)

position with the County was Director of Utility Billing. We would like to extend our condolences to the Collins family.

6. <u>June W. Bostick</u>

It is with great sadness that we inform you that pensioner June W. Bostick passed away on Thursday, November 6, 2025. Mrs. Bostick began her career with Sussex County in March 1984 where she worked until April 1993 for a total of 9 years of service. Her last position with the County was Librarian I at the Greenwood Library. We would like to extend our condolences to the Bostick family.

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

Fourth Quarter Employee Recognition

Karen Brewington, Human Resources Director, reported that there were 41 submissions received for the fourth quarter employee recognition award. This quarter's selection was Ashley Paugh from the Planning & Zoning Department.

FY 2026 Human Service Grant Recommendations

Gina Jennings, Finance Director, presented FY 2026 Human Service Grant recommendation and award for Council's consideration. Mrs. Jennings reviewed the Human Service Grant purpose and process. She then shared the formula used to distribute the fund consisting of $225,000. Mrs. Jennings reported that there were $339,285 requests received from 80 qualified organizations including 5 new recipients from last year. This year, the program covers 107,828 Sussex County beneficiaries. The FY 2026 recipients were then shared.

M 464 25 Approve HSG Recommendations

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Council, approve the Fiscal Year 2026 Human Service Grant allocation as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

Piney Neck Phase II Services

Mike Harmer, County Engineer presented an approval of phase II service costs for Piney Neck Regional Wastewater facility diversion transmission system for Council's consideration.

M 465 25 Approve Piney Neck

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved based upon the recommendation of the Sussex County Engineering Department, that Garney-GHD design-build team phase II proposal be

Phase II Services

approved in the guaranteed maximum price of $11,484,000.00 for construction of the Piney Neck Wastewater facility diversion transmission system, as part of the Piney Neck design-build agreement.

Motion Adopted: **5 Yeas**
Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Unit Uplift RFP

Robbie Murray, Director of Public Safety presented RFP results for paramedic unit upfit and possible award of contract for Council's consideration.

M 466 25 Approve Unit Uplift RFP

A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved that the Sussex County Council awards Sussex Upfitters, LLC of Millsboro the contract to upfit 8 paramedic units as described in the 2026 RFP.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Proposed Ordinance/ Love Creek Mobile Home

Hans Medlarz, Project Engineer presented an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $7,243,669 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LOVE CREEK MOBILE HOME COMMUNITY ("MHC") PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Mr. Medlarz reviewed the Ordinance and background of the project.

Ordinance Introduction

Mr. Rieley introduced an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $7,243,669 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LOVE CREEK MOBILE HOME COMMUNITY ("MHC") PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Proposed Ordinance/ Tanglewood

Hans Medlarz, Project Engineer presented an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $344,960.39 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE TANGLEWOOD-OAK ACRES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION

THEREWITH".

Mr. Medlarz reviewed the Ordinance and background of the project.

Ordinance Introduction

Mr. Rieley introduced an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $344,960.39 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE TANGLEWOOD-OAK ACRES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

SCWRF Amend 30 & PO

Hans Medlarz, Project Manager, presented amendment no. 30 and a purchase order issuance for County request scope items for the SCWRF treatment process upgrade no. 3 for Council's consideration.

M 467 25 Approve Amend No. 30/SCWRF

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that Amendment No. 30 to the base engineering contract with GHD, Inc. be approved in the amount not to exceed $484,833.00, for construction engineering services, associated with the South Coastal RWF treatment process upgrade no. 3.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

M 468 25 Approve PO Issuance/ SCWRF

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that County Council approve a purchase order to B.W. Electric, Inc. in the amount not to exceed $220,770.20, to implement RFP's 125, 127, 128, 130, 131 and 132 with a unit cost deduction of $1,2500.00 per breaker not replaced.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Old Business/ CU2510

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS" filed on behalf of Henry Villegas-Solis.

Old Business/ CU2510 (continued)

A Public Hearing was held by County Council on October 7, 2025, action on the application was then deferred due to no recommendation received from the Planning & Zoning Commission. On October 15, 2025, the Planning and Zoning Commission recommended that the County Council approve the application for the 5 reasons and subject to the 15 recommended conditions of approval as outlined.

M 469 25 Adopt Ordinance No. 4024/ CU2510

A Motion was made by Mr. Rieley, seconded by Ms. Gruenbaum to Adopt Ordinance No. 4024 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. **This property is already zoned B-1 Neighborhood Business. It has been zoned this way for years. Under the existing B-1 Zoning, a variety of small business uses are permitted, including filling stations. This is a small expansion of what is already permitted on this site.**
2. **The proposed automobile repair shop is small. With the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.**
3. **The site is located in the Developing Area according to the Sussex County Comprehensive Plan. This type of use is appropriate in this Area according to the Comprehensive Plan.**
4. **The Applicant lives on the site, and one of the conditions of approval will require that all repairs must occur indoors.**
5. **The use as an automotive repair shop is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
6. **This recommendation for approval is subject to the following conditions and stipulations:**
    a. **All repairs shall be performed indoors. All doors to the repair areas shall be closed while automotive work is occurring.**
    b. **No automobile parts shall be stored outside, and aside from vehicles with a current registration in the Applicant's name, no more than 5 cars shall be parked on the site.**
    c. **The use shall comply with the signage requirements of the B-1 District.**
    d. **Any security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
    e. **No junked, unregistered, or permanently inoperable vehicles or trailers shall be parked or stored on the site.**
    f. **There shall not be any parking in the front yard setback.**
    g. **The parking areas shall be shown on the Final Site Plan and**

M 469 25 Adopt Ordinance No. 4024/ CU2510 (continued)

clearly marked on the site itself. Vehicles shall only be parked within these designated areas.

h. No cars shall be sold on the property.

i. All oils and other fluids shall be properly stored indoors in appropriate containers. The applicant shall also comply with all state and federal requirements for the disposal of these fluids.

j. The site shall be subject to all DelDOT entrance and roadway requirements.

k. The hours of operation shall be 8:00 a.m. through 5:00 p.m., Monday through Friday. There shall not be any Saturday or Sunday hours.

l. The applicant shall install fencing with a vegetative screen along all 3 sides of the property with the exception of the frontage. The nature, type and location of the fence and all of the plantings shall be shown on the Final Site Plan, and the Planning & Zoning staff shall ensure that this fencing and vegetation is a sufficient screen.

m. Any dumpsters or trash containers shall be enclosed and screened from view of surrounding roadways and properties. The location of these dumpsters and trash receptacles shall be shown on the Final Site Plan.

n. Any violation of these conditions may be grounds for termination of this conditional use.

o. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

Grant Requests

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

M 470 25 Town of Laurel

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give $2,000 ($2,000 from Mr. Lloyd's Councilmanic Grant Account) to the Town of Laurel for their Laurel Welcome project.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

M 471 25 First State Community

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give $3,000 ($1,000 from Mr. Rieley's Councilmanic Grant Account, $1,000 from Mr. Hudson's Councilmanic Grant Account and $1,000 from Mr.

Action Agency

McCarron's Councilmanic Grant Account) to First State Community Action Agency for their 60th anniversary celebration.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

M 472 25 Delmarva Community Wellnet Foundation

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give $1,000 ($500 from Mr. Rieley's Councilmanic Grant Account and $500 from Ms. Gruenebaum's Councilmanic Grant Account) to The Delmarva Community Wellnet Foundation for their SNAC Garden School Partners.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

M 473 25 Delmarva Council Inc. Boy Scouts of America

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give $5,000 ($5,000 from Countywide Youth Account) to Delmarva Council Inc. Boy Scouts of America for their Distinguished Citizen Award Event.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Ordinance Introduc-tions

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS" filed on behalf of Springpoint at Lewes, Inc. c/o Garrett T. Midgett.

Mr. Lloyd reintroduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND

Ordinance Introductions (continued)

LYING AND BEING IN SUSSEX COUNTY CONTAINING 5.23 ACRES, MORE OR LESS" filed on behalf of Waste Management of Delaware, Inc.

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

CM Comments

Mr. Lloyd commented about economic impacts that occur with development.

M 474 25 Go Into Executive Session

At 11:02 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Rieley, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Executive Session

At 11:10 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending and potential litigation. The Executive Session concluded at 11:37 a.m.

M 475 25 Reconvene

At 11:39 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. Rieley to reconvene.

Motion Adopted: **3 Yeas, 2 Absent**

Vote by Roll Call: **Ms. Gruenebaum, Absent; Mr. McCarron, Absent; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

E/S Action

There was no action related to Executive Session matters.

M 476 25 Recess

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to recess until 1:30 p.m. Public Hearings.

Motion Adopted: **3 Yeas, 2 Absent**

Vote by Roll Call: **Ms. Gruenebaum, Absent; Mr. McCarron, Absent; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

M 477 25 Reconvene

At 1:30 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. Rieley to come out of the Executive Session and go back into the Regular Session.

Motion Adopted: **3 Yeas, 2 Absent**

Vote by Roll Call: **Ms. Gruenebaum, Absent; Mr. McCarron, Absent; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Public Hearing/ Irwin Properties

A Public Hearing was held for the Irwin Properties Annexation into the Sussex County Unified Sanitary Sewer District (Ocean View Area).

Mr. Ashman reported that the Engineering Department received a request from Joseph & Kristof Irwin, owners of parcels 134-16.00-26.00 & 26.01 adjacent to the existing Ocean View Area of the SCUSSD. The parcels are located on the northbound side of Windmill Road at the intersection of Central Avenue and within State Planning Level I. The parcels are capable of receiving central sewer service from an existing line at the back of the property and will be responsible for System Connection Charges at the time of connection. To date, there has been no correspondence received in support or opposition to this expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 478 25 Adopt Resolution No. R 023 25/Irwin Properties Annexation into SCUSSD

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Resolution No. R 023 25 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) OCEAN VIEW AREA, TO INCLUDE IRWIN PROPERTIES (TWO PARCELS) LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Public Hearing/ Marijuana Stores Amendment

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES XIA, XIC AND XXV, SECTIONS 115-83.11 115-83.18, 115-83.19A AND 115-194.7 AND "115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV PERMITTED USES COMMERCIAL" TO AMEND THE REQUIREMENTS FOR RETAIL MARIJUANA STORES

IN SUSSEX COUNTY".

Public Hearing/ Marijuana Stores Amendment

The Council found that Mr. Vince Robertson spoke about the Proposed Ordinance; that this is an amendment to an Ordinance that was previously adopted by the Council in 2024; that it was revised so that marijuana stores will be permitted uses in C-2 and C-3; that the distance between retail marijuana stores and municipalities were also shortened; that retail use would no longer require a Conditional Use; that the other change the Ordinance proposes is in regard to the separation distance requirements as they currently exist in Code; that there is a three mile separation distance between marijuana retail stores and churches, schools, colleges or substance abuse treatment facilities; and in summary the only two changes proposed are to make the retail marijuana store permitted within the C-2 and C-3 zoning districts, and to reduce the distance from a retail store to a municipal boundary from three miles to 0.5 mile.

There were no public comments.

The Public Hearing and public record were closed.

M 479 25 Adopt Ordinance No. 4025/ Marijuana Stores Amendment

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4025 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES XIA, XIC AND XXV, SECTIONS 115-83.11 115-83.18, 115-83.19A AND 115-194.7 AND "115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV PERMITTED USES COMMERCIAL" TO AMEND THE REQUIREMENTS FOR RETAIL MARIJUANA STORES IN SUSSEX COUNTY" for the reasons given by the Planning & Zoning Commission.

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

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Nay; Mr. Hudson, Yea**

Rules

Mr. Moore read the rules of procedure for zoning matters.

Public Hearing/ CU2483

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 ROOFING & SIDING CONTRACTOR BUSINESS WITH INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.92 ACRES, MORE OR LESS" (property is lying the south side of Lewes Georgetown Highway [Rt. 9], approximately 0.32 mile southwest of Park Avenue [S.C.R. 318]) (911 Address: 22610 Lewes-Georgetown Highway, Georgetown) (Tax Map Parcel: 135-15.00-79.02) filed on behalf of Andrew Lewandowski.

Public Hearing/ CU2483 (continued)

The Planning & Zoning Commission held a Public Hearing on the application on October 1, 2025. At the meeting on October 15, 2025, the Planning and Zoning Commission recommended that the County Council approve the application for the 9 reasons and subject to the 11 recommended conditions of approval as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Mr. Andrew Lewandowski. Mr. Hutt stated that the Application sought to allow the operation of a roofing and siding contractor construction business, with indoor and outdoor storage; that the business name is Bayside Exteriors; that the property is located at 22610 Lewes Georgetown Highway (Rt. 9); that the property is located just slightly east of Sports at the Beach; that when traveling from the Harbeson area, heading in a westerly direction along Rt. 9, one would come to the traffic signal, located where the Sussex County Association of Realtors is located along Park Avenue; that after that one would pass the antique store named the Tin Roof Trading Post; that just past the antique store, located on the left, would be the subject property; that the Applicant purchased the property in 2018, at which time their parents used the manufactured home located at the front of the property; that the site consists of 6.9 acres; that the family does use the site as a country lot; that there are gardens, an area for goats, a fire pit and several outbuildings for storage on the site; that the nearest intersection to the site is Park Avenue and Rt. 9; that according to the Office of State Planning's State Strategies Map from 2020, the property is located within a Level 2 Investment Area, being a location where investment and policy should support and encourage a wide range of uses; that according to the Future Land Use Map for Sussex County, the site is located within a Developing Area, being one of the seven growth areas in Sussex County; that all along Rt. 9 is designated with a Growth Area, Commercial Area or an Industrial Area; that per the Sussex County Zoning Map, the site is located within the AR-1 (Agricultural Residential) Zoning District, as well as the properties located immediately adjacent to the site; that along Rt. 9 there are many properties located within the CR-1 (Commercial Residential), C-1 (General Commercial), HI-1 (Heavy Industrial), and LI-2 (Light Industrial); that the Staff Memo to the Planning Department states there are seven Conditional Uses located within a one-mile radius of the site; that the Conditional Uses have been approved for a variety of office, business, and residential uses; that there are no wetlands located on the property; that the property is not located within a Wellhead Protection or Excellent Groundwater Recharge area; that there are no resources located on the site, as the term is defined in the County Code; that therefore, there are no Resource Buffer Protection Areas; that the site is located outside of the floodplain, as it is located within Flood Zone X on the FEMA Flood Maps; that water is provided through an on-site well; that sewer is provided through an on-site wastewater and disposal system; that a Service Level Evaluation Request

Public Hearing/ CU2483 (continued)

was submitted to DelDOT; that the DelDOT Service Level Response indicated that the traffic impact based on the Memorandum of Understanding with Sussex County, would be diminutive, as it would be less than 50 vehicle trips per day; that presently, Bayside Exteriors employs 16 people; that the site is intended to be used for storage of materials and transportation to the job sites; that it is anticipated that there would be one primary person, whose job would be to receive items, and then distribute the items through the County as they are needed; that there could be up to four people working at the site at any one time, to help work through the storage of materials, then distributing it to the various job sites that Bayside Exteriors is working at; that there is no showroom area or client meeting space proposed for the site; that the work is performed at various construction job sites, where they provide roofing and siding services; that as shown on the Site Plan, the entrance is located off Rt. 9; that there is a manufactured home currently existing on the site, along with a barn, an outbuilding, a pole building, a goat pen and fire pit; that the existing buildings are used for storage; that there is an area on the Site Plan for proposed for outside storage; that in that area storage containers are proposed to keep materials from the elements; that the gravel area for outside storage has migrated closer to the property line; that the Applicant has proposed a 20 foot setback from the side property line, and the extended gravel will be pushed back; that Bayside Exteriors is a local, small business that provides roofing and siding services to residents throughout Sussex County; that the Applicant met with his neighbor to the west, Mr. Bell, owner of Clean Cut Pavers and Pools; that Mr. Bell provided a letter of support for the Application; that the other side of the property is currently wooded and unimproved; that pursuant to §115-171, Conditional Uses are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare of the County; that because of their nature of their use, and the importance of the relationship to the Comprehensive Plan, Conditional Uses require the exercise of the Planning Commission and the County Council, regarding their location and Site Plan review; that the proposed use is of public character, being similar to the other commercial uses already approved; that the site, being along Rt. 9, is a good, central location to store materials for Bayside Exteriors, as it is convenient for them to access many areas both east and west, as they perform work for the residents of Sussex County.

There were no public comments.

The Public Hearing and public record were closed.

M 480 25 Adopt Ordinance No. 4026/

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4026 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A ROOFING & SIDING

CU2483 M 480 25 Adopt Ordinance No. 4026/ CU2483 (continued)

CONTRACTOR BUSINESS WITH INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.92 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. **The applicant operates a roofing and siding contracting business from the site. His business has expanded to the point where a conditional use is required.**
2. **The Applicant's family owns the land that surrounds the site, and the Applicant's family resides in the home on the property.**
3. **The business use is primarily located at the rear of the Applicant's property, where it will have the least impact on any neighboring properties and will not be visible from Route 9.**
4. **DelDOT has stated that the traffic generated by the proposed use will be "diminutive" and will not have a negative impact on the neighboring roadways.**
5. **There will be little or no customer traffic to the site, and most employees will meet at off- site job locations. Materials are generally delivered to off-site locations as well.**
6. **The proposed use will not alter the character of the surrounding area in any manner that substantially limits or impairs the use and enjoyment of the surrounding properties. There are also several other commercial and office uses in the vicinity of this site.**
7. **The use has a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.**
8. **The property is served by an on-site well and an on-site septic system.**
9. **No parties appeared in opposition to the application.**
10. **This recommendation is subject to the following conditions:**
    a. **The property shall be used for a roofing and siding contracting business with indoor and outdoor storage in addition to the existing residence on the property.**
    b. **All vehicle or equipment repairs shall be conducted inside existing or future buildings located within the site.**
    c. **One indirectly lighted sign shall be permitted. It shall not be larger than 32 square feet per side.**
    d. **The hours of operation shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday, and on Saturdays between 7:00 a.m. and 3:00 p.m. No Sunday hours shall be permitted.**
    e. **Any outdoor lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
    f. **Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
    g. **The Applicant shall comply with any DelDOT requirements for entrance and roadway improvements.**

M 480 25 Adopt Ordinance No. 4026/ CU2483 (continued)

h. Any violation of these conditions of approval may result in the termination of this Conditional Use.

i. All outside storage of construction materials shall only occur in the areas shown on the Final Site Plan. These locations shall be clearly identified on the site with fencing, bins, enclosures or other designations.

j. All vehicular parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.

k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Public Hearing/ CU2500

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 STORAGE BUSINESS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.07 ACRES, MORE OR LESS" (property is lying on the east side of Polly Branch Road [S.C.R. 386], approximately 0.50-mile southeast of the intersection of Roxana Road [Rt. 17]) (911 Address: 31459 Polly Branch Road, Selbyville) (Tax Map Parcel: 533-17.00-93.03) filed on behalf of Sean Vermillion.

The Planning & Zoning Commission held a Public Hearing on the application on October 1, 2025. At the meeting on October 15, 2025, the Planning and Zoning Commission recommended that the County Council approve the application for the 6 reasons and subject to the 9 recommended conditions of approval as outlined.

The Council found that Mr. Sean Vermillion spoke on behalf of his Application. Mr. Vermillion stated that he currently has a storage building on the property; that he has had quite a few people ask if they could pay to store their boats in the building on the site; that he wanted to make sure if he allowed the onsite storage, that he did it the correct way; that he is proposing to building a 100' x 32', resulting in a 3,200 square foot building, which would be divided into six different units for lease.

There were no public comments.

The Public Hearing and public record were closed.

M 481 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt**

Adopt Ordinance No. 4027/ CU2500

Ordinance No. 4027 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A STORAGE BUSINESS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.07 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. **The Applicant seeks to convert two existing structures into 6 storage units. It is anticipated that the units will be used for boat, RV, and vehicle storage.**
2. **There will not be any outdoor storage permitted on the site.**
3. **There are several new developments in the vicinity which limit or prohibit storage on lots within the developments. This is an appropriate, convenient location for a storage site within existing buildings.**
4. **The Applicant has stated that the use will not have a substantial impact upon area roadways.**
5. **This relatively small storage facility will not have an adverse impact upon the neighboring properties or community.**
6. **No parties appeared in opposition to this Application.**
7. **This recommendation for approval is subject to the following conditions:**
   a. **The storage facility on this site shall be limited to six storage units within the existing buildings on the site. The property shall not be used for vehicles, equipment, or boat repairs or for manufacturing or industrial purposes. No unit shall be primarily used as an office. In addition, the property may not be used by a business for meeting customers, as a showroom, or as a "mail-drop" or pick up or delivery location for customers.**
   b. **There shall not be any outside storage permitted on the site.**
   c. **One unlighted sign shall be permitted. It shall not exceed 32 square feet in size.**
   d. **No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of vehicles, boats, or watercraft located within the storage units on the site.**
   e. **The site shall be screened with fencing and/or planting along the common boundaries with the residential properties on the north and south sides of the site.**
   f. **Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
   g. **The site shall be subject to all DelDOT entrance and roadway requirements.**
   h. **Any violation of these conditions may be grounds for termination of this conditional use.**
   i. **The Final Site Plan shall be subject to the review and approval of**

the Sussex County Planning & Zoning Commission.
Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

Public Hearing/ CZ2027

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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (property is lying on the east side of the private lane, Marges Garden Path, and the south side of Milton-Ellendale Highway [Rt. 16], approximately 0.5 mile east of Gravel Hill Road [Rt. 30]) (911 Address: N/A) (Tax Map Parcel: 235-14.00-81.00) filed on behalf of 1630 Ventures, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 1, 2025. At the meeting on October 15, 2025, the Planning and Zoning Commission recommended that the County Council approve the application for the 8 reasons of approval as outlined.

The Council found that Mr. Michael Riemann with Becker Morgan spoke on behalf of the Applicant, 1630 Ventures, LLC; that also present was Mr. Kevin Disabatino, of 1630 Ventures, LLC, who is the owner of the property, and Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP. Mr. Riemann stated that the request was for a parcel being approximately five acres, located along Rt. 16; that the site is part of a much larger parcel that 1630 Ventures, LLC owns; that part of the larger parcel is currently going through a Master Plan process, which had already been implemented as Milton Village Apartments, which was approved by Sussex County in June 2024; that a Project Book was submitted containing the PLUS Review, the Artesian Willing to Serve Sewer and Water Letter, traffic studies and Findings of Fact; that the adjacent properties on both sides of the site are within the C-1 (General Commercial) Zoning District; that Mr. Disabatino has owned the property for about 20 years; that one point the parcel was owned by the State of Delaware, and was planned to be an armory, however that proposed use was abandoned many years ago; that the site is located along Rt. 16, being within close proximity to Rt. 30 and Milton Proper; that there are a number of commercial businesses located along Rt. 16; that these businesses include Ironworks, Kemps Liquor Store, and the recently constructed Beebe medical facility which is a phase of the planned project, Milton Village; that also within the area the Food Lion shopping center; that the site is located within close proximity to the municipal jurisdiction of the Town of Milton; that the project is consistent with the ongoing theme that development within the County needs to be located

Public Hearing/ CZ2027 (continued)

closer to towns, closer to infrastructure and existing services; that Artesian has extended water and sewer directly along the property; that the C-1 (General Commercial) Zoning District is located all along the frontage on both sides of the parcel, and across the street; that the C-1 Zoning District is no longer available for rezoning, and is now a closed district; that the Applicant's request is for C-3 (Heavy Commercial) rezoning, as the Applicant felt it was the most comparable zoning to the C-1 District; that when comparing the Tables for both commercial zonings, they are not identical, but are very similar in terms of the permitted uses; that HR-2 (High Density Residential) is also located adjacent to the site; that the site is located within State Investment Level 1, being an area where the State support investment and policy, encouraging a wide range of uses and densities to promote a variety of transportation options, faster, efficient use of existing public and private investment and enhanced community identity integrity; the according to the Comprehensive Plan, the site is located within the Developing Area, which tend to be areas that are located adjacent to municipalities; that it is expected that these areas would be targeted for growth that according to the Comprehensive Plan, the C-3 (Heavy Commercial) Zoning District would be an applicable zoning district for the areas defined as Developing Areas; that the Comprehensive Plan goes on to talk about a range of housing types which are appropriate in Developing Areas, including single-family town homes and multi- family; that in selected areas near appropriate intersections, commercial uses should be allowed, and goes on to mention mixed-use development as well; that ultimately, that is what the project ends up becoming when considering the various parcels, and the mixture of zoning with commercial zoning across the frontage and the high density residential located in the back; that even the AR-1 zoning creates an opportunity to create a mixed-use development for the overall track that the Applicant is planning; that the current rezoning request helps the Applicant complete the piece of the puzzle; that the project is located within the DelDOT Milton Transportation Improvement District (TID), which has not been finalized yet; that there was a traffic study performed for the overall development; that if this parcel was not part of the overall development, it would not have required a traffic study; that they anticipate that the site's piece of the project will consist of likely assisted living or medical offices; that the five acres site, by itself, would not generate enough traffic to warrant a traffic study; that a traffic study was performed, as they are planning for the entire tract; that the traffic study was provided within the submitted packet; that within the study, 23 intersections were studied; that there is a new DelDOT roundabout project planned for the intersections of Rt. 16 and Rt. 30; that the project is in the early stages and has not yet been scheduled; that another DelDOT roundabout is planned at the intersection of Sand Hill Road and Rt. 30; that the Applicant's project would be responsible to contributing to the nearby DelDOT projects; that the site is currently in agricultural use, but is surrounded by a mix of residential, agricultural and commercial development; that the entire site is

Public Hearing/ CZ2027 (continued)

currently agricultural; that the project is located within the future Developing Area, which should anticipate growth and development, including commercial; that the project is located in the developing Milton TID, and a Traffic Study was completed for the project; that the project is located within the State Investment Level 1, where growth is encourage and planned; that there are utilities located directly in front and accessible by the project, and that the project fronts Rt. 16, which is classified as a DelDOT Major Collector road.

There were no public comments.

The Public Hearing and public record were closed.

M 482 25 Adopt Ordinance No. 4028/ CZ2027

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to Adopt Ordinance No. 4028 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. **This property was previously owned by the State of Delaware. As a result, while it is still zoned as AR-1, it is completely surrounded by properties that are zoned as C-1 General Commercial and HR-2 High Density Residential. This was all part of the prior Elizabethtown project planned for this site. This rezoning will make this standalone parcel of land consistent with the surrounding zone now that it is no longer owned by the State.**
2. **C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations. Given the surrounding zoning and the close proximity to the Town of Milton, this is an appropriate zoning for this property.**
3. **This property has frontage along Route 16, which DelDOT has classified as a major collector road. This is an appropriate location for C-3 Zoning.**
4. **This property is located in the Developing Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.**
5. **The site is located along a bus transit route operated year-round by DART. The site is also located near a wide variety of employment opportunities, including general commercial and retail, healthcare, education, institutional, and hospitality uses. The uses permitted within the C-3 zoning at this site are compatible with this area.**
6. **The proposed rezoning meets the general purpose of the Zoning Code**

by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.

M 482 25 Adopt Ordinance No. 4028/ CZ2027 (continued)

7. No parties appeared in opposition to this rezoning application.

8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

M 483 25 Adjourn **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 2:19 p.m.**

Motion Adopted: **5 Yeas**

Vote by Roll Call: **Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea**

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

{An audio recording of this meeting is available on the County's website.}