



MAYOR & CITY COUNCIL
Monday, June 8, 2026, 5:30 PM
Council Chambers, City Hall
Regular Meeting
AGENDA

	Page
A. CALL TO ORDER & ROLL CALL:	
B. PLEDGE OF ALLEGIANCE:	
C. ANNOUNCEMENTS:	
D. AGENDA REVIEW:	
E. <u>PROCLAMATIONS/RECOGNITIONS</u> <i>Juneteenth</i> <i>Peggy Rollins Proclamation</i> <i>Pride Month</i>	
E.1. Juneteenth Proclamation - June 2026 Margaret Peggy Rollins Proclamation - June 2026 Pride Month Proclamation - June 2026	3 - 5
F. <u>CONSENT AGENDA:</u>	
F.1. Mayor & City Council Minutes 2026 04 27 MCC-BPW Joint Meeting Minutes 2026 03 20 MCC Budget Hearing Minutes 2026 05 04 MCC Public Hearing Minutes 2026 05 19 MCC Public Hearing Minutes	6 - 25
F.2. Appointments Consideration to appoint Carolyn Jones to the Lewes Finance Committee for a one-year term beginning July 1, 2026, and expiring July 1, 2027. Consideration to appoint Tracy Hancock, a member of the Economic, Environmental, and Resiliency Commission (EERC) to serve as a member of the Board of Public Works Mitigation Committee for a one year-term. Consideration to reaffirm Alex Burns as the City Solicitor for a term of one year.	
G. LIAISON REPORTS <i>City Management Report</i> <i>*To include presentation from Chief Spell regarding all-way stop signs on Cedar Street*</i>	
1. June 2026 City Management Report June 2026 Department Report	26 - 57
H. <u>OLD BUSINESS:</u>	
H.1. Continued discussion and possible action on a city response regarding Senate Bill 23, and any subsequent substitutes. (Saliba/Ritzert) (20 Minutes) SS1forSB23 - For Review at 06 08 2026 MCC Regular Meeting SS2 for SB23 - H4ED - draft 5-22-26 - For Review at 06 08 2026 MCC Regular Meeting	58 - 85
I. <u>NEW BUSINESS:</u>	

- I.1. Possible action to set a public hearing regarding ORD 5-26, an ordinance to amend Chapters 197-22, 91, 95, 97 of the Lewes City Code related to zoning administration authority.
Proposed date for public hearing: July 7, 2026, at 5:30 p.m. in the Bonnie Osler Meeting Room. (Staff)(5 Minutes)
(Supporting Documents Forthcoming)
- I.2. Discussion and possible action on a draft resolution to formally establish the Parking Ad Hoc Committee. (Staff) **(15 Minutes)** 86
[Parking Ad Hoc Committee Mission Statement - 06 08 2026 MCC Meeting](#)
- I.3. Update, discussion and possible action regarding a City of Lewes draft resolution approving the Board of Public Works' (BPW) plan to borrow from the Water Pollution Control Revolving Fund (WPCRF) and Drinking Water State Revolving Fund (DWSRF) for supplemental financing for Fourth Street and Park Avenue Sewer Improvement Project. (Staff) **(5 Minutes)** 87 - 94
[City of Lewes Authorizing Resolution - BPW LEWES Supplemental Sewer/ Water 2026 Loans - ACB Redline- 2026 06 08 MCC](#)
- I.4. Discussion and possible action regarding resolutions authorizing the city to apply for grant funding through the Building Resilient Infrastructure and Communities (BRIC) and the Flood Mitigation Assistance (FMA) programs. (Staff) **(5 Minutes)** 95 - 100
[Draft Resolution - BRIC 6.8.2026 MCC Meeting](#)
[Draft Resolution - FMA 6.8.2026 MCC Meeting](#)
- I.5. Discussion and possible action regarding policy and procedures for board, commission and committee appointments and reappointments, to including qualifications, interview process, timeline and other relevant issues. (Elder/Ritzert) **(20 Minutes)**

J. PUBLIC COMMENTS:

K. ADJOURNMENT:

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/89668928870?pwd=Rc7akJGCrBP3H2jllAogvIRmLbkIXK.1>

Join via audio:

+1 301 715 8592 US (Washington DC)

Webinar ID: 896 6892 8870

Passcode: 675454

International numbers available: <https://us02web.zoom.us/j/89668928870?pwd=Rc7akJGCrBP3H2jllAogvIRmLbkIXK.1>

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City Hall is located at 114 E. Third Street Lewes DE

Agenda Posted: 06/01/2026 Posted By: asa

The City of Lewes



PROCLAMATION
IN RECOGNITION OF
JUNETEENTH || JUNE 19, 2026

WHEREAS, Juneteenth commemorates June 19, 1865, when Union General Gordon Granger arrived in Galveston, Texas, and announced that more than 250,000 enslaved Black Americans were free, more than two years after the Emancipation Proclamation had been issued; and

WHEREAS, this historic day represents one of the most significant moments in the ongoing effort to fulfill the promise of liberty, equality, and justice upon which our nation was founded; and

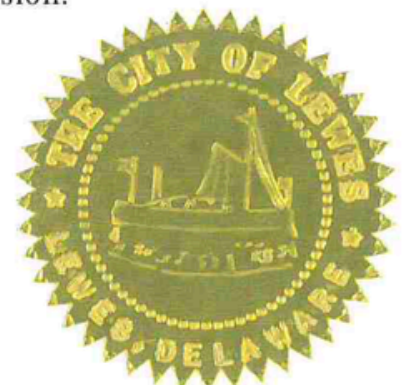
WHEREAS, Juneteenth is both a day of remembrance and a day of celebration, honoring the strength, perseverance, culture, history, and lasting contributions of Black Americans throughout the United States; and

WHEREAS, the City of Lewes values the work of its African American Heritage Commission in preserving local history, celebrating Black heritage, and creating opportunities for everyone to come together in reflection, education, and community; and

WHEREAS, in addition to the official observance on June 19, 2026, residents and visitors are encouraged to participate in the City of Lewes' 2026 Juneteenth Celebration and to join the City in honoring this important occasion;

NOW, THEREFORE, I, Amy L. Marasco, Mayor of the City of Lewes, on behalf of the City Council, do hereby proclaim June 19, 2026, as **Juneteenth** in the City of Lewes, and call upon all residents to commemorate this important chapter of American history, honor the heritage and contributions of Black Americans, and recommit ourselves to building a community guided by justice, unity, equality, and inclusion.


THE HONORABLE MAYOR, AMY L. MARASCO



The City of Lewes



PROCLAMATION
IN RECOGNITION OF
MARGARET "PEGGY" ROLLINS DAY || JUNE 27

WHEREAS, Margaret H. "Peggy" Hastings, born on June 4, 1933, in Lewes, Delaware, passed away peacefully on December 9, 2025, in Atlanta, Georgia; and

WHEREAS, Peggy spent her childhood in her beloved hometown of Lewes, where she attended school, worked in the billing department at Beebe Hospital, and, as a teenager, met her future husband, R. Randall Rollins; and

WHEREAS, in 1991, Peggy and Randall founded The Ma-Ran Foundation, whose support has helped aid in medical research, public health, education and literacy, community development, and religion in Lewes and beyond; and

WHEREAS, Peggy's legacy is reflected in lasting Lewes institutions and organizations supported by her family's philanthropy, including the Margaret H. Rollins School of Nursing at Beebe Healthcare, the Margaret H. Rollins Community Center, the Lewes Historical Society, and Children's Beach House;

NOW, THEREFORE, I, Amy L. Marasco, Mayor of the City of Lewes, on behalf of the City Council, do hereby honor the life and legacy of Margaret H. "Peggy" Rollins, extend heartfelt condolences to her family and loved ones, and proclaim June 27 as **Margaret "Peggy" Rollins Day** in the City of Lewes, remembering Peggy as a beloved daughter of Lewes, a devoted wife, mother, grandmother, and great-grandmother, and a generous community leader whose kindness, spirit, and commitment to service will continue to benefit and inspire the Lewes community for generations to come.

THE HONORABLE MAYOR, AMY L. MARASCO



The City of Lewes



PROCLAMATION IN RECOGNITION OF PRIDE MONTH JUNE 2026

WHEREAS, the City of Lewes recognizes and celebrates the contributions of the LGBTQ+ community to the cultural, civic, and social life of our city and nation; and

WHEREAS, Pride Month is observed each June to honor the courage of those who stood for equality during and after the 1969 Stonewall Uprising, a turning point in the modern movement for LGBTQ+ rights; and

WHEREAS, one year later, in June 1970, the first Pride marches were held, starting the public call for dignity, visibility, and equal rights; and

WHEREAS, the City of Lewes values a community where every person is treated with respect and fairness, regardless of sexual orientation and gender identity; and

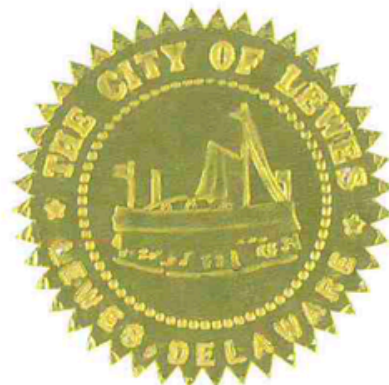
WHEREAS, Pride Month provides an opportunity to recognize the progress made toward equality while highlighting the work that remains to keep safety, belonging, and full participation for LGBTQ+ individuals in all areas of life; and

WHEREAS, the City of Lewes stands with our LGBTQ+ residents, visitors, neighbors, and families, and remains committed to creating a welcoming community built with acceptance, understanding, and inclusion;

NOW, THEREFORE, I, Amy L. Marasco, Mayor of the City of Lewes, on behalf of the City Council, do hereby proclaim the month of June 2026 as **Pride Month** in the City of Lewes and encourage all residents to reflect on the history of the LGBTQ+ rights movement, celebrate the contributions of the LGBTQ+ community, and continue working together to create and support equity, respect, and understanding for all.



THE HONORABLE MAYOR, AMY L. MARASCO



City of Lewes
MAYOR & CITY COUNCIL / BPW JOINT MEETING
Monday, April 27, 2026
MINUTES

The City of Lewes Mayor & City Council met on Monday, April 27, 2026 in the Bonnie Osler Meeting Room, in accordance with proper notification. The following members from the City of Lewes were present: Deputy Mayor Khalil Saliba, Councilperson(s) Tim Ritzert (left meeting after Meeting Item D.2), Joe Elder, and Trina Brown-Hicks. Assistant City Manager Janet Reeves, City Clerk Ashley Akgoren, and City Solicitor Alex Burns were also present.

The following members of the Board of Lewes BPW were present: President Tom Panetta, Vice-President Barbara Curtis, Secretary D. Preston Lee, Treasurer Richard Nichols, and Assistant Treasurer Bob Heffernan. General Manager Robin Davis, Assistant General Manager Sharon Sexton, and BPW Legal Counsel Mike Hoffman (attending virtually) were also present.

A. CALL TO ORDER & ROLL CALL

[00:00:25]

Deputy Mayor Khalil Saliba called the meeting to order at 1:00 PM, noting that Mayor Amy Marasco was out of town and he would be co-chairing on behalf of the City of Lewes. BPW Board President Tom Panetta co-chaired on behalf of BPW.

B. ANNOUNCEMENTS

[00:01:47]

BPW Board President Tom Panetta announced that the BPW had recently conducted a successful hazardous waste take-back day and drug take-back day. The police department achieved either a record or near-record level of drug take-backs, and they collected an entire van full of electronic hazardous waste and chemicals. Another event is planned for October. The City of Lewes simultaneously ran a shredding day across the street.

C. AGENDA REVIEW

The agenda was reviewed with no modifications noted.

D. MEETING ITEMS:

1. Update from the working team and continued discussion regarding the BPW /City Memorandum of Understanding (MOU) (10 Minutes)

[00:02:46]

President Panetta explained that the current five-year MOU expires in June, and they are getting an early start on renegotiation. The BPW has approved an extension of the existing MOU through the end of the year to provide time to work out details of a new agreement. Deputy Mayor Saliba confirmed that the city has not yet approved this extension but will need to take action at their next meeting.

2. **Update and continued discussion on the Fourth Street and Park Avenue Infrastructure Project. (15 Minutes)**

[00:04:54]

City Engineer Andrew Lyons from GMB presented updates on the Fourth Street project. The supplemental funding request for the next phase, covering DuPont, Paynter, Johnson, and Burton Avenue, was approved by the DNREC Water Infrastructure Advisory Board on March 25, 2026, for \$6.65 million.

Ben Hearn from GMB explained that the utility side has not progressed significantly as they are focusing on bringing the new phase up to speed so both phases can be bid together as one project. The city is working on the street design portion.

President Panetta clarified the division of responsibilities: the city handles streetscape, streets, and trees, while the BPW handles infrastructure including storm water, sewer, and water systems, as well as the interface with street drains.

Councilmember Elder asked about fire hydrant locations, suggesting they be placed in areas that wouldn't eliminate current parking spaces.

Councilmember Ritzert asked about the estimated timeline for going out to bid. The engineers indicated they are still targeting this summer, though they don't have an exact timeframe and are working to nail down details with the city's design process.

President Panetta emphasized their preference to bid the entire project together to attract more interest and better pricing, rather than bidding each phase individually. This could be done with formal design for phase one and conceptual design for the other phases.

The discussion touched on design consistency, with Deputy Mayor Saliba confirming that design elements realized in the Burton section would be carried through to phase two to create a unified theme throughout the community.

3. Update and continued discussion regarding the municipal complex at the Army Reserve Center. (15 Minutes)

[00:16:57]

Deputy Mayor Saliba reported that since their last meeting, the Army has shared several studies of the property, including an underground subsurface study from 1999, lead dust abatement, asbestos studies, and other assessments. However, DNREC's Brownfield program, which would be favorable for the municipality and cover costs up to \$600,000, cannot accept the 1999 study and requires a more recent assessment.

BPW Board Member Richard Nichols asked if the Army could conduct the studies themselves. Deputy Mayor Saliba responded that the Army has repeatedly stated they are satisfied with the 1999 study and believe they are delivering a clean site.

City Solicitor Alex Burns noted from a recent Brownfields workshop that it may be possible for the city to conduct the work while the property is still Army-owned, and they could still receive grant funding provided the Army allows access.

Deputy Mayor Saliba clarified that they are requesting access for the Phase II site assessment, not taking title to the property. If studies reveal minor to medium remediation needs, they could proceed, but if massive remediation is required making the project untenable, they are not obligated to take possession.

BPW Board Member Nichols expressed concern about liability once they put a shovel in the ground. Co-Chair Saliba confirmed that requesting access for evaluation does not create responsibility or liability, and they can reject the property if it becomes unfeasible.

Councilmember Elder mentioned that the city's finance committee is working on funding options for the potential building project, examining savings strategies, bond issue possibilities, and potential tax increases needed for this expensive project.

Deputy Mayor Saliba suggested the finance committee also consider public-private partnership models, where a private partner could finance construction with the city owning the land and generating revenue through tenants like the BPW, with the private partner being paid back over time before the property reverts to the city.

4. Update and continued discussion on the City/BPW resiliency vision, goals and projects. (15 Minutes)

[00:36:16]

Deputy Mayor Saliba noted this is a standing agenda item and mentioned that the Economic Environment Resiliency Commission, with Preston Lee serving as BPW ex-officio, has discussed various projects, including elevation of pump stations.

BPW Board Member Lee reported that pump station elevation was established from a program completed 4-5 years ago, with a study of all pump stations in flood zones providing recommendations for specific stations prone to flooding. They are currently following the design of their first pumping station under these regulations. However, they have agreed to reconvene the mitigation committee because some elevations have changed since the original study, requiring updated numbers for setting pump station elevations.

President Panetta noted that Preston Lee led the BPW mitigation team for approximately three years, conducting research and developing recommendations, though conditions and knowledge have improved since then.

Deputy Mayor Saliba mentioned they had requested funding from Senator Lisa Blunt Rochester for these projects. BPW Board Member Lee confirmed they have two major ongoing resiliency projects: the water tower nearing completion and a contract with the county to move their treatment plant out of the flood zone.

President Panetta encouraged everyone to review an online study from the University of Delaware and Sea Grant Society that examined current storm conditions, sea level rise, and subsidence for the area.

E. PUBLIC COMMENT:

[00:41:13]

Thierry Poirey (19 Harborview Road) commented on the Burton rehabilitation project, asking the BPW to keep in mind the eventual need for a bidirectional bike trail on Fourth Street from New Road to at least Burton, and preferably to Park Avenue and beyond. He noted he would bring this up at the Pedestrian and Bicycle Committee meeting.

President Panetta responded that while he fully concurred with the importance of bicycle infrastructure, this was a city street design issue rather than a BPW infrastructure matter, though he acknowledged that underground pipe placement could impact surface design possibilities.

Mr. Poirey also asked about using resiliency funds for burying electric lines, referencing concerns raised during recent hearings about taking advantage of the project to underground utilities. Deputy Mayor Saliba responded that while they had discussed undergrounding utilities, it is prohibitively expensive. Co-Chair Panetta added that they had conducted a utility study on the beach side but found pros and cons, including restrictions due to the high water table. Additionally, the Fourth Street project found undergrounding physically impractical due to small lot sizes and lack of space for pad-mounted transformers, though they continue to evaluate it on an ongoing basis.

F. ADJOURNMENT:

[00:46:51]

Deputy Mayor Saliba asked for a motion to adjourn. Councilmember Elder seconded the motion. President Panetta asked for a motion to adjourn. Motion was given by Board Member Heffernan and seconded by Board Member Lee. The motion carried unanimously and the meeting was adjourned at 1:47 PM.

G. FUTURE AGENDA ITEMS

Update on night sky lightening

Update on the Comprehensive Plan

Minutes submitted by: Jeffery Coover, Administrative Support Specialist

Minutes generated by HeyGov.ai

Transcripts available upon request

Minutes Approved By:

Tim Ritzert, Secretary

City of Lewes
MAYOR & CITY COUNCIL- Budget Hearing
Friday, March 20, 2026
MINUTES

The Lewes Mayor & City Council met on **Friday, March 20, 2026 in Council Chambers at Lewes City Hall**, in accordance with proper notification, with the following members present: Mayor Amy Marasco, Deputy Mayor Khalil Saliba and Councilmembers Trina Brown-Hicks, Tim Ritzert, and Joe Elder. Also in attendance were: City Solicitor Alex Burns, City Manager Ellen Lorraine McCabe, and Deputy City Manager Janet Reeves.

A. CALL TO ORDER & ROLL CALL: [12:03:05]

Mayor Amy Marasco called the budget hearing to order at noon, noting this was scheduled as a one-hour session including time for public comment, making it effectively a 50-minute hearing.

B. CONTINUED DISCUSSION OF THE DRAFT BUDGET FOR FISCAL YEAR ENDING MARCH 31, 2027 [12:03:25]

Draft MCC FY 4.1.2026 to 3.31.2027 AS OF Mar 19 WITH Resiliency Funding

City Manager Ellen Lorraine McCabe presented the new draft budget version, explaining that cells highlighted in green indicated changes from the previous week's Version B. She reported that the city had moved from a deficit of almost \$300,000 in Version B to a citywide surplus of \$70,000 in the current version.

Councilmember Joe Elder qualified this apparent surplus, emphasizing that it represented a \$1,622,000 increase from the previous year's budget. He noted that the budget committee had originally proposed a zero-growth budget with an actual surplus, making the current version significantly higher than last year's spending levels.

Councilmember Elder also raised concerns about the Economic, Environmental & Resiliency Committee (EERC) and the resiliency fund, stating that as treasurer, he felt uncomfortable putting money into a fund for a committee that had not been fully vetted and lacked completed bylaws. He proposed that any money allocated to the resiliency fund be set aside until the committee's structure was finalized, calling this "responsible government."

Mayor Marasco clarified that the resiliency fund was managed and directed by the City Council, not by EERC. She explained that EERC served as an advisory commission, similar to the Planning Commission, and that the council retained ownership and control of the resiliency fund. Mayor Marasco emphasized that EERC would make recommendations, but the elected officials would make all decisions regarding the fund's use.

Councilmember Elder questioned a \$40,000 allocation for consulting services, believing a firm had already been contracted. City Manager McCabe clarified they were only previewing companies to fulfill the City Council's request to look into bond issues, and no firm had been contracted yet.

City Manager McCabe detailed the specific changes made in the current budget version:
Page 16 - Parks and Recreation: *Reduced the fountain project by \$100,000 due to ongoing work at Fisher Martin House and potential sponsorship opportunities.*

African American Heritage Commission: *Reduced the pavilion construction budget from \$79,000 to \$15,000 for design work only, recognizing that design must precede construction.*

Page 21 - Administrative Changes:

- Legal services reduced from \$450,000 to \$375,000
- Consulting increased by \$40,000 for long-term financial planning and \$100,000 for municipal campus project management
- Engineering reduced by \$75,000 but then increased by \$40,000 for TAP grant requirements related to the Sussex Drive project

Page 22 - Capital Projects:

- Savannah Beach guard shack renovation reduced from \$150,000 to \$75,000
- Bonnie Osler community room project reduced from \$50,000 to \$30,000, focusing on a combination of painting, windows, and flooring within the reduced budget

These changes resulted in reducing the general fund deficit from \$1.369 million in Version B to \$1.155 million in the proposed budget, representing a drawdown of \$1,160,155 from reserves.

Mayor Marasco inquired about IT funding for meeting technology improvements, referencing audio quality issues experienced during recent Teams meetings. City Manager McCabe confirmed adequate funding existed in both the NetHouse line item (\$5,480) and computer hardware budget (\$40,000).

Transfer Tax and Resiliency Fund Details:

City Manager McCabe explained that the transfer tax fund showed a net surplus of \$219,740 after transfers to the general fund and resiliency fund. The resiliency fund would receive a total of \$448,000, comprised of:

- \$20,000 annual revenue from Chesapeake natural gas franchise
- \$12,000 investment income
- \$142,500 from transfer tax (5% allocation)
- \$273,500 from the general fund (using half the formula from the previous year: 1% each of property taxes, GRRT, and parking revenue, compared to 2% each in the prior year)

Deputy Mayor Saliba questioned the purpose of budgeting a surplus, asking why municipalities would maintain surplus funds. City Manager McCabe explained that while the citywide surplus of \$70,000 was modest, the more concerning issue was the general fund deficit of \$1.155 million, which required drawing from the \$7 million in general fund reserves for operational costs.

Councilmember Elder reiterated his concerns about spending \$1,622,000 more than the previous year without increasing revenue, noting that only parking meter revenue had been increased. Councilmember Elder emphasized the need for the proposed \$40,000 financial advisor to help evaluate potential tax increases if the city proceeded with major building projects.

Mayor Marasco addressed the resiliency fund restrictions, explaining that because no charter change had yet been submitted to the state legislature, the city retained flexibility in how to structure the fund's restrictions. She suggested that a supermajority requirement for fund use could protect the fund while still allowing for emergency borrowing with structured payback periods, noting that such a fund would be viewed as an asset, not a debt, by financial markets.

The discussion revealed that at the end of February (11 months into the fiscal year), the city showed a \$2.2 million surplus citywide, with \$2 million of that sitting in the transfer tax fund.

City Manager McCabe projected that the general fund would end the current fiscal year with a deficit of \$300,000-\$500,000.

Councilmember Elder requested clarification about potential parking consulting costs, and City Manager McCabe confirmed that while a consultant had attended that day's parking committee meeting and would provide cost estimates, no funds were currently budgeted for such services.

Mayor Marasco proposed creating a \$70,000 "council initiatives" line item to provide flexibility for various projects that might arise, including potential parking consulting needs or other council priorities.

Regarding City Council compensation increases of \$16,000 total, Mayor Marasco expressed personal reservations about voting for pay raises while currently in office, suggesting the increases could be implemented for future terms rather than current officeholders, following a principle of not voting oneself a pay increase.

C. EXECUTIVE SESSION:

1. Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property as permitted by 29 Del. C. Section 10004(b)(2).
2. Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body as permitted by 29 Del. C. Section 10004(b)(4).
3. Personnel matters in which the names, competency, and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open as permitted by 29 Del. C. Section 10004(b)(9).
4. Discussion of an individual citizen's qualifications to hold a job or pursue training unless the citizen requests that such a meeting be open. This provision shall not apply to the discussion by a licensing board or commission which is subject to the provisions of § 8735 of this title, of an individual citizen's qualifications to pursue any profession or occupation for which a license must be issued by the public body in accordance with 29 Delaware Code, §10004(b)(1).

D. POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

E. PUBLIC COMMENT: [44:48]

Debra Evalds (10 Harborview Road) participated virtually and expressed concern about budget increases during potentially challenging economic times. She specifically worried about expansion into what seemed to be non-essential areas and increases in consulting fees, advocating for a more conservative approach given potential economic downturns.

Bill Shull (Cape Gazette) asked about the impact on the police budget, noting that Chief Spell and Lieutenant Azato were online and likely wondering about earlier discussed reductions. City Manager McCabe confirmed that previous police budget reductions had been restored when offline time pay was added based on historical payouts, bringing the police budget to \$3.1 million.

Mr. Shull also inquired about the municipal campus project serving as the underlying guide for budget decisions. Mayor Marasco confirmed it was the largest capital infrastructure project the city had ever undertaken, explaining that the budget included \$40,000 for financial expertise and \$100,000 for construction project management to evaluate options before committing to

the project. He noted opportunities through the Brownfields grant (\$600,000) and potential public-private partnerships to minimize taxpayer burden through revenue-sharing arrangements with other municipal functions, emergency operations, or private tenants.

F. ADJOURNMENT: [53:54]

Mayor Marasco asked for a motion to go into Executive Session. Motion was made by Councilmember Ritzert. Seconded by Councilmember Saliba. Motion passed, and the meeting was adjourned at 12:57 PM.

Minutes submitted by: Jeffery Coover, Administrative Support Specialist

Minutes generated by HeyGov.ai

Transcripts available by request.

Minutes Approved By:

Tim Ritzert, Secretary

City of Lewes
MAYOR & CITY COUNCIL - Public Hearing
Monday, May 4, 2026
MINUTES

The Lewes Mayor & City Council met on **Monday, May 4, 2026 in the Margaret H. Rollins Community Center**, in accordance with proper notification, with the following members present: Mayor Amy Marasco, Deputy Mayor Khalil Saliba and Councilpersons Tim Ritzert, Joe Elder and Trina Brown-Hicks (attending virtually). City Manager Ellen Lorraine McCabe, Deputy City Manager Janet Reeves, City Solicitor Alex Burns, Building Official Jon Ward, and City Clerk Ashley Akgoren were also present.

A. ANNOUNCEMENTS

Mayor Marasco announced that State Senator Russ Huxtable had been invited to attend the May 11 meeting at approximately 6:00 PM to discuss Senate Bill 23, which had generated significant public interest. She noted that while the appearance would not constitute a formal public hearing, City Council members would be given the opportunity to ask questions, and that the senator's presence would allow local concerns to be heard directly. This item was confirmed as an addition to the May 11 agenda.

B. CALL TO ORDER & ROLL CALL:

Mayor Amy Marasco called the meeting to order at 5:30 PM.

C. PUBLIC HEARING ITEMS:

All public hearing items to follow the following order.

- a. City Briefing (Staff, City Engineer, City Solicitor)*
- b. Presentation and comments from applicant*
- c. Public Comments*

Mayor Marasco explained the format for the evening's two public hearing items. She asked members of the public to address each item separately and not to combine comments on both topics in a single appearance, as the city wished to maintain an organized hearing record. She further noted that no action would be taken on the ADU item that evening, but that action on the Resiliency Fund charter amendment was possible.

- 1. Public Hearing regarding Ord 2-26 - A proposed ordinance to amend Chapter 197, "Zoning," Section 197-46.1, of the Municipal Code of the City of Lewes "Accessory Dwelling Units (ADUs)".**
[\(Current Ordinance\)](#)

City Briefing

City Solicitor Alex Burns provided a summary of the draft ordinance dated April 13, 2026, noting that a substantially similar version had been presented at the March 25 workshop. He then highlighted the key amendments.

In response to a clarifying question from Mayor Marasco, the City Solicitor Burns confirmed that if a property with a legacy ADU exemption is sold, the new owner would be eligible to claim the exemption, though they would need to apply for a new rental license, as rental licenses are not transferable.

A further clarification from Building Official Jon Ward informed the decision to tie the exemption to the rental license rather than to the gross receipts rental tax submission, as the license is considered easier to administer.

Public Comments

Dede Haas, 335 Mulberry Street, spoke in support of the proposed ordinance. She stated that her ADU was approximately 90 years old and expressed appreciation for the protections extended to existing ADU owners. She specifically supported the decision to tie the exemption to the rental business license rather than the gross receipts rental tax, noting that rental income can be affected by market conditions outside a property owner's control, and that there may be legitimate situations — such as housing a family member — where no rent would be collected. She also raised a concern that the transferability of the exemption to new purchasers was not expressly written into the ordinance and recommended that the language be made more specific on that point.

Debra Evalds, 10 Harborview Road, identified herself as a member of the ADU subcommittee that developed the original ordinance. She raised several concerns about the proposed amendments. She questioned why the ADU ordinance was continuing to be revised given that the Lewes Planning Commission had voted 6–2 to refer the matter back to Mayor and City Council without recommending the changes. She expressed concern that setting the legacy exemption date for January 1, 2027 — well after the ordinance's potential passage — would create an incentive for property owners who are not resident-owners to establish short-term rentals before the deadline, effectively circumventing the ordinance's intent. She also objected to the removal of the additional parking requirement, noting that parking had been one of the primary concerns raised by full-time residents during the original public hearings. She suggested that rather than amending the code, existing pre-September 2024 ADU owners with legitimate concerns might be better served through a fee waiver and the Board of Adjustments process.

Bob Heffernan, 510 Railroad Avenue, offered a historical perspective on the zoning code, noting that Section 197-46 had long governed accessory uses and that accessory buildings had been prohibited from containing cooking, bathing, or sleeping facilities prior to the 2024 ADU ordinance. He argued that ADUs licensed by the city prior to 2024 were technically in violation of those pre-existing provisions. He expressed concern that the matter had been framed as an ADU issue when, in his view, the specific property transaction at the center of the controversy involved a short-term rental violation, not an ADU issue. He argued that any relief for affected property owners should be addressed through the rental code (Chapter 197 and Chapter 150) rather than by inserting new language into Section 197-46.1. He described the January 2027 date as "ludicrous," warning that it would "set off a land rush" among investors monitoring the real estate market.

Martha Good, 116 Manila Avenue, identified herself as the property owner whose transaction had been a central point of reference in the broader ADU debate. She stated that she had purchased the property in May 2025 from owners who had held short-term rental licenses throughout their ownership, that those licenses had been renewed in February 2025 prior to the sale closing, and that she had subsequently obtained licenses in her own name. She disputed characterizations that she had failed to conduct due diligence, stating that she had been in extensive communication with city staff and council members attempting to determine the applicable rules, and that no clear written guidance had been provided. She acknowledged the difficulty of the process while expressing appreciation for the draft ordinance, and suggested that the ambiguity regarding existing ADUs would have created problems for other property owners regardless of her specific situation.

Marylinda Maddi, 510 Railroad Avenue, asked how the January 1, 2027 date had been determined and requested that the rationale be shared publicly at some point. She

raised the concern that the exemption, by removing owner-occupancy requirements, could open the door to LLCs acquiring ADUs, and suggested that the term "natural person" be incorporated to prevent that outcome. She also relayed a comment gathered while conducting public outreach at the farmers market, where a resident expressed concern about "the outside influence of realtors on Mayor and City Council."

Kerry Tripp, 400 Park Avenue, agreed with Mr. Heffernan that the proposed legacy exemption was misplaced within the ADU ordinance and should instead be incorporated into the rental property code. She argued that establishing a future cutoff date of January 2027 would create a financial incentive for investors to acquire properties before that deadline, thereby driving up housing costs and undermining the city's affordable housing goals. She contended that the current ADU ordinance reflected a covenant with residents of established single-family neighborhoods, who lacked the HOA protections afforded to newer communities. She cautioned that ADUs are widely recognized in the real estate industry as tools for significantly increasing property values and investor returns, which she argued was at odds with housing affordability objectives.

Lee Ann Wilkinson, 2020 Savannah Circle, identified herself as the real estate agent involved in the Manila Avenue transaction and disputed the suggestion that she had misinformed the buyer. She acknowledged the work done by the subcommittee and City Council but stated her view that the ordinance had failed to adequately account for existing properties with ADUs at the time of its drafting. She supported the legacy exemption for existing properties and questioned why rental licenses are not transferable in Lewes when they are in other jurisdictions. She also asked, for the record, whether an owner who constructs an ADU for exclusive family use — with no intention of ever renting it — would be required to live on the property full-time under the current ordinance, noting that this question had not been clearly answered.

Gail Van Gilder, 516 East Cape Shores Drive, raised concerns about the cumulative traffic and density impacts of additional ADUs, noting that existing road infrastructure is already at or near capacity. She expressed general opposition to changes that would increase the number of ADUs and questioned whether the original intent of the ordinance — to support affordable housing for local workers and family members — had been lost in the current debate. She submitted a written document from the Urban Land Institute regarding transportation capacity for inclusion in the hearing record.

Mark Rasevic, 405 East Market Street (remote), thanked all parties for their work on the issue and expressed support for the ordinance's approach of allowing existing ADUs to continue operating as short-term rentals in a nonconforming capacity, stating his belief that the draft addressed the core concern.

Sharon Crampton, 118 Manila Avenue (remote), confirmed that she and her husband had sold 116 Manila Avenue the prior year, that the sale had initially been delayed due to questions about the ADU on the property, and that she was appreciative of the draft ordinance's approach to addressing existing ADUs that were not previously contemplated in the code.

Emily Nack, 209 Midland Avenue (remote), stated that she had owned her property for more than 18 years and had rented the ADU — a converted garage — for 17 of those years on both short-term and long-term bases. She argued that existing nonresident ADU owners who had relied on city-issued rental licenses had a legitimate property interest in continuing to use those units and that treating nonresident and resident

owners differently with respect to ADU rentals was discriminatory and could constitute a taking. She expressed concern that planning commission subcommittee meetings had effectively excluded nonresident property owners, and stated her view that the ordinance should clearly affirm equal rights for nonresidents. She noted that she had provided below-market housing to service industry workers, teachers, and police officers through her ADU over the years.

Alan Roth, 437 Kings Highway, offered a framework for understanding the ADU debate, distinguishing between three categories: (1) legally nonconforming ADUs that predated the 2024 ordinance; (2) ADUs that had been licensed by the city despite pre-existing code provisions that may have prohibited them; and (3) post-2024 properties. He expressed support for providing relief to owners in the first two categories. He raised concerns about the drafting quality of the proposed paragraph 14, echoing objections to the January 2027 date and recommending that the language be significantly revised. He also suggested that City Council review all email correspondence related to the Manila Avenue transaction to better understand the timeline of knowledge among the parties involved.

Dennis Reardon, 1302 Bay Avenue, expressed concern about unintended consequences in the proposed paragraph and recommended that City Council return to the drawing board, drawing a parallel to the city's earlier experience with home-based business regulations.

Mayor Marasco invited council members to raise clarifying questions for the Solicitor.

Councilmember Elder raised the question of whether relief for affected property owners might be better achieved by addressing the matter through a separate section of the code rather than within the ADU ordinance, so as not to conflate two distinct issues.

Councilmember Ritzert posed three questions for the record: (1) whether renting an ADU on a short-term or long-term basis might constitute "commercial use" as prohibited under the existing ordinance's paragraph 12 at line 99; (2) what number of rental licenses are currently on record with the city; and (3) whether the parking committee had studied the impact of removing the additional off-street parking requirement under paragraph 8.

Mayor Marasco noted that the next scheduled discussion and possible action on the ADU ordinance would be at the May 19 meeting, and that if substantive changes were made in the interim, an additional public hearing would be required.

2. **Public hearing regarding proposed amendments to the language of the City of Lewes Charter to include the Resiliency Fund.**

City Briefing

City Solicitor Burns explained the background and purpose of the proposed charter amendment. In May 2025, City Council had adopted a resolution establishing the Resiliency Fund. At the time of adoption, there was discussion of a "lockbox" feature requiring a supermajority vote to abolish the fund or redirect its assets. However, because a resolution can be superseded by a simple majority of a future council, the resolution itself included language directing the City Manager and City Solicitor to explore a potential charter amendment to provide more durable protection. The current proceeding represents the follow-through on that directive.

The proposed mechanism would memorialize the Resiliency Fund in the city charter,

such that a supermajority vote would be required to modify, abolish, or transfer the funds — a requirement that no ordinary resolution passed by a simple majority could override. City Solicitor Burns clarified that the action before City Council was not to amend the charter directly, but to pass a resolution requesting that the General Assembly enact legislation amending the charter. The draft resolution and accompanying draft house bill (Exhibit A) were included in the agenda materials.

Public Comments

Kerry Tripp, 400 Park Avenue, expressed concern that the agenda materials appeared to include a funding formula as part of the proposed charter approval, and urged City Council not to rush a decision on that element. She noted that the proposal had not been reviewed by the city's Finance Committee, that the budget review team had previously recommended against approving a formula in perpetuity, and that approving a fixed formula would constrain future elected officials in a manner she described as "undemocratic." She acknowledged that she had previously advocated for completing the charter process before approving funding levels, and commended the City Council for moving in that direction, but asked that the funding formula component be handled separately and with more deliberation.

Larry Franz, 105 Bradley Lane, expressed general support for the concept of the Resiliency Fund while raising concerns about codification. He argued that codifying the fund in the charter would amount to the current council declaring itself "smarter than anybody else that comes after me," and that it would prioritize the resiliency fund over all other fiscal needs in perpetuity. He suggested that an earmark within the city's savings account would provide comparable protection with greater flexibility, and that any funding commitment should be conditioned on the city not needing to raise taxes. He also asked how the funding percentages had been determined and whether there was a defined target for what the fund was intended to address.

D. CLOSE PUBLIC HEARING AND OPEN SPECIAL MEETING

Motion: *A motion to close the public hearing was made by Councilmember Ritzert and seconded by Deputy Mayor Saliba. The motion carried unanimously.*

A motion to open the Special Meeting was made by Councilmember Ritzert and seconded by Deputy Mayor Saliba. The motion carried unanimously.

1. Discussion and possible action regarding proposed amendments to the language of the City of Lewes Charter to include the Resiliency Fund.

City Council entered into deliberation on the proposed charter amendment. The discussion was substantive and at times pointed, with members working through several unresolved questions about the fund's structure, legal implications, and the appropriate path forward.

Risk of State Inaction and Funding Implications
Proposed Amendments to the Draft Resolution
Concerns Regarding Bonding Capacity and the Charter vs. Ordinance Question

Following extensive deliberation, City Council reached a consensus to defer action and refer the matter to the May 11 Special Meeting for further consideration, with the expressed direction that staff and the City Solicitor explore converting the approach from a charter amendment to a local ordinance. City Council members affirmed that the core goal — protecting the Resiliency Fund from casual reallocation by a future City Council — remained unchanged.

E. PUBLIC COMMENT:

Larry Franz, Bradley Lane, thanked City Council for the transparency of the deliberation and noted that the discussion had revealed a degree of flexibility in the fund's structure that he had not previously understood. He reiterated his support for the concept of the Resiliency Fund while restating his preference for an earmark approach over codification. He requested that City Council explain publicly how the original funding percentages had been determined and whether a specific dollar target existed for what the fund was intended to accomplish.

Alan Roth, 437 Kings Highway, cited the day's Washington Post reporting on homes collapsing into the ocean in Buxton, North Carolina, as a reminder of the real-world stakes of coastal resilience planning. He expressed strong support for building the fund and cautioned City Council against defaulting too quickly to an ordinance approach without first completing the inquiry into the debt characterization question, noting that bond counsel might actually view a four-vote supermajority requirement as more protective of the city's financial position than a three-vote threshold.

F. ADJOURNMENT:

A motion to adjourn was made by Councilmember Elder and seconded by Deputy Mayor Saliba. The motion carried unanimously. The meeting was adjourned at 7:30 PM.

Minutes submitted by: Jeffery Coover, Administrative Support Specialist

Minutes generated by HeyGov.ai

Transcripts available upon request

Minutes Approved By:

Tim Ritzert, Secretary

City of Lewes
MAYOR & CITY COUNCIL - Public Hearing
Tuesday, May 19, 2026
MINUTES

The Lewes Mayor & City Council met on **Tuesday, May 19, 2026 in Council Chambers at Lewes City Hall**, in accordance with proper notification, with the following members present: Mayor Amy Marasco, Deputy Mayor Khalil Saliba and Councilmembers Tim Ritzert, Joe Elder and Trina Brown-Hicks. City Manager Ellen Lorraine McCabe, Deputy City Manager Janet Reeves, City Solicitor Alex Burns (attending virtually) and City Clerk Ashley Akgoren were also present.

A. ANNOUNCEMENTS

No announcements were given.

B. CALL TO ORDER & ROLL CALL:

Mayor Amy Marasco called the public hearing to order at 4:00 PM on Tuesday, May 19, 2026, in City Hall Council Chambers, Lewes, DE.

C. PUBLIC HEARING ITEMS:

All public hearing items to follow the following order.

a. City Briefing (Staff, City Engineer, City Solicitor)

b. Presentation and comments from applicant

c. Public Comments

d. Council comments/questions

1. Public Hearing regarding proposed streetscape designs for the W. Fourth Street & Park Avenue Street Improvement Project.

[2026-05-15 4th Street Renderings](#)

Design Background and Standards

City Engineer Andrew Lyons explained that the proposed designs were informed by the draft Bike and Pedestrian Master Plan developed by DeIDOT and the Lewes Bicycle and Pedestrian Committee, which recommended traffic calming, bike sharrows, and wayfinding signage on Fourth Street. All street reconstruction is governed by City Code Section 167, which requires adherence to the latest applicable DeIDOT standards. Under those standards, lane widths are calibrated to speed: 12-foot lanes for 55 mph and above, 11-foot for 35–50 mph, and 10-foot or less for under 35 mph. GMB recommended 11-foot lanes because the road serves truck traffic and functions as a snow emergency and evacuation route, making vertical traffic calming measures such as speed bumps or raised crosswalks inadvisable. A 2023 Johns Hopkins University study was cited, finding that narrowing a lane by one foot reduces average vehicle speed by up to 3 mph. For context, GMB noted that Kings Highway near the Zwaanendael Museum features approximately 10-foot 7-inch travel lanes with 8-foot parking on one side — nearly identical to the proposal.

Revised Paint Markings

In response to public feedback from the prior hearing, GMB revised the parking space markings from full T-paint markings to 30-inch cross marks at the edges of travel lanes only, consistent with Manual on Uniform Traffic Control Devices (MUTCD) standards. No-parking striping similar to that currently on Second Street was also included.

Sidewalk Width

Existing sidewalk widths vary significantly — between 4.25 and 5 feet — along the project corridor. GMB proposed a uniform 5-foot sidewalk throughout, consistent with

City Code Section 167, which sets the standard at 5 feet for sidewalks with curb and gutter. The City Solicitor, Alex, clarified that the 2010 ADA standards (formally adopted) require a minimum 4-foot sidewalk with passing zones every 200 feet, while PROWAG guidelines (not yet formally adopted federally) call for 5-foot sidewalks. City Council, as the authority over public right-of-way, retains discretion to deviate from the city's 5-foot standard with approval from the city building official.

Parking

The redesign added four net new marked parking spaces by adjusting queue lines and enforcing required clearances from crosswalks and stop signs. A new ADA-compliant space was proposed at the corner of Market Street and W. Fourth Street.

Options Presented

GMB presented two options for the Fourth Street segments (Park to Market, and Burton to Park) and two options for Park Avenue:

- **Option 1** (all segments): No bump outs; maintains existing back-of-sidewalk locations; uniform 5-foot sidewalk; revised paint markings; 8-foot marked parking spaces.
- **Option 2** (all segments): Incorporates bump outs at intersections and mid-block locations, sized to avoid interference with truck turning radii (primarily SU-30, 30-foot vehicles). On Fourth Street, bump outs are 6 feet wide; on Park Avenue, approximately 5–6 feet. Bump outs provide enlarged planting strips and visual traffic calming but result in the loss of approximately 4 parking spaces on Park Avenue.

A bump out was proposed in both options at the Park/Fourth Street corner intersection, where it was deemed feasible given the geometry and proximity of adjacent structures.

Park Avenue Specifics

Park Avenue was identified as the segment with the most notable design differences between options. A mid-block crosswalk on Johnson Street (near the park) requires yield line markings and signage per state law because it is not at a controlled intersection. If a 4-foot sidewalk were adopted, a 5-by-5-foot ADA passing zone would be required on this block, as the span between driveways exceeds 200 feet. Bike sharrows were included for council's consideration, given bicycle traffic volumes, though they are not mandatory. GMB noted that the crosswalk at the mid-block location requires paint markings to afford pedestrians legal protection; at standard intersections with sidewalk, painted crosswalks are optional but strongly recommended.

Tree Canopy

Landscape Architect Eric Wahl of Pennoni Associates, also President of the Delaware Native Plant Society and a member of the Milford Tree Commission, addressed the existing cherry trees on Fourth Street. He advised that due to the scope of utility excavation and sidewalk reconstruction affecting both sides of the trees simultaneously, saving the existing cherry trees would be very difficult. He recommended replacement with species having deeper taproots, such as pin oaks for canopy, or understory/flowering trees (redbuds, sweet bay magnolia, serviceberry, Yoshino or Okame cherries) for narrower planting strips under 3 feet wide. He also suggested the use of native wildflower/pollinator seed mixes in planting strips and noted that deep-root aeration and fertilization systems can improve tree survivability in compacted urban conditions.

Public Comments 23:26

Mayor Marasco opened the floor to public comment.

Elaine Simmerman (418 W. Fourth Street) expressed support for the water infrastructure project but raised concerns about lane narrowing on Fourth Street, the proposed bump outs (citing snow storage conflicts), and the inclusion of bike sharrows. She suggested routing cyclists via Burton Street to W. Third Street as a safer alternative. She advocated for 4-foot sidewalks rather than 5-foot, and requested that residents — including professional landscapers living on the street — be involved in tree species selection and placement decisions. She also argued that a standardized streetscape approach does not suit the character of Lewes's historic residential streets.

Lisa Decker (416 W. Fourth Street and 320 Market Street) expressed disappointment with the revised plans, stating she had expected more creative, neighborhood-sensitive solutions following the Mayor's direction at the prior hearing. She displayed a photograph of bump outs on Market Street and argued they make neighborhoods look commercial rather than residential. She objected to painted parking spaces, bump outs, and tree removal, and cited the condition of Market Street — including unrestored plantings following the removal of diseased trees — as evidence that the city struggles to maintain such improvements. She urged the council to work collaboratively with engineers to avoid a "cookie cutter" approach.

Leemay Nassery (414 W. Fourth Street) spoke about the difficulty of reversing infrastructure decisions once implemented. She expressed concern about losing practical parking access for family vehicles and suggested that the best engineering plans are those that center the user — in this case, the residents. She asked whether an "Option 3" could be developed that prioritizes resident needs over regulatory compliance.

Carol Marzetta (306 Canary Court, Pilottown Village) a cyclist who moved to Lewes six months prior, emphasized the cultural value of the existing cherry trees and the character of the Fourth Street corridor. She asked the council to explore every means of preserving the quality of life that drew residents to the neighborhood.

Susan Russell (427 Paynter Street) did not oppose the streetscape adjustments but expressed urgency about water quality, stating she cannot drink from her tap and recently saw a filter completely blackened after six months. She urged the council to bifurcate the project if necessary so that water infrastructure work can proceed without further delay.

Dennis Reardon (1302 Bay Avenue) noted that bump outs were previously installed and subsequently removed on Devries Circle, and suggested GMB should research why that removal occurred before proceeding. He questioned the fundamental purpose of bump outs and expressed skepticism about their value.

Brenda Afzal (418 Park Avenue) a community public health nurse with an environmental health background, urged the council not to let debate over streetscape aesthetics create an "us vs. them" dynamic. She stated that clean water must be the overriding priority and that infrastructure decisions on trees and paint markings could be resolved in due course, but further delay on the water project would be unacceptable given decades of water quality injustice in the neighborhood.

Kerry Tripp (400 Park Avenue) affirmed that the process has been thorough and praised the Mayor and City Council for their responsiveness, but echoed the call to move forward immediately. She urged the City Council to stop deliberating on aesthetic elements and vote to get shovels in the ground so residents can one day drink clean water from their taps.

Council Comments/Questions 39:12

Councilmember Elder initiated questioning by noting that no member of the public had expressed support for bump outs. He asked GMB to explain their engineering rationale. City Engineer Lyons clarified that bump outs were presented as an option at staff's request — not a GMB recommendation — and serve purposes including traffic calming, shortened pedestrian crossing distances, visual disruption of long sightlines that encourage speeding, and creation of larger planting areas for street trees. City Manager McCabe added that bump outs on Park Avenue were specifically intended to support the survival of newly planted trees by providing adequate planting area, and that the city would be responsible for maintaining those street trees.

Councilmember Elder asked whether sidewalks could be narrowed to 4 feet. GMB confirmed it is technically and legally permissible with building official approval under the city's code, and City Solicitor Burns confirmed that the 2010 ADA minimum of 4 feet with passing zones is the operative federal requirement, while the 5-foot PROWAG standard is not yet formally adopted. Council has discretion to deviate from the city's own 5-foot standard. Councilmember Elder asked whether the same 4-foot option could apply to Park Avenue as well, and GMB confirmed it could.

Councilmember Elder asked whether the cherry trees could be saved. Mr. Wahl advised that given the extent of utility and sidewalk construction affecting roots on both sides of the trees, preservation would be very difficult, and that even root-pruning techniques — while possible — carry no guarantee of tree survival. He recommended replacement with appropriate species.

Councilmember Elder questioned the necessity of yellow no-parking paint. GMB explained that yellow curb paint is a standard element of enforceable no-parking zones under the Delaware Vehicle Code and MUTCD, and that its absence makes violations difficult to ticket.

Councilmember Elder asked whether the bid could be structured to allow the project to move forward on water infrastructure while certain above-grade decisions — such as paint markings and tree species — remained open. GMB confirmed that paint markings such as sharrows are relatively minor quantities and could be finalized later; the critical decisions needed now are lane widths, sidewalk widths, and bump-out inclusion or exclusion, as these determine grading and quantities for the bid document.

Councilmember Ritzert asked GMB to research and report back on why the bump outs previously installed on Devries Street were removed, given that GMB was the firm involved. He also noted that existing sidewalks on the east (bay) side of Fourth Street, from Savannah toward Park, are uncomfortable for pedestrians due to excessive curb height and frequent driveway cuts. GMB confirmed that the project would reduce curb heights from the existing 8-inch curb to 6-inch (or 4-inch, as was done on Madison Avenue), and that all driveway transitions would be rebuilt to ADA-compliant grades with less than 2% cross-slope. Councilmember Ritzert confirmed that the project constitutes a complete tear-out and reconstruction of all concrete and asphalt surfaces from curb to

curb. Councilmember Saliba also asked whether no-parking zones could be marked with signs instead of yellow paint. GMB advised that while signs are permissible, yellow paint is the clearest and most legally defensible means of delineating no-parking areas and reduces ambiguity for both the public and law enforcement.

Councilmember Ritzert asked about the depth and width standards for bump outs, confirming dimensions of approximately 5–6 feet on Park Avenue and 6 feet on Fourth Street. GMB noted that bump out width was constrained by truck turning radii and parking lane dimensions. Councilmember Ritzert also asked about the effect of bump outs on gutter drainage, and GMB confirmed that the designs were developed to avoid the need for additional stormwater inlets, in part by using covered curb sections similar to those on Second Street where necessary.

Councilmember Brown-Hicks asked whether the number of trees in the project would be determined by the bump-out decision, and Mr. Wahl confirmed that tree counts are directly tied to whether bump outs are included.

Mayor Marasco offered a comprehensive summary of City Council's direction. She emphasized that clean water is the unambiguous priority and that the project must move forward. She proposed that the bid be structured with unit-cost quantities — including worst-case infrastructure assumptions — so that items can be reduced without triggering contractor repricing. She suggested using the bidding period to conduct a user-centered design process for above-grade elements, engaging residents with visual modeling tools to allow meaningful input on tree species, placement, and streetscape aesthetics in a manner analogous to iterative design processes used in technology product development. She noted that the city's street tree plan requires updating and asked City Manager McCabe to explore whether root-pruning of existing trees could begin now as a protective measure ahead of construction.

Mayor Marasco also suggested referring the question of sharrow placement to the Bicycle and Pedestrian Committee, noting that Fourth Street is an emergency route and that directing cyclists to a parallel route such as Third Street may be safer and more appropriate, while acknowledging that the original intent was to provide a safer alternative to Pilottown Road and Front Street.

Mayor Marasco asked GMB to identify, for the upcoming council deliberation session, the specific infrastructure decisions required in order to finalize the bid — distinguishing those from aesthetic and above-grade decisions that could remain open during the bidding period.

D. PUBLIC COMMENT:

No additional public comment was received beyond what was presented during the public hearing item above.

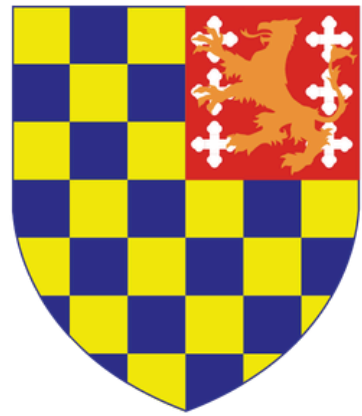
E. ADJOURNMENT:

Mayor Marasco stated that the public hearing would be closed and that deliberations would continue under the regular council meeting agenda. A motion to close the hearing was made by Councilmember Elder and seconded by Councilmember Ritzert. The motion carried unanimously and the meeting was adjourned at 5:24 PM.

Minutes submitted by: Jeffery Coover, Administrative Support Specialist
Minutes generated by HeyGov.ai
Transcripts available upon request

Minutes Approved By:

Tim Ritzert, Secretary



The City of Lewes
The First Town In The First State

CITY MANAGEMENT REPORT

**MAYOR AND CITY COUNCIL
REGULAR MEETING
June 8, 2026**



Lewes Pedestrian Improvements - American Legion & Massachusetts Avenue

 **We want to hear from you!**

Please join us for a public workshop about the **Massachusetts Avenue and American Legion Road Transportation Alternatives Program (TAP) Study**.

**Thursday, June 11, 2026
4:00 pm to 6:00 pm**

**Bonnie Osler Meeting Room
Margaret H. Rollins Community Center
101 Adams Avenue
Lewes, DE 19958**



The City of Lewes



The First Town In The First State



Come out to learn about the Study and provide feedback on potential improvements to enhance bicycle and pedestrian safety!
<https://publicinput.com/LewesPedImprovements>

City Events

LIVE MUSIC
STORYTELLING
VENDORS
SPOKEN WORD
KID ZONE

LEWES AFRICAN AMERICAN HERITAGE COMMISSION



DJ
DANCERS
FOOD TRUCKS
LEWES HISTORY TABLES
AND MORE

5th ANNUAL JUNETEENTH CELEBRATION

MARK YOUR CALENDAR!

SATURDAY, JUNE 27, 2026
1 PM - 6 PM

GEORGE H.P. SMITH PARK
JOHNSON & DUPONT AVE.
LEWES, DE 19958

INCLEMENT WEATHER LOCATION: FREDERICK D. THOMAS MIDDLE SCHOOL, 910 SUSSEX DR, LEWES, DE 19958

A COMMUNITY-WIDE FAMILY FRIENDLY EVENT
NO ENTRY OR VENDOR FEES
DONATIONS AND SPONSORSHIPS WELCOME

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5th ANNUAL JUNETEENTH CELEBRATION

SATURDAY
JUNE 27, 2026

1PM-6PM

GEORGE H.P. SMITH PARK
JOHNSON & DUPONT AVE.
LEWES, DE 19958

A FREE COMMUNITY-WIDE FAMILY FRIENDLY EVENT

FEATURING



SMOOTH AFRICAN BEATS
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SOUL STIRRING PRAISE
DONALD "SCOOBY" WALKER



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SIGNATURE D.C. GO-GO
POSITIVE VYBEZ BAND

Enjoy:

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Family Fun:

- KID ZONE
- VENDORS
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- LEWES BLACK HISTORY TABLES & MORE!

DELAWARE'S OWN
DJ BIG L



Summer Concert Series

The City of Lewes 2026 Summer Concert Series is proud to be part of the America 250 celebration!

The concerts take place on an open-air stage at Stango Park with the rain location at the Cape Henlopen High School. Changes to the schedule and any cancellations due to inclement weather will be posted on the City of Lewes Facebook Page and sent out via email blast.

The concerts are free to the public and family friendly. We encourage you to bring a chair or blanket, snacks, drinks, and of course, your love of music. Sign up for event reminders at: www.ci.lewes.de.us/list.aspx Under **Calendar**, select "Summer Concert Series"

Events are from 7:00 p.m. to 8:30 p.m.
See you in June!

Date	Group	Genre(s)
June 9, 2026	Fun Size	Rock, Soul, and R&B
June 16, 2026	Big Band Sound Concert	Big Band Music
June 23, 2026	Johnny Gio and the Neo Trio	Rock & Soul
June 26, 2026 *Friday *No Rain Location	287th Army Band *Sons of the American Revolution (SAR) will be in attendance for flag collection	Military Band
June 30, 2026	Mark Taylor	Country
July 7, 2026	Leroy Hawkes and the Hipnotics	Rock & Soul



Fourth of July Fireworks

For the eighth year, Go Fourth Lewes will be hosting a firework show on July 4. This year, Go Fourth Lewes is partnering with Lewes 250 to celebrate!

The City of Lewes gave a \$20,000 grant, however with costs rising, donations for this community and area business supported event are still being accepted: <https://gofourthlewes.org/>



Fourth of July Events

Horseback Ride Into Town: July 3, 5:30 PM @ From Lewes Elementary School to the Historic Lewes Campus

Reading of the Declaration of Independence: July 3, 6:00 PM @ Historic Lewes Campus

Art Show: July 4, 9:00 AM - 3:00 PM @ St. Peter's Square (bounded by Second, Third, Market, and Mulberry Streets)

Old Fashioned Kid's Games: July 4, 9:00-12:00 AM @ Second Street

Classic games and fun for young visitors in the heart of downtown, on Second Street.

Live Music on Second Street: July 4, 12:30-4:00 PM @ Second Street

Join various musicians as we celebrate this Independence day on Second Street with music!

Independence Day Boat Parade: July 4, 1:30-3:30 PM @ Lewes-Rehoboth Canal

The decorated boat parade on the Canal is organized by the Overfalls and the Lewes-Rehoboth Beach Rotary Club, and it is sponsored by the Freedom Boat Club. It departs at 1:30 from the Inlet and makes its way to the bridge. Winners are announced at the Overfalls at 3:30.

Doo-Dah Parade: July 4, 5:00-ish PM @ Kings Highway

The Doo-Dah Parade is a Lewes Independence Day staple. Ask different people about the Doo-Dah and you will get different descriptions. That is what makes it amazing!

The parade leaves from Manila Ave down Kings when organizers are ready to Doo-Dah.

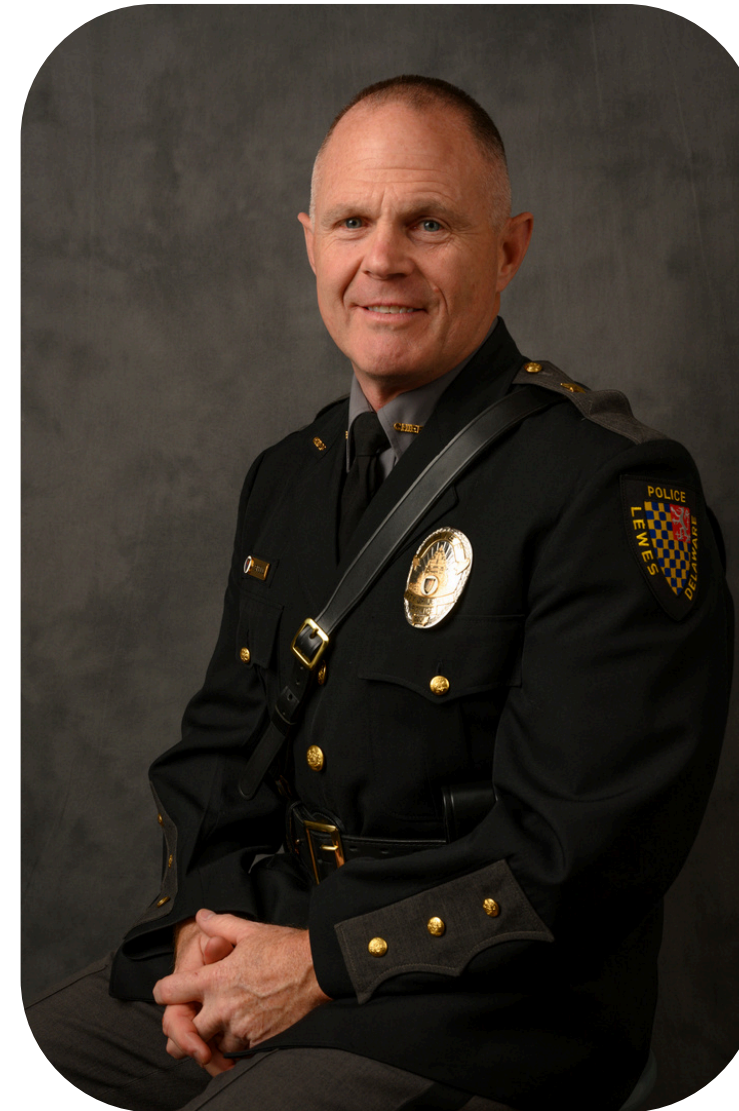
There is no contact info or website for the Doo-Dah, but it traditionally lines up along Manila Avenue and the line of participants winds up Savannah Road.

Fourth of July Fireworks: July 4, Dusk @ Savannah Beach

Work Anniversaries



Jim Azato
Police Lieutenant
24 years
6/10/2002



Thomas Spell
Police Chief
10 Years
6/15/2016

Hiring

Planning Department - City Planning Director

The City of Lewes is seeking a knowledgeable, collaborative, and community-focused City Planning Director to join our team. This position plays a key role in shaping Lewes' future growth, ensuring responsible development, and supporting long-range planning initiatives that preserve the unique character of our community.

Police Department - Certified Police Officer

The City of Lewes is hiring a Certified Police Officer. All candidates must be U.S. citizens and at least 21 years old by the time they complete the academy. Candidates must pass medical and psychological evaluations to ensure they are fit for duty. [Click here for more information.](#)

The City of Lewes is an Equal Opportunity Employer. All applicants will receive consideration without regard to race, creed, color, gender, age, religion, national origin, veteran or handicap status, sexual orientation, marital status, political affiliation, or any other non-merit factor.

Each job requires a separate application. You may obtain an Employment Application Form by contacting Lewes City Hall at 302-645-7777 or by printing a copy of the [Employment Application Form](#). Your completed Employment Application Form may be submitted electronically to hr@ci.lewes.de.us. You can also apply online by filling out the [Online Employment Application Form](#).

Committee Vacancies

Historic Preservation Architectural Review Commission (HPARC) - 1 Seat

First Thursday of the Month at 6:00 PM

The open seat must be filled by resident of the Historic District, per HPARC's regulations.

The goal of the HPARC is to encourage historical preservation, without discouraging creativity or growth, in keeping with the City's Core Values. Approval by the HPARC is required for, but not limited to, any work that alters the exterior facade of a structure visible from the public right of way.

Lewes Bicycle & Pedestrian Advisory Committee (BPAC) - 1 Seat

Fourth Tuesday of the Month at 5:30 PM

The Lewes Bicycle & Pedestrian Committee, appointed by the Mayor & City Council, is working towards meeting the goals of the Lewes Bicycle & Pedestrian Plan adopted and approved by Lewes City Council. They welcome your concerns and suggestions about any bicycling and pedestrian concerns that you believe may need attention.

Lewes Planning Commission (LPC) - 1 Seat

Third Wednesday of the Month at 6:30 PM

It is the responsibility of the Planning Commission to review and make recommendations to Mayor & City Council regarding land development, major & minor subdivision applications, amendments to the Zoning Ordinance and the updating of the Lewes Comprehensive Plan.

Committee Vacancies Cont'd

Parks & Recreation Commission (PRC) - 4 Seats

Third Monday of the Month at 5 PM

The Parks & Recreation Commission has general responsibility for the park system, playgrounds, Savannah Beach and Jonnie Walker Beach, recreational activities, and the urban forest (including trees, shrubs, and plants). The commission has supervisory authority over the maintenance of all areas that fall under its responsibility.

Public Art Committee (PAC) - 1 Seat

Fourth Wednesday of the Month at 5:30 PM

The mission of the Lewes Committee for Public Art is to integrate a wide range of quality art with public spaces in and around the City of Lewes. The Committee shall strive to elevate a sense of energy by encouraging work offered to challenge and stimulate local dialogue. The Committee shall promote visual arts to celebrate and/or frame spaces that are uniquely Lewes. Our mission shall be to raise the profile of Lewes as an arts destination.

Upcoming Meetings

Mayor & City Council

Work Session on Wednesday, June 24, 2026, at 10:00 AM at the Bonnie Osler Meeting Room.

Public Hearing on Monday, July 7, 2026, at 5:30 PM at the Bonnie Osler Meeting Room.

Regular Meeting on Monday, July 13, 2026, at 5:30 PM at City Hall.

[Agendas are published seven days in advance of the scheduled meeting. Click here to view.](#)

Board of Public Works

Regular BPW Meeting on Wednesday, June 24, 2026, at 4:00 PM at City Hall.

BPW Finance Committee Meeting – Monday, June 22nd @ 10am in BPW Conference Room

[Agendas are published seven days in advance of the scheduled meeting. Click here to view.](#)

Upcoming Closures

Juneteenth

Lewes City Hall and the Board of Public Works are closed on Friday, June 19, 2026 and will reopen on Monday, June 22, 2026, at 8:00 AM.

Independence Day

Lewes City Hall and the Board of Public Works are closed on Friday, July 3, 2026 and will reopen on Monday, July 6, 2026, at 8:00 AM.

Upcoming Meetings

Fourth Street Preserve

Wednesday, June 10, 2026, at 2:00 PM, City Hall

Economic, Environment, and Resiliency Commission

Wednesday, June 10, 2026, at 3:00 PM, City Hall

Public Art Committee Workshop

Wednesday, June 10, 2026, at 5:30 PM, Bonnie Osler Meeting Room

Parks & Recreation Commission

Monday, June 15, 2026, at 5:00 PM, Bonnie Osler Meeting Room

Lewes Planning Commission

Wednesday, June 17, 2026, at 6:30 PM, Bonnie Osler Meeting Room

Ordinance Review Ad-Hoc Committee

Thursday, June 18, 2026, at 11:30 AM, City Hall

Johnnie Walker Beach Subcommittee

Thursday, June 18, 2026, at 5:00 PM, City Hall

Lewes African American Heritage Commission

Thursday, June 18, 2026, at 6:00 PM, City Hall

Bicycle & Pedestrian Advisory Committee

Tuesday, June 23, 2026, at 5:30 PM, City Hall

Public Art Committee

Wednesday, June 24, 2026, at 5:30 PM, Bonnie Osler Meeting Room

Historic Preservation Architectural Review Commission

Thursday, July 2, 2026, at 6:00 PM, Bonnie Osler Meeting Room

[Agendas are published seven days in advance of the scheduled meeting. Click here to view.](#)

City Service Updates

Yard Waste

The next scheduled yard waste pickup will be on **Wednesday, June 24th**.

- [Click here to read more about yard waste pickup.](#)

Bulk Trash

The next Bulk Trash Pickup is scheduled for **Wednesday, June 24th**. Cost for pickup is \$50. Residents must call or visit City Hall if they would like to participate, as this service is provided on a first come, first served basis. You can reach the City Hall office by phone at 302-645-7777.

PLEASE NOTE: ITEMS SHOULD FIT WITHIN A 4'X4'X8' AREA.

- [Click here to read more about bulk trash pickup.](#)

Second Weekly Trash Pickup - Subscription Based

Beginning **Friday, June 26th** and continuing each Friday through and including **August 28th**, a second “trash only” collection will be subscription based. Please note that due to the **July 4th holiday**, the second trash collection for that week will be on **Thursday, July 2nd**.

Grant Updates

Safe Streets For All (SS4A)

Grant agreement has been signed by the City Manager. We cannot expend any funds until the fully executed agreement is received.

Next Step: Convene the core team members to begin project planning so that work can begin as soon as the executed agreement is received.

The Task: Establish a GIS-based safety action plan and budget, engage citizens in planning priorities, and communicate to the community when and where we are making safety improvements on our roadways.

City Projects

Restrooms

The project has been put on hold as City Staff reevaluate and engage the community. We are working on development of a limited pilot program and have reached out to the Children's Beach House for engagement.

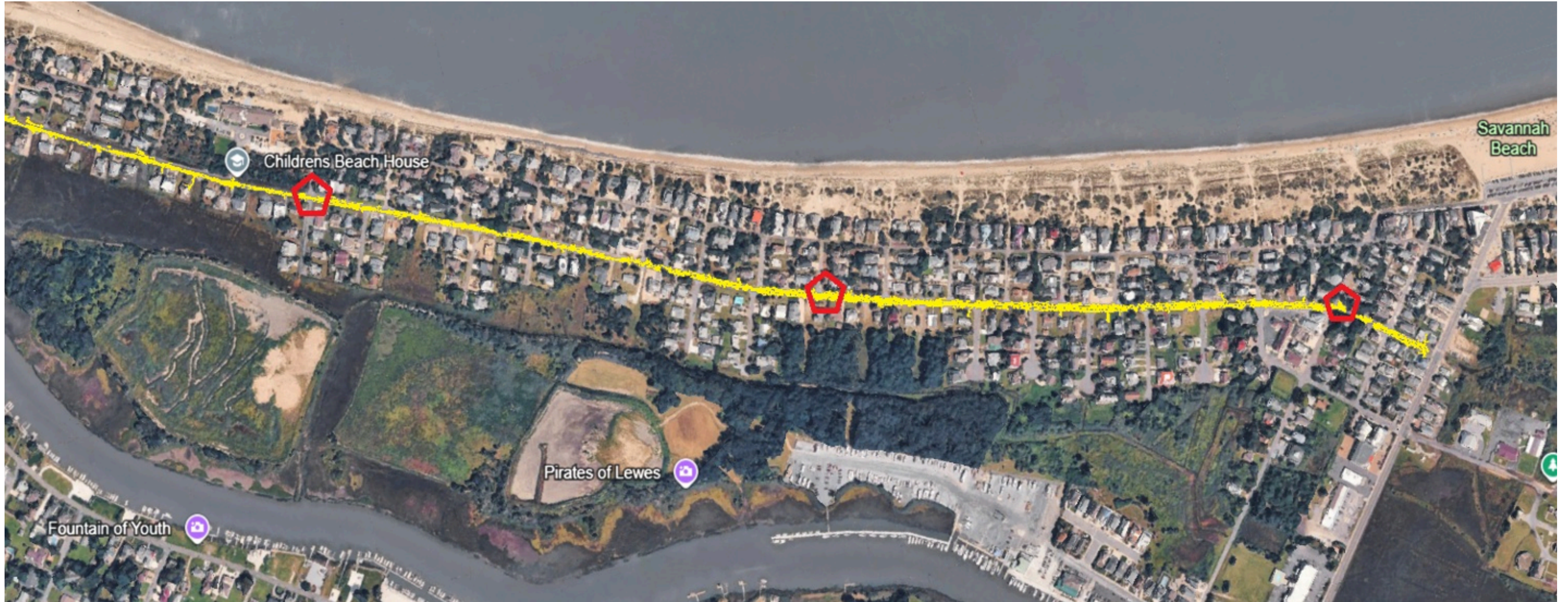
Cedar Street Stop Sign Project

Purpose: Safety

- **The Cedar Street corridor is a 1.54-mile uncontrolled residential roadway which runs from Savannah Road to the Roosevelt Inlet.**
- **Cedar has 25 separate Beachside named cross streets intersecting with Cedar Street**
- **This street is traveled by many residents, commercial delivery vehicles, beach visitors and pedestrians and cyclists.**
- **The City Administration, the Police Department and DeIDOT engaged to explore solutions to enhance safety for these roadway users.**

Cedar Street Corridor

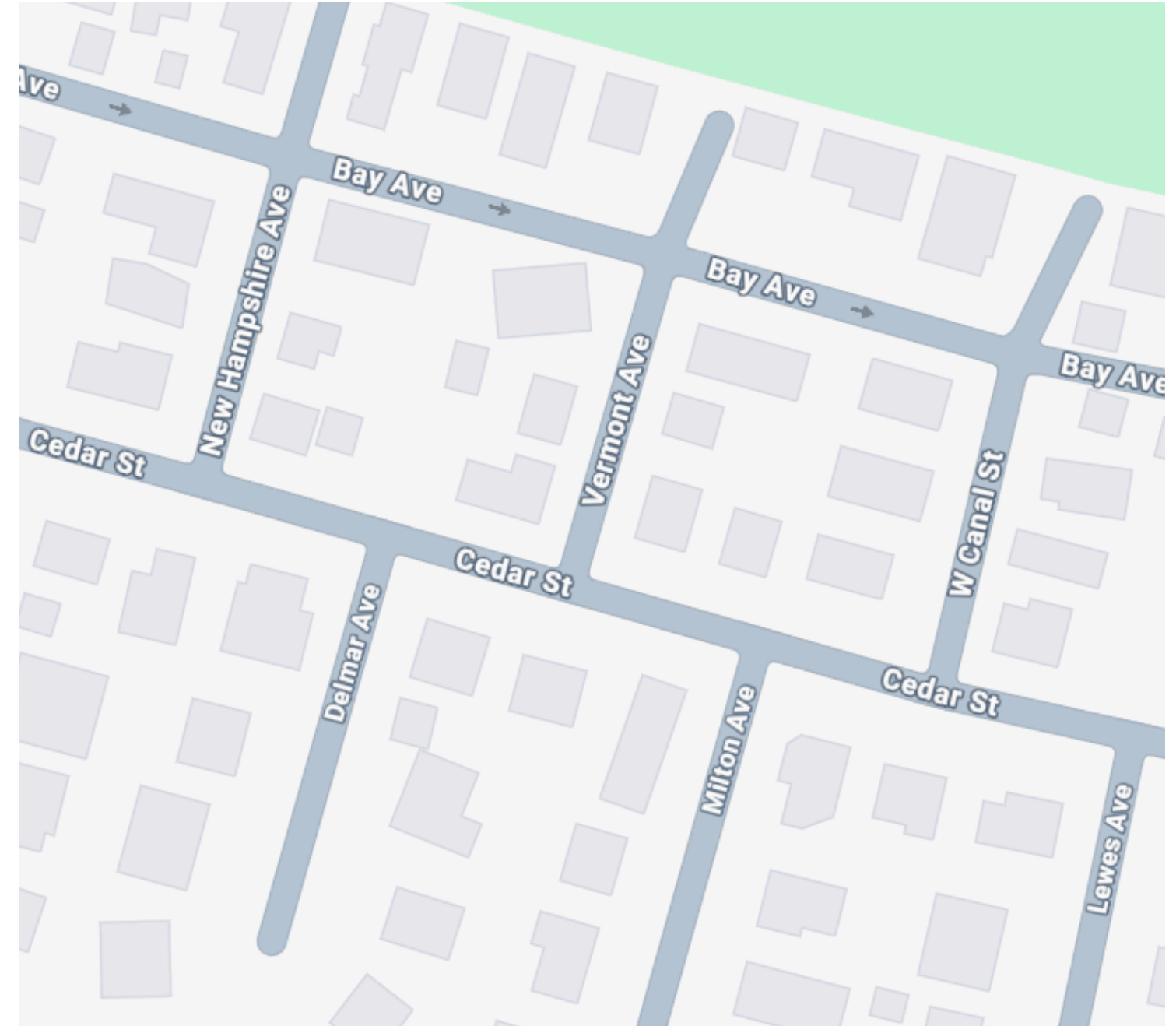
With Stop Sign Locations



Cedar Street Corridor

With Stop Sign Locations

- Midland
- E. Market
- Massachusetts
- E. Canal
- W. Canal
- Vermont
- New Hampshire
- Rhode Island
- Delaware
- Connecticut
- New York
- New Jersey
- Oregon
- Kentucky
- Ohio
- Indiana
- Illinois
- Michigan
- Pennsylvania (CBH Entrance)
- Washington
- California
- Missouri
- Iowa
- Nebraska
- Maine

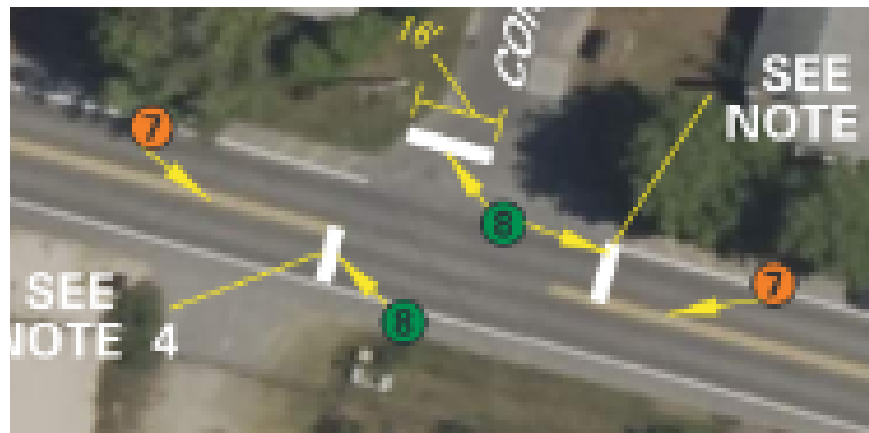


Location #1: E. Market and Cedar Street



- This intersection was selected as an ideal location to enhance safety of pedestrians and cyclists crossing Cedar Street here as it is a main route traveling from the town side.
- Cedar Street curves slightly which elevates safety concerns with reduced visibility

Location #2: Connecticut and Cedar Street



- This intersection was chosen as the location provides good sight lines for approaching vehicles and is a long straight-a-way.
- Additionally, it is approximately equidistant(@1/3) of the remaining distance of Cedar Street.

All New Stop Signs Will Have:



Electronic Sign Board Messages



Pre-Installation Message:

**“New Stop Sign Ahead
Coming June 22nd”**



Post-Installation Message:

**“3 New Stop Signs Ahead
Please Use Caution”**

Timeline for Implementation

- **DelDOT maps of the three intersections has been completed**
- **Maintenance has marked the locations of all signs**
- **Miss Utility/BPW has cleared the locations**
- **All signage will be placed in the Right of Way and not on Private Property**
- **Straight Line Striping has been contracted to install stop lines**
- **Maintenance Department will install all signs**
- **Week of June 22nd**

Community Notification Plan

- **City and Police Department website and Facenook announcements**
- **Flyers delieverd to adjacent homes**
- **City email blast to residents**
- **Notification to LBCA, Lewes Yacht Club and Children's Beach**
- **House for pass on to their distribution lists**
- **Notification to US Mail Postmaster**
- **Use of City Electronic Sign Boards**

Evaluation Criteria

- **Our Police Department is committed to periodic monitoring of these new controlled intersections and will give them special attention**
- **Police Department staff will review all citizen complaints and review all issues and accidents**

Fire Department Updates

Total Emergencies

- May 2026: 663
- Total for 2026: 3,214
- May 2025: 644

Fire Alarms

- Total for 2026: 526
- Total for May 2026: 112
 - In City Limits: 31
 - Out of District:
 - Georgetown: 0
 - Indian River: 5
 - Milton: 7
 - Rehoboth Beach: 4
- Total for May 2025: 93

Personnel

- Total Fire Sirens Activated: 12
- Total Number of Personnel Responding to Fire Alarms: 1,621
- Total Number of Personnel Responding to EMS Responses: 1,139

EMS Responses

- Total for 2026: 2,688
- Total for May 2026: 551
 - In City Limits: 157
 - Out of District:
 - Georgetown: 0
 - Indian River: 3
 - Milton: 2
 - Rehoboth Beach: 8
- Total for May 2025: 551



Police Department Updates

May 2026 Statistical Review

- Complaints handled - 235
- Outside Agency Assists- 6 (3 DSP, 2 DNREC, 1 Rehoboth)
- 9 Accidents - Property damage
- 157 Moving violations and warnings issued.
- 1,111 Parking Citations issued.
- 36 Business contacts and 230 property checks were made as well as 47 foot patrols during the month.

10 Adult Arrests with 13 Charges, including:

- Fugitive (2)
- Possession of Paraphernalia (2)
- DUI
- Harassment
- Failure to Comply with Fingerprinting & Photos
- Offensive Touching (2)
- Burglary
- Criminal Trespass
- Endangering the Welfare of a Child
- Theft less than \$1500

Training:

International Police Mountain Bike Association (IPMBA)

May 25th - 29th - 40 hour certification course: Nate Weir & Isaiah Brown

PoliceOne Academy

Implicit Bias



Gym Equipment

Thank you, Lewes Police Foundation, for purchasing a Rogue assault bike, rowing machine, and weights for off-duty officer use. Thanks to PFC Nate Weir for surveying staff, recommending the purchase, and assembling the equipment.

Police Department Updates

Police Department Wellness App

We are pleased to announce that the Lewes Police Department has entered into a Participation Agreement with the State of Delaware Department of Homeland Security and Lexipol for a Lewes Police Department specific Wellness App. DDHS has funded this 3-year project which is now available to all department staff and their families 24/7/365 via mobile and desktop devices. We want to acknowledge and thank PFC Siobhan Cooke for her hard work spearheading and implementing this initiative.



Move Over Law

If you see flashing lights or a vehicle stopped on the shoulder, move over a lane! Can't move over safely?

Slow down by 20 mph (if the speed limit is 50+ mph). To learn more, visit [ArriveAliveDE.com/Move-Over](https://www.arrivealiveDE.com/move-over)

Help Protect our First Responders!

Board of Public Works Updates

Pump Station 17 & 34 Resiliency Upgrades

- GMB completing design of necessary upgrades to include removal of pump station 17.
- Working with Delaware Housing Authority on acquiring necessary easements for installing gravity sewer line.

Elevated Water Storage Tank Project

- On-site structural work completed.
- Working on sand blasting and painting water tower.
- Scheduled project completion – September 2026.

Capes Cove W/S Installation Project

- Connected water/sewer mains to existing infrastructure.
- Sewer main installation completed, installing off-site water main and service lateral connections to mobile homes.
- Estimated project completion – July 2026.

Upcoming Events

- Regular BPW Meeting – Wednesday, June 24th @ 4:00pm in Council Chambers
- BPW Finance Committee Meeting – Monday, June 22nd @ 10am in BPW Conference Room



Electric, Water, and Sewer Utility

Board of Public Works Updates

Combined City & BPW Projects

4th Street/Park Avenue W/S/SW/Streets Replacement Project

- GMB continuing to work with staff on project infrastructure design and layout with M&CC approving streetscape design for 4th Street/Park Avenue on May 19th.
- Congressionally Designated Spending (CDS) funding application submitted and received support from Senators Blunt Rochester and Coons.
- Estimated start date of project – November/December 2026.

Hoornkill Avenue W/S/Streets Replacement Project

- Bid award granted by City and BPW on April 13th and April 22nd.
- Community meeting to discuss project details was held on May 18th with pre-construction meeting held on May 29th.
- Estimated start date of project – July 2026.



Building Official's Update – May 2026

Date: June 1, 2026

I. Permitting Activity May

- Number of Permit Applications Received:
- May 2026 – 114.
- May 2025 - 48.
- Permit Types: Residential – new construction(1), HVAC, sheds, repairs etc., several solar installations submitted this month.

II. Total permit fees:

- May 2026 - \$170,716.
- May 2025 - \$123,196.

III. Permits Issued:

- May 2026 – 63.
- May 2025 – 85
- Permit Processing Time: 10 - 15 business days.

IV. Inspections

- Total Inspections Completed:
- May 2026 – 128
 - 7 Reinspection's.
- May 2025 – 90
 - 24 Reinspection's.

V. Code Enforcement

- Code Complaints – Tall grass, dumpsters, property maintenance.
- Violations Issued - 15
- Business License verifications – 31, 9 working without a license
- Permit Checks – 26, violations -14.

Common Issues: Unpermitted work.

VI. Rentals Short/Long Term

- Short- Term Rental Units 280
 - Added 8 short-term rentals in Last 30 days.
- Long – Term Rental Units - 93
- Percent complaint: 89%

Refuse Tonnage	May 2026	2027 Fiscal YTD	May 2025	2026 Fiscal YTD
Recycling	N/A	26.40	47.79	84.44
Yard Waste	N/A	56.82	50.46	94.90
Beach Rake	7.96	24.99	5.45	20.39
Regular Trash	120.20	226.93	109.8	227.78

Parks & Marina Permits	May 2026	2027 Fiscal YTD	May 2025	2026 Fiscal YTD
Bonfires	59	68	77	98
Net House Reservations	8	14	3	7
Outdoor Amplification	26	29	23	24
Park Use / Events	13	19	13	16
Races & Parades	7	12	7	11
Rollins Room & Patio Use	7	11	3	6
Weddings	1	1	4	5

Beach Patrol	May 2026	2026 Calendar YTD	May 2025	2025 Calendar YTD
Rescues	0	0	0	0
Medicals	2	2	2	2
Jellyfish Stings	0	0	0	0
Reunited Families	2	2	0	0

Questions, Comments, and Concerns	May 2026	2026 Calendar YTD	May 2025	2025 Calendar YTD
Total Submissions	29	82	16	70
Most Utilized Form(s)	Beaches, Parks, & Playgrounds (9)	General (18)	General (5)	General (19)
Average Response Time	~1 Day	~ 1 Day	~ 1 Day	~ 1 Day



SPONSOR: Sen. Huxtable & Rep. K. Johnson
Sens. Hoffner, Lockman, Sokola, Sturgeon, Townsend;
Reps. Berry, Morrison

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 23

AN ACT TO AMEND TITLE 9, TITLE 22, AND TITLE 29 OF THE DELAWARE CODE RELATING TO HOUSING SUPPLY AND HOUSING AFFORDABILITY.

1 WHEREAS, Delawareans of all income levels deserve to have access to housing they can afford; and

2 WHEREAS, the 2023 Delaware State Housing Authority's Statewide Housing Needs Assessment concluded that
3 50% of Delaware renters and 21% of Delaware homeowners are "cost burdened", meaning rent or mortgage payments
4 consume 30% or more of the household's gross income; and

5 WHEREAS, Delaware lacks sufficient affordable housing to meet the needs of its residents, with an estimated
6 shortage of nearly 20,000 affordable units to meet the needs of renters with incomes of less than 50% of the Area Median
7 Income; and

8 WHEREAS, municipalities and counties in this State are required to engage in an comprehensive planning process
9 that takes housing into account, but the process can fall short when it comes to actually increasing the supply of housing,
10 particularly affordable housing, for Delaware residents; and

11 WHEREAS, zoning codes play a critical role in shaping housing supply and affordability, and can be used to
12 support a range of policy goals related to housing, including an increased supply of affordable housing and more diversity
13 in the types of housing available; and

14 WHEREAS, zoning codes can also impede strategic growth and development in the housing realm if they are not
15 consistent with best practices; and

16 WHEREAS, the April 2025 Affordable Housing Production Task Force Final Report identified local zoning
17 reform as essential to increasing housing supply and diversity, stating that "changes are needed at the local level to enable
18 more diverse housing types", and recommending the creation of a legislative framework for such changes; and

19 WHEREAS, Senate Joint Resolution No. 8 from the 153rd General Assembly created a technical assistance pilot
20 aimed at helping local jurisdictions modify their zoning ordinances to better support development, including housing
21 development, in this State; and

22 WHEREAS, while several local jurisdictions have taken advantage of the resources afforded by Senate Joint
23 Resolution No. 8 to modernize their zoning codes, addressing housing supply and affordability require a comprehensive,
24 statewide approach that goes beyond voluntary participation and technical assistance; and

25 WHEREAS, requiring local jurisdictions to take zoning-related measures to increase the supply and diversity of
26 housing, particularly affordable housing, while providing them with flexibility as to method, is a reasonable and measured
27 approach to closing this State's housing gaps.

28 NOW, THEREFORE:

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all
30 members elected to each house thereof concurring therein):

31 Section 2. Amend Subchapter II, Chapter 26, Title 9 of the Delaware Code by making deletions as shown by strike
32 through and insertions as shown by underline as follows:

33 Subchapter II. The Quality of Life Act

34 § 2652. Definitions.

35 For the purposes of this subchapter:

36 (2) "Comprehensive plan" or "comprehensive development plan" shall mean, from and after the respective
37 dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this
38 ~~subchapter.~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this
39 subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall
40 mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive
41 plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance
42 with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in
43 conformity with the map or map series of the comprehensive plan and county land use regulations enacted to
44 implement the other elements of the adopted comprehensive plan.

45 § 2656. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15,
46 2026].

47 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
48 implementation of the plan and its elements.

49 (g) The comprehensive plan shall include:

50 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
51 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
52 comprehensive plan shall include the following:

53 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

54 § 2656. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

55 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
56 implementation of the plan and its elements.

57 (g) The comprehensive plan shall include:

58 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
59 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
60 comprehensive plan shall include the following:

61 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

62 § 2658. Evaluation and appraisal of comprehensive plan.

63 (b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
64 land use or development actions by the County where the County's adopted comprehensive plan or portions thereof are
65 determined to be substantially inconsistent with state development ~~policies.~~ policies, including policies related to affordable
66 housing.

67 § 2660. County comprehensive plan.

68 (e) Within ~~48~~ 12 months of the date of adoption of the county comprehensive plan or revisions thereof, New
69 Castle County shall amend its official zoning map or maps to rezone all lands in accordance with the uses and intensities of
70 uses provided for in the future land use element for the County. In the event that the County does not complete the rezoning
71 within the required 12 month period, a rezoning request made by a property owner that is consistent with the future land use
72 map and applicable implementing provisions of the comprehensive plan, and that is made within 24 months of the date of
73 adoption of the county comprehensive plan or revisions thereof, must be approved within 90 days of delivery of the
74 application for the rezoning. If a public hearing was held in connection with the adoption or revision of the county
75 comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required for zoning and
76 rezoning under this title. In the event that the comprehensive plan includes provisions governing the rate of growth of
77 particular planning districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect
78 the timing elements of the comprehensive plan.

79 Section 2. Amend Subchapter II, Chapter 49, Title 9 of the Delaware Code by making deletions as shown by strike
80 through and insertions as shown by underline as follows:

81 Subchapter II. The Quality of Life Act

82 § 4952. Definitions.

83 For the purposes of this subchapter:

84 (2) “Comprehensive plan” or “comprehensive development plan” shall mean, from and after the respective
85 dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this
86 ~~subchapter.~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this
87 subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall
88 mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive
89 plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance
90 with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in
91 conformity with the map or map series of the comprehensive plan and county land use regulations enacted to
92 implement the other elements of the adopted comprehensive plan.

93 § 4956. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15,
94 2026].

95 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
96 implementation of the plan and its elements.

97 (g) The comprehensive plan shall include:

98 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
99 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
100 comprehensive plan shall include the following:

101 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

102 § 4956. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

103 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
104 implementation of the plan and its elements.

105 (g) The comprehensive plan shall include:

106 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
107 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
108 comprehensive plan shall include the following:

109 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

110 § 4958. Evaluation and appraisal of comprehensive plan.

111 (b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
112 land use or development actions by the county where the County's adopted comprehensive plan or portions thereof are
113 determined to be substantially inconsistent with State development ~~policies.~~ policies, including policies related to
114 affordable housing.

115 § 4960. County comprehensive plan.

116 (e) Within ~~48~~ 12 months of the date of adoption of the county comprehensive plan or revision thereof, Kent
117 County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses
118 provided for in the future land use element for the County. In the event that the County does not complete the rezoning
119 within the required 12 month period, a rezoning request made by a property owner that is consistent with the future land use
120 map and applicable implementing provisions of the comprehensive plan, and that is made within 24 months of the date of
121 adoption of the county comprehensive plan or revisions thereof, must be approved within 90 days of delivery of the
122 application for the rezoning. If a public hearing was held in connection with the adoption or revision of the county
123 comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required for zoning and
124 rezoning under this title. In the event that the comprehensive plan includes provisions governing the rate of growth of
125 particular planning districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect
126 the timing elements of the comprehensive plan.

127 Section 3. Amend Subchapter II, Chapter 69, Title 9 of the Delaware Code by making deletions as shown by strike
128 through and insertions as shown by underline as follows:

129 Subchapter II. The Quality of Life Act

130 § 6952. Definitions.

131 For the purposes of this subchapter:

132 (2) "Comprehensive plan" or "comprehensive development plan" shall mean, from and after the respective
133 dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this
134 ~~subchapter.~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this
135 subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall
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138 with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in

139 conformity with the map or map series of the comprehensive plan and county land use regulations enacted to
 140 implement the other elements of the adopted comprehensive plan.

141 § 6956. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15,
 142 2026].

143 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
 144 implementation of the plan and its elements.

145 (g) The comprehensive plan shall include:

146 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
 147 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
 148 comprehensive plan shall include the following:

149 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

150 § 6956. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

151 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
 152 implementation of the plan and its elements.

153 (g) The comprehensive plan shall include:

154 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
 155 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
 156 comprehensive plan shall include the following:

157 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

158 § 6958. Evaluation and appraisal of comprehensive plan.

159 (b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
 160 land use or development actions by the county where the county's adopted comprehensive plan or portions thereof are
 161 determined to be substantially inconsistent with State development ~~policies.~~ policies, including policies related to
 162 affordable housing.

163 § 6960. County comprehensive plan.

164 (e) Within ~~48~~ 12 months of the date of adoption of the county comprehensive plan or revisions thereof, Sussex
 165 County shall amend its official zoning map or maps to rezone all lands in accordance with the uses and intensities of uses
 166 provided for in the future land use element for the County. In the event that the County does not complete the rezoning
 167 within the required 12 month period, a rezoning request made by a property owner that is consistent with the future land use
 168 map and applicable implementing provisions of the comprehensive plan, and that is made within 24 months of the date of

169 adoption of the county comprehensive plan or revisions thereof, must be approved within 90 days of delivery of the
170 application for the rezoning. If a public hearing was held in connection with the adoption or revision of the county
171 comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required for zoning and
172 rezoning under this title. In the event that the comprehensive plan includes provisions governing the rate of growth of
173 particular planning districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect
174 the timing elements of the comprehensive plan.

175 Section 4. Amend § 702, Title 22 of the Delaware Code by making deletions as shown by strike through and
176 insertions as shown by underline as follows:

177 § 702. Comprehensive development plan [Effective until Nov. 15, 2026].

178 (b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development
179 strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its
180 boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land
181 within the community, and critical community development and infrastructure issues. The comprehensive planning process
182 shall demonstrate coordination with other municipalities, the county and the State during plan ~~preparation.~~ preparation and
183 comprehensive plans must be reviewed and certified by the State under § 9103 of Title 29. The comprehensive plan for
184 municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction,
185 a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements,
186 goals and planning components for public and private uses of land, transportation, economic development, affordable
187 housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water
188 and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in
189 accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity
190 and general public welfare of the jurisdiction's residents. The comprehensive plan for municipalities of greater than 2,000
191 population must also include an affordable housing plan consistent with Subchapter III of Chapter 92 of Title 29.

192 (h) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
193 land use or development actions by the municipality where the municipality's adopted comprehensive plan or portions
194 thereof are determined to be substantially inconsistent with State development policies, including policies related to
195 affordable housing.

196 § 702. Comprehensive development plan [Effective Nov. 15, 2026].

197 (b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development
198 strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its

199 boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land
 200 within the community, and critical community development and infrastructure issues. The comprehensive planning process
 201 shall demonstrate coordination with other municipalities, the county and the State during plan ~~preparation.~~ preparation and
 202 comprehensive plans must be reviewed and certified by the State under § 9103 of Title 29. The comprehensive plan for
 203 municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction,
 204 a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements,
 205 goals and planning components for public and private uses of land, transportation, economic development, affordable
 206 housing, community facilities, open spaces and recreation, protection of sensitive areas, climate change and resiliency,
 207 community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and
 208 such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes
 209 the health, safety, prosperity and general public welfare of the jurisdiction's residents. The comprehensive plan for
 210 municipalities of greater than 2,000 population must also include an affordable housing plan consistent with Subchapter III
 211 of Chapter 92 of Title 29.

212 (h) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
 213 land use or development actions by the municipality where the municipality's adopted comprehensive plan or portions
 214 thereof are determined to be substantially inconsistent with State development policies, including policies related to
 215 affordable housing.

216 Section 5. Amend § 9103, Title 29 of the Delaware Code by making deletions as shown by strike through and
 217 insertions as shown by underline as follows:

218 § 9103. Comprehensive Plan Review and Certification Process.

219 (f) Within 20 days of receipt of the findings and recommendations from the Cabinet Committee, the Governor
 220 shall certify the comprehensive plan or return the comprehensive plan to the municipality or county for revision. The
 221 municipality or county shall have the right to accept or reject any or all of the recommendations. The final decision on the
 222 adoption of the comprehensive plan is that of the municipality or county. plan if the plan is consistent with all
 223 comprehensive plan requirements under Title 9 for counties or Title 22 for municipalities, as applicable, and with State
 224 development policies. If the Governor determines a plan is not consistent with the statutory requirements for
 225 comprehensive plans or with State development policies, the Governor shall return the plan to the municipality or county
 226 for further revision in accordance with this section. If a plan is returned to a municipality or county for revisions, the
 227 municipality or county has 45 days to make the necessary revisions and return the plan to the Governor.

228 Section 6. Amend § 9202, Title 29 of the Delaware Code by making deletions as shown by strike through and
229 insertions as shown by underline as follows and redesignating accordingly:

230 § 9202. Definitions.

231 For the purpose of this chapter:

232 (1) “Affordable housing” means housing that is affordable to households making up to 80% of the AMI for
233 rental units and up to 120% of the AMI income for homeownership units.

234 (3) “Area median income” or “AMI” means the median income for households based on household size and
235 geographic area as established annually by the U.S. Department of Housing and Urban Development.

236 Section 7. Amend Chapter 92, Title 29 of the Delaware Code by making deletions as shown by strike through and
237 insertions as shown by underline as follows:

238 Subchapter III. Affordable Housing Act

239 § 9220. Purpose.

240 The purpose of this subchapter is to increase the supply and diversity of housing in this State for all income levels
241 by supporting local jurisdictions in their efforts to close housing supply gaps, including affordable housing supply gaps,
242 through measures such as rezoning to allow for higher-density development and more diverse housing types.

243 § 9221. Affordable housing plans.

244 (a) A local jurisdiction that has a population greater than 2,000 and that is required to adopt a comprehensive plan
245 under Title 9, Title 22, or this title must include an affordable housing plan consistent with this subchapter as part of its
246 comprehensive plan. The affordable housing plan must establish a concrete strategy with clearly defined and measurable
247 goals and outcomes to accomplish the following objectives:

248 (1) Make meaningful and measurable progress towards a strategic goal of having 20% of all housing units in
249 the local jurisdiction be affordable housing.

250 (2) Diversify the types of housing, including affordable housing, available in the local jurisdiction.

251 (b) An affordable housing plan developed under this subchapter must be reviewed and approved by the Director of
252 the Delaware State Housing Authority. A local jurisdiction must obtain approval of its initial affordable housing plan
253 concurrently with approval of its first comprehensive plan due after June 30, 2026. Thereafter, an affordable housing plan
254 must be included in every comprehensive plan.

255 (c) An affordable housing plan must be developed through an open and inclusive process, which must take place
256 concurrently with the comprehensive plan development process.

257 (d) Once an affordable housing plan is approved by the Director of the Delaware State Housing Authority, it
258 becomes incorporated into the local jurisdiction's comprehensive plan.

259 (e) At the request of a local jurisdiction, the Delaware State Housing Authority shall provide technical assistance
260 in implementing the elements of the local jurisdiction's affordable housing plan.

261 § 9222. Required and optional elements of affordable housing plans.

262 (a) An affordable housing plan developed under this subchapter must do all of the following:

263 (1) Clearly state the local jurisdiction's goals, policies, and objectives for increasing the housing supply for all
264 income levels, including how the local jurisdiction will achieve the requirement under paragraph § 9221 (a)(1) of this
265 title.

266 (2) Describe existing or planned efforts for the development of affordable housing, or, if such efforts do not
267 exist, efforts that the local jurisdiction will undertake to increase or improve affordable housing.

268 (3) Provide a timeline showing how the local jurisdiction will achieve the affordable housing objectives
269 established in the affordable housing plan.

270 (b) An affordable housing plan must include all of the following elements for increasing housing diversity and
271 production, including for affordable housing, in the local jurisdiction:

272 (1) Increases in maximum permitted residential density, including increases in the number of dwelling units
273 permitted per acre in order to facilitate an affordable and diverse housing stock.

274 (2) Authorization for a mix of housing types, including single-family detached, single-family attached,
275 duplexes, triplexes, multifamily dwellings, accessory dwelling units, cottage housing developments, and manufactured
276 housing without the need for a conditional use permit or special exception.

277 (3) If the total housing inventory consists of less than 20% of affordable housing units, revision of bulk
278 standards, including minimum lot sizes, maximum lot widths, minimum setbacks, minimum unit size, maximum lot
279 coverage, maximum building heights, and dedicated open space requirements.

280 (4) Replacement of discretionary reviews of residential development applications that conform without
281 conditions, variances, or exceptions with the zoning requirements of the local jurisdiction and the comprehensive plan
282 with a by-right administrative review and approval process, which at the discretion of the local jurisdiction, may
283 include a public meeting. A local jurisdiction's determination of whether to include or not include a public meeting and
284 the procedures of such public meeting supersede the provision of § 4811, § 6811 and § 6812 of Title 9.

285

286 (5) For local jurisdictions with a population greater than 10,000, identification of 1 or more zoning
287 designations that allow and are suitable for residential uses where emergency housing shelters, group homes, recovery
288 homes, or other supportive housing are allowed as a permitted use without a conditional use or other discretionary
289 permit required.

290 (c) An affordable housing plan must include at least 5 of the following elements for increasing housing production,
291 including affordable housing production, in the local jurisdiction:

292 (1) Provision of density bonuses or other incentives for including affordable housing units in residential and
293 mixed-use developments, which may include additional permitted dwelling units per acre, additional building height,
294 reduced parking requirements, or reduced open space requirements.

295 (2) Creation of transit-oriented development zoning designations with significant increases in density along
296 fixed transportation routes, including buses, trains, and other means of public transportation. Transit-oriented
297 development zoning designations must include the reduction or elimination of minimum parking requirements for
298 residential developments located within any of the following areas:

299 a. ¼ mile of a transit stop.

300 b. A designated town center.

301 c. A mixed-use zoning district.

302 (3) Creation of expedited or accelerated permit review and approval timelines for residential development
303 units that include affordable housing units.

304 (4) Provision of fee waivers, reductions, or deferrals for residential development units that include affordable
305 housing.

306 (5) Reduction or waiver of local impact fees for any affordable housing unit.

307 (6) Facilitation of diverse housing types at different price points by adopting form-based codes or other
308 alternative development standards in areas designated for growth in the comprehensive plan.

309 (7) Amendment of land use regulations to allow single-room occupancy housing as a permitted use in at least
310 1 residential zone.

311 (8) Amendment of land use regulations to allow transitional housing or emergency shelters as a permitted use
312 in at least 1 residential zone.

313 (9) Amendment of land use regulations to allow as a permitted use the conversion of commercial, office, and
314 retail spaces into mixed-use and residential use without burdensome bulk and area standards or conditions such as
315 parking requirements, setbacks, height restrictions, or open space requirements.

316 (10) Designation of at least 1 residential zone where multifamily housing is a permitted use by right, or if such
 317 zoning already exists, allowing for a substantial increase, through zoning or rezoning, in the amount of land zoned to
 318 allow additional multifamily housing as a permitted use by right.

319 § 9223. Reporting requirements.

320 (a) The Delaware State Housing Authority shall coordinate with the Office of State Planning Coordination to
 321 gather information from local jurisdictions regarding their compliance with the affordable housing plans developed under
 322 this subchapter.

323 (b) The Delaware State Housing Authority shall coordinate with the Office of State Planning to develop an annual
 324 report showing each local jurisdiction’s progress toward meeting the goals identified in its affordable housing plan.

325 (c) The Delaware State Housing Authority shall publish the reports required under this section on its website no
 326 later than May 15th of each year, beginning in 2028.

327 Section 8. This Act may be cited as “The Housing for Every Delawarean Act”.

SYNOPSIS

This Act aims to increase this State’s supply of housing. Despite rapid development, Delaware is facing a significant and growing shortage of affordable housing. Senate Joint Resolution No. 8 of the 1st session of the 153rd General Assembly created a pilot program designed to encourage local zoning reform efforts that would help increase affordable housing. While several local jurisdictions have taken advantage of the assistance offered by Senate Joint Resolution 8, the scope of the problem is statewide, and it will take more than isolated local reform to scale up housing production, particularly affordable housing production, to the degree necessary to meet this State’s needs. This Act seeks to address those needs by increasing access to housing for all income levels while allowing local jurisdictions the flexibility to develop their own strategies for doing so.

This Act is a Substitute for Senate Bill No. 23 and differs from Senate Bill No. 23 as follows:

(1) Senate Bill No. 23 gave the comprehensive plans for New Castle County, Kent County, and Sussex County the force of law, as is the case with the comprehensive plans in municipalities. This Substitute removes this provision for all 3 counties, so that only the land use map or map series part of the county comprehensive plan have the force of law, as is currently the case.

(2) Like Senate Bill No. 23, this Substitute reduces the amount of time a County has to rezone to conform land use with its comprehensive plan from 18 to 12 months. This Substitute also adds a provision that if a County does not complete this rezoning within the 12 months, and a property owner makes, within 24 months of the adoption of the comprehensive plan, a rezoning request that is consistent with the comprehensive plan’s future land use map, the rezoning request must be approved within 90 days of delivery of the rezoning application. If more than 24 months have passed since the adoption of the comprehensive plan, this provision does not apply. However, during that 24-month period, as long as a public hearing was held in connection with the comprehensive plan, all hearing and notice requirements otherwise required for zoning and rezoning will be deemed to have been met.

(3) Under Senate Bill No. 23, counties and municipalities were given 20 days to complete revisions to comprehensive plans that were returned by the Governor for further revision. This Substitute increases that period to 45 days. It also clarifies and provides additional detail regarding the revision and certification process.

(4) The requirements for the affordable housing plan under newly created Subchapter III of Chapter 92 of Title 29 have been reduced to reflect the fact that local jurisdictions already include some of the information required under Senate Bill No. 23 in their comprehensive plans.

(5) Senate Bill 23 required a minimum of 4 mandatory elements of an affordable housing plan. This Substitute increases the number of required elements of the affordable housing plan from 4 to 5, with the addition being that an affordable housing plan for a jurisdiction with greater than 10,000 population must include the identification of 1 or more zoning designations that allow and are suitable for residential uses where emergency shelters, group homes, recovery homes, or other supportive housing are allowed as a permitted use without a conditional use or other discretionary permit required.

(6) This Substitute clarifies the conditions under which discretionary reviews of residential development applications are replaced with a by-right process. Specifically, this Substitute provides that if a residential development application conforms without conditions, variances, or exceptions with the zoning requirements of the local jurisdiction and the comprehensive plan, by-right approval applies. Under the by-right process, the local jurisdiction determines whether to hold a public meeting about the application. The local jurisdiction's determination to hold or not hold a public meeting and the procedures of any public meeting held supersede the provision of 9 Del. C. §§4811, 6811 and 6812, regarding public hearings.

(7) This Substitute removes some of the reporting requirements included in Senate Bill 23 to simplify the process for local jurisdictions. Reporting is still mandatory, and the Delaware State Housing Authority and the Office of State Planning Coordination are still required to publish reported information on the Housing Authority website on an annual basis so that the public can see how local jurisdictions are meeting their obligations under this Act.

(8) Senate Bill No. 23 included technical corrections intended to make current code consistent with the standards of the Delaware Legislative Drafting Manual. This Substitute removes those technical corrections to avoid confusion over which changes were technical, and which were substantive.

Under § 1 of Article IX of the Delaware Constitution, this Act requires a two-thirds majority vote because the amendments it makes to Title 22 of the Delaware Code would indirectly amend the charter of one or more incorporated municipalities.

Author: Senator Huxtable



SPONSOR: Sen. Huxtable & Rep. K. Johnson
Sens. Hoffner, Lockman, Sokola, Sturgeon, Townsend;
Reps. Berry, Morrison

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 23

AN ACT TO AMEND TITLE 9, TITLE 22, AND TITLE 29 OF THE DELAWARE CODE RELATING TO HOUSING SUPPLY AND HOUSING AFFORDABILITY.

1 WHEREAS, Delawareans of all income levels deserve to have access to housing they can afford; and

2 WHEREAS, the 2023 Delaware State Housing Authority's Statewide Housing Needs Assessment concluded that
3 50% of Delaware renters and 21% of Delaware homeowners are "cost burdened", meaning rent or mortgage payments
4 consume 30% or more of the household's gross income; and

5 WHEREAS, Delaware lacks sufficient affordable housing to meet the needs of its residents, with an estimated
6 shortage of nearly 20,000 affordable units to meet the needs of renters with incomes of less than 50% of the Area Median
7 Income; and

8 WHEREAS, municipalities and counties in this State are required to engage in an comprehensive planning process
9 that takes housing into account, but the process can fall short when it comes to actually increasing the supply of housing,
10 particularly affordable housing, for Delaware residents; and

11 WHEREAS, zoning codes play a critical role in shaping housing supply and affordability, and can be used to
12 support a range of policy goals related to housing, including an increased supply of affordable housing and more diversity
13 in the types of housing available; and

14 WHEREAS, zoning codes can also impede strategic growth and development in the housing realm if they are not
15 consistent with best practices; and

16 WHEREAS, the April 2025 Affordable Housing Production Task Force Final Report identified local zoning
17 reform as essential to increasing housing supply and diversity, stating that "changes are needed at the local level to enable
18 more diverse housing types", and recommending the creation of a legislative framework for such changes; and

19 WHEREAS, Senate Joint Resolution No. 8 from the 153rd General Assembly created a technical assistance pilot
20 aimed at helping local jurisdictions modify their zoning ordinances to better support development, including housing
21 development, in this State; and

22 WHEREAS, while several local jurisdictions have taken advantage of the resources afforded by Senate Joint
23 Resolution No. 8 to modernize their zoning codes, addressing housing supply and affordability require a comprehensive,
24 statewide approach that goes beyond voluntary participation and technical assistance; and

25 WHEREAS, requiring local jurisdictions to take zoning-related measures to increase the supply and diversity of
26 housing, particularly affordable housing, while providing them with flexibility as to method, is a reasonable and measured
27 approach to closing this State's housing gaps.

28 NOW, THEREFORE:

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all
30 members elected to each house thereof concurring therein):

31 Section 1. Amend Subchapter II, Chapter 26, Title 9 of the Delaware Code by making deletions as shown by strike
32 through and insertions as shown by underline as follows:

33 Subchapter II. The Quality of Life Act

34 § 2652. Definitions.

35 For the purposes of this subchapter:

36 (2) "Comprehensive plan" or "comprehensive development plan" shall mean, from and after the respective
37 dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this
38 ~~subchapter.~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this
39 subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall
40 mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive
41 plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance
42 with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in
43 conformity with the map or map series of the comprehensive plan and county land use regulations enacted to
44 implement the other elements of the adopted comprehensive plan.

45 § 2656. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15,
46 2026].

47 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
48 implementation of the plan and its elements.

49 (g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 2656. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

(f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the implementation of the plan and its elements.

(g) The comprehensive plan shall include:

(6) A housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

§ 2658. Evaluation and appraisal of comprehensive plan.

(b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the County where the County's adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with state development ~~policies.~~ policies, including policies related to affordable housing.

§ 2660. County comprehensive plan.

(e) Within ~~48~~ 12 months of the date of adoption of the county comprehensive plan or revisions thereof, New Castle County shall amend its official zoning map or maps to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County.

(1) In the event that the County does not complete the rezoning required under this subsection (e) within the required 12-month period, a rezoning application filed by a property owner shall be approved if the requested zoning classification is substantially consistent with the future land use map or map series and applicable implementing provisions of the comprehensive plan, unless the County makes specific written findings, based on substantial evidence in the record, that one or more of the following apply:

a. The requested zoning classification is inconsistent with the future land use map or map series or applicable implementing provisions of the comprehensive plan.

b. The application fails to satisfy applicable procedural or submission requirements.

79 (2) The County shall determine whether a rezoning application filed by a property owner under paragraph
 80 (e)(1) of this section is complete within 10 days of submission. If the County does not issue a written completeness
 81 determination within 10 days, the application is deemed complete.

82 (3) The County shall take final action on the rezoning application within 90 days after the application is
 83 deemed complete, unless the applicant agrees in writing to an extension.

84 (4) If the County denies a rezoning application under this subsection (e), the denial must be in writing and
 85 must identify the specific future land use map designation or statutory standard upon which the denial is based.

86 (5) If a public hearing was held in connection with adoption of the comprehensive plan or revision of the
 87 comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required under this title.
 88 This provision does not prevent a local land use agency from adopting hearing and notice requirements.

89 (f) In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning
 90 districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect the timing elements
 91 of the comprehensive plan.

92 Section 2. Amend Subchapter II, Chapter 49, Title 9 of the Delaware Code by making deletions as shown by strike
 93 through and insertions as shown by underline as follows:

94 Subchapter II. The Quality of Life Act

95 § 4952. Definitions.

96 For the purposes of this subchapter:

97 (2) "Comprehensive plan" or "comprehensive development plan" shall mean, from and after the respective
 98 dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this
 99 ~~subchapter.~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this
 100 subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall
 101 mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive
 102 plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance
 103 with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in
 104 conformity with the map or map series of the comprehensive plan and county land use regulations enacted to
 105 implement the other elements of the adopted comprehensive plan.

106 § 4956. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15,
 107 2026].

108 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
109 implementation of the plan and its elements.

110 (g) The comprehensive plan shall include:

111 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
112 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
113 comprehensive plan shall include the following:

114 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

115 § 4956. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

116 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
117 implementation of the plan and its elements.

118 (g) The comprehensive plan shall include:

119 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
120 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
121 comprehensive plan shall include the following:

122 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

123 § 4958. Evaluation and appraisal of comprehensive plan.

124 (b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
125 land use or development actions by the county where the County's adopted comprehensive plan or portions thereof are
126 determined to be substantially inconsistent with State development ~~policies.~~ policies, including policies related to
127 affordable housing.

128 § 4960. County comprehensive plan.

129 (e) Within ~~18~~ 12 months of the date of adoption of the county comprehensive plan or revision thereof, Kent
130 County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses
131 provided for in the future land use element for the County.

132 (1) In the event that the County does not complete the rezoning required under this subsection (e) within the
133 required 12-month period, a rezoning application filed by a property owner shall be approved if the requested zoning
134 classification is substantially consistent with the future land use map or map series and applicable implementing
135 provisions of the comprehensive plan, unless the County makes specific written findings, based on substantial evidence
136 in the record, that one or more of the following apply:

137 a. The requested zoning classification is inconsistent with the future land use map or map series or
 138 applicable implementing provisions of the comprehensive plan.

139 b. The application fails to satisfy applicable procedural or submission requirements.

140 (2) The County shall determine whether a rezoning application filed by a property owner under paragraph
 141 (e)(1) of this section is complete within 10 days of submission. If the County does not issue a written completeness
 142 determination within 10 days, the application is deemed complete.

143 (3) The County shall take final action on the rezoning application within 90 days after the application is
 144 deemed complete, unless the applicant agrees in writing to an extension.

145 (4) If the County denies a rezoning application under this subsection (e), the denial must be in writing and
 146 must identify the specific future land use map designation or statutory standard upon which the denial is based.

147 (5) If a public hearing was held in connection with adoption of the comprehensive plan or revision of the
 148 comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required under this title.
 149 This provision does not prevent a local land use agency from adopting hearing and notice requirements.

150 (f) In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning
 151 districts or sub-areas of the County, the County’s zoning district regulations shall be amended to reflect the timing elements
 152 of the comprehensive plan.

153 Section 3. Amend Subchapter II, Chapter 69, Title 9 of the Delaware Code by making deletions as shown by strike
 154 through and insertions as shown by underline as follows:

155 Subchapter II. The Quality of Life Act

156 § 6952. Definitions.

157 For the purposes of this subchapter:

158 (2) “Comprehensive plan” or “comprehensive development plan” shall mean, from and after the respective
 159 dates by which the counties must be in compliance with this subchapter, a plan that meets the requirements of this
 160 ~~subchapter.~~ subchapter and that is reviewed and certified in accordance with § 9103 of Title 29. Wherever in this
 161 subchapter land use regulations are required to be in accordance with the comprehensive plan, such requirements shall
 162 mean only that such regulations must be in conformity with the applicable maps or map series of the comprehensive
 163 plan. Whenever in this subchapter land use orders, permits or zoning district changes are required to be in accordance
 164 with the comprehensive plan, such requirements shall mean only that such orders, permits and changes must be in
 165 conformity with the map or map series of the comprehensive plan and county land use regulations enacted to
 166 implement the other elements of the adopted comprehensive plan.

167 § 6956. Required and optional elements of comprehensive plan; studies and surveys [Effective until Nov. 15,
168 2026].

169 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
170 implementation of the plan and its elements.

171 (g) The comprehensive plan shall include:

172 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
173 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
174 comprehensive plan shall include the following:

175 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

176 § 6956. Required and optional elements of comprehensive plan; studies and surveys [Effective Nov. 15, 2026].

177 (f) The comprehensive plan and its elements shall contain policy recommendations and a timeline for the
178 implementation of the plan and its elements.

179 (g) The comprehensive plan shall include:

180 (6) A housing element that is consistent with county housing plans, standards and principles. Such housing
181 plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the
182 comprehensive plan shall include the following:

183 h. An affordable housing plan that complies with Subchapter III of Chapter 92 of Title 29.

184 § 6958. Evaluation and appraisal of comprehensive plan.

185 (b) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
186 land use or development actions by the county where the county's adopted comprehensive plan or portions thereof are
187 determined to be substantially inconsistent with State development ~~policies.~~ policies, including policies related to
188 affordable housing.

189 § 6960. County comprehensive plan.

190 (e) Within ~~48~~ 12 months of the date of adoption of the county comprehensive plan or revisions thereof, Sussex
191 County shall amend its official zoning map or maps to rezone all lands in accordance with the uses and intensities of uses
192 provided for in the future land use element for the County.

193 (1) In the event that the County does not complete the rezoning required under this subsection (e) within the
194 required 12-month period, a rezoning application filed by a property owner shall be approved if the requested zoning
195 classification is substantially consistent with the future land use map or map series and applicable implementing

196 provisions of the comprehensive plan, unless the County makes specific written findings, based on substantial evidence
 197 in the record, that one or more of the following apply:

198 a. The requested zoning classification is inconsistent with the future land use map or map series or
 199 applicable implementing provisions of the comprehensive plan.

200 b. The application fails to satisfy applicable procedural or submission requirements.

201 (2) The County shall determine whether a rezoning application filed by a property owner under paragraph
 202 (e)(1) of this section is complete within 10 days of submission. If the County does not issue a written completeness
 203 determination within 10 days, the application is deemed complete.

204 (3) The County shall take final action on the rezoning application within 90 days after the application is
 205 deemed complete, unless the applicant agrees in writing to an extension.

206 (4) If the County denies a rezoning application under this subsection (e), the denial must be in writing and
 207 must identify the specific future land use map designation or statutory standard upon which the denial is based.

208 (5) If a public hearing was held in connection with adoption of the comprehensive plan or revision of the
 209 comprehensive plan, that hearing shall satisfy all hearing and notice requirements otherwise required under this title.
 210 This provision does not prevent a local land use agency from adopting hearing and notice requirements.

211 (f) In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning
 212 districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect the timing elements
 213 of the comprehensive plan.

214 Section 4. Amend § 702, Title 22 of the Delaware Code by making deletions as shown by strike through and
 215 insertions as shown by underline as follows:

216 § 702. Comprehensive development plan [Effective until Nov. 15, 2026].

217 (b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development
 218 strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its
 219 boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land
 220 within the community, and critical community development and infrastructure issues. The comprehensive planning process
 221 shall demonstrate coordination with other municipalities, the county and the State during plan ~~preparation.~~ preparation and
 222 comprehensive plans must be reviewed and certified by the State under § 9103 of Title 29. The comprehensive plan for
 223 municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction,
 224 a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements,
 225 goals and planning components for public and private uses of land, transportation, economic development, affordable

226 housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water
227 and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in
228 accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity
229 and general public welfare of the jurisdiction's residents. The comprehensive plan for municipalities of greater than 2,000
230 population must also include an affordable housing plan consistent with Subchapter III of Chapter 92 of Title 29.

231 (h) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
232 land use or development actions by the municipality where the municipality's adopted comprehensive plan or portions
233 thereof are determined to be substantially inconsistent with State development policies, including policies related to
234 affordable housing.

235 § 702. Comprehensive development plan [Effective Nov. 15, 2026].

236 (b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development
237 strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its
238 boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land
239 within the community, and critical community development and infrastructure issues. The comprehensive planning process
240 shall demonstrate coordination with other municipalities, the county and the State during plan ~~preparation.~~ preparation and
241 comprehensive plans must be reviewed and certified by the State under § 9103 of Title 29. The comprehensive plan for
242 municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction,
243 a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements,
244 goals and planning components for public and private uses of land, transportation, economic development, affordable
245 housing, community facilities, open spaces and recreation, protection of sensitive areas, climate change and resiliency,
246 community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and
247 such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes
248 the health, safety, prosperity and general public welfare of the jurisdiction's residents. The comprehensive plan for
249 municipalities of greater than 2,000 population must also include an affordable housing plan consistent with Subchapter III
250 of Chapter 92 of Title 29.

251 (h) The State shall not be obligated to provide state financial assistance or infrastructure improvements to support
252 land use or development actions by the municipality where the municipality's adopted comprehensive plan or portions
253 thereof are determined to be substantially inconsistent with State development policies, including policies related to
254 affordable housing.

255 Section 5. Amend § 9103, Title 29 of the Delaware Code by making deletions as shown by strike through and
 256 insertions as shown by underline as follows:

257 § 9103. Comprehensive Plan Review and Certification Process.

258 (f) Within 20 days of receipt of the findings and recommendations from the Cabinet Committee, the Governor
 259 shall certify the comprehensive ~~plan or return the comprehensive plan to the municipality or county for revision.~~ The
 260 ~~municipality or county shall have the right to accept or reject any or all of the recommendations. The final decision on the~~
 261 ~~adoption of the comprehensive plan is that of the municipality or county.~~ plan if the plan is consistent with all
 262 comprehensive plan requirements under Title 9 for counties or Title 22 for municipalities, as applicable, and with State
 263 development policies. If the Governor determines a plan is not consistent with the statutory requirements for
 264 comprehensive plans or with State development policies, the Governor shall return the plan to the municipality or county
 265 for further revision in accordance with this section. If a plan is returned to a municipality or county for revisions, the
 266 municipality or county has 45 days to make the necessary revisions and return the plan to the Governor.

267 Section 6. Amend § 9202, Title 29 of the Delaware Code by making deletions as shown by strike through and
 268 insertions as shown by underline as follows and redesignating accordingly:

269 § 9202. Definitions.

270 For the purpose of this chapter:

271 (1) “Affordable housing” means housing that is affordable to households making up to 80% of the AMI for
 272 rental units and up to 120% of the AMI income for homeownership units.

273 (3) “Area median income” or “AMI” means the median income for households based on household size and
 274 geographic area as established annually by the U.S. Department of Housing and Urban Development.

275 Section 7. Amend Chapter 92, Title 29 of the Delaware Code by making deletions as shown by strike through and
 276 insertions as shown by underline as follows:

277 Subchapter III. Affordable Housing Act

278 § 9220. Purpose.

279 The purpose of this subchapter is to increase the supply and diversity of housing in this State for all income levels
 280 by supporting local jurisdictions in their efforts to close housing supply gaps, including affordable housing supply gaps,
 281 through measures such as rezoning to allow for higher-density development and more diverse housing types.

282 § 9221. Affordable housing plans.

283 (a) A local jurisdiction that has a population greater than 2,000 and that is required to adopt a comprehensive plan
 284 under Title 9, Title 22, or this title must include an affordable housing plan consistent with this subchapter as part of its

285 comprehensive plan. The affordable housing plan must establish a concrete strategy with clearly defined and measurable
286 goals and outcomes to accomplish the following objectives:

287 (1) Make meaningful and measurable progress towards a strategic goal of having 20% of all housing units in
288 the local jurisdiction qualify as affordable housing.

289 (2) Diversify the types of housing, including affordable housing, available in the local jurisdiction.

290 (b) An affordable housing plan developed under this subchapter must be developed in collaboration with the
291 Delaware State Housing Authority. Once an affordable housing plan is adopted, it becomes incorporated into the local
292 jurisdiction's comprehensive plan.

293 (c) Except as provided under subsection (d) of this section, a local jurisdiction must adopt its initial affordable
294 housing plan concurrently with its next comprehensive plan due after June 30, 2026. Thereafter, an affordable housing plan
295 must be included in every comprehensive plan.

296 (d) Notwithstanding the timeframe provided for under subsection (c) of this section, a local jurisdiction that will be
297 adopting its next comprehensive plan before February 1, 2027, is not required to adopt its first affordable housing plan or
298 comply with the requirements under § 9222 of this title until its next 5-year comprehensive plan review.

299 (e) An affordable housing plan must be developed through an open and inclusive process, which must take place
300 concurrently with the comprehensive plan development process.

301 (f) At the request of a local jurisdiction, the Delaware State Housing Authority shall provide technical assistance in
302 implementing the local jurisdiction's affordable housing plan.

303 § 9222. Required and optional elements of affordable housing plans.

304 (a) An affordable housing plan developed under this subchapter must do all of the following:

305 (1) Clearly state the local jurisdiction's goals, policies, and objectives for increasing the housing supply for all
306 income levels, including how the local jurisdiction will achieve the requirement under paragraph § 9221 (a)(1) of this
307 title.

308 (2) Describe existing or planned efforts for the development of affordable housing, or, if such efforts do not
309 exist, efforts that the local jurisdiction will undertake to increase or improve affordable housing.

310 (3) Provide a timeline showing how the local jurisdiction will achieve the affordable housing objectives
311 established in the affordable housing plan.

312 (b) An affordable housing plan must include all of the following elements for increasing housing diversity and
313 production, including for affordable housing, in the local jurisdiction:

314 (1) Increases in maximum permitted residential density, including increases in the number of dwelling units
315 permitted per acre in order to facilitate an affordable and diverse housing stock.

316 (2) Authorization for a mix of housing types, including single-family detached, single-family attached,
317 duplexes, triplexes, multifamily dwellings, accessory dwelling units, cottage housing developments, and manufactured
318 housing without the need for a conditional use permit or special exception.

319 (3) If the total housing inventory consists of less than 20% of affordable housing units, revision of bulk
320 standards, including minimum lot sizes, maximum lot widths, minimum setbacks, minimum unit size, maximum lot
321 coverage, maximum building heights, and dedicated open space requirements.

322 (4) Implementation of the provisions of § 9223 of this title.

323 (c) An affordable housing plan must include at least 5 of the following elements for increasing housing production,
324 including affordable housing production, in the local jurisdiction:

325 (1) Provision of density bonuses or other incentives for including affordable housing units in residential and
326 mixed-use developments, which may include additional permitted dwelling units per acre, additional building height,
327 reduced parking requirements, or reduced open space requirements.

328 (2) Creation of transit-oriented development zoning designations with significant increases in density along
329 fixed transportation routes, including buses, trains, and other means of public transportation. Transit-oriented
330 development zoning designations must include the reduction or elimination of minimum parking requirements for
331 residential developments located within any of the following areas:

332 a. ¼ mile of a transit stop.

333 b. A designated town center.

334 c. A mixed-use zoning district.

335 (3) Creation of expedited or accelerated permit review and approval timelines for residential development
336 units that include affordable housing units.

337 (4) Provision of fee waivers, reductions, or deferrals for residential development units that include affordable
338 housing.

339 (5) Reduction or waiver of local impact fees for any affordable housing unit.

340 (6) Facilitation of diverse housing types at different price points by adopting form-based codes or other
341 alternative development standards in areas designated for growth in the comprehensive plan.

342 (7) Amendment of land use regulations to allow single-room occupancy housing as a permitted use in at least
343 1 residential zone.

344 (8) Amendment of land use regulations to allow transitional housing, emergency housing shelters, group
345 homes, recovery homes, or other supportive housing as a permitted use in at least 1 residential zone.

346 (9) Amendment of land use regulations to allow as a permitted use the conversion of commercial, office, and
347 retail spaces into mixed-use and residential use without burdensome bulk and area standards or conditions such as
348 parking requirements, setbacks, height restrictions, or open space requirements.

349 (10) Designation of at least 1 residential zone where multifamily housing is a permitted use by right, or if such
350 zoning already exists, allowing for a substantial increase, through zoning or rezoning, in the amount of land zoned to
351 allow additional multifamily housing as a permitted use by right.

352 (d) Any elements included in this section that a local jurisdiction has completed or made significant and
353 measurable progress towards completing on or after July 15, 2024, may be counted towards satisfying the requirements of
354 this section.

355 § 9223. By-right residential uses.

356 (a) For purposes of this section, “objective standards” means standards that are measurable, uniformly applicable,
357 and not subject to discretionary personal judgment.

358 (b) A residential development application or a mixed-use development application with a significant residential
359 component for a use that is permitted by-right under the zoning ordinance of a county or local jurisdiction shall be reviewed
360 through an administrative review and approval process if the application complies with all applicable objective standards
361 and does not require a variance, special use permit, conditional use approval, special exception, rezoning, or other
362 discretionary approval.

363 (c) Nothing in this section prohibits a local jurisdiction from requiring review or approval by a planning
364 commission, planning board, or other administrative body, provided the review is limited to determining compliance with
365 applicable objective standards and does not authorize denial based on discretionary criteria.

366 (d) A local jurisdiction may hold a public meeting for a residential development application described in
367 subsection (b) of this section, provided that the public meeting is not a public hearing and does not create a discretionary
368 approval requirement.

369 (e) This section supersedes any inconsistent public hearing requirements applicable to a residential development
370 application described in subsection (b) of this section, including § 4811, § 6811, and § 6812 of Title 9.

371 § 9224. Reporting requirements.

372 (a) The Delaware State Housing Authority shall coordinate with the Office of State Planning Coordination to
 373 gather information from local jurisdictions regarding their compliance with the affordable housing plans developed under
 374 this subchapter.

375 (b) The Delaware State Housing Authority shall coordinate with the Office of State Planning to develop an annual
 376 report showing each local jurisdiction’s progress toward meeting the goals identified in its affordable housing plan.

377 (c) The Delaware State Housing Authority shall publish the reports required under this section on its website no
 378 later than May 15th of each year, beginning in 2028.

379 Section 8. This Act may be cited as “The Housing for Every Delawarean Act”.

SYNOPSIS

This Act aims to increase this State’s supply of housing. Despite rapid development, Delaware is facing a significant and growing shortage of affordable housing. Senate Joint Resolution No. 8 of the 1st session of the 153rd General Assembly created a pilot program designed to encourage local zoning reform efforts that would help increase affordable housing. While several local jurisdictions have taken advantage of the assistance offered by Senate Joint Resolution 8, the scope of the problem is statewide, and it will take more than isolated local reform to scale up housing production, particularly affordable housing production, to the degree necessary to meet this State’s needs. This Act seeks to address those needs by increasing access to housing for all income levels while allowing local jurisdictions the flexibility to develop their own strategies for doing so.

This Act is a second Senate substitute for Senate Bill No. 23 and differs from the first Senate substitute for Senate Bill No. 23 as follows:

(1) Senate Substitute No. 2 refines the process that occurs if a County fails to rezone in accordance with its comprehensive plan within 12 months. Like Senate Substitute No. 1, it provides that if rezoning does not occur as required, a property owner’s application must be approved if the requested zoning classification is substantially consistent with future land use map or map series and implementing provisions of the comprehensive plan. Senate Substitute No. 2 adds that denial can only occur if the County makes specific written findings that the requested zoning classification is inconsistent with the future land use map or map series or implementing provisions of the comprehensive plan, or that the application fails to satisfy procedural or submission requirements. If neither of these apply, the application must be approved within 90 days, unless the applicant agrees in writing to an extension.

(2) Senate Bill No. 23 required a minimum of 4 mandatory elements of an affordable housing plan. Senate Substitute No. 1 increased the number of required elements of the affordable housing plan from 4 to 5 by moving an element from optional to mandatory. That element was that an affordable housing plan for a jurisdiction with greater than 10,000 population must include the identification of 1 or more zoning designations that allow and are suitable for residential uses where emergency shelters, group homes, recovery homes, or other supportive housing are allowed as a permitted use without a conditional use or other discretionary permit required. Senate Substitute No. 2 removes this as a mandatory element and changes the newly optional element to read, “the amendment of land use regulations to allow transitional housing, emergency housing shelters, group homes, recovery homes, or other supportive housing as a permitted use in at least 1 residential zone.” It also removes the 10,000 population cap, making the element an option for all local jurisdictions, regardless of population size.

(3) Senate Bill No. 23 and Senate Substitute No. 1 for Senate Bill No. 23 required the Director of the Delaware State Housing Authority to approve all affordable housing plans. Senate Substitute No. 2 shifts the role of Delaware State Housing Authority to a more collaborative one by requiring local jurisdictions to work with the Delaware State Housing Authority to develop its plan.

(4) Senate Substitute No. 2 gives local jurisdictions credit for measures they are already taking to increase affordable housing. Any elements of affordable housing plans adopted on or after July 15, 2024, count toward meeting the requirements of the plan. This avoids duplication of efforts and recognizes the meaningful affordable housing work that many local jurisdictions are already doing.

(5) Senate Substitute No. 2 recognizes that some jurisdictions are very close to completing their comprehensive plans by exempting jurisdictions from some provisions of the Affordable Housing Act if they will be adopting their next comprehensive plan before February 1, 2027. If a local jurisdiction falls into that category, it does not need to comply with the provisions of § 9222 of the Act prior to the next 5-year review of its comprehensive plan.

(6) Senate Substitute No. 2 creates a new section addressing by-right residential uses and mixed-use uses with a significant residential component. The language around by-right review and approval previously included in the mandatory elements of an affordable housing plan section is replaced with a reference to the newly created section. Under that section, a residential development application or a mixed-use application with a significant residential component for a use that is permitted by-right under the zoning ordinance of a county or local jurisdiction will be reviewed through an administrative review and approval process, provided the application complies with objective standards, as defined in the bill, and does not require any type of discretionary approval. A local jurisdiction may still require review or approval by a planning commission, planning board, or other administrative body as long as the review is limited to determining compliance with objective standards and does not authorize denial based on discretionary criteria.

Like the first substitute for Senate Bill No. 23, Senate Substitute No. 2 differs from Senate Bill No. 23 as follows:

(1) Both substitutes remove a provision that would have given County comprehensive plans the force of law. Current law, where only the land use map or map series component of the comprehensive plan has the force of law, remains in place.

(2) Both substitutes reduce the amount of time a County has to rezone to conform land use with its comprehensive plan from 18 to 12 months.

(3) Senate Bill No. 23 gave local jurisdictions 20 days to complete revisions to comprehensive plans that were returned by the Governor for further revision. Both substitutes increase that period to 45 days and add additional details regarding the revision and certification process.

(4) The requirements for the affordable housing plan under newly created Subchapter III of Chapter 92 of Title 29 were reduced in Senate Substitute No. 1 to reflect the fact that local jurisdictions already include some of the information required under Senate Bill No. 23 in their comprehensive plans. Senate Substitute No. 2 retains these changes.

(5) Senate Substitute No. 1 and Senate Substitute No. 2 both remove some of the reporting requirements included in Senate Bill 23 to simplify the process for local jurisdictions. Reporting is still mandatory, and the Delaware State Housing Authority and the Office of State Planning Coordination are still required to publish reported information on the Housing Authority website on an annual basis so that the public can see how local jurisdictions are meeting their obligations under this Act.

(6) Senate Bill No. 23 included technical corrections intended to make current code consistent with the standards of the Delaware Legislative Drafting Manual. Senate Substitute No. 1 removed those technical corrections to avoid confusion over which changes were technical, and which were substantive. Senate Substitute No. 2 also removes those technical corrections for the same reason.

Under § 1 of Article IX of the Delaware Constitution, this Act requires a two-thirds majority vote because the amendments it makes to Title 22 of the Delaware Code would indirectly amend the charter of one or more incorporated municipalities.

Author: Senator Huxtable

Parking Ad Hoc Committee Mission Statement & Purpose:

The mission of the In-Town Parking Ad Hoc Committee is to hold sessions, review, research, prepare and recommend a master plan for in-town parking based on stakeholders' needs, addressing, inter alia, additional ways to increase in-town parking as appropriate. In creating the proposed masterplan, the Committees will evaluate and propose updates to City parking rules to maintain order and fund community upkeep. In so doing, the Committee is charged to balance residents' quality of life, organizations' needs, business' demand management, and the City's obligations to provide the same while being mindful of the need for revenue generation. This committee is necessary to keep the City's high-traffic in-town parking areas safe and functional.

The purpose of this committee is to create an in-town parking master plan for the City of Lewes and to present it to the Mayor and City Council within a year of the committee's creation.

The ad hoc committee shall be reviewed annually by the Mayor and City Council each May, beginning in 2027, to evaluate its contributions and determine whether continuation of the ad hoc committee and its mission is warranted.

Proposed Membership would include:

Voting Members

3 Lewes Residents

2 business owners

1 non-profit community or faith-based organization

1 Member from the Lewes Planning Commission charged with Traffic and Parking for the Strategic Plan.

Non-Voting Members

1 member from the Lewes Police Department

1 member from the Lewes Parking Enforcement Division

1 member from the Lewes Maintenance Department

The City Manager or their designee

The City Treasurer

Presented to Mayor and City Council on 06/08/2026

**A RESOLUTION
OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEWES, DELAWARE,
APPROVING THE CITY OF LEWES BOARD OF PUBLIC WORKS PLAN TO
BORROW (A) \$4,413,565 FROM THE DELAWARE WATER POLLUTION
CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL, FOR THE PURPOSE OF FINANCING THE SUPPLEMENTAL 4TH
STREET AND PARK AVENUE SEWER IMPROVEMENTS PROJECT AND (B)
\$2,241,347 FROM THE DELAWARE DRINKING WATER STATE REVOLVING
FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF
HEALTH AND SOCIAL SERVICES, FOR THE PURPOSE OF FINANCING THE
SUPPLEMENTAL 4TH STREET AND PARK AVENUE WATER
IMPROVEMENTS PROJECT, BOTH SUCH PROJECTS OF THE CITY OF
LEWES BOARD OF PUBLIC WORKS**

WHEREAS, the City of Lewes Board of Public Works (the “Board”) has previously issued its \$5,233,435 Revenue Bond (4th Street and Park Avenue Sewer Improvements Project), Series 2025C-WPCRF on March 14, 2025 (the “2025C WPCRF Bond”) to secure a loan (the “2025C WPCRF Loan”) from the Delaware Department of Natural Resources and Environmental Control (“DNREC”) to finance the costs associated with the replacement of approximately 2,850 linear feet of existing terracotta and cast-iron sanitary sewer main and house sewer service laterals for 44 properties, including 6-, 8-, 10- and 15-inch diameter PVC sewer pipe and fourteen precast concrete manholes (collectively, the “4th Street and Park Avenue Sewer Improvements Project”); and

WHEREAS, due to an expansion of the 4th Street and Park Avenue Sewer Improvements Project, the Board requested a supplemental loan from DNREC, in the amount of \$4,413,565, to the 2025C WPCRF Loan to finance the expansion of the 4th Street and Park Avenue Sewer Improvements Project; and

WHEREAS, the Board has previously issued its \$3,354,653 Revenue Bond (4th Street and Park Avenue Water Improvements Project), Series 2025A-DWSRF on March 14, 2025 (the “2025A DWSRF Bond”) to secure a loan (the “2025A DWSRF Loan”) from the Delaware Department of Health and Social Services (“DHSS”) to finance the costs associated with the replacement of (i) approximately 2,000 feet of various sized cast iron and ductile iron water main on 4th Street from Savannah Road to Burton Avenue with new 10”/12” PVC water main and (ii) aging water distribution system infrastructure, including approximately 29 house service pipes with potential lead service piping components (collectively, the “4th Street and Park Avenue Water Improvements Project”); and

WHEREAS, due to an expansion of the 4th Street and Park Avenue Water Improvements Project, the Board requested a supplemental loan from DHSS, in the amount of \$2,241,347, to the 2025A DWSRF Loan to finance the expansion of the 4th Street and Park Avenue Water Improvements Project; and

WHEREAS, the Board received a Binding Commitment Letter dated April 6, 2026 (the “WPCRF Commitment Letter”) from the Delaware Water Pollution Control Revolving Fund (the “WPCR Fund”), acting by and through DNREC, offering a supplemental loan in the amount of \$4,413,565, for a term equal to the term of the 2025C WPCRF Bond being supplemented, such date being March 1, 2058, at an annualized interest rate of 2.0%, to fund the 4th Street and Park Avenue Sewer Improvements Project, said loan (the “Supplemental WPCRF Loan”) to be secured by a revenue pledge of the Board pursuant to Section 4.14.1.1 of the Charter of the Lewes Board of Public Works, being Chapter 10, Volume 77, Laws of Delaware as amended (the “Board Charter”); and

WHEREAS, the Board received a Binding Commitment Letter dated April 15, 2026 (the “DWSRF Commitment Letter”) from the Delaware Drinking Water State Revolving Fund (the “DWSR Fund”), acting by and through DHSS, offering a supplemental loan in the amount of \$2,241,347, for a term equal to the term of the 2025A DWSRF Bond being supplemented, such date being March 1, 2058, at an annualized interest rate of 2.0%, to fund the 4th Street and Park Avenue Water Improvements Project, said loan (the “Supplemental DWSRF Loan”) to be secured by a revenue pledge of the Board pursuant to the Board Charter; and

WHEREAS, the Board desires to accept the Supplemental WPCRF Loan and the Supplemental DWSRF Loan under the terms provided in the WPCRF Commitment Letter and the DWSRF Commitment Letter; and

WHEREAS, pursuant to Section 4.14.1.1 of the Board Charter, the Board “shall obtain the prior consent of the Mayor and City Council” to accept the Supplemental WPCRF Loan and the Supplemental DWSRF Loan; and

WHEREAS, consistent with the WPCRF Commitment Letter and the DWSRF Commitment Letter and the Board Charter, the Mayor and City Council of the City of Lewes desire to consent to the Board’s plan to finance the expansion of the 4th Street and Park Avenue Sewer Improvements Project and the expansion of the 4th Street and Park Avenue Water Improvements Project with the Supplemental WPCRF Loan and the Supplemental DWSRF Loan, to enter into a financing agreement for the Supplemental WPCRF Loan with DNREC and a financing agreement for the Supplemental DWSRF Loan with DHSS (collectively, the “Financing Agreements”), and to issue its revenue bonds, one for the Supplemental WPCRF Loan and one for the Supplemental DWSRF Loan, to secure the same; and

WHEREAS, the Mayor and City Council of the City of Lewes further desire to consent to the City of Lewes Board of Public Works taking any and all actions necessary or desired to execute the respective Financing Agreements and any related documents with respect to the respective Supplemental WPCRF Loan and the Supplemental DWSRF Loan; and

WHEREAS, the Mayor and City Council of the City of Lewes consent to the Board’s financing plan in reliance upon each of the revenue bonds’ notation indicating that

“NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE CITY OF LEWES IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, OR INTEREST ON THIS BOND, NOR IS THE CITY OF LEWES IN ANY MANNER OBLIGATED TO MAKE ANY APPROPRIATION FOR PAYMENT THEREOF.”

NOW, THEREFORE, BE IT ~~RESOVED~~**RESOLVED** by the Mayor and City Council of the City of Lewes, Delaware in session met this 8th day of June, 2026, that:

Section 1. The Mayor and City Council of the City of Lewes hereby consents to the Board taking any and all actions necessary or desired to execute the respective Financing Agreements, one for each of the Supplemental WPCRF Loan and the Supplemental DWSRF Loan, issue its revenue bonds, one for each of the Supplemental WPCRF Loan and the Supplemental DWSRF Loan, to secure the same, and to execute any related documents, with terms substantially similar to those provided in the WPCRF Commitment Letter and the DWSRF Commitment Letter (attached hereto as Exhibit A).

Section 2. For avoidance of doubt, nothing in this Resolution shall be deemed to: i) constitute an authorization of indebtedness of the City; ii) pledge the faith and credit or taxing power of the City; or iii) create an obligation or liability of the City, whether direct or indirect, express or implied with respect to the Supplemental WPCRF Loan, the Supplemental DWSRF Loan, or any related bonds or financing documents.

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Section 23. This Resolution shall be effective upon its adoption by the elected members of the City Council of the City of Lewes.

Adopted by the Mayor and City Council
of the City of Lewes
June 8, 2026

I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Mayor and City Council at its meeting on June 8, 2026 at which a quorum was present and voting throughout and the same is still in full force and effect.

Secretary of the City Council
of the City of Lewes

Exhibit A
(Attached)



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
 ENVIRONMENTAL CONTROL**

OFFICE OF THE SECRETARY
 ENTERPRISE BUSINESS PARK
 97 COMMERCE WAY, SUITE 106
 DOVER, DELAWARE 19904

ENVIRONMENTAL
 FINANCE

April 6, 2026

Mr. Robin Davis
 General Manager
 Lewes Board of Public Works
 107 Franklin Avenue
 Lewes, DE 19958

RE: Delaware Water Pollution Control Revolving Fund Binding Commitment O
 Lewes Board of Public Works – Supplemental 4th Street and Park Avenue Sewer In
 Project

Dear Mr. Davis:

On behalf of the Delaware Water Pollution Control Revolving Fund ("Fund") Delaware Department of Natural Resources and Environmental Control ("Department") pleased to advise you that a Loan ("Loan") has been authorized from the Fund to the Board of Public Works ("Lewes BPW") in the amount of **\$4,413,565** for the existing original Loan. The Loan will be used to finance the replacement of approximately 2 feet of existing terracotta and cast-iron sanitary sewer main and house sewer service 44 properties. The area of construction includes 4th Street from Savannah Road to E Avenue and on Park Avenue and Johnson Avenue. The proposed construction will include 10- and 15-inch diameter PVC sewer pipe and fourteen precast concrete manholes.

The loan interest rate shall be **2%**. **During the disbursement period, the loan rate shall be 0%**. After the Project has been completed, principal and interest payments shall be paid semi-annually in an amount sufficient to amortize the outstanding balance over the maturity date, March 1, 2058.

It is understood that a Revenue Bond from Lewes BPW will secure the Loan costs incurred by the Fund, associated with loan closing, shall be borne by Lewes BPW.

April 6, 2026
WPCRF Binding Commitment Letter
Lewes BPW- Supplemental 4th Street & Park Ave Project
Page | 2

discretion. Loan closing and the disbursement of funds shall remain subject to satisfactory conditions established by the fund.

Lewes BPW shall comply in all respects with all applicable Fund requirements a reporting, federal laws, regulations, and other requirements related to or arising out of, o connection with funding by the Fund. The BPW shall also comply in all respects with tl Federal Single Audit Act, 2 CFR 200 Subpart F, as a sub-recipient of Federal funds. Th Catalog of Federal Domestic Assistance (CFDA) number for the Fund is 66.458. Where noncompliance of such requirements is determined by the Fund or the Department, the i shall be referred to the proper federal authority and/or agency for consultation and/or enforcement action.

If you have any questions concerning the foregoing, please contact this office at 739-9941. If you concur with the terms and conditions stated above, please acknowledge acceptance by signing below and returning the original to this office no later than May 6

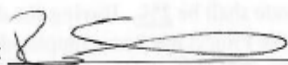
If Loan closing shall not have occurred within 120 days of receipt of this letter, t reserves the right to discontinue processing Lewes BPW's application.

Sincerely,
FOR THE DELAWARE WATER POLLUTION
CONTROL REVOLVING FUND

Laura Robbins

Laura Robbins
Chief of Administration
Environmental Finance
DNREC- Office of the Secretary

The foregoing terms and conditions are hereby acknowledged and accepted this 9th d
April, 2026.

By: 
Mr. Robin Davis
General Manager



STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES AND
 ENVIRONMENTAL CONTROL
 OFFICE OF THE SECRETARY
 ENTERPRISE BUSINESS PARK
 97 COMMERCE WAY, SUITE 106
 DOVER, DELAWARE 19904

ENVIRONMENTAL
 FINANCE

PHON
 FAX

April 15, 2026

Mr. Robin Davis
 General Manager
 Lewes Board of Public Works
 107 Franklin Avenue
 Lewes, DE 19958

RE: Delaware Drinking Water State Revolving Fund Binding Commitment Letter Offer, Lewes Board of Public Works – Supplemental 4th Street and Park Avenue Water Improvements Project

Dear Mr. Davis:

On behalf of the Delaware Drinking Water State Revolving Fund (Fund), the Department of Health and Social Services (Department) is pleased to advise you that a supplemental Loan (Loan) has been authorized from the Fund to the Lewes Board of Public Works (the BPW) in the amount of **\$2,241,347** for a term of **thirty (30) years** for the 4th Street and Park Avenue Water Improvement Project. The project will replace approximately 2,000 feet of various sized cast iron and ductile iron water main on 4th Street from Savannah Road to Burton Avenue with new 10"/12" PVC water main. In addition to the water main replacement work, the project will replace aging water distribution system infrastructure including approximately 29 house service pipes with potential lead service piping components. As necessary, water meters will be replaced and relocated to the property line to allow for easier meter reading. Approximately six (6) new fire hydrants will replace those on 4th Street within the project area. Therefore, connections from the new PVC water main on 4th Street will extend beyond the current Street right-of-way (ROW) limits to allow for future pipe replacement projects. The project will also replace approximately 620 feet of 4" cast iron water main on Park Avenue from 4th Street to Johnson Avenue, and on Johnson Avenue from Park Avenue to DuPont Avenue with new 8" PVC water main.

The loan interest rate shall be **2%**. **During the disbursement period, the loan interest rate shall be 0%.** After the Project has been completed, principal and interest payments shall be paid annually in an amount sufficient to amortize the outstanding balance over the original maturity date of March 1, 2058.

April 15, 2026
DWSRF Binding Commitment Letter
Lewes BPW- Supplemental 4th Street & Park Ave Water Improvements Project
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condition changes in any way deemed material by the Fund at its sole discretion. Loan closing disbursement of funds shall remain subject to the satisfaction of any conditions established by the

The BPW shall comply in all respects with all applicable Fund requirements and report federal laws, regulations, and other requirements related to or arising out of, or in connection with funding by the Fund, including but not limited to all requirements outlined in the financing agreement entered into by the Department and the BPW. The BPW shall also comply in all respects with the Federal Single Audit Act, 2 CFR 200 Subpart F, as a sub-recipient of Federal funds. The Catalog of Federal Domestic Assistance (CFDA) number for the Fund is 66.468. Where noncompliance with any requirements is determined by the Fund or the Department, the issue shall be referred to the proper authority and/or agency for consultation and/or enforcement action.

If you have any questions concerning the foregoing, please contact this office at 302-739-7300. If you concur with the terms and conditions stated above, please acknowledge your acceptance below and returning the original to this office no later than May 15, 2026.

If Loan closing shall not have occurred within 120 days of receipt of this letter, the Fund reserves the right to discontinue processing the BPW's application.

Sincerely,
FOR THE DELAWARE DRINKING WATER STATE REVOLVING FUND

Laura Robbins
Laura Robbins
Chief of Administration, Environmental Finance
DNREC - Office of the Secretary

The foregoing terms and conditions are hereby acknowledged and accepted this 15th day of APRIL, 2026.

By: [Signature]
Mr. Robin Davis
General Manager
Board of Public Works of the City of Lewes

A RESOLUTION
AUTHORIZING THE CITY MANAGER OR DESIGNEE TO APPLY FOR FUNDING
THROUGH THE BUILDING RESILIENT INFRASTRUCTURE AND
COMMUNITIES PROGRAM IN ACCORDANCE WITH THE SUSSEX COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN ADOPTED BY THE
LEWES MAYOR & CITY COUNCIL

WHEREAS, the City of Lewes is vulnerable to damages from hazard events, including flooding, coastal storms, severe weather, and other natural hazards, which pose a threat to public health and safety and could result in property loss, infrastructure damage, and economic hardship; and

WHEREAS, the Federal Emergency Management Agency administers the Building Resilient Infrastructure and Communities Program (BRIC) to support states and local governments in undertaking hazard mitigation projects that reduce disaster risk and strengthen community resilience; and

WHEREAS, the City of Lewes has previously adopted the Sussex County Multi-Jurisdictional Hazard Mitigation Plan as an official plan of the City of Lewes; and

WHEREAS, the Sussex County Multi-Jurisdictional Hazard Mitigation Plan identifies hazard mitigation goals, objectives, and recommended actions intended to reduce or eliminate long-term risk to people, property, public infrastructure, and community assets from natural hazards; and

WHEREAS, participation in and adoption of a FEMA-approved hazard mitigation plan supports the City's eligibility to pursue hazard mitigation grant funding opportunities, including funding through the Building Resilient Infrastructure and Communities Program; and

WHEREAS, the Mayor and City Council desire to authorize the City Manager or the City Manager's designee to prepare, submit, execute, and administer any necessary documents associated with an application for funding through the Building Resilient Infrastructure and Communities Program.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Lewes, in session met, this 8th day of June, 2026, a quorum pertaining at all times thereto, that:

1. The City Manager, or their designee, is hereby authorized to submit an application to the Federal Emergency Management Agency, the Delaware Emergency Management Agency, Sussex County, or any other appropriate agency for funding through the Building Resilient Infrastructure and Communities Program.
2. The application may seek funding for eligible hazard mitigation planning, design, project, or resilience activities consistent with the Sussex County Multi-Jurisdictional Hazard Mitigation Plan adopted by the Mayor and City Council of the City of Lewes.
3. The City Manager, or their designee, is hereby authorized to take actions reasonably necessary to prepare, submit, and advance such application, including providing required certifications and supporting materials, coordinating with applicable federal, state, county, and local agencies, and executing documents necessary to carry out the intent of this Resolution.

4. Nothing in this Resolution shall obligate the City to any expenditure of funds, including any required local match, unless such expenditure is separately reviewed and approved by the Mayor and City Council.

I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the resolution passed by the affirmative vote of at least a majority of the Mayor and City Council at its meeting on June 8, 2026, at which a quorum was present and voting throughout and the same is still in full force and effect.

Secretary of the City Council
of the City of Lewes

A RESOLUTION
AUTHORIZING THE CITY MANAGER OR DESIGNEE TO APPLY FOR FUNDING
THROUGH THE FLOOD MITIGATION ASSISTANCE PROGRAM IN
ACCORDANCE WITH THE SUSSEX COUNTY MULTI-JURISDICTIONAL
HAZARD MITIGATION PLAN ADOPTED BY THE
LEWES MAYOR & CITY COUNCIL

WHEREAS, the City of Lewes is vulnerable to damages from hazard events, including flooding, coastal storms, severe weather, and other natural hazards, which pose a threat to public health and safety and could result in property loss, infrastructure damage, and economic hardship; and

WHEREAS, the Federal Emergency Management Agency administers the Flood Mitigation Assistance Program (FMA) to support states and local governments in undertaking flood mitigation activities that reduce or eliminate the risk of repetitive flood damage to structures insured by the National Flood Insurance Program; and

WHEREAS, the City of Lewes has previously adopted the Sussex County Multi-Jurisdictional Hazard Mitigation Plan as an official plan of the City of Lewes; and

WHEREAS, the Sussex County Multi-Jurisdictional Hazard Mitigation Plan identifies hazard mitigation goals, objectives, and recommended actions intended to reduce or eliminate long-term risk to people, property, public infrastructure, and community assets from natural hazards; and

WHEREAS, participation in and adoption of a FEMA-approved hazard mitigation plan supports the City's eligibility to pursue hazard mitigation grant funding opportunities, including funding through the Flood Mitigation Assistance Program; and

WHEREAS, the Mayor and City Council desire to authorize the City Manager or the City Manager's designee to prepare, submit, execute, and administer any necessary documents associated with an application for funding through the Flood Mitigation Assistance Program.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Lewes, in session met, this 8th day of June, 2026, a quorum pertaining at all times thereto, that:

1. The City Manager, or their designee, is hereby authorized to submit an application to the Federal Emergency Management Agency, the Delaware Emergency Management Agency, Sussex County, or any other appropriate agency for funding through the Flood Mitigation Assistance Program.
2. The application may seek funding for eligible flood mitigation planning, design, project, or resilience activities consistent with the Sussex County Multi-Jurisdictional Hazard Mitigation Plan adopted by the Mayor and City Council of the City of Lewes.
3. The City Manager, or their designee, is hereby authorized to take actions reasonably necessary to prepare, submit, and advance such application, including providing required certifications and supporting materials, coordinating with applicable federal, state, county, and local agencies, and executing documents necessary to carry out the intent of this Resolution.
4. Nothing in this Resolution shall obligate the City to any expenditure of funds, including any

required local match, unless such expenditure is separately reviewed and approved by the Mayor and City Council.

I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the resolution passed by the affirmative vote of at least a majority of the Mayor and City Council at its meeting on June 8, 2026, at which a quorum was present and voting throughout and the same is still in full force and effect.

Secretary of the City Council
of the City of Lewes

