

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 11, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 11, 2026, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
Ryan Adams	Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 356 26 Approve Agenda	Mr. Lawson reported that under 1:30 p.m. Public Hearings Change of Zone No. 2061 filed on behalf of Sandie, LLC has requested to postpone their Public Hearing to a later date. A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from July 28, 2026, were approved by consensus.
Corre-Spondence	Mr. Adams reported that correspondence was received from Downtown Milford, Inc., Joshua M. Freeman Foundation and Children's Beach House thanking Council for their support.
Public Comments	Public comments were heard. Ms. Alison White spoke about the proposed forest preservation Ordinance. Mr. Steve Sinclair spoke about the proposed forest preservation Ordinance. Mr. Joe Pika spoke about Senate Bill 23 and the proposed forest preservation Ordinance. Ms. Wendy Taylor spoke about the proposed forest preservation Ordinance and Senate Bill 23.

**Public
Comments
(continued)**

Mr. Johannes Sayre spoke about the proposed forest preservation Ordinance

Ms. Judy Rose Siebert spoke about the proposed forest preservation Ordinance.

Mr. Jack Young spoke about the proposed forest preservation Ordinance.

**M 357 26
Approve
Consent
Agenda**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to approve the following items under the Consent Agenda:

**Use of Existing Wastewater Infrastructure Agreement, IUA 817-2
Cypress Landing, Blades Area**

**Use of Existing Wastewater Infrastructure Agreement, IUA 999-1
Glen Cove, Millville Area**

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Newdale Acres – Phase 2 (Construction Record) and Scenic Harbor (FKA Estates at Mulberry Knoll & Scenic Manor) – Phase 6 (Construction Record) received Substantial Completion effective July 13th.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of July.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, August 18th. The next regularly scheduled Council meeting will be held on Tuesday, August 25th.

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

Proposed Ordinance/ Bethany Forest Septic Elimination	Paul Mauser, Assistant County Engineer presented an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,197,174 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH THE BETHANY FOREST SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH" for Council's consideration.
Ordinance Introduction	Mr. Lloyd introduced an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,197,174 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH THE BETHANY FOREST SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".
Old Business/ CU2631	Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION "D" AND CONDITION "N" OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS" (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00) filed on behalf of Zion Church Ventures, LLC. The County Council held a Public Hearing on the application at the meeting on July 28, 2026. At the conclusion of the public hearing, the Council closed the Public Record and deferred action on the application for further consideration. The gavel was given to Mr. Rieley.
M 358 26 Amend Condition D/	A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to amend Condition D to read as follows "The property shall not be used by a business for retail, manufacturing, or industrial purposes, and the unit shall not be primarily used as an office. An accessory office within each unit is

CU2631 permitted and shall be limited to a single workstation. In addition, the property may not be used by a business for meeting customers, as a showroom, or as a “mail-drop” or pick-up or delivery location for customers”.

Motion Adopted: 5 Yeas

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

M 359 26 A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to Adopt
Adopt Ordinance No. 4079 entitled “AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
No. 4079/ RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE
CU2631 BUILDINGS AND A CAR WASH (TO AMEND CONDITION “D” AND
CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR
CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW
FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO
REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT
OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND
OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS” amending
Condition N as recommended by the Planning & Zoning Commission and
amending Condition D as amended by this Council.

Motion Adopted: 5 Yeas

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

Old Under Old Business, Mr. Whitehouse presented a Proposed Ordinance
Business/ entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE I, III
Ord No. 26- AND V §99-5 “DEFINITIONS”, §99-21A “PERIMETER BUFFERS” AND
05/Forest §99-26 “INFORMATION TO BE SHOWN” AND CHAPTER 115,
Preservation ARTICLES I, XXV AND XXVIII §115-4 “DEFINITIONS AND WORD
USAGE” AND §115-221 “FINAL SITE PLAN REQUIREMENTS” AND BY
ADDING NEW §§115-194.8 “FOREST PRESERVATION’ AND 115-194.9
“TREE PLANTING REQUIREMENTS”.

On July 14, 2026, the County Council held a Public Hearing on the Ordinance. At the conclusion of the public hearing, the Council closed the Public Record and deferred action on the Ordinance for further consideration. At the meeting of July 28, 2026, the Council discussed the Ordinance.

OB/ Forest Preservation	Mr. Lawson presented proposed amendments for the proposed Ordinance based on the feedback received. The Council Members further discussed the proposed amendments.
Grant Requests	Mrs. Jennings presented grant requests for Council's consideration.
M 360 26 New Coverdale Outreach Mission, Inc.	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,500 (\$1,500 from Mr. McCarron's Councilmanic Grant Account) to New Coverdale Outreach Mission, Inc. for community education support. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 361 26 Lewes Base Ball Club	A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Lewes Base Ball Club for their historical base ball clubs national championship tournament. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 362 26 Kim and Evans Family Foundation, Inc.	A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$1,000 (\$750 from Mr. Lloyd's Councilmanic Grant Account and \$250 from Mr. Rieley's Councilmanic Grant Account) to Kim and Evans family foundation, inc. for their kickz for kids event. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 363 26 Friends of Prime Hook National Wildlife Refuge	A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to give \$1,500 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account and \$500 from Mr. McCarron's Councilmanic Grant Account) to Friends of Prime Hook National Wildlife Refuge for educational equipment improvements. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea;

Mr. Hudson, Yea

M 364 26
Eastern
Shore
AFRAM
Festival

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$1,000 (\$750 from Mr. Lloyd's Councilmanic Grant Account and \$250 from Mr. McCarron's Councilmanic Grant Account) to Eastern Shore AFRAM festival for their annual festival.

Motion Adopted: 5 Yeas

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

M 365 26
Delaware
Fraternal
Order of
Police

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,500 (\$1,500 from Mr. Hudson's Councilmanic Grant Account and \$1,000 from Mr. Rieley's Councilmanic Grant Account) to Delaware Fraternal Order of Police for their golf tournament.

Motion Adopted: 5 Yeas

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

M 366 26
Seaford
Tomorrow,
Inc.

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$3,000 (\$3,000 from Mr. Lloyd's Councilmanic Grant Account) to Seaford Tomorrow, Inc. for their Friday Night Live event.

Motion Adopted: 5 Yeas

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

Introduction
of Proposed
Zoning
Ordinances

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MUTLI-FAMILY DWELLINGS (54 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 12.8 ACRES, MORE OR LESS" filed on behalf of Foxlane Homes Delaware, LLC.

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.22 ACRES, MORE OR LESS" filed on behalf of Andrew Scrutchfield.

Introduction of Proposed Zoning Ordinances (continued)	Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 42.54 ACRES, MORE OR LESS” filed on behalf of Millsboro Towne Village, LLC. Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LANDSCAPE BUSINESS WITH EMPLOYEE PARKING AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS” filed on behalf of Total Package Landscaping, Inc. Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP ELEMENT OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-11.00-31.00, 135-16.00-17.00 AND 135-16.00-70.00”.
Council Member Comments	Mr. McCarron commented on the number of solar applications that have come before the Council recently. Mr. Rieley commented about solar applications that have recently come before the Council. Mr. Lloyd commented about the need for power and solar applications. Ms. Gruenebaum commented about traffic and DelDOT figures.
M 367 26 Go Into Executive Session	At 11:46 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session for the purpose of discussing matters related to land acquisition and personnel. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Executive Session	An Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition and personnel. The Executive Session ended at 1:24 p.m.
M 368 26 Reconvene	At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to come out of Executive Session and back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action There was no action related to Executive Session matters.

Rules Mr. Adams read the rules of procedure for public hearings.

**Public Hearing/
CU2465** A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT AND SAND PLANT SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 107.517 ACRES, MORE OR LESS” (property is lying on the southwest side of Hunters Cove Road [S.C.R. 602], approximately 0.43 mile southeast of Owens Road [S.C.R. 611]) (911 Address: N/A) (Tax Map Parcel: 430-9.00-21.01) filed on behalf of Sussex Materials, LLC.

Jamie Whitehouse, Planning & Zoning Director presented the Proposed Ordinance.

The Planning & Zoning Commission held a Public Hearing on the application on July 22, 2026. On August 5, 2026, the Commission recommended approval of the application for the 9 reasons of approval and subject to the 18 recommended conditions as outlined.

The Council found that Ms. Mackenzie Sindelar, Esq. with Fox Rothschild, LLP spoke on behalf of the Applicant, Sussex Materials, LLC; that also present on behalf of the Applicant were Mr. RJ Andrews, Mr. Kenny Webb, Mr. Jamie Sechler, Project Engineer with David Bowen & Friedel, Inc. Ms. Sindelar stated that the Application was approve during the August 5, 2026 meeting by a vote of 4-0; that the applicant has reviewed and agrees with all of the conditions set forth by the Commission; that the advertised acreage was 107 acres and it is now approximately 103.25 acres; that this is a result of a subdivision from the larger tract while this application was pending; that the applicant requests approval of the application as recommended by the Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 369 26
Adopt
Ordinance
No. 4080/** A Motion was made by Mr. McCarron, seconded by Mr. Rieley to Adopt Ordinance No. 4080 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT AND SAND PLANT

CU2465

SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 107.517 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This application is for a 6.9-acre sand plant, and a 31.7 acre borrow pit operation within a 103.25-acre site.**
- 2. The property currently consists of scattered agricultural fields and woodlands that exhibit signs of prior logging operations.**
- 3. A need exists in the area for dirt, sand and gravel, and existing borrow pit sources are becoming depleted. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.**
- 4. The Applicant will provide dust control to keep the area roadways free of dirt and dust from trucks leaving the site.**
- 5. The Application complies with the requirements of Section 115-172(B) of the Zoning Code as follows:**
 - a. No material will be brought from off the site for processing, mixing, or similar purposes.**
 - b. The excavating and extraction operations will be managed to provide reasonable protection to surrounding properties and neighborhoods, particularly concerning odors, dust, air or water pollution, and the use of roads providing access to the site.**
 - c. The location of the excavation and extraction will be controlled concerning depth water table, flood criteria, and slope to prevent an unsightly, hazardous, or wasteful condition of the land. Specifically, the proposed pit is:**
 - (i) greater than 100 feet from all property lines;**
 - (ii) surrounded by woodlands, agricultural uses, and a limited number of residential homes;**
 - (iii) the proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or one foot below the static water surface;**
 - (iv) only trees within the area of the proposed pit and sand plant will be disturbed, with the other existing trees remaining as they are on the property; and**
 - (v) regulated, non-tidal wetlands will not be disturbed and there will be a 50-foot buffer from those wetlands.**
 - d. The borrow pit will be surrounded by a landscaped unexcavated buffer strip of open space, maintaining a minimum distance of 100 feet from any street lines and 50 feet from all other property lines. The proposed landscaped buffer exceeds Code requirements, proposing a minimum buffer of 250 feet from the property identified as Parcel No. 430-9.00-23.00; a minimum 300 feet buffer from Parcel No. 430-12.00- 13.00 and the centerline of the “Owens East Nanticoke Tax Ditch”; and a varying width buffer of 550 feet to 1,000 feet from Hunters Cove Road.**
 - e. The borrow pit will be located at least 200 feet from any dwelling**

**M 369 26
Adopt
Ordinance
No. 4080/
CU2465
(continued)**

- on property of other ownership.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties.
 7. As a source of fill dirt and aggregate available to the entire County, the project is essential and desirable for the general convenience, safety and welfare of the current and future residents of the County.
 8. The use is subject to approvals from State Agencies including DelDOT and DNREC.
 9. No parties appeared in opposition to this Application and there were several letters submitted in support of the Application.
 10. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The borrow pit shall not exceed 31.7 acres and the sand plant shall not exceed 6.9 acres. The Conditional Use area shall be limited to approximately 48.25 acres of the larger 103.25-acre tract.
 - b. The conditional use shall comply with all of the requirements of Section 115-172B of the Sussex County Zoning Code regarding borrow pits.
 - c. No materials shall be brought from off the site for processing, mixing or similar purposes.
 - d. Water or a water truck shall be available to control dust from road traffic when conditions require.
 - e. There shall be a single entrance to the pit via Hunters Cove Road. The entrance shall be gated to prevent unauthorized access, and the gate shall be located far enough away from the edge of Hunters Cove Road to allow trucks and other vehicles to pull entirely off of the road when the gate is locked. In addition, the entrance road shall be sufficiently sized to allow two trucks to safely pass each other. The dimensions of this road and the location of the gate shall be shown on the Final Site Plan.
 - f. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant.
 - g. Borrow pit operations shall only be between 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturdays. No Sunday hours shall be permitted.
 - h. No materials shall be stored on any access roads or within any buffer area.
 - i. Any fuel stored on-site shall be subject to all applicable State and Federal legal requirements.
 - j. No stumps, branches, debris or similar items shall be buried or placed on the site of the borrow pit.
 - k. Any safety lights shall be downward screened so that they do not shine on neighboring properties or roadways.
 - l. The proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or one foot below the static water surface.
 - m. Permanent concrete markers or signs shall be placed at appropriate locations to designate the boundaries of the subject

**M 369 26
Adopt
Ordinance
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(continued)**

- property and the pit areas. The markers shall be raised and marked so that they are clearly visible to anyone nearing the site.
- n. A Final Site Plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.
 - o. The Applicant shall comply with all State and County erosion and sediment control regulations. The project will meet or exceed stormwater management system regulations set forth by the Sussex Conservation District (SCD) and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT). The Final Site Plan shall contain the approval of Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - p. The borrow pit shall be surrounded by a buffer strip, a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation. All of these requirements shall be clearly shown on the Final Site Plan along with a "Limit of Disturbance" line for the existing trees and vegetation on the site.
 - q. This approval shall expire 50 years from the date of approval for the conditional use ordinance
 - r. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2569**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.57 ACRES, MORE OR LESS" (parcel is lying on the east and west sides of Norwood Lane, approximately 950 feet southwest of Oak Orchard Road [Route 5]) (911 Address: N/A) (Tax Map Parcel: 234-29.00-220.00) filed on behalf of Pivot Energy DEL045, LLC.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

**Public
Hearing/
CU2569
(continued)**

The Planning & Zoning Commission held a Public Hearing on the application on July 15, 2026. On July 22, 2026, the Commission recommended approval of the application for the 9 reasons of approval and subject to the 10 recommended conditions as outlined.

The Council found that Mr. Jon Falkowski, Civil Engineer with Becker Morgan Group, spoke on behalf of the Applicant, DEL045 Norwood East Johnson project; that also present were Mr. John Shields, Pivot Energy Director of Project Development, and Mr. Edward (Ted) Hastings, PMP with Becker Morgan Group.

Mr. John Shields, Pivot Energy Director of Project Development, provided the Council with background information regarding Pivot Energy.

Mr. Falkowski stated that the property was zoned GR (General Residential); that the site took access off the existing private road of Norwood Lane; that the private driveway served a few homes, and led to a dead end; that the surrounding area was mostly residential; that Phase 1 of Patriots Glen is built out; that Phase 2 of Patriots Glen was located directly northwest of the project and had begun construction; that one of the roads had been constructed; that bulk earth work, some pond work and stormwater work had taken place; that they were actively selling and building homes in Phase 2 of Patriots Glen; that the existing use of the property was farmland; that the proposed Conditional Use area consisted of 16.64 acres; that the total parcel consisted of 45.57 acres; that only a portion of the farm was being utilized for the solar project; that the remainder of the property would remain actively farmed; that the solar array area would consist of 15.22 acres; that 15 acres of the total 45 acres would be used for the solar project; that the project would be surrounded by a landscape buffer; that the landscape buffer would be 30 foot wide, consisting of a 70% & 30% deciduous to evergreen mix, along with fencing; that changes were made from the originally submitted Site Plan following the community meeting, based on concerns regarding the locations of the inverters; that they related the inverters to the exact center of the site, being the furthest point away from all now and future residences; that where there were no dwelling units currently, they used the rear restriction line as the buffer, not a home itself, which would have been located a bit further into the lot; that to be more conservative, they used the rear building restriction line to base their 200 feet on; that the buffer went around the entire property; that as noted, they would construct a 16 foot wide gravel road access off Norwood Drive; that the drive would come into the site; that there would be a gate at the main access with a knox box for fire personnel to gain access to the facility if needed; that the 16 foot wide road would enter the center of the site, where the inverters would be located, along with a turnaround in the center; that the project would be planted with a meadow grass within the landscape buffer and underneath the arrays; that similar to most projects, the meadow mix would be a pollinator grass, which had been widely accepted as an approved practice for solar

**Public
Hearing/
CU2569
(continued)**

project by the Sussex Conservation District; that the meadow mix would help reduce runoff and would not affect any of the neighboring properties; that noise was a previously expressed concern; that in addition to moving the inverters, they had a Sound Study performed for the site; that the Sound Study did not take into account the mesh, fencing and arrays; that the studies assume the inverter would be located within the middle of the farm field with nothing blocking it; that the numbers would therefore be even lower than what the study found; that the study found that the decibel rating would be in the mid-20s to low-30s, by the time the sound reached the property line; that the sound would equal to a quiet room; that the noise would only take place during the day, which would be a light hum, while the arrays were fully operational and at peak sunlight; that the Sound Study was submitted in the packet, as well as within the Revised Exhibit Booklet; that fencing would surround the entire perimeter of the project; that the fence would be a knot wire, agricultural-style fence; that the fence would not be an industrial looking fence; that the proposed fence type was commonly used for farm animal containment; that it was used as an agricultural fence with six inch round wooden posts, and seven foot knot wire fencing; that they had incorporated different passages; that every so often in the fence they would cut smaller passages in the fence to allow for some of the wildlife to pass through; that it would be one foot high to allow for smaller animals, such as foxes, to access through the property; that the front of the gate would have a knox box; that the fence detail would be beefed up to handle the loads from the wind on the fence, so that it does not become a nuisances of flapping mesh or long-term maintenance; that after the landscaping is established for a period of five to 10 years, the mesh would be able to be removed once the vegetative buffer was established; that this would help avoid long-term maintenance concerns; that it was a 10 year period for the Ameresco Milton project; that at 10 years, Evergreen and deciduous trees would completely fill it in; that the projects were 25 year leases; that from year 10 to year 25, the mesh would not be needed, and may cause maintenance concerns; that the solar arrays would benefit local residential businesses and municipal subscribers, as long as they were a Delmarva Power service customer; that the project would not increase traffic; that there would be periodic maintenance facility visits to maintain the meadow grass; that these visits would happen about once a year; that the facility would not produce any odor, dust, gas, smoke or fumes; that the Noise Study was provided; that the inverter at the property line would be almost inaudible; that the meadow grass would reduce the stormwater for the property; that they were providing a 30 foot wide landscape buffer around the entire perimeter, along with fencing, and decommissioning as required; that the community meeting was held on May 21, 2026; that regarding the Patriots Glen project, they reflected a 200 foot buffer; that they had a 30 foot wide landscape buffer with fencing shown along the entire boundary line with Patriots Glen; that there were some additional buffered areas, which would just remain planted; that the Patriots Glen Subdivision also provides a 30 foot wide landscape buffer of its own; that Patriots Glen would have a 30 foot

**Public
Hearing/
CU2569
(continued)**

landscape buffer, then a 20 foot gap in between the site's 30 foot landscape buffer; that essentially, there would be 80 feet of buffering from Patriots Glen; that much of the lots located along the northern property line would be furthered buffered by a stormwater pond; that the dwellings would be located 200 to 300 feet away, with their own landscape buffer provided; that there would only be a few lots located closer, however, those lots still were in compliance with the buffer requirements of Ordinance No. 2920; that there would be significant buffer provided when combining the requirements for the two projects; that they request that Condition 10C be modified from ten year to five year; that this farm has been in the family for many years.

Public comments were heard.

Mr. Michael McGroerty, Esq. spoke in favor of the application.

Mr. Eldridge Johnson spoke in favor of the application.

The Public Hearing and public record were closed.

**M 370 26
Amend
Condition
10C/CU2569**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to amend 10C to read "The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain."

Motion Adopted: 4 Yeas, 1 Nay

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

**M 371 26
Adopt
Ordinance
No. 4081/
CU2569**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4081 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.57 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**

**M 371 26
Adopt
Ordinance
No. 4081/
CU2569
(continued)**

2. The solar array will be located within approximately 15.22 fenced-in acres of a larger 45.57- acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is farmland that has been owned by the same family for generations. Although it is zoned GR for residential use, the family has stated that they have never had any desire to develop or sell the property. The use as a solar facility will maintain the family's ownership of the property in perpetuity.
5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be "Diminutive". There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
8. Although there was opposition to this Application regarding the possible visual impact of the use, the site plan complies with or exceeds the Code-mandated requirements for vegetation, screening, fencing, and separation distances. Likewise, while there was a petition submitted into the record, the testimony during the public hearing called into question whether the individuals who signed it are neighbors of the subject property or would be impacted by it in any way.
9. Several immediate, long-standing neighbors of the subject property, testified in favor of this Application and praised the desire to preserve the land from residential development and the traffic that would result.
10. 10. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing

M 371 26
Adopt
Ordinance
No. 4081/
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(continued)

with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The privacy screening may be removed after five years from the installation of the solar array. The fencing shall remain.

- d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
- e. Transformers and similar equipment shall be centrally located on the site.
- f. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- g. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

M 372 26
Allow
Reschedule/
CZ2061

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to allow the applicant to reschedule the Public Hearing for a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY

DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR C/Z 673 (ORDINANCE NO. 294) IN RELATION TO THE ADDITION AND USE OF RECREATIONAL AMENITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS” (property is lying on the south side of Plantations Boulevard, approximately 0.46 mile north of Cedar Grove Road [S.C.R. 283] and 0.14 mile west of Plantation Road [Route 1D & S.C.R. 275]) (911 Addresses: 18462, 18464 & 18466 Plantation Boulevard, Lewes) (Tax Map Parcel: 334-6.00-553.02) filed on behalf of Sandie, LLC.

Motion Adopted: 5 Yeas

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

**M 373 26
Adjourn**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to adjourn at 2:11 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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