

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 13, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 13, 2026, at 12:30 p.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 452 26 Approve Agenda	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda, as presented. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Minutes	The minutes from September 28, 2026 and September 29, 2026, were approved by consensus.
Corre- Spondence	There was no correspondence.
Public Comments	Public comments were heard. Mr. Gary Vorsheim spoke about reserves used during the budget process.
M 453 26 Approve Consent Agenda	A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to approve the following item under the Consent Agenda: Proclamation Request – United States Navy Week Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Adminis-	Mr. Lawson read the following information in his Administrator's Report:

**trator's
Report**

1. Sussex County Navy Week

As part of the U.S. Navy's "Road Trip to 250" celebrating America's 250th anniversary, Sussex County will host its first-ever U.S. Navy Week October 19–25, bringing Navy personnel and programs to communities throughout the county. Events planned throughout the week include community service projects, educational outreach programs, Navy band performances, military displays, and public events recognizing the service and contributions of the United States Navy. As part of the week's activities, Naval Air Station Patuxent River Ceremonial Guards will appear at the Delaware Coastal Airport on October 20th for a static display and music performance. This event will provide residents and visitors with an opportunity to engage with Navy personnel and learn more about the Navy's mission and capabilities.

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

**Warwick
Park CO 1**

Mike Harmer, County Engineer, presented change order no. 1 for Warwick Park sewer for Council's consideration.

**M 454 26
Approve
CO No 1/
Warwick
Park**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved that based upon the recommendation of the Sussex County Engineering Department, that change order no. 1 for contract S24-13, Warwick Park Sewer – Phase 1, be approved, increasing the contract by \$9,705.32, contingent upon DNREC approval.

Motion Adopted: 4 Yeas, 1 Absent

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

**Taxiway B
CO No 4**

Bob Bryant, Airport Manager, presented change order no. 4 for construct taxiway B for Council's consideration.

**M 455 26
Approve CO
No 4
Taxiway B**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, be it moved that based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approve change order no. 4 – top soil in the amount of \$23,132.70 for work associated with the construct parallel taxiway B, bid package 2, Sussex County A24-16 project.

Motion Adopted: 4 Yeas, 1 Absent

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

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

**Taxiway B
Award &
Task Order**

Bob Bryant, Airport Manager, presented an award recommendation and task order no. 5 for construct taxiway B for Council's consideration.

**M 456 26
Approve
Award
Recommendation
Taxiway B**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approve an award of bid to the Richard E. Pierson Construction Company, Inc., alternate 1, the amount of \$5,595,998 for work associated with the continuing construct parallel taxiway B, bid package 3 Sussex County A26-15 project.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 457 26
Approve
Task Order
No. 5
Taxiway B**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approve Delta Airport Consultants task order 5 in the amount of \$725,000 for construction administration services associated with the continuing construct parallel taxiway B, bid package 3 Sussex County A26-15 project.

Motion Adopted: 4 Yeas, 1 Absent

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

**Old
Business/
CU2533**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented an Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS" filed on behalf of RWE Clean Energy.

Mr. Moore explained that this matter previously came before the County Council at which time it was denied. Mr. Moore reported that the denial was appealed to the Superior Court. As a result of that, there has been a final order entered on September 16th remanding this back to the County Council. He added that it is not coming back for new testimony or to open up the record but for a new vote based upon what was in the record during the public hearing period.

**M 458 26
Adopt
Ordinance
No. 4093/
CU2533**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4093 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located on approximately 24.5 acres of a larger 69.03-acre tract. The array area is set back approximately 800 feet from Cypress Road, and it 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 located on a parcel of land that is surrounded on three sides by land used for agricultural purposes, including poultry houses. The fourth side is wooded.**
- 5. The land is designated as being within the “Developing Area” according to Sussex County’s Future Land Use Map. This is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.**
- 6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, 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.**
- 8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:**
 - a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of 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**

**M 458 26
Adopt
Ordinance
No. 4093/
CU2533
(continued)**

National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.

- d. The entire area of the solar array shall be surrounded by a landscaped 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. Because there was opposition in the record to the impacts of this solar array on the adjacent homes and land, this landscaped buffer shall be planted with 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. No plantings shall be required along the wooded southern boundary of the array area.**
- e. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- f. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
- g. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan. In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties.**
- 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: 3 Yeas, 1 Absent, 1 Nay

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

**Grant
Requests**

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

**M 459 26
First State
Community**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,000 (\$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to First State

Action Agency	Community Action Agency for their 61st anniversary celebration.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 460 26 Cross Christian Academy Inc.	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$2,500 (\$1,500 from Mr. Lloyd's Councilmanic Grant Account and \$1,000 from Mr. McCarron's Councilmanic Grant Account) to the Cross Christian Academy Inc. for a scoreboard and sports equipment.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 461 26 Survivors of Abuse in Recovery Inc.	A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,500 (\$1,500 from Ms. Gruenebaum's Councilmanic Grant Account) to Survivors of Abuse in Recovery Inc. for FATE protective parent support network program.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 462 26 Cape Henlopen State Park	A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Cape Henlopen State Park for bike helmet replacement.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 463 26 Rehoboth Concert Band	A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Rehoboth Concert Band for their 2026-27 concert band season.
	Motion Adopted: 4 Yeas, 1 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent;

Mr. Hudson, Yea

Proposed Ordinance Introduction **Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 42.35 ACRES, MORE OR LESS” filed on behalf of TPE DE SU53, LLC.**

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TIRE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS” filed on behalf of Ismail Sen.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCKING BUSINESS WITH ON SITE PARKING AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS” filed on behalf of Gregory A. Hitchens.

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR ATHLETIC FIELD AS AN EXPANSION OF CU 2584 (ORDINANCE NO. 4013) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS” filed on behalf of Agustin Pacheco-Quillen.

CM Comments **There were no Council Member comments.**

M 464 26 Go Into Executive Session **At 12:58 p.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.**

Motion Adopted: 4 Yeas, 1 Absent

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

Executive Session **At 1:00 p.m., an Executive Session of the Sussex County Council was held in the Basement Cacus Room to discuss matters relating to land acquisition. The Executive Session ended at 1:26 p.m.**

M 465 26 Reconvene **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to reconvene.**

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

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

E/S Action **There were no matters related to Executive Session matters.**

**Public Hearing/
CDBG** **A Public Hearing was held for the Community Development Block Grant (CDBG) application, to be submitted to the Delaware State housing Authority. The Community Development Block Grant is a federal grant from the Department of HUD to the Delaware State Housing Authority. Kent and Sussex Counties compete for funding for making application to DSHA.**

Brandy Nauman, Director of Sussex County Community Development & Housing, reported that the guidelines dictate the use of the funding. The funding is used for rehabilitation including roofing, doors, windows, electrical, plumbing and energy upgrades. In order to qualify, a home must be owner-occupied, primary residence of the owners, low to moderate income household (80% AMI or below), the home must be insured or insurable, County taxes and utilities must be current. Mrs. Nauman reviewed the application process and current income guidelines for program eligibility.

Brandon Hamilton, Housing Rehabilitation Program Manager, provided pictures of completed project before and after the work was completed. The funds received by County Council for emergency repairs and projects were then discussed.

There were no public comments.

The Public Hearing and public record were closed.

M 466 26 Adopt Resolution No. R 009 26 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Resolution No. R 009 26 entitled “AFFIRMATIVELY FUTHERING FAIR HOUSING”.**

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

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

M 467 26 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**

Citizen Participation	approve the citizen participation certificate of assurance document. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
M 468 26 Adopt Resolution No. R 010 26	A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Resolution No. R 010 26 entitled “AUTHORIZATION TO SUBMIT APPLICATIONS AND APPROVAL OF TARGET AREA REQUEST(S)”. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Rules	Mr. Moore read the rules of procedure for zoning matters.
Public Hearing CU2529	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 MECHANIC REPAIR BUSINESS, OFFICE, MATERIAL AND EQUIPMENT STORAGE TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS” (properties are lying on the north side of Airport Road [S.C.R. 494], approximately 600 feet east of Old Hickory Road [S.C.R. 497]) (911 Address: 7119 Airport Road, Laurel) (Tax Map Parcels: 432-7.00- 28.05 & 432-7.00-28.04 [P/O]) filed on behalf of Jamie & Darren Hooks. Jamie Whitehouse, Planning & Zoning Director, presented the application. The Planning & Zoning Commission held a Public Hearing on the application on September 2, 2026. At the meeting of October 7, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval and subject to the 13 recommended conditions of approval as outlined The Council found that Ms. Jamie Hooks spoke on behalf of her application. Mrs. Hooks stated that they have a dump truck business; that they haul materials from location to location; that they have tried to get this Conditional Use for a long time so that they continue to conduct their business from this location; that they have letters of support from the neighboring property owners; that her parents own the property next to them and they provided a letter stating that they have authorized to store their materials there; that there is a shared driveway and some of it is on her parents property; that they are working to get it figured out; that she agrees with all of the conditions given by the Planning & Zoning

Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 469 26
Amend
Condition D/
CU2529** **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to amend Condition D to now read “It appears that there are several encroachments onto the adjoining property to the west of this site, including the access driveway and areas where materials and equipment are currently located. The driveway shall either be relocated entirely on the Applicant’s property, or the Applicant shall draft and record a shared access and maintenance agreement for the driveway with the owners of Parcel 28.04 along the western boundary. In addition, all materials and equipment associated with the use must be removed from Parcel 28.04 unless expressly permitted by recorded permanent easement allowing use of Parcel 28.04. Both of these requirements shall be complied with and verified by staff prior to approval of the Final Site Plan.”**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 470 26
Amend
Condition
H/
CU2529** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to amend Condition H to now read “The hours of operation shall be between 5:00 a.m. and 6:00 p.m., with additional hours in emergency situations.**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 471 26
Adopt
Ordinance
No. 4094/
CU2529** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4094 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANIC REPAIR BUSINESS, OFFICE, MATERIAL AND EQUIPMENT STORAGE TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

- 1. The property where this use is located is zoned AR-1, and it will operate out of an existing building on the site and the adjacent area.**
- 2. This business in this location benefits the health, safety and welfare**

**M 471 26
Adopt
Ordinance
No. 4094/
CU2529
(continued)**

- of Sussex County residents, businesses and the agricultural community.
3. Aside from routine maintenance of the equipment, all operations occur off-site, and no retail or similar uses will occur on-site. As a result, this use will not generate excessive amounts of traffic.
 4. The property is surrounded by properties owned by the Applicant and their family.
 5. The use will not adversely affect neighboring properties or roadways.
 6. No parties appeared in opposition to this application.
 7. This recommendation is subject to the following conditions:
 - a. The use shall be limited to a mechanic repair business office, material and equipment storage. No retail sales shall occur from the site.
 - b. All equipment and vehicle maintenance shall occur inside of the approved buildings on the property. In addition, there shall not be any outside storage of any chemicals associated with the use.
 - c. The Applicant has stated that relatively small amounts of materials on the site are associated with the use. The areas for this material storage shall be shown on the Final Site Plan.
 - d. It appears that there are several encroachments onto the adjoining property to the west of this site, including the access driveway and areas where materials and equipment are currently located. The driveway shall either be relocated entirely on the Applicant's property, or the Applicant shall draft and record a shared access and maintenance agreement for the driveway with the owners of Parcel 28.04 along the western boundary. In addition, all materials and equipment associated with the use must be removed from Parcel 28.04 unless expressly permitted by recorded permanent easement allowing use of Parcel 28.04. Both of these requirements shall be complied with and verified by staff prior to approval of the Final Site Plan.
 - e. The required parking shall be depicted on the Final Site Plan and clearly marked on the site itself along with the parking areas for trucks, vehicles, trailers, and equipment within the site.
 - f. All outdoor lighting associated with this use shall be screened and shielded so that it does not shine on neighboring properties or roadways.
 - g. One lighted sign shall be permitted. It shall not be any larger than 32 square feet on each side.
 - h. The hours of operation shall be between 5:00 a.m. and 6:00 p.m., with additional hours in emergency situations.
 - i. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - j. The Applicant shall comply with any requirements of the Sussex Conservation District regarding stormwater management and drainage.
 - k. The Applicant shall comply with any DelDOT entrance or

roadway improvement requirements.

- l. The failure to comply with any of these conditions of approval may be grounds for termination of this Conditional Use.**
- m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CU2573**

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 LANDSCAPING 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” (property lying on the west side of Beaver Dam Road [Rt. 23], approximately 0.14-mile north of Kendale Road [S.C.R. 287]) (911 Address: 19024 Beaver Dam Road, Lewes) (Tax Map Parcel: 234-2.00-2.01) filed on behalf of Total Package Landscaping, Inc.

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

The Planning & Zoning Commission held a Public Hearing on the application on September 2, 2026. At the meeting of September 16, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 13 recommended conditions of approval as outlined.

The Council found that Mr. Chris Jefferis, property owner, spoke on behalf of his application. Mr. Jefferis stated that he used to reside at the property, but it was no longer his primary residence; that his business, Total Package Landscaping, remained located on the site, and a Conditional Use was requesting permission to keep his business at the site; that the conditions given by the Planning & Zoning Commission were reviewed.

Public comments were heard.

Ms. Carol Massey spoke in favor of the application.

The Public Hearing and public record were closed.

**M 472 26
Adopt
Ordinance
No. 4095/**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4095 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH

CU2573

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” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The property is a 1.16-acre parcel of land. The conditional use area is primarily used for equipment storage and employee parking. The actual landscaping work occurs off site. There is very little storage of landscaping materials on the site. The Applicant has also stated that no deliveries will be made to the site, and no retail sales will occur at the site.**
- 2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.**
- 3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.**
- 4. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be “diminutive”.**
- 5. This use will be a small landscaping company that provides a service to a variety of Sussex County residents and businesses. The use has a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 6. Although there were concerns raised by a nearby resident about the business, there is no evidence that it will be disruptive to the use and enjoyment of neighboring property owners and residents. For example, concerns raised about diesel exhaust are largely coming from nearby roadways and intersections and not the limited use of this property.**
- 7. Although the Applicant has stated that the home on the site is currently vacant, it will not be part of this use, so the property’s septic system is not affected by the use.**
- 8. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to a landscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted.**
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.**
 - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.**
 - d. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.**
 - e. The hours of operation shall be limited to 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours**

**M 472 26
Adopt
Ordinance
No. 4095/
CU2573
(continued)**

- on an as-needed basis for limited situations such as storm damage, cleanup and similar activities.
- f. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
 - g. As stated by the Applicant, a solid vinyl fence shall be installed or retained along the rear perimeter of the property along with a landscaped buffer. The location of both of these shall be shown on the Final Site Plan.**
 - h. No more than five (5) dump trucks and five (5) utility trailers shall be stored on the site at any one time. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
 - i. No vehicle repairs shall occur on the site.**
 - j. All materials associated with the use shall be stored in enclosed bins. The location of these bins shall be shown on the Final Site Plan.**
 - k. Any dumpsters associated with the use shall be screened so that they are not visible from nearby properties or roadways. The location of any dumpsters shall be shown on the Final Site Plan.**
 - l. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
 - m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**M 473 26
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 2:22 p.m.

Motion Adopted: 4 Yeas, 1 Absent

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

