

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

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 13, 2026, at 1:00 p.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
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 026 26
Approve
Agenda**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley, to approve the Agenda, as presented.

Motion Adopted: 5 Yeas

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

**Rules of
Procedure/
Zoning
Hearings**

Mr. Lawson then presented a revision to the rules of procedure for County Council zoning hearings. Mr. Lawson reported that a compromise has been reached since the last meeting. The paragraph currently reads “After that any persons who oppose or question the applicant will be allowed to state the reasons for their opposition or questions. There will be no rebuttal by the application. After the Opposition has had an opportunity to speak, Council may ask the applicant and/or the applicant’s team a follow-up question or to respond to matters stated by the Opposition”. The proposed change is to strike the sentence “There will be no rebuttal by the applicant” and leaving the rest of the paragraph.

**M 027 26
Approve
Amendment
to the Rules
of
Procedure/
Zoning
Hearings**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to strike the language that states “There will be no rebuttal by the applicant”.

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 December 16, 2025 were approved by consensus.
Corre- spondence	Mr. Moore reported that correspondence was received from Boys & Girls Club of Delaware and Cancer Support Community of Delaware thanking Council for their support.
Public Comments	Public comments were heard, and the following people spoke: Ms. Wendy Taylor spoke about the land use process for applications. Ms. Kate Fallon spoke about growth and planning. Mr. Gary Vorsheim spoke about infrastructure and compliance of the code. Mr. David Stein spoke about quality of life, specifically affordable housing and traffic. Ms. Linda Vorsheim spoke about how HOA should submit their input regarding land use and zoning decisions. Mr. Greg Linder spoke about overgrowth and rapid development. Ms. Jen Palowski spoke about offshore wind and SB159.
Recognition/ Board	Mr. Bob Wheatley and Mr. Brian Butler were recognized for their service on the Planning & Zoning Commission. Mr. Kevin Carson, Mr. John Travis Hastings and Mr. Jeff Chorman were recognized for their service on the Board of Adjustments.
Adminis- trator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Sediment Control and Stormwater Management Ordinance Update</u> Representatives from the Sussex Conservation District and the County met recently to discuss the pending Sediment Control and Stormwater Management Ordinance that was considered during the December 9, 2025, public hearing. During the meeting, specific details related to the Ordinance were discussed including the sediment capture recommendations, volume limitations, and limit of disturbance. The meeting was productive, and I believe a compromise has been reached on the pertinent issues. The Conservation District is reviewing the Ordinance changes now and will provide their feedback after their next Board meeting. We will schedule the Ordinance to be back in front of Council during one of its February meetings for review and possible action. 2. <u>County Meeting/Holiday Schedule</u>

County offices will be closed on Monday, January 19th for the Martin Luther King Jr. Holiday. Offices will reopen on Tuesday, January 20th at 8:30 a.m. Council will not meet on January 20th. The next regularly scheduled Council meeting will be on Tuesday, January 27th.

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

**SCWRF
Equipment
PO** **Hans Medlarz, Project Engineer, presented a request for a direct equipment purchase order for intermediate pumping equipment for South Coastal WRF process upgrade no. 3 for Council's consideration.**

**M 028 26
Approve
Equipment
PO/SCWRF** **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve a purchase order to Sydnor Hydro, Inc., in the amount of \$466,700.00 for immediate and recirculation pumping equipment associated with the Inland Bays Extension project.**

Motion Adopted: 5 Yeas

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

**Old
Business/
CZ2037** **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS" filed on behalf of Mulberry Knoll Associates, LLC.**

The County Council held a Public Hearing on the application at the meeting on October 21, 2025. At the conclusion of the meeting, Council deferred action on the application, holding the public record open for the limited purpose of obtaining additional information from State Agencies, including DelDOT and DNREC, by close of business on November 18, 2025. Following receipt of the responses, they would be reported to the County Council, after which members of the public and the applicant would have an additional 14 calendar days to comment on the responses received from the State Agencies. The Public Record automatically closed at 4:30 p.m. on December 23, 2025.

**M 029 26
Adopt
CZ2037/
DENIED** **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED**

M 029 26 **COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING**
Adopt **AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE**
CZ2037/ **OR LESS” for the reasons given by the Planning & Zoning Commission.**
DENIED

(continued) **Motion DENIED: 5 Nays**

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

The Members voted nay based on the reasons provided by Ms. Gruenebaum.

Introduction **Mr. McCarron introduced a Proposed Ordinance entitled “AN**
or Proposed **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
Ordinances **1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE**
 CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270
 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION
 FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
 COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS” filed on behalf
 of Greg Mitchell.

Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A
CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
COUNTY, CONTAINING 0.5739 ACRES, MORE OR LESS” filed on behalf
of 1534 Savannah Road, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CM **Mr. McCarron commented about growth in Sussex County and lack of**
Comments **investment. He added the lack of infrastructure needed to support such**
 projects as the one voted on today. Additionally, he commented about
 growth areas and the state’s investment regarding road improvements.
 Mr. McCarron also discussed state strategies map.

Mr. Rieley stated that he agreed with Mr. McCarron’s comments.

Rules **Mr. Moore read the rules of procedure for public hearings.**

Public **A Public Hearing was held on Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2586 **1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND**
 CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF
 AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN

**Public
Hearing/
CU2586
(continued)**

PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS” (properties are lying on the southwest side of Coastal Highway [Rt. 1], approximately 0.70 mile north of Broadkill Road [Rt. 16]) (911 Address: 12984 Coastal Highway & 13177 Eagles Nest Trail, Milton) (Tax Map Parcels: 235-8.00-35.02 & 35.03 (P/O)) filed on behalf of Preston & Mason Dyer.

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

The Planning & Zoning Commission held a Public Hearing on the application on November 19, 2025. At the meeting of December 10, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions of approval as outlined.

The Council found that Mr. Preston Dyer, a member of Campground Holdings, LLC, spoke on behalf of his Application; that also present were Mr. Mason Dyer, who is involved in the operation and management of the campground, as well as Mr. Mark Davidson, P.E., with Pennoni. Mr. Preston Dyer stated that the original Conditional Use for the property dated back to 1982; that the approved Conditional Use was for 150 overnight camp sites for mobile campers, tents, camp trailers and touring vans; that the campground has been in business for 43 years; that the campground includes campsites, cabins, central water and wastewater, camp store, office, inground swimming pool, bath house, playground, maintenance yard and chapel; that they have an excellent relationship with the Eagles Nest Church and the Sammons family; that when they purchased the property, they were aware that the 10 acre parcel was slated for development; that they purchased the Sammons’s residences that fronts Route 1; that the application seeks to replace and to restore the uses, the structures and the activities that were present on the adjoining 10 acre parcel; that they are seeking to add a two acre parcel, which was originally the Sammons’s residential parcel, to C/U 705 for Deep Branch Campground.

The Council found that Mr. Mark Davidson, Principal Land Planner with Pennoni Associates, spoke on behalf of the application. Mr. Davidson stated that Conditional Use No. 705 was approved in 1982; that Conditional Use No. 705 was approved for 150 campsites for overnight mobile campers, tents, camp trailers, touring vans and alike; that the campground was improved to have campsites, cabins, central water, wastewater, a camp store, and office, inground swimming pool, bath houses, playground, maintenance yard, and a chapel; that the campground has been operating for about 43 years; that the addition of the two properties, improved with the existing dwelling and the septic systems will provide for the purpose of the uses intended primarily compatible within an existing campground; that on the submitted Site Plan, he had indicated what had been relocated, as part of that 10 acres being developed with the assisted living facility; that he had outlined the assisted living facility on the back

**Public
Hearing/
CU2586
(continued)**

five acres, which is zoned C-1 (General Commercial); that the front five acres are zoned AR-1 (Agricultural Residential), which is the location of the one acre piece is; that the two acre parcel would merge into the adjacent parcel; that per the 2045 Future Land Use Map of the Sussex County Comprehensive Plan, the property is identified as being within the Low Density Area, and Existing Development Area; that the 2020 Delaware Strategies for State Policies and Spending shows the site within Investment Level 4; that the proposed Conditional Use is subject to the provisions of Articles IV through Article XXIV, §115-§22 of the Sussex County Zoning Code; that the purpose of the Conditional Use is to provide for these certain uses, which cannot otherwise be well adjusted to their environment, in particular location with full protection offered to surrounding properties or rigid application and district regulations; that the subject application being submitted to Sussex County is to request the approval to add 3.01 acres +/- to the existing campground; that there is an exiting septic system; that the proposed use will not alter the character of the surrounding area in any manner, which would substantially limit, impair or preclude the use of the surrounding properties; that the Conditional Use is compatible with the surrounding low density uses, which include residential, commercial, institutional, agricultural and recreational areas; that access to Zion Church Road, which is classified as a local road, according to DelDOT's Highway Functional Classification Map; that right-of-way, dedications and permanent easement dedications have been dedicated; that they were dedicated as part of the assisted living facility process; that the campground has an existing access easement, which had been granted to them over the years, which comes up from Zion Church Road; that this is a recorded deed easement, which is 50 feet wide, and comes up to the back of the property; that this easement will be the primary access for the addition of the two properties for the campground; that the existing access, located off Zion Church Road, will be the primary access for the campground and the associated amenities; that they are proposing to present to DelDOT to use the existing driveway as an emergency access, designated for emergency services only; that the emergency access will be gated with a Knox box to provide an alternate way of leaving the site in the case of an emergency; that DelDOT felt that the proposed Conditional Use would not adversely affect the congestion of the roads; that they deemed the proposed use to be diminutive in the context of the agreement with Sussex County; that DelDOT did not require a Traffic Impact Study (TIS) for the application; that there are wetlands located on the property; that a Wetland Delineation is required to be shown along the wetland area; that there are no threatened or endangered species on the properties being added; that there is no need for public water for the application; that parcel no. 35.02 has an existing well, which had been permitted through DNREC, which serves the existing dwelling; that the existing campground currently has an existing commercial well which services the property; that the one acre parcel is located within Flood Zone X, which is located outside of the 500 Year Floodplain; that a Flood Zone AE, with elevation of 8, impacts

**Public
Hearing/
CU2586
(continued)**

portions of Parcel No. 35.02 and Parcel No. 35.03; that the property is located within the Milton Fire Department Service Area; that he has one requested change for Condition G; that Condition G states “A permanent opaque fence of at least 6 feet in height shall be erected and maintained all the common boundary with Parcel No. 35.09 to provide a visual screen and buffer between the two properties. The location and type of fencing shall be shown on the Final Site Plan.”; that the County Code states that a six-foot fence cannot be placed in the front yard setback; that they are requesting that some language be added to the condition to stop the six-foot fence in the front yard setback.

Public comments were heard.

Mr. James Grant spoke in favor of the application.

Mr. Tim Parker spoke in favor of the application.

The Public Hearing and public record were closed.

**M 030 26
Amend
Condition
G/CU2586**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to amend Condition G for the first sentence to read “A permanent opaque fence of at least 6 feet in height shall be erected in compliance with Sussex County Planning & Zoning regulations along the common boundary with Parcel No. 35.09 to provide a visual screen and buffer between the two properties”.

Motion Adopted: 5 Yeas

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

**M 031 26
Adopt
Ordinance
No. 4038/
CU2586**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4038 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. Conditional Use No. 705 was approved in 1982 for 150 campsites for overnight mobile campers, tents, camp trailers, touring vans, and the like. The campground was improved to have campsites, cabins, central water and wastewater, a camp store and office, an inground swimming pool, bathhouses, playground, maintenance yard, chapel, and other similar features. The campground has been operating for**

**M 031 26
Adopt
Ordinance
No. 4038/
CU2586
(continued)**

- the past 43 years.
2. This application seeks to add two properties to the existing Conditional Use. One of the properties includes a dwelling, and the other includes a portion of the septic system that serves the existing campground.
 3. The existing campground is immediately adjacent to a property that is zoned C-1 (General Commercial), which was part of an application for a Senior Care Facility that was recently approved. The approved site plans for that use forced the removal of the campground's clubhouse, office, and swimming pool. The addition of the additional two parcels that are the subject of this application will add those uses back into the campground.
 4. The addition of these two parcels will not materially increase the total area of the campground, as it was approved in 1982.
 5. The replacement of the removed uses on these new additional parcels is consistent with the campground requirements set forth in Section 115-172H of the Sussex County Zoning Code.
 6. This application will not alter the character of the surrounding area or adversely affect neighboring properties or roadways. DelDOT has stated that these additional parcels will have a "diminutive" impact on area roadways. The use is just a continuation of the longstanding operation of the campground.
 7. These additional properties will have access through the existing campground access to Zion Church Road.
 8. The one-acre portion of Parcel 35.03 that is a part of this application lies within an excellent groundwater recharge area. Any disturbance within this portion of the property will be required to follow the criteria contained in Chapter 89 of the Sussex County Code regarding Source Water Protection.
 9. This recommendation is subject to the following conditions:
 - a. Conditional Use No. 705 shall remain in effect for the entire campground and for Parcel No. 35.03 except as specifically modified by these conditions.
 - b. These additional properties shall be used as (1) a campground for mobile campers, recreational vehicles, tents, camp trailers, and touring vans consistent with the adjacent approved campground; (2) a residence and/or office for the campground manager; (3) a meeting area and small retail businesses, clubhouse and pool intended primarily for occupants of the campground; and (4) utilities as needed and necessary for the safe operation of the campground.
 - c. One lighted on-premises sign, not to exceed 32 square feet of sign area per side, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
 - d. All security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - e. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements. In addition,

**M 031 26
Adopt
Ordinance
No. 4038/
CU2586
(continued)**

and subject to the coordination and approval of DelDOT, the existing driveway from the subject property to Route 1 shall remain available for emergency use and access via a Knox Box or similar form of restrictive access. This driveway entrance shall remain locked and shall not be used by the public for access to or from the campground except in cases of emergency. This restricted entrance shall be noted on the Final Site Plan and with signage on the site itself.

- f. All trash and recycling containers shall be screened from view of the adjacent properties and area roadways.
- g. A permanent opaque fence of at least 6 feet in height shall be erected in compliance with Sussex County Planning & Zoning regulations along the common boundary with Parcel No. 35.09 to provide a visual screen and buffer between the two properties. The location and type of fencing shall be shown on the Final Site Plan.
- h. A violation of these conditions may result in the termination of this conditional use.
- i. The Final Site Plan showing this additional area and incorporating the entire existing campground 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**

**M 032 26
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 2:20 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.}