

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 3, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 3, 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
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 035 26
Approve
Agenda**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, 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 January 13, 2026 & January 27, 2026 were approved by consensus.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from Selbyville Historical Society, Read Aloud Delaware and Friends of Sussex CASA, Inc. thanking Council for their support.

**Public
Comments**

Public comments were heard, and the following people spoke:

Ms. Janet LeDigabel spoke about affordable housing and traffic.

Ms. Alison White spoke about affordable housing.

Recognition

Mr. Gordon Serman was recognized for his retirement.

**Public
Interview/
BOA**

A public interview was held for Board of Adjustment Nominee – Chuck McClure.

M 036 26

A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved that Sussex County Council approves the appointment of Mr. Chuck

Approve BOA Candidate **McClure to the Sussex County Board of Adjustment effective immediately until such time the term expires in June 2028.**

Motion Adopted: 5 Yeas

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

Public Interview/ PZ Commission **A public interview was held for Planning & Zoning Commission Nominee – David Pettyjohn.**

M 037 26 Approve PZ Candidate **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that Sussex County Council approves the appointment of Mr. David Pettyjohn to the Sussex County Planning & Zoning Commission effective March 1, 2026 until such time the term expires in June 2026.**

Motion Adopted: 5 Yeas

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

Presentation Opioid Commission **A presentation was given by Mr. Bradley Owens, Director, Prescription Opioid Settlement Distribution Commission.**

Library Advisory Board **Mr. Lawson reported that there was an opening for the Library Advisory Board for District 4.**

M 038 26 Approve Library Advisory Board Appointment **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that Sussex County Council approves the appointment of Ms. Dianna Boehm to the Library Advisory Board effectively immediately until June 2027.**

Motion Adopted: 5 Yeas

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

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

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for December 2025 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

**Administrator's
Report
(continued)**

investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of December.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Acadia Landing – Phase 5 (Construction Record), and East Gate – Phase 2 (Construction Record) received substantial completion effective January 8th and January 14th, respectively.

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

**GHD
Amend No.
31**

Hans Medlarz, Project Engineer, presented amendment no. 31 for the preliminary studies for the Wolfe Neck RWF upgrade and expansion for Council's consideration.

**M 039 26
Approve
GHD
Amendment
No. 31**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 31 to the base engineering contract with GHD, Inc. be approved in the amount not to exceed \$1,050,000 for preliminary engineering services, associated with the Wolfe Neck regional wastewater facility upgrade.

Motion Adopted: 5 Yeas

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

**BW Electric
CO No. IB-
001/Direct
PO**

Hans Medlarz, Project Engineer presented change order no. IB-001 for SCRWF treatment process upgrade no. 3 – Inland Bays extension for Council's consideration.

**M 040 26
Approve
Direct PO/
IB Extension**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve a purchase order to Harold Beck & Sons, Inc. in the amount of \$159,565 for actuated values associated with the Inland Bays expansion project.

Motion Adopted: 5 Yeas

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

**M 041 26
Approve CO**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering

No. IB-001 Department, that BW Electric, Inc.’s change order no. IB-001 for the Inland Bays phase 2 project, be approved in the amount of \$2,400,000.

Motion Adopted: 5 Yeas

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

**RK&K
Wetland
Data** Hans Medlarz, Project Engineer presented a 5-year wetland data collection implementation modification for professional environmental services for Council’s consideration.

**M 042 26
Approve
RK&K
Proposal** A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve the RK&K 5-year wetland data collection implementation proposal – revision I, in the amount of \$13,355.

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/
CZ2021** 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 AN AR-1 - RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS” filed on behalf of Crosswinds Landing, LLC.

The County Council held a Public Hearing on the application at the meeting on October 7, 2025. At the conclusion of the Public Hearing, the Council deferred action on the application for further consideration.

**M 043 26
Amend
Condition
Q/CZ2021** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition Q to read “There is a path or roadway known as Chicken Farm Road of unknown origin along the western side of this site. It shall remain open and continue to exist. All subsequent plans, including the Master Plan, shall reflect this.”

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**M 044 26
Adopt
Ordinance
No. 4039/
CZ2021**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4039 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 -RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 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 is currently zoned AR-1. The Applicant is seeking approval of a Residential Planned Community overlay zoning while maintaining the underlying AR-1 zoning.**
- 2. The proposed AR-1-RPC is in close proximity to the intersection of Routes 20 and 54, where a commercial center has been established, and which serves residents in the vicinity. This area has a higher residential density and is served by various commercial businesses.**
- 3. The proposed development will have no more than 352 single-family and multifamily dwellings within its 183 acres. The net density is within the allowable density in AR-1.**
- 4. Central water and sewer will be provided to the RPC.**
- 5. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses as follows:**
 - a. The RPC provides alternative housing types that are not available within a subdivision design;**
 - b. The RPC locates home sites together on environmentally suitable portions of the site outside of wetlands, mature woodlands, and waterways;**
 - c. The RPC retains approximately 114 acres or 62% of the total site area as open space;**
 - d. Within the open space, approximately 35 acres, or 54% of the existing woodlands, will be preserved;**
 - e. The property is crossed by Buntings Branch, White Oak Swamp Ditch and contains approximately 14 acres of non-tidal wetlands. The Army Corps of Engineers issued an approved Jurisdictional Determination on January 3, 2024. Site resources will be protected by buffers as required by the County Resource Buffer Ordinance and will promote wildlife corridors to and from adjacent wooded areas; and**
 - f. The Project will incorporate and reuse an existing old borrow pit into its site plan as a visual and recreational component of the development.**
- 6. According to the County’s current Comprehensive Plan, the project is in the Coastal Area, which is designated as a Growth Area. This AR-RPC is appropriate in this Area according to the Plan, which permits**

**M 044 26
Adopt
Ordinance
No. 4039/
CZ2021
(continued)**

- residential development with a mix of housing types.
7. **The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.**
 8. **This recommendation is subject to the following conditions:**
 - a. **There shall be no more than 352 dwelling units consisting of single-family and multifamily dwellings.**
 - b. **A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of all of the buffers and resources, stormwater management facilities, streets, amenities, and other common areas.**
 - c. **All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements, including the requirements of DelDOT's TIS Review Letter dated February 5, 2024.**
 - d. **The RPC shall be served by central water and sewer.**
 - e. **Approximately 114 acres or 62% of the site shall remain as open space, including 35 acres of the woodlands on the site. The area of preserved woodlands shall be shown on the Final Site Plan.**
 - f. **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 in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
 - g. **Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of the streets within the RPC, with the exception of the area along David Lane, where Lots 213 to 228 are only located on one side of the street. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
 - h. **The development shall be served by amenities including a clubhouse and outdoor swimming pool, tot lot, bocce courts, and beach area. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.**
 - i. **The Resources on the site shall be protected and buffered as required by Section 115-193 of the Sussex County Code.**
 - j. **The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer and buffer protection areas and the woodlands that must be preserved as required by Section 99-21A of the Sussex County Code. The site frontage along Lighthouse Road (DE-54) shall have landscaping and be bermed in accordance with the Applicant's Swann Lake entrance landscaping exhibit prepared by Morris and Ritchie Associates, Inc.**

**M 044 26
Adopt
Ordinance
No. 4039/
CZ2021
(continued)**

- k. The Applicant shall consult with the local school districts' transportation manager to determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.**
- l. As proffered by the Applicant, each residential unit shall be obligated to make an annual payment of \$100.00 to the Roxana Fire Company beginning with the issuance of a residential Certificate of Occupancy for that unit. These fees shall be collected and paid by the Homeowners Association. However, if the State or County enacts a separate law governing the mandatory payment or contribution to Fire/EMS service applicable to the units in the RPC, then this condition shall no longer apply.**
- m. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- n. During sitework and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.**
- o. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- p. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.**
- q. There is a path or roadway known as Chicken Farm Road of unknown origin along the western side of this site. It shall remain open and continue to exist. All subsequent plans, including the Master Plan, shall reflect this.**
- r. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.**
- s. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a Grading Certificate is submitted to the Building Code Department demonstrating general conformity with the individual site Grading Plan.**
- t. A Revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.**
- u. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

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**

**Grant
Requests**

Ms. Wall presented grant requests for Council's consideration.

**M 045 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 Mr. McCarron's Councilmanic Grant Account) to Eastern Shore AFRAM festival for their Martin Luther King Day of Celebration.

Motion Adopted: 5 Yeas

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

**M 046 26
Tether
Foundation**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to give \$3,500 (\$1,500 from Mr. Rieley's Councilmanic Grant Account, \$500 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr. Lloyd's Councilmanic Grant Account, \$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic Grant Account) to the Tether Foundation for the camp abilities Delaware winter camp.

Motion Adopted: 5 Yeas

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

**M 047 26
East Sussex
Public
Broadcast-
ing, Inc.**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, to give \$1,200 (\$1,200 from Ms. Gruenebaum's Councilmanic Grant Account) to East Sussex Public Broadcasting, Inc. for equipment upgrades.

Motion Adopted: 5 Yeas

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

**M 048 26
Clothing
Our Kids**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to give \$2,500 (\$750 from Mr. Lloyd's Councilmanic Grant Account, \$1,000 from Ms. Gruenebaum's Councilmanic Grant Account, \$750 from Mr. Rieley's Councilmanic Grant Account) to Clothing Our Kids for their clothe a kid program.

Motion Adopted: 5 Yeas

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

**Introduction
or Proposed
Ordinances**

Mr. Hudson introduced a Proposed 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. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.3 ACRES, MORE OR LESS” filed on behalf of James Mershon.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 84.76 ACRES, MORE OR LESS” filed on behalf of GreenTek, LLC.

Mr. Hudson 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 24.97 ACRES, MORE OR LESS” filed on behalf of FFP DE Vines Creek, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

Mr. Rieley commented that the Sussex County Land Trust has been selected as the 2026 conservation stewardship award winner.

**M 049 26
Go Into
Executive
Session**

At 11:27 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

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

Executive Session At 11:36 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session ended at 12:22 p.m.

M 050 26 Reconvene At 12:25 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to come out of Executive Session back into Regular Session.

Motion Adopted: 4 Yeas, 1 Absent

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

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

M 051 26 Adjourn A Motion was made by Mr. McCarron, seconded by Mr. Rieley to adjourn at 12:26 p.m.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Absent; 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.}