



Eyes on County Council – April 14, 2026

Highlight Events (see additional details below):

- **Forest Preservation Ordinance** - discussion of the draft ordinance detailed the Land Use Working Group's recommendation plus new preservation requirements and tree planting mitigation requirements. Key addition was for all residential development where forest exists to require a forest condition assessment. Council was seriously engaged, suggesting possible adjustments to the draft. The ordinance will be introduced at the 4/21 meeting. (see related article below)
- **Wind Power Appeal** – Council voted 4-1 (Grunebaum dissent) to continue challenging the state court decision tied to a proposed electrical substation for an offshore wind project. Council had voted in 2024 to deny the substation. The court sided with Senate Bill 159 which requires the county to approve these projects if they meet certain criteria. (see related article below)

Breaking News:

- **2026 Election County Council** –
 - Justine Cuccia has filed as a Democratic candidate for Sussex County Council District 4 in the 2026 election, challenging the seat currently held by Douglas Hudson of Ocean View, who is serving his second consecutive term.
 - Republican Rieley is being challenged for his seat representing District 5 by Jill Hicks, a Democrat.
 - Incumbents Doug Hudson and John Rieley have both filed for reelection to Council.

Public Comments:

- Four persons spoke strongly in opposition to the Senate Bill 159 legislation which overturned Council's 2024 decision to deny an electrical substation for the US Wind power project. They pleaded for Council to continue to appeal SB 159 for various reasons, including environmental, security, economic, and the concern the state would rule on local land decisions.

Consent Agenda: Procedural matter whereby Council can vote their consent, for the record, on matters of Council.

- Council approved two items for consent, both the use of existing wastewater agreements. No discussion.

Presentations:

- **Opioid Commission Grant Application Update** – Mr. Lawson shared that the County has been allocated \$479,641.50 by the Delaware Opioid Settlement Commission. Starting today, the

County is accepting applications from the Sussex County community partners to implement and scale essential services for the treatment and long care recovery support of opioid drug use. This first step will end on May 4th when applications are due to the County, and then on May 12th the Council will review and select the community partners to potentially receive funding. Before receiving this funding, a list of selected community partner's applications will be sent to the Delaware Opioid Commission for their final review and funding.

- **Karen Brewington, Human Resources** Director - presented the County's first quarter Shining Start Employee Recognition awards. Recipients were brought to the front and presented awards and then a group picture followed of the recipients and the Council members.
- **Discussion and Possible Action related to the Delaware Diamond Fund MOU** – Brandy Nauman, Community Development and Housing Director, shared with the Council the history behind this planned MOU (memorandum of understanding) between Capital One and the County Housing Trust Fund. Capital One will provide funding at the \$500,000 level for 5 years to support low and moderate housing affordability. The MOU outlines how Sussex County will coordinate with the Delaware Diamond Fund for distribution of grant funding to support affordable home ownership. The homebuyer's assistance program offers up to \$20,000 each. The County Council unanimously voted to approve.
- **Airpark Water Storage Tank Modifications:** Mark Parker, Assistant County Engineer Made a motion for approval of JMT Amendment No. 6. The project design is complete and JMT was asked to do some additional work. The request was for not to exceed \$18,250 to complete this additional work. Council unanimously approved
- **Discussion and Possible Introduction of an Ordinance entitled "An Ordinance Authorizing the Issuance of Up To \$239,059 Of A General Obligations Bond of Sussex County in Connection with Increased Costs Associated with the Joy Beach Project and Authorizing All Necessary Actions in Connection Therewith"**. Paul Mauser, Assistant County Engineer described the project. This project started in 2017 and he was asking this to be a public reading and that there would be a public meeting on May 12. Note – 95% of these funds are expected to be covered by a grant. No vote was taken.
- **Construct Taxilane and Tie Downs, Project A26-17:** Bob Bryant, Airport Manager, was requesting Council to approve funding for \$275,000 for Delta Airport Consultants for a design for the taxilane and tie downs with the understanding this is contingent on receiving a FAA grant for the full amount. Council unanimously approved.
- **Hans Medlarz, Project Manager** – provided a significant update for the multi-year upgrade and expansion program of the Wolfe Neck Regional Wastewater Facility. Mainly an informational update with activity occurring later in 2026 and beyond. Several items were approved by Council to keep the projects on track, including:
 - Wolfe Neck RWF Upgrade and Expansion - \$760,000
 - Lewes Board of Public Works (LBPW) – Sussex County Partnership, pipe replacement to increase flow.
 - SCRWT Treatment Process Upgrade No. 3 – Inland Bays Extension change order, all equipment purchased (lagoon cover).

Note: *Mr. Medlarz has been a fixture at Council meetings in his critical role as County Engineer. He retired but has stayed on in a transition period. It was mentioned this would be his final appearance at Council. EoCC commends him for his dedicated service to Sussex County.*

We are providing some general information on the Wolfe Neck RWF as this is a major project for the county:

The Wolfe Neck Regional Wastewater Facility in Rehoboth Beach, Delaware, plays a crucial role in wastewater management and is undergoing significant environmental improvements.

Purpose and Operations

The Wolfe Neck Regional Wastewater Facility is part of Sussex County's efforts to manage wastewater effectively while protecting local water resources. It treats wastewater for over 60,000 public utility customers, primarily in eastern Sussex County, and is designed to handle up to **2.23 million gallons of wastewater daily**, with higher capacities during the summer months.

Recent Developments

1. **Environmental Initiatives:** The facility is transitioning from traditional pivot-head spray irrigation on farmland to a more sustainable method involving fixed-head ground application in a reforested area. This change aims to improve the efficiency of wastewater application and enhance local ecosystems.
2. **Trail Development:** A new trail is being developed as part of the project, which will connect to the Junction and Breakwater Trail, providing public access to previously restricted areas of Cape Henlopen State Park. This trail will include a wildlife viewing platform and is expected to be completed in two to three years.
3. **Solar Energy Project:** The facility is also incorporating renewable energy solutions, including a floating solar array to power some of its operations. This initiative is part of a broader upgrade to increase the facility's capacity and sustainability.
4. **Reforestation Project:** Nearly **400 acres** of farmland will be converted into reforested woodlands, which will not only improve the environmental footprint of the facility but also provide habitat for local wildlife and enhance public recreational opportunities.



Conclusion

The Wolfe Neck Regional Wastewater Facility is a vital component of Sussex County's infrastructure, focusing on sustainable wastewater management and environmental restoration. Its ongoing projects reflect a commitment to improving public health and ecological integrity in the region.

- **Proposed Ordinance for Forest Preservation:**

- Todd Lawson led the discussion with support from Vince Robertson and Kyle Hoyd, State Forester. This draft was developed from the Land Use Reform Working Group's recommendation with some additions – mainly preservation and mitigation (tree planting) requirements
- The purpose was to introduce the draft Ordinance to Council for their review and comments, and he would introduce the final draft at next week's Council meeting.
- The new proposed draft includes the following requirements:
 - All proposed residential development sites in areas with existing forests will be assessed using a Forest Stage Delineation (FSD) test.
 - A minimum protection for existing forests is mandated, with a growth area requiring 30% protection and a rural area requiring 50%.

- Priority areas include 100-year floodplains, non-tidal rivers and streams and their buffers, intermittent streams and their buffers, and contiguous forest that connects large undeveloped tracts within and adjacent to them.
- Forest mitigation will be incorporated into the ordinance, requiring that reforested areas be 2.0 times the area cleared in excess of permitted in a growth area and 2.5 times in a rural area.
- Existing forests will be protected using American National Standard Institute (ANSI) Standards, including fencing staking and continuous ribbon installation.
- Mitigation will mandate the size, height, width, and type of trees, all of which must be specified in the planning stage and before the permitting stage.
- A mitigation process and a fine for any damage to trees will be established.
- A new tree planting standard will be required, with the number of trees per square foot differing between growth and rural areas.
- The proposed effective date for the new ordinance will be six months after County Council approval
- Feedback/comments from Council:
 - Grunebaum questioned the allowed % of forest removal, tree planting mitigation and the quality assessment. Felt the planting of saplings to replace a 100 year old oak was insufficient. Cited past experience of the negative effects of deforestation (fragmentation) – “drowning” of remaining forest and appearance of invasive species. Asked for a preamble in the ordinance explaining the great importance of forests for environmental, economic and safety reasons – not because they are pretty.
 - Rieley asked for clarification of the 30% factor – to retain 30% of the existing forest area, not the total area
 - Lloyd expressed concern that doing this will add cost to the developers. He asked what was included in the FSD – the State Forester responded that it would be type, size, layout and light. The PLUS process doesn’t provide a quality assessment. Intent is to have experts determine what is good and bad within existing forest.
 - Grunebaum questioned the effective date of the ordinance (6 months following approval), stating developers would use that time to remove forest areas to their advantage.
- Council can propose adjustments to the draft prior to the 4/21 meeting.

Old Business:

- **Conditional Use #2052, Marlin Cove development** – this 61 acre property/210 unit proposal is located in the route 54 corridor. Being in his district, Hudson described his opposition to the project – mainly the insufficient efforts for road improvements. He made a motion to deny – which was unanimously agreed by Council.
- *Comment – this is another example of a rejection by Council for development citing the lack of infrastructure (Atlantic Fields).*

Grant Requests:

- Multiple grants approved – Delaware Make-A-Wish Foundation, Delaware 4-H, Celebration of Jazz (Rehoboth Beach), Delaware Flags for Heroes program, Delaware State Troopers Scholarship Fund, First State Community Action Agency and Indian River High School for National Leadership Conference.

Public Hearings:

- **Conditional Use #2533 filed on behalf of RWE Clean Energy** – Proposal was for a solar array on existing farm land – using 35% of the total 69 acres. The owner was doing it because he felt this would guarantee that the rest of his property could continue to be used for farming. Two persons spoke in opposition. Clifford Parker made a passionate plea to deny this change because he wanted to protect farmland in Sussex County. Donna Mitchell, a neighbor, was concerned with the impact it would have on the environment and the native animal species in the area. She described the proximity to the Great Cypress Swamp* – and potential environmental dangers the solar equipment might create. This proposal was approved by the P&Z with conditions. After testimony, Mr. Rieley requested the CU be deferred. The County Council voted 5-0 to defer.
- **Conditional Use #2614 filed on behalf of FFP DE Vines Creek, LLC** – a proposal for a solar array on 10 acres near Dagsboro. There were no opposition in the audience. This proposal was approved by P&Z. Mr. Reiley requested that a decision be deferred. The County Council voted 5-0 to defer

*Providing background information:

The Great Cypress Swamp is a significant ecological area in Delaware, known for its rich biodiversity, historical importance, and ongoing conservation efforts.

Overview

*The **Great Cypress Swamp**, also referred to as the **Burnt Swamp** or **Great Pocomoke Swamp**, is located primarily in southern Sussex County, Delaware, and extends into Maryland. Covering approximately **50 square miles (130 km²)**, it is recognized as the largest contiguous forest on the Delmarva Peninsula and serves as a vital ecological resource.*

Ecological Significance

*The swamp is home to a diverse range of flora and fauna, including **73 breeding species of birds**. Notable species include the **worm-eating warbler** and the **brown-headed cowbird**, along with regionally rare species like the **Swainson's warbler**. The swamp plays a crucial role in the local ecosystem by filtering and storing rainwater, which helps maintain the quality of water in nearby rivers and streams.*

Council Vote to Continue Litigation (Appeal) against State Court Ruling

- Following a brief executive session, Council returned to chambers and took a vote on a motion to continue to appeal the state's ruling on the electrical substation – which allows the project to continue. This ruling overturned a 2024 decision by Council to deny the substation – thereby stopping the US Wind project. Council voted 4-1 to continue legislation and fight the state ruling. Grunebaum cast the dissenting vote. There was no discussion.

Council Meeting Upcoming Schedule: Tuesdays – check agenda for timing and location

- **Next meeting April 21(12:30 Start) [Agenda:[042126.pdf](#)]**
 - Includes discussion and Possible Introduction of a Proposed Ordinance related to Forest Preservation
- Future meetings: April 28, May 5 (Budget Workshop), May 12 and May 19

Council Meeting Broadcast

[County Council Meeting - April 14, 2026](#)

Related Articles:

[Sussex County Council votes to appeal substation lawsuit | News | coasttv.com](#)

[In Sussex County, power struggle continues over wind substation ruling | Cape Gazette](#)

[Development regs reveal divide in Sussex | Cape Gazette](#)

[Justine Cuccia announces candidacy for Sussex County Council District 4 | News | coasttv.com](#)

[Hudson hopes experience, balanced approach win another term | Cape Gazette](#)

[Rieley seeks third Sussex County Council term | Cape Gazette](#)

[Sussex eyes forest protection law | Cape Gazette](#)

[Sussex P&Z backs four ordinances to improve housing projects | Cape Gazette](#)

[Growth on routes 9, 113 focus for state, Sussex | Cape Gazette](#)

Note: Eyes on County Council makes every effort to render events at public meetings accurately. It either explicitly quotes speakers, or paraphrases their statements as accurately as possible. If any representation in these notes is inaccurate, please contact us.