

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 26, 2021**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 26, 2021, at 10:00 a.m., in Council Chambers, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 027 21  
Approve  
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend the Agenda by deleting "Introduction of Proposed Ordinances" and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of January 12, 2021 were approved by consent.

**Corre-  
spondence**

Correspondence was received from the Harry K. Foundation in appreciation of grant funding to be used for feeding children and their families. Correspondence was also received from the League of Women Voters of Sussex County, the Delaware Prosperity Partnership, and SEDAC in support of the Commercial Property Assessed Clean Energy Program (C-PACE).

**Public  
Comments**

There were no public comments.

**Interview  
Board of  
Adjustment  
Nominee**

Mr. Lawson noted that on January 12, 2021, Mr. Rieley announced his nomination of John Travis Hastings to the Board of Adjustment (District 5). The Council conducted a public interview for Board of Adjustment nominee John Travis Hastings (by teleconference).

**M 028 21  
Approve  
Board of  
Adjustment  
Appointment/  
Hastings**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council approves the appointment of John Travis Hastings to the Sussex County Board of Adjustment, effective immediately, and until such time as the term expires in June 2022.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Commercial  
PACE  
Program  
Presentation**

Tony DePrima, Executive Director of Delaware Sustainable Energy Utility and Elyssa Rothe, Senior Director, Policy Programs, Green Works Lending, gave a presentation on the Commercial Property Assessed Clean Energy (PACE) Program. The Commercial PACE Program is an economic development strategy with environmental benefits for commercial buildings. The Program facilitates financing for eligible clean energy improvements to qualifying commercial, industrial, and agricultural properties by using a voluntary benefit assessment to provide security for repayment of the financing. Mr. DePrima reviewed PACE basics: financing dollars come from private sources; County assessment placed to pay debt service similar to property assessments; County collects service fees; PACE assessment survives sales, including foreclosures; future PACE assessments can be passed on in the future by whomever buys the building. Mr. DePrima explained the benefit to local governments: economic development, job creation, reduced CO2 emissions, no tax money used, fees support assessor costs, and taxes are collected first. The Delaware Sustainable Energy Utility (SEU) would serve as Program Administrator; the County's tax office will do the loan servicing with a fee for service, the County would provide collected funds to the SEU and the SEU would distribute to lenders; and the SEU will cover start-up costs, including assisting County Administration. Ms. Rothe noted that Greenworks Lending is the leading provider of commercial PACE (C-PACE) financing nationally and she reported that C-PACE is a partnership between a public entity (local government) and a private entity (capital provider) to fund clean energy projects on commercial properties in a specific jurisdiction. Ms. Rothe also reported on how the program is growing across the Country noting that Greenworks has financed 350+ C-PACE projects in 20 states.

No action was taken by Council.

**Adminis-  
trator's  
Report**

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

**1. Caroling on The Circle/Pack the Pod**

Sussex County is pleased to announce that the Caroling on The Circle campaign that wrapped up at the end of December raised more than 15,000 food items for local pantries, a successful end tally given the challenges of the pandemic in 2020. While COVID-19 squelched this

**Adminis-  
trator's  
Report  
(continued)**

past year's singing event on The Circle, the County moved forward with the food drive portion of the annual campaign. Thanks to businesses, County employees, civic groups, schools, and individual citizens reaching deep in their pockets and in the back of their cupboards, the campaign collected more than \$10,000 in cash, and more than 5,300 food items to help stock shelves at more than a dozen local food pantries. Every dollar earned was turned into food items that will help feed needy families here in Sussex County well into 2021. We thank our generous donors for their support, and we look forward to resuming Caroling on The Circle next holiday season.

**2. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, The Estuary - Phase 1D-3A (Construction Record) received Substantial Completion effective January 8<sup>th</sup>, Bishop's Landing (formerly Dove Landing) – Phase 3A and Wellesley – Phase 2A (Construction Record) both received Substantial Completion effective January 15<sup>th</sup>.

**3. Delaware State Police Activity Report**

The Delaware State Police year-to-date activity report for December 2020 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 189 troopers assigned to Sussex County for the month of December.

**4. Charles Clayville**

It is with sadness that we note the passing of County pensioner Charles Clayville on Friday, January 15<sup>th</sup>. Mr. Clayville began his career with Sussex County in February 1978 where he worked in Facilities Management until April 2003. We would like to extend our condolences to the Clayville family.

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

**Appoint-  
ment**

Mr. Lawson presented for consideration an appointment to the Board of Assessment Review for District 3.

**M 029 21  
Approve  
Board of  
Assessment  
Review**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council appoints Mr. Matt Mariner to the Sussex County Board of Assessment Review, effective immediately, for a term of five (5) years or until February 2026.

**Appoint-  
ment**

Motion Adopted: 4 Yeas, 1 Absent.

**M 029 21  
(continued)**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Vincent, Yea**

**Airport  
Advisory  
Committee  
Member  
Appoint-  
ments**

**Bob Bryant, Airport Manager, presented for Council's approval the Delaware Coastal Airport Advisory Committee members for the Year 2021: Garrett Dernoga, Larry Kelley, Jeff Reed, Rick Garner, Gus Croll, Mark Ryan, Scott Thomas, and Ray Hopkins Mr. Bryant noted that the Committee members also include one County Council member, the County Administrator, the County Engineer, and the Director of Economic Development.**

**M 030 21  
Approve  
Reappoint-  
ments/  
Airport  
Advisory  
Committee**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that the Sussex County Council approves the 2021 Committee member reappointments to the Delaware Coastal Airport Advisory Committee, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**James  
Farm/  
Master  
Plan/  
Phase 2**

**Patrick Brown, Project Engineer, presented an update on work at the James Farm Ecological Preserve. He noted that the Center for the Inland Bays has partnered with the County for many years and that the County has been working with the CIB on the Master Plan, most recently the Phase 2 portion of the Plan. On June 30, 2020, the Council authorized the agreement for Project C20-38, James Farm Master Plan Implementation, Phase 2, with a not-to-exceed fee of \$71,435.00 for updates to the Master Plan and for design of an ADA compliant restroom. In 2020, at DNREC's suggestion, the County submitted a second ORPT grant application not exceeding \$100,000.00 to further implement Phase 2 of the Plan. With Sussex County and DNREC allocations, Phase 2 Master Plan projects can be further implemented, including construction of the restroom with related site and utility work, along with design, permitting and construction of future maintenance and education facilities and other related improvements. After review of the contract and proposal, the Engineering Department recommends procurement of a prefabricated building through the available State sourcing in an approximate amount of \$77,000.00; minor site and utility improvements are necessary to receive the prefabricated restroom. In addition, the Engineering Department recommends approval of an equipment contribution and a set-aside of sewer connection charges.**

**M 031 21  
Approve  
Purchase  
Order/  
James Farm**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that a Stand-Alone Purchase Order for CXT Concrete Buildings, Inc., as a part of Contract C20-38, James Farm Master Plan Implementation, Phase 2, be approved in an amount not to exceed \$77,000.00 for manufacturing and**

**M 031 21**  
**Approve**  
**Purchase**  
**Order/**  
**James Farm**  
**Master**  
**Plan**  
**(continued)**

**delivery of a restroom facility in accordance with the State of Delaware contract for prefabricated buildings.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**M 032 21**  
**Approve**  
**Sussex**  
**County**  
**Project**  
**Contri-**  
**bution/**  
**James**  
**Farm**  
**Master**  
**Plan**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that furnishing and utilizing surplus sewer equipment as a part of Contract 20-38, James Farm Master Plan Implementation, Phase 2, and the set-aside of related sewer construction charges be approved as a “betterment” to County property.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**General**  
**Labor**  
**and**  
**Equipment**  
**Project**  
**19-01/**  
**Change**  
**Orders**

**Hans Medlarz, County Engineer, presented Change Orders to the General Labor & Equipment Contract, Project 19-01:**

- Change Order No. 2, FY 2021, in the amount of \$960,000.00 for Plantation Road LP Sewer Extension Project. This Change Order covers the following: continuation of the Inland Bays, northern effluent distribution loop (\$290,000); Inland Bays Cannon Road entrance rehabilitation and drainage regrading (\$150,000), continuation of Rehoboth Beach wastewater plant site work (\$85,000), continuation of Hebron Road sewer repair (\$45,000), implementation of close-out for The Cove at Sandy Landing (\$130,000), and emergency work including Maplewood Dental Clinic, Oak Crest FM repair, Dagsboro and Ellendale deep lateral repairs, Pump Station No. 50 meter replacement and Pinewater Drive storm drain repair.**
- Change Order No. 3, FY 2021, in the amount of \$25,000.00 for the James Farm Ecological Preserve. This Change Order covers the following: connection of prefabricated restroom facility to site utilities and to set the facility on a stabilized base (to be counted as part of the County’s match under the ORPT grant), and the physical connection of the prefabricated restroom facility to the sewer system, including the labor component (will not be counted as part of the County’s match under the ORPT grant).**

**M 033 21**  
**Approve**  
**Change**  
**Orders/**  
**General**  
**Labor**  
**and**  
**Equipment**  
**Project**  
**19-01**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 2 and 3 (FY 21) for Contract 19-01, FY 19, General Labor & Equipment Contract, be approved, increasing the Contract amount by \$960,000.00 and \$25,000.00, respectively, for a new Contract total of \$8,230,000.00.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**M 034 21**  
**Go Into**  
**Executive**  
**Session**

At 11:56 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and pending litigation.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Executive**  
**Session**

At 12:02 p.m., an Executive Session of the Sussex County Council was held in Council Chambers for the purpose of discussing matters relating to land acquisition and pending litigation. The Executive Session concluded at 12:44 p.m.

**M 035 21**  
**Reconvene**  
**Regular**  
**Session**

At 12:46 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**E/S Action**      **There was no action on Executive Session matters.**

**M 036 21**  
**Adjourn**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to adjourn at 12:46 p.m.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**

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