

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 16, 2021**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 16, 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>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 061 21  
Approve  
Agenda**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to approve the Agenda, as posted.**

**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 February 9, 2021 were approved by consent.**

**Public  
Comments**

**Public comments were heard and the following spoke: Paul Reiger (regarding drainage standards for minor subdivisions).**

**Sussex  
Con-  
serva-  
tion  
District  
Presen-  
tation**

**David Baird, District Coordinator, Sussex Conservation District, provided an update on the work that the District has been doing, including agriculture conservation, sediment and stormwater, heavy equipment, conservation cost share program, cover crop program, tax ditch cost share program, drainage cost share program, and Resource Conservation & Development projects in partnership with RC&D (DNREC). Mr. Baird also discussed initiatives moving forward, i.e. the MS4 Program (municipal separate storm sewer systems) and the Watershed and Flood Prevention Operations Program. Mr. Baird presented the District's FY 2022 funding requests: Conservation Cost Share - increase current funding level from \$50,000 to \$100,000; Tax Ditch Cost Share – maintain or increase current funding level of \$125,000; County Drainage Cost Share – maintain or increase current funding level of \$125,000; Contracted Services – continue and expand utilization of SCD's Equipment Program as an extension of Sussex County's Engineering and Public Works Operations.**

**Adminis-  
trator's  
Report**

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

**1. Council Meeting Schedule**

**A reminder that Council will not meet on Tuesday, February 23rd. The next regularly scheduled Council meeting will be held on March 2nd at 1:30 p.m. in Room 540, at the Carter Partnership Center at Delaware Technical Community College, 21179 College Drive, Georgetown.**

**Proclama-  
tion/  
Libraries  
Random  
Acts of  
Kindness  
Week**

**Kathy Graybeal, Sussex County Librarian, reported on the Libraries' Random Acts of Kindness Week noting that it is just one event in their year-long kindness projects.**

**Council presented a Proclamation entitled "PROCLAIMING FEBRUARY 14 THROUGH 20, 2021 AS "SUSSEX COUNTY LIBRARIES RANDOM ACTS OF KINDNESS WEEK".**

**Mrs. Graybeal responded to questions raised by Council regarding the opening of Sussex County's libraries.**

**Shining  
Star  
Employee  
Recognition  
Awards**

**Karen Brewington, Human Resources Director, announced that the following employees were the County's First Quarter Shining Star winners: Patricia Allegra Smith (Sheriff Department), recipient of the *Above and Beyond* badge; Amanda Hollis (Information Technology), recipient of the *Above and Beyond* badge, and Tyler Short (Milton Library and Information Technology), recipient of the *Together We Can Together We Will* badge.**

**Herring  
Creek SSD/  
Contract  
Amend-  
ment/  
WR&A**

**Hans Medlarz, County Engineer, presented for Council's consideration Whitman, Requardt & Associates' Amendment No. 3 to the EJCDC Base Agreement (Herring Creek Sanitary Sewer District) in the not to exceed amount of \$448,676.00 for Construction Administration and Inspection Services associated with all three gravity sewer construction contracts contingent upon USDA concurrence (Contracts 2, 3 and 4). Mr. Medlarz noted that this is the WRA amendment for all three remaining contracts for Construction Administration and Construction.**

**M 062 21  
Approve  
Contract  
Amend-  
ment/  
WR&A/  
Herring  
Creek SSD**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 3 to the EJCDC Base Engineering Contract for the Herring Creek Sanitary Sewer District with Whitman, Requardt & Associates be approved in the amount not to exceed \$448,676.00 for Construction Administration and Inspection Services for Herring Creek Gravity Sewer Construction Contracts 2, 3 and 4, contingent upon USDA concurrence.**

**Motion Adopted: 5 Yeas.**

**M 062 21  
(continued)**

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

**Weston Solutions/  
Landfill Professional Services/  
Landfill RFR/  
Increase Scope and Fee of  
Task Order**

**Hans Medlarz, County Engineer, presented an updated Scope of Work and cost estimate for completion of the Remedy Evaluation Report (RER) for the five Sussex County landfills (excludes Laurel Landfill). Weston Solutions, Inc. has negotiated regulatory matters on behalf of the County throughout the years, reducing landfill monitoring needs and assisting the County in maintain regulatory compliance. Each year, Weston provides a Scope of Work with cost estimates, which is included in the Engineering Department's annual budget. Consistency in reporting requirements changed, however, as DNREC provided a condition when approving the recent landfill Annual Report; DNREC requested a Remedy Evaluation Report (RER) be developed and submitted, noting the RER is a mandatory report which should be provided every 5 years. It was recognized that a RER had never been developed and submitted to DNREC. After discussion with the Engineering Department, Weston provided a task to complete the RER in the FY 2021 Scope of Work. Weston provided a scope and fee estimate to complete this initial RER report. An additional \$23,000.00 is requested for the RER task order under the FY 2021 Budget, resulting in a new not-to-exceed total task order value of \$48,000.00. The Engineering Department recommends Council increase the FY 2021 scope and fee for Weston's Task Order LF-2021-3 as requested and authorizes the County Engineer to execute the task order amendment.**

**M 063 21  
Approve Task Order  
Increase/  
Landfill RFR**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Council approves the \$23,000.00 increase to Weston Solutions, Inc. Fiscal Year 2021 Task Order (LF-2021-3) for additional services related to completing the Sussex County Landfill Remedy Evaluation Report (RER).**

**Motion Adopted: 5 Yeas.**

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

**Geo-technical Engineering On-Call Services Contract Amendment**

**Mark Parker, Assistant County Engineer, presented Amendment No. 1 to the Geotechnical Engineering Services Contract. In 2019, the Council authorized an open-ended Geotechnical Services Contract, which was designed to assist with soil sampling and analysis in various Engineering Department projects. The Contract was initially executed with Hillis-Carnes Engineering (HCA) in the Not-to-Exceed (NTE) cost of \$50,000.00. The County is currently in the second year of the Contract and, at this point, with over four (4) months left in this Fiscal Year, it is anticipated that additional geotechnical services will be needed to support**

**(continued) miscellaneous department initiatives and activities. As a result, the Engineering Department is requesting that the NTE cost for the current fiscal year be increased by \$20,000.00 for a total annual NTE amount of \$70,000.00.**

**M 064 21** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based on the recommendation of Sussex County Engineering Department, that the Not-to-Exceed cost associated with the Geotechnical Engineering Services Contract with Hillis-Carnes Associates be increased for Fiscal Year 2021 by \$20,000.00 for a total annual Not-To-Exceed amount of \$70,000.00.

**Approve Contract Amendment for Geotechnical Engineering On-Call Services Contract** Motion Adopted: 5 Yeas.

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

**Master Planning/ Land Use** Mr. Lawson provided introductory statements regarding the next agenda item – Land Use Master Planning. He stated that this is an ongoing initiative outlined in the Comprehensive Plan, previously discussed with Council in 2020.

Jamie Whitehouse, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, gave a presentation on Master Planning (the Master Planning Zoning District (MPZ)) a presentation given previously in 2020). Mr. Whitehouse stated that the Master Plan is contained in the Community Design section of the Comprehensive Plan, as a way to foster improved community design within larger scale developments; it is like a Residential Planned Community (RPC), but with more diverse development types and design flexibility. It is not intended to replace RPCs, subdivisions or more typical types of commercial development; it is designed to supplement the existing range of development types. Also, it is intended to promote unified, integrated large-scale developments. where appropriate, rather than multiple, unrelated subdivisions and commercial developments and the separate approval processes associated with each of these. It is intended to incorporate the following areas as part of a single unified development plan: residential areas, neighborhood commercial areas, professional and medical and financial office areas, and civic areas. Additionally, it is intended to promote interconnectivity throughout the development and with existing DelDOT roadways, with primary interconnecting roads dedicated to DelDOT.

Mr. Robertson reviewed the next steps in the process: continue working on the draft of the Ordinance, consult with DelDOT on road coordination within a Master Planned Community, receive the approval of the Office of State Planning Coordination, introduction of the Proposed Ordinance, and public hearings on the Proposed Ordinance.

**Introduction of Proposed Ordinance**      **Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HARDSCAPING, OUTDOOR LIVING CONSTRUCTION AND A COMMERCIAL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.65 ACRES, MORE OR LESS” (Conditional Use No. 2256) filed on behalf of Jerry Meiklejohn LLC (Tax I.D. No. 533-5.00-86.00) (911 Address: 32252 Frankford School Road, Frankford).**

**The Proposed Ordinance will be advertised for public hearing.**

**M 065 21**      **At 11:42 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.**  
**Go Into Executive Session**

**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 11:45 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:50 p.m.**

**M 066 21**      **At 12:54 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and reconvene the Regular Session.**  
**Reconvene 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 067 21**      **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 12:55 p.m.**  
**Adjourn**

**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.}*