

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 23, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 23, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 100 21
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of March 16, 2021 were approved by consent.

**Corre-
spondence**

Mr. Moore read correspondence from the following: Multiplying Good in appreciation of grant funding.

Comments

There were no public comments.

**LAB
Appoint-
ment**

Mr. Lawson noted a vacancy on the Library Advisory Board for District 2 (this appointment will fill out the term of the Board member that resigned in 2020).

**M 101 21
Library
Advisory
Board
Appoint-
ment**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, that the Sussex County Council approves the appointment of James Westhoff to the Sussex County Library Advisory Board, effective immediately, until such time as the term expires in 2023.

Motion Adopted: 4 Yeas, 1 Absent.

M 101 21
(continued)

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

Pension
Fund Com. **Mrs. Jennings noted a vacancy on the Pension Fund Committee.**
Appt.

M 102 21
Pension
Fund
Committee **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the**
Appoint- **Sussex County Council appoints Kathleen Ryan to a four-year term on the**
ment **County's Pension Committee.**

Motion Adopted: **4 Yeas, 1 Absent.**

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

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for February 2021 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 188 troopers assigned to Sussex County for the month of February.

2. Holiday and Council Meeting Schedule

A reminder that Council will not meet on Tuesday, March 30th, or Tuesday, April 6th. In addition, County Offices will be closed on Friday, April 2nd, to observe the Good Friday holiday. The next regularly scheduled Council meeting will be held on April 13th at 10:00 a.m. in Room 540, at the Carter Partnership Center at Delaware Technical Community College, 21179 College Drive, Georgetown, Delaware.

3. Lynn Bullock

It is with sadness that we note the passing of County pensioner Lynn Bullock on Thursday, March 18th. Mr. Bullock began his career with Sussex County in January 1990 where he worked in the Emergency Operations Center until July 2006 for a total of 16 years of service. We would like to extend our condolences to the Bullock family.

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

EOC Complex Design & Progress Update	Robbie Murray, Director of EMS, and Morgan Helfrich with George Miles & Buhr presented an update on the design and progress of the Emergency Operations Center Complex – Sussex County Public Safety Building. Hans Medlarz, County Engineer, reported that it is anticipated that the project will go out to bid in approximately two months. The construction cost of the project will be included in the FY 2022 Budget.
Mobile Vaccine MOU/ EMS, Dept. of Libraries, and Beebe Healthcare	Robbie Murray, Director of EMS, presented a proposal whereby Sussex County EMS and Department of Libraries will partner with Beebe Healthcare to utilize the County’s bookmobile as a mobile COVID-19 vaccination unit, providing vaccinations to the under-served communities in Sussex County. Also in attendance for the presentation were Kim Blanch, Beebe Healthcare’s Community Service Manager, and Kathy Graybeal, Sussex County Librarian.
M 103 21 Enter into MOU with Beebe Healthcare/ Mobile Vaccination Pods	A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that Sussex County, through the Library and EMS Departments, enter into a Memorandum of Understanding (MOU) with Beebe Healthcare to provide mobile vaccination pods through Calendar Year 2021 to residents of Sussex County. Motion Adopted: 4 Yeas, 1 Absent. Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Vincent, Yea
EMS Intravenous Infusion Pump RFP/ Bid Results	Robert Schoonover, Manager of EMS Logistics, presented the bid results and bid recommendation for the EMS Intravenous Infusion Pump RFP (45 pumps for use by EMS paramedics). Two bids were received, one from Sovereign Medical, Inc. of Hillsborough, North Carolina, for \$107,869.69 and one from Master Medical Equipment, LLC of Jackson, Tennessee, for \$126,882.50. Mr. Schooner advised that, after a review by the Sussex County EMS Department, it is recommended that the bid be awarded to the lowest responsible bidder, Sovereign Medical, Inc.
M 104 21 Award Bid/ EMS Intravenous Infusion Pump RFP	A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that the Sussex County Council accepts from the lowest bidder, Sovereign Medical, Inc. of Hillsborough, North Carolina, the purchase of 45 intravenous pumps, cases, and stretcher mounts and 12 hours of train the trainer education in the amount of \$107,869.69. Motion Adopted: 4 Yeas, 1 Absent. Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Vincent, Yea

**Banks
Property
Expansion
of the
SCUSSD/
Request
to Post
Notices**

John Ashman, Director of Utility Planning & Design, presented a request to prepare and post notices for the Banks Property expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) (includes Parcel No. 233-11.00-243.00 located along Dupont Blvd., Route 113). The Engineering Department received a request from Beacon Engineering, Inc. on behalf of Banks Properties, LLC, the owners/developers of the Banks property with a proposed use as a shopping center. The Banks property shopping center is anticipating 33 EDUs, but no tenants have yet been secured.

**M 105 21
Authorize
Posting of
Notices/
Banks
Property
Expansion
of the
SCUSSD**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Engineering Department is authorized to prepare and post notices for the Banks Property Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro-Frankford Area) to include Parcel No. 233-11.00-243.00 located along Dupont Blvd., Route 113, south of Nine Foot Road, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Proposed
Pintail
Pointe
Area
of the
SCUSSD/
Request
to Post
Notices**

John Ashman, Director of Utility Planning & Design, presented a request to prepare and post notices for the Proposed Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District (SCUSSD). Mr. Ashman reported that in early March, the Engineering Department received a list of petitioners requesting that Sussex County establish a sanitary sewer district area not limited to but including all lands known as Pintail Pointe in Milton, Delaware, for the preservation of public health. The County has been receiving interest lately from various residents and has had an inquiry from Council members. The distance to existing County infrastructure prompted the Engineering Department to direct them to a nearby private wastewater utility. A private wastewater utility has been contacted and has provided an estimated cost of the project. The impact to the residents is substantial due to the limited funding options available to the private wastewater utility.

Mr. Ashman reported that a sufficient number of valid petitions have been received (59), some being multiple petitions from legal voters in the same household. There are 39 residential lots in the community.

Mr. Ashman advised that the Engineering Department requests permission to prepare and post notices for a Public Hearing to establish a boundary. The Engineering Department will present a proposed boundary and explain the County's rate structure at a Public Hearing.

Hans Medlarz, County Engineer, stated that if the SCUSSD submits for funding to the SRF, this particular project is eligible for loan forgiveness; if

(continued) it is funneled through a private utility, it is not. Mr. Medlarz noted that an interim transition arrangement will be presented to Council for consideration.

M 106 21

**Authorize
Posting of
Notices/
Proposed
Pintail
Pointe
Area
of the
SCUSSD**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, based on the receipt of petitions submitted pursuant to 9 Del.C. §6503, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for a Public Hearing to establish a boundary for the Proposed Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Pintail
Pointe HOA
Sewer
Service
Transition
Agreement**

Hans Medlarz, County Engineer, discussed the Interim Sewer Operations & Transition Agreement that goes with the Motion adopted for Pintail Pointe. Mr. Medlarz referenced the history of how this came about, the next steps to be taken, and DNREC's requirements. It was noted that the request for the Interim Agreement came in from the Pintail Pointe Homeowners Association.

M 107 21

**Approve
Interim
Sewer
Operations
and
Transition
Agreement/
Pintail
Pointe HOA**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Interim Sewer Operations and Transition Agreement with the Pintail Pointe Homeowners Association, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

**New Road
Estates
Pavement
Improve-
ments/
Recommend
Bid Award**

Hans Medlarz, County Engineer, reported that on March 17, 2020, the Council authorized a Resolution accepting the New Road Estates Subdivision (containing 9 residential parcels) into the Chapter 96 program and established an election for the New Road Estates property owners to vote on the estimated project cost. Based on the affirmative election results and the Engineering Department's recommendation, the Council adopted the Resolution to perform the improvements and for the County Engineer and Finance Director to determine a uniform assessment rate for project billing after substantial completion. The Engineering Department advertised the project on February 26, 2021 and three bids were received: Jerry's, Inc. in the amount of \$36,349.37, ECM Corporation in the amount of \$46,760.00, and George & Lynch, Inc. in the amount of \$49,926.00.

New Road Estates Pavement Improvements/ Recommend Bid Award (continued)	<p>Mr. Medlarz reported that the Engineering Department recommends the award of Project T21-08 for the New Road Estates Pavement Improvements, under the Chapter 96 Sussex Community Improvement Program, to the apparent low bidder, Jerry's, Inc., of Milford, for the contract amount bid. Additionally, the Department recommends that Council approve the proposed Change Order 1 for a design change, increasing the total contract value to \$38,191.87.</p>
M 108 21 Award Bid/ New Road Estates Paving Improvements Project	<p>A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Contract T21-08, New Road Estates Paving Improvements, a Chapter 96 Sussex Community Improvement Program Project, be awarded to Jerry's, Inc. of Milford, Delaware, at the bid amount of \$36,349.37 plus Change Order No. 1 in the amount of \$1,842.50, for a total contract value of \$38,191.87.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Vincent, Yea</p>
Long Neck Communities Project/ Standalone Engineering Agreement	<p>Hans Medlarz, County Engineer, presented a Base Owner-Engineer Professional Services Agreement for design and bidding services associated with the Long Neck Communities Sewer Expansion, Project S21-10, with an estimated total cost of \$310,868.00. The Engineering Department recommends authorization of the Agreement with George Miles & Buhr at the not-to-exceed amount of \$310,868.00.</p>
M 109 21 Approve Engineering Services Agreement/ Long Neck Communities Project	<p>A Motion was made by Mr. Rieley, seconded by Mrs. Green, based upon the recommendation of the Sussex County Engineering Department, that the Engineering Services Agreement with George, Miles & Buhr (GMB) be approved in the amount not to exceed \$310,868.00, for the design, permitting and bidding phases of Sussex County Project S21-10, Long Neck Communities Sewer District Expansion.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Vincent, Yea</p>
EMS Head-quarters Training Center Project/ Contract Amendment	<p>Hans Medlarz, County Engineer, presented Amendment No. 1 to the Additional Professional Services Project (Project C19-04), EMS Headquarters Training Center Project. This amendment provides for a \$61,500.00 increase in the current contract amount, not to exceed without approval, and covers amending George, Miles & Buhr's current design contract to include permitting and bidding services; bidding phase services</p>

- (continued) shall consist of a pre-bid conference, review of RFI's and substitution requests, issuance of addenda, public bid opening and bid award.
- M 110 21**
Approve
Contract
Amend-
ment/
EMS
Head-
quarters
Training
Center
Project
- A Motion was made by Mr. Rieley, seconded by Mrs. Green, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 1 to the Architectural Services Contract with George, Miles & Buhr for the EMS Headquarters Training Center, be approved in the amount not to exceed \$61,500.00 for permitting and bidding phases.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Absent; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Grant**
Request
- Mrs. Jennings presented a grant request for Council's consideration.
- M 111 21**
Council-
manic
Grant
- A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$500.00 from Mrs. Green's Councilmanic Grant Account to the Friends of the Georgetown Public Library for the Annual 5K Race Fundraiser.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Absent; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Introduction**
of Proposed
Zoning
Ordinances
- Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO GLASS TINTING SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.021 ACRES, MORE OR LESS" (Conditional Use No. 2254) filed on behalf of Richard L., Jr. & Kelsey R. Dickerson Tilghman (Tax I.D. 532-19.00-52.00) (911 Address: 8227 W. Line Rd., Delmar).
- Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE SALE, RENTING, STORAGE, AND REPAIR OF BICYCLES AND RELATED ACCESSORIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.9 ACRES, MORE OR LESS" (Conditional Use No. 2255) filed on behalf of John Sommers (Tax I.D. No. 134-15.00-95.03) (911 Address: 32650 Roxana Road, Frankford).
- Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT FOR MULTI-FAMILY

Introduction of Proposed Zoning Ordinances (continued) **DWELLING UNITS (30 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.96 ACRES, MORE OR LESS” (Conditional Use No. 2259) filed on behalf of The Evergreen Companies, LLC c/o Tim Naughton (Tax I.D. No. 134-13.00-72.02) (911 Address: None Available).**

Mrs. Green introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS” (Conditional Use No. 2260) filed on behalf of Ronald Lee Wisseman II (Tax I.D. No. 430-11.00-70.00) (911 Address: 10213 Fawn Road, Greenwood).

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRACTOR TRAILER PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.17 ACRES, MORE OR LESS” (Conditional Use No. 2269) filed on behalf of Dennis Nelson, Jr. (Tax I.D. No. 531-12.00-129.00) (911 Address: 26147 Craigs Mill Rd., Seaford).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT, CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.32 ACRES, MORE OR LESS” (Change of Zone No. 1942) filed on behalf of Bay Developers, LLC (Twin Cedars, LLC) (Tax I.D. No. 533-11.00-42.00) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members’ Comments

Council Members’ Comments

Mrs. Green commented on the Meals on Wheels program.

Mr. Rieley commented on “National Ag Week”.

**M 112 21
Go Into
Executive
Session**

At 11:14 a.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and pending litigation.

Motion Adopted: 4 Yeas, 1 Absent.

M 112 21 **Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
(continued) **Mr. Hudson, Absent; Mr. Rieley, Yea;**
 Mr. Vincent, Yea

Executive Session	At 11:24 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 and pending litigation. The Executive Session concluded at 2:00 p.m.
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M 113 21 At 2:05 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley,
Reconvene to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

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

M 114 21 **At 2:06 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Schaeffer,**
Adjourn **to adjourn.**

Motion Adopted: 4 Yeas, 1 Absent.

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