

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 7, 2020**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 7, 2020, at 10:00 a.m. by teleconference, with the following connected and “in attendance”:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</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.**

**Virtual  
Meeting  
Explanation  
and  
Instruction**

**Mr. Lawson welcomed everyone to the first ever virtual County Council meeting. He stated that this Council meeting was being conducted electronically by means of a teleconference under the authority of Governor John C. Carney’s Declaration of a State of Emergency and Proclamation No. 17-3292. County Council members and staff were connected by phone and/or the internet and participating in real-time. Members of the public were able to connect using the telephone conference calling number that was advertised on this week’s agenda. During the public comment period of the meeting, the teleconference moderator provided instructions for any member of the public who seeks to speak. Public comments shall be given under the Council’s Rules of Procedure. Also, members of the public may listen and view this meeting using the regular County Council Chambers broadcast found on the County’s website.**

**It was confirmed that all members were present and connected to this virtual meeting.**

**M 148 20  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Approve  
Minutes**

**The minutes of March 17, 2020 were approved by consent.**

**Public  
Comments**

**COVID-19  
County  
Update**

**A public comment period was held and the following spoke: Keith Steck.**

**Mr. Lawson provided a COVID-19 County Update. He referenced Governor John Carney's Declaration of a State of Emergency for the State of Delaware which went into effect on March 13th due to a public health threat related to COVID-19. To date, the Declaration has been modified ten different times to institute additional restrictions on the general public.**

**In the days leading up to the Governor's March 13th State of Emergency, County leadership began implementing plans to protect County staff and the public by limiting their exposure to the virus. Once the Declaration was made and subsequent modifications issued, the County continued to adjust its operations balancing the need to protect the safety and welfare of its employees while attempting to keep services available to the public and local economy.**

**Mr. Lawson highlighted some of the County's efforts taken, to date.**

**As of this date, all employees and departments are operating under a modified system. The goal is to keep as many employees home and out of harm's way as possible. Staff are staggering schedules and rotating days to insure minimum contact. Not counting public safety and environmental services employees, approximately 90 percent of the County's workforce is not reporting to a County facility. Many of the employees are either reporting directly to a location in the field or telecommuting. The Administrative Building is closed to the public except for accessing the lobby to drop off documents to be processed. Since the Administrative Building was closed, County staff in these offices including Recorder of Deeds, Planning and Zoning, Assessment and Building Code have processed over 2,000 documents related to construction and land use processes. The West Complex is completely closed to the public and no employees are regularly working in the building except for Emergency Medical Services staff. All three County libraries are closed to the public and library staff are continuing to provide content virtually through social media platforms. In all, County operations remain in place as best as can be expected in the circumstances. Several County employees, including paramedics, are on the front line of this pandemic and their stress is magnified by the work that they do each day.**

**Mr. Lawson expressed thanks to County employees for their dedication and sacrifice during this COVID-19 outbreak. Public meetings have been modified to restrict public access during meetings of the Board of Adjustment, County Council and Planning and Zoning Commission. The County is limiting the number of in-person meetings conducted, and have begun virtual meetings using teleconferencing and video conference technologies. Expansion of these platforms to begin public hearings is being considered. These steps are being made under the authority issued by Governor Carney.**

**COVID-19  
County  
Update  
(continued)**

**County staff who regularly use Personal Protective Equipment (PPE), including the EMS and Environmental Services Department, report their needs are being met.**

**County staff has partnered with homeless advocates throughout the State to ensure the homeless population are considered during the crisis. Based on the homeless advocates feedback, Sussex County agreed to have porta-potties installed in three locations at Seaford, Georgetown, and Lewes-Rehoboth. The cost is estimated to be about \$500 per month for the three locations.**

**The County Library and IT staff are working with the State Division of Libraries to provide Wi-Fi hotspots at every library in Sussex County. The Wi-Fi will be free of charge and available outside the libraries in the parking lots. More details will be communicated once the hotspots come on-line later this week.**

**The County developed its own webpage to host all of the COVID-19 information for the public's review, located at [www.sussexcountyde.gov/coronavius](http://www.sussexcountyde.gov/coronavius). This page is updated daily and the County continues to use its social media platform to push information to the public. Information related to the County's operations and the changes to events, procedures, and public meetings continues to be conveyed. All Federal and State recovery information for businesses is also located on the County's Economic Development website.**

**Mr. Lawson reported that the County has already taken steps to reduce the financial impact on residents and businesses, including temporarily waiving credit card servicing fees and waiving late payment fees for April and May.**

**Mr. Lawson presented the following recommendations for the Council's consideration.**

- 1. Suspending the collection of the Accommodations Tax until further notice.**
- 2. Deferring tenant lease payments until further notice for the County's tenants at the Delaware Coastal Business Park and Delaware Coastal Airport.**
- 3. Contributing to the Delaware State Housing Authority (DSHA) Rental Assistance Program. The State is providing \$2 million in housing assistance to DSHA through the Rental Assistance Program. Multiple households are to receive up to \$1,500 in assistance with payments made directly to the property owner or utility company. The County has been asked to contribute to the State's funding; New Castle County has already approved the allocation of \$500,000.**

(continued) Mrs. Jennings stated that she has been talking with DSHA and they had 130 Sussex applicants in the first 36 hours of the application being open. She further reported that DSHA is willing to guarantee that for every household Sussex County assists, they will provide a match.

**M 149 20**  
**Approve**  
**Initiatives**  
**Relating to**  
**COVID-19**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council approves the following initiatives related to the COVID-19 pandemic, effective March 13, 2020, the effective date of Governor Carney's Declaration of State of Emergency, until such time as the Declaration is limited:

1. The suspension of the collection of the Accommodations Tax for hotels, motels, and tourist homes in the unincorporated portions of the County beginning with all collections that would be due on April 15 (the March collections).
2. The deferral of the collection of lease payments for tenants of the Delaware Coastal Airport and Delaware Coastal Business Park.
3. Contributing up to \$250,000 from the County Contingency Fund to the Delaware State Housing Authority's housing assistance program earmarked for renters in Sussex County only.

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

**Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Abstained; Mr. Burton, Yea;  
Mr. Vincent, Yea

**Adminis-**  
**trator'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 February 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 191 troopers assigned to Sussex County for the month of February.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Ocean View Beach Club North – Phase 1 (Construction Record) received Substantial Completion effective March 16, 2020.

Per the attached Engineering Department Fact Sheets, Tidewater Landing – Phase 3C West Rehoboth Expansion North Planning Area, received Substantial Completion effective March 25, 2020.

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

**3. Council Meeting Schedule**

**A reminder that Council will not meet on Tuesday, April 14th. The next regularly scheduled Council meeting will be held on April 21<sup>st</sup> at 10:00 a.m. (subject to change).**

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

**Pharmacy  
Cost  
Review  
and  
Recom-  
mendation**

**Karen Brewington, Human Resources Director, and Steve Fallon of Insurance Buyer's Council (IBC) presented information on the County's Pharmacy Benefit Manager Request for Proposals (RFP). The goal of the RFP was to reduce and control the costs of pharmacy benefits for Sussex County Government and its employees and to maintain minimal member disruption. Six (6) proposals were received in response to the RFP; the bids were narrowed to two (2) competitive bidders, from Highmark Express Scripts and Heritage Health Solutions. The results identified significant savings which were presented by Mr. Fallon. It was noted that it is the recommendation of the RFP Review Panel to seek the Council's approval to enter into a contract with Highmark Blue Cross Blue Shield of Delaware "Express Scripts" effective May 1, 2020 with a standard three (3) year contract.**

**M 150 20  
Authorize  
Contract  
to Provide  
Pharmacy  
Benefits**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, that Sussex County Council authorizes the Human Resources Department to enter into a contract with Highmark Blue Cross Blue Shield utilizing Express Scripts as the carrier to provide pharmacy benefits under Option 3 for three (3) years with an option to renew on a year-by-year extension basis.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Adminis-  
tration  
Building  
Cooling  
Tower  
Project  
Change  
Order**

**Hans Medlarz, County Engineer, presented Change Order No. 1 to the Sussex County Administration Building Cooling Tower Project C20-04. Mr. Medlarz stated that the County has been contacted by the contractor and made aware of the Cooling Tower corrosion treatment issue and has evaluated a potential Change Order to allow the current treatment system, housed on the third floor, to be moved to the roof with the cooling tower in a weather resistant enclosure. The Change Order is for a design change for the installation of the new water treatment system, valves and other miscellaneous items.**

**M 151 20  
Approve  
C/O**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order 1 for Contract C20-04, Sussex County Administration Building Cooling Tower, be approved increasing the contract by \$26,645.00**

**M 151 20** for a new contract total of \$146,645.00.

**Approve**

**C/O**

**Cooling**

**Tower**

**Project**

**(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Wolfe Neck  
RWF  
Disposal  
Conversion/  
Contract  
Amendment  
16**

**Hans Medlarz, County Engineer, presented an update on the Wolfe Neck Regional Wastewater Facility and presented for consideration Amendment No. 16 to the North Coastal Planning Area Contract with Whitman, Requardt and Associates in the amount of \$59,913.00 to cover the design of the conversion from center pivot agricultural rigs to a fixed head irrigation grid (per the spray irrigation lay-out plan).**

**M 152 20  
Approve  
Contract  
Amend-  
ment 16/  
Wolfe  
Neck RWF**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 16 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed \$59,913.00 for design of the conversion to the fixed head irrigation system at the Wolfe Neck Regional Wastewater Facility.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Wolfe  
Neck RWF  
Disposal  
Conversion/  
Property  
Exchange  
with  
State of  
Delaware**

**Hans Medlarz, County Engineer, reported on the trail map (Cape Henlopen State Park: Spray Facility Trail) and presented the Final approved by DNREC, Department of Parks and Recreation. In accordance with the Lease Agreement with DNREC, the County is required to make a contribution of \$1,000,000 towards the design and construction of an onsite trail system open to the public with implementation responsibility and long-term maintenance by DNREC, Division of Parks. In order to move the entire proposed trail onto State property, DNREC Division of Parks and the Engineering Department recommend a land swap - an equal area property exchange via a minor lot line adjustment giving the State all lands outside the northern fence while giving the County an equal acreage to the east of the storage lagoon needed in the filtration expansion. Mr. Medlarz noted that the trail system is to be developed and designed and constructed by the State with contributions by the County over a period of five years.**

**M 153 20  
Approve  
Land  
Exchange  
with State  
of Delaware**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that an equal land exchange between Sussex County and the State of Delaware to move the entire trail to the State property be approved, in principle.**

**Motion Adopted: 5 Yeas.**

**M 153 20  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea  
Mr. Vincent, Yea**

**SCRWF  
and  
RBWTP/  
Electrical  
Con-  
struction  
Project  
Change  
Order**

**Hans Medlarz, County Engineer, presented Change Order No. 3 for Electrical Construction, Project C19-17, South Coastal Regional Wastewater Facility (SCRWF) Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant (RBWTP) Capital Improvement Program, Phase 2. Delmarva Power & Light previously requested a change to the utility power service entrance location at the RBWTP and, initially, DP&L indicated they would install the conduits; they have withdrawn that offer and asked the County's contractor to install the conduits. This will achieve a new conduit system installed between the current point of service on Washington Street to the desired DP&L location at the Treatment Plant entrance.**

**M 154 20  
Approve  
Change  
Order/  
SCRWF  
and  
RBWTP/  
Electrical  
Con-  
struction  
Project**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Time and Material Change Order No. 3 for Contract 19-17, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, Electrical Construction, be approved in an amount not to exceed \$235,637.33.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**SCRWF  
and  
RBWTP/  
Materials  
Forcemain  
Consolida-  
tion  
Project  
Change  
Order**

**Hans Medlarz County Engineer, presented a Change Order 1 for the Materials – Forcemain Consolidation, Project M20-11, at South Coastal Regional Wastewater Facility (SCRWF).**

**The Engineering Department designed a consolidation of thirteen (13) influent forcemains at SCRWF under the General Labor & Equipment Contract. Direct material purchase offered cost savings in addition to efficiency. Council awarded the associated materials purchase contract M20-11 to Core & Main, LP on October 22, 2019 in the amount of \$271,438.60. Additional materials became necessary as consolidation work began. To date, four (4) occurrences have impacted materials necessary to complete the SCRWF forcemain consolidation.**

**M 155 20  
Approve  
Change  
Order**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that Change Order 1 for Contract M20-11, Materials Purchased for Forcemain Consolidation, at the South Coastal Regional Wastewater Facility, be approved, increasing the Contract by \$66,457.39 for a new contract total of \$337,895.99.**

**M 155 20  
Approve  
C/O  
(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 156 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,500.00 (\$300.00 from each Councilmanic Grant Account) to the American Cancer Society for Relay for Life of Sussex County.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 157 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$2,649.00 (\$1,549.00 from Mr. Rieley's Councilmanic Grant Account, \$300.00 each from Mr. Burton's, Mr. Hudson's and Mr. Vincent's Councilmanic Grant Accounts, and \$200.00 from Mr. Wilson's Councilmanic Grant Account) to the Race4Warriors for a fundraiser to assist veterans (funds to be used to offset the costs of having the County's paramedics available for the event).**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 158 20  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Burton's Councilmanic Grant Account to the Greater Lewes Foundation for the Lewes Community Garden.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Council  
Members  
Comments**

**Council members expressed their appreciation to staff for putting the teleconference together and for all of their efforts during this difficult time.**

**M 159 20  
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 11:16 a.m.**

**Motion Adopted: 5 Yeas.**



**M 159 20  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, 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.}*