

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 28, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 28, 2020, at 10:00 a.m., by teleconference with the following present:

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

**Virtual
Meeting
Explanation
and
Instruction**

Mr. Lawson welcomed everyone to the 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 and were also able to access the packet materials on the County's website. During the public comment period of the meeting, the teleconference moderator provided instructions for any member of the public who wanted 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 broadcast found on the County's website.

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

**M 160 20
Amend
and
Approve
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend the Agenda by deleting "Executive Session – Land Acquisition pursuant to 29 Del.C. §10004(b)" and "Possible Action on Executive Session Items" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes **The minutes of April 7, 2020 were approved by consent.**

Comments **There were no public comments.**

M 161 20 **A Motion was made by Mr. Burton, seconded by Mr. Rieley, to approve the**
Approve **following items listed under the Consent Agenda:**
Consent

Agenda
Items

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA884
Milo’s Haven, Norman Stephen Price Revocable Trust**
- 2. Use of Existing Wastewater Infrastructure Agreement, Fenwick Shores
Fenwick Shores, Sands Fenwick, Inc.**
- 3. Use of Existing Wastewater Infrastructure Agreement, IUA552
Plantation Medical, Double R Holdings, LLC**
- 4. Use of Existing Wastewater Infrastructure Agreement, IUA1124
Chase Oaks, Charter Oaks Investment, LLC**
- 5. Use of Existing Wastewater Infrastructure Agreement, IUA985
Coastal Station, Coastal Station Development Company, LLC**

Motion Adopted: 5 Yeas.

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

COVID-19 **Mr. Lawson provided a COVID-19 County Update. He reported that, since**
County **his last report at the April 7, 2020 meeting, things continue to change and**
Update **evolve related to COVID-19. County operations remain open but**
operations remain modified. On April 25th, the Governor issued his latest
modification to the State of Emergency related to face covering
requirements. Since that time, County staff has mobilized to analyze who
will be required to wear face coverings per the Declaration and as of this
date, all County employees have been provided face coverings and
instructions to wear them in their certain locations or work experiences to
ensure that the County meets the latest Declaration regarding face
coverings.

In Sussex County, as it relates to the poultry industry and poultry
operations, and the vulnerable communities that serve in those industries,
over the last two weeks, the Governor and his team have paid particular
attention to the poultry industries and the rising level of positive tests
coming from that particular community. They continue to provide testing
on-site and work with the poultry operators to ensure that their employees
are receiving the tests and needed supplies to ensure that work spaces are
functioning and open.

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

Mr. Lawson discussed Federal Legislation and Stimulus Bills. The Bill entitled “3.5”, passed on April 23, 2020, replenishes the funds that helped the Paycheck Protection Program (PPP) and CAREs Act related to small businesses. It will not provide funding to local governments.

Bill Pfaff, the County’s Economic Development Director, is leading an effort to develop and produce a marketing/branding campaign that is focused on Sussex Countians helping Sussex County businesses. The theme is – buy now and buy local. Mr. Pfaff is partnering with Southern Delaware Tourism, local Chambers of Commerce, and other Economic Development stakeholders in Sussex County.

The County has taken steps to begin having public hearings again for Planning and Zoning applications. As always, they will begin with the Planning and Zoning Commission and then move to the County Council. Applications that are less complicated and controversial will be selected. The applicants will be contacted to ensure they are willing to proceed under a virtual meeting. The first Planning and Zoning Commission public hearing is scheduled for May 14 followed by the County Council public hearing on June 9.

Staff has already taken steps to prepare for the time when County operations can begin to revert to normal. When that does take place, Mr. Lawson suggests that the County’s operations will look different and things will change. Furthermore, the County will not open instantly; the process will be staggered over time until the County feels that the staff is safe and the public can be served efficiently and effectively.

Mr. Lawson referenced the three items listed on the April 28th Agenda for the purpose of reaffirmation of action that took place at the April 7, 2020 meeting. He noted that there had been concern expressed about the notification on the previous agenda. He also noted that nothing has changed related to the three items listed (Accommodations Tax Suspension, County Tenants Lease Payment Deferral, and DSHA Rental Assistance Contribution).

**M 162 20
Affirm
Initiatives
Related
to the
COVID-19
Pandemic**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council affirms the following initiatives related to the COVID-19 pandemic effective March 13, 2020, the effective date of Governor Carney’s Declaration of a State of Emergency that were already approved until such time as the Declaration is lifted: (1) the suspension of the collection of the Accommodations Tax for hotels, motels, and tourist homes in the unincorporated portions of the County that would be due on April 15, (2) the deferral of the collection of lease payments for tenants of the Delaware Coastal Airport and Delaware Coastal Business Park, and (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.

**M 162 20
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; 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 March 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 197 troopers assigned to Sussex County for the month of March.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects received Substantial Completion: The Estuary – Phase 1D-1C (Construction Record) effective April 6th and Baylis Estates – Pump Station effective April 8th.

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

**Fiscal
Year
2021
Budget
Process**

Mrs. Jennings reported on the Fiscal Year 2021 Budget process. Due to the COVID-19 impacts, the annual budget workshop was cancelled. In lieu of the workshop, Mrs. Jennings stated that, unless she hears otherwise from the Council, she will continue to take a very cautious approach and will be presenting a budget with no large initiatives, no new grants, and no new capital projects until it is known how revenues will be impacted. Mrs. Jennings noted that revenues could be impacted in a number of ways; one way is economically through the grants received from the State and Federal levels. Currently, building related revenues, other than Realty Transfer Tax, is between 75 to 80 percent of projections and Realty Transfer Tax is at 65 percent of Fiscal 2020 projections. At this time, Mrs. Jennings is assuming the State will continue to provide the grants given in the past. Mrs. Jennings reported that, in early March, departments submitted their budgets; no physical department budget meeting was able to be held. Due to the potential COVID-19 impacts on the budget, the departments were asked to prioritize and cut their budgets. Mrs. Jennings stated that she used departments' suggestions to develop a financially conservative budget with revenue benchmarks that will allow funds to be spent once a clear picture of how COVID-19 will impact the County. At the next meeting of the Council, Mrs. Jennings will present some revenue and expense highlights for the upcoming budget. A budget will need to be adopted by June 30, 2020. The budget introduction will be scheduled for May 19th and

(continued) the Public Hearing will be scheduled for June 23rd.

Blades EMS Station Lease Renewal Robert Schoonover, EMS Manager of Logistics, proposed a lease renewal for the Medic 110 Station in Blades. The lease is for a three-year period, May 1, 2020 to April 30, 2023, with a 60-day opt-out clause as the new station in Seaford is anticipated to be completed prior to the lease expiration date. Mr. Schoonover discussed the terms of the lease. The lease has been reviewed and approved by the County Attorney and the County's insurance carrier.

M 163 20 Approve Lease Agreement for Blades EMS Station A Motion was made by Mr. Wilson, seconded by Mr. Burton, that the Sussex County Council approves the Lease Agreement between JBT Enterprises, LLC and Sussex County, as per the terms and conditions of the written Lease Agreement.

Motion Adopted: 5 Yeas.

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

IBRWF Project 18-19 Hans Medlarz, County Engineer, discussed the Inland Bays Regional Wastewater Facility Biosolids and Septage Facilities Project (Project 18-19) and presented Change Order No. 5 in the credit amount of \$75,303.73.

M 164 20 Approve Change Order/ IBRWF Project 18-19 A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 5 for Contract No. 18-19, Inland Bays Regional Wastewater Facility, Regional Biosolids and Septage Facilities, be approved which decreases the contract amount by \$75,303.73 for a new contract total of \$13,836,051.09.

Motion Adopted: 5 Yeas.

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

Delta Airport Consultants/ Base Contract and Task Order Hana Medlarz, County Engineer, presented a recommendation to execute the Base Professional Services Agreement with Delta Airport Consultants, Inc. and Task Order No. 1 for the Apron Expansion – Design Project, after FAA fee approval, and to submit the associated grant application to the FAA in accordance with the Airport Improvement Program. Mr. Medlarz noted that this project is included in this year's FAA budget and the project will move forward.

M 165 20 A Motion was made by Mr. Hudson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves execution of the Base Contract

M 165 20
Approve
Base
Contract
and Task
Order/
Delta
Airport
Consultants
(continued)

between Sussex County and Delta Airport Consultants, Inc., the authorization of the County Engineer to execute Task Order No. 1, Apron Extension Design, after FAA fee approval, and the submittal of the associated grant application to the FAA.

Motion Adopted: 5 Yeas.

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

James
Farm
Ecological
Preserve/
Selection
Committee
Recom-
mendation

Hans Medlarz, County Engineer, reported on several phases of improvements to the James Farm Ecological Preserve property which is open to year-round public use. Since 1998, the Delaware Center for the Inland Bays (CIB) has managed the County-owned James Farm property. Mr. Medlarz reported that a Consultant Selection Committee was developed in partnership with the CIB to evaluate consultant responses to a Request for Qualifications for Architectural and Engineering Services to implement projects at the James Farm. Proposals were received and evaluated by the Committee and the Committee recommends that Council: (1) approve the results of the evaluation and overall rankings with Kimley Horn & Associates receiving the highest average rank and (2) authorize the Engineering Department to negotiate agreement(s) with Kimley Horn & Associates to provide Architectural and Engineering Services at the James Farm over a 5-year period, effective May 1, 2020 through April 30, 2025.

M 166 20
Authorize
Negotiation
of Pro-
fessional
Services
for A&E
Services/
James
Farm
Ecological
Preserve

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Consultant Selection Committee for RFQ 20-28, that Sussex County Council approves the valuation and ranking and further authorizes the Sussex County Engineering Department to negotiate Professional Services for Architectural and Engineering Services at the James Farm Ecological Preserve with Kimley Horn & Associates, the highest overall ranking firm, for a 5-year period beginning May 1, 2020.

Motion Adopted: 4 Yeas, 1 Deferred.

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

Grant
Request

Mrs. Jennings presented a grant request for the Council's consideration.

M 167 20
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$200.00 from Mr. Wilson's Councilmanic Grant Account to Sussex Community Crisis Housing Services for their Crisis House Garden Project.

Motion Adopted: 5 Yeas.

**M 167 20
(continued)**

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

**Public
Comment**

The President again asked for public comments and there were none.

**M 168 20
Adjourn**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to adjourn at 10:45 a.m.

Motion Adopted: 5 Yeas.

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.}