

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 21, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 21, 2024, 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 |
| Douglas B. Hudson | Councilman |
| Mark G. Schaeffer | Councilman |
| Todd F. Lawson | County Administrator |
| Gina 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 265 24
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda, 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**

Minutes

The minutes from May 14, 2024, were approved by consensus.

Correspondence

Mr. Moore reported that correspondence was received from Girl Scout Troops 333 & 602 thanking Council for their donation.

**Public
Comments**

Public comments were heard.

Mr. Paul Rieger spoke about the Planning & Zoning Commission and Board of Adjustments appointments.

Ms. Patty Deptula spoke about the upcoming appointment for District 5 for the Planning & Zoning Commission.

**Presentation
Fenwick
Island/
Dredging
Project**

Bill Rymer, Fenwick Island Town Council Treasurer and Dredge Committee Chair presented information related to a dredging project. Mr. Rymer shared project highlights. The project includes hydraulically dredging two boating channels in Little Assawoman Bay. These East-West channels connect the lagoons and canals of the town with the large North-

**Presentation
Fenwick
Island/
Dredging
Project
(continued)**

South channel that is maintained by DNREC. Up to 20,000 cubic yards of material will be placed on neighboring property for beneficial use in residential development. The project is fully approved and permitted by all state and federal agencies. Mr. Rymer shared an aerial photo of where the project will occur.

Mr. Rymer then discussed the history of the project. There has been sedimentation build-up which has increased dramatically over the last 20 years. This project is critical to improve navigation and promote boater safety. DNREC and General Assembly members pursued the project as a state-led effort but were not successful so, it is now a town-led project. Fenwick's recent Comprehensive Plan have identified this project as a key goal for the town. In addition to promoting boater safety, environmental benefits will also occur by eliminating propellers grinding through subaqueous land.

The town completed an initial public RFP and bidding process in April. There were 6 independent bids received which significantly exceeded recent cost estimates developed by the town's independent engineering consultants. The project was recently rescoped in hopes of reducing overall costs. A new public RFP and bidding process launched May 8th with finals bids to be received May 29th. The goal is to achieve an affordable project that meets overall objectives.

To date, there has been more than \$300,000 spent on research, design and engineering support as well as obtaining final permits. The State of Delaware has committed \$1 million through three separate Bond Bill appropriations in support of this project. Fenwick Island is requesting \$500,000 from Sussex County in support of this project. Based on recent estimates, the funding support consists of State of Delaware: \$1,000,000, Fenwick Island: \$800,000 (\$300,000 already spent) and Sussex County: \$500,000 (requested).

Mr. Rieley questioned the project being scaled back and how that affected the depth. Mr. Rymer replied that it is one of their options. He added that it was originally scaled -4 feet with an allowable over dredge of 1 foot. When the project was rescoped, a minimal depth of -3.5 feet and the over dredge was reduced by 6 inches. Mr. Rieley discussed the importance of the reflushing of the water.

Mr. Hudson commented that this project would help with getting the water moving by flushing it out and public safety. He added that there are many people that go in and out of that area with their boats.

**Public
Comment**

Mr. Geroge Kershaw spoke about how Executive Session action is voted on.

**Proclama-
tion**

A Proclamation was presented to Bernice Edwards from First State Community Action Agency for Community Action Month.

**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 April 2024 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 190 troopers assigned to Sussex County for the month of April.

2. Annual Sussex County EMS Awards

Sussex County first-responders and healthcare professionals were recently recognized during the annual Sussex County Emergency Services banquet on Friday, May 17, 2024, at the Rehoboth Convention Center. The annual banquet, sponsored by the Sussex County Paramedic Association, Sussex County Volunteer Ambulance Association and Sussex County EMS is held each year to celebrate the EMS and medical community and recognize peers for their life-saving efforts in the previous year.

Congratulations to all the Sussex County EMS Award winners.

3. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Monday, May 27th, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 28th. The next regularly scheduled Council meeting will be held on Tuesday, June 4th at 10:00 a.m.

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

**FY25
Budget
Presentation**

Mr. Lawson and Mrs. Jennings presented the proposed \$265.8 budget for Fiscal Year 2025.

Mr. Lawson reported that the recommended budget was drafted by the County Administrator, Finance Director/COO, Deputy Finance Director, and Manager of Accounting. This recommended budget was drafted after receiving submissions from County departments. This budget is developed with caution in mind given its heavy reliance on the local real estate market. Should real estate activity start to decline, the County's financial outlook will be affected. It is difficult to predict where our building related revenues will level off. As such, a conservative budget philosophy was followed in the

**FY25
Budget
Presentation
(continued)**

development of the FY25 budget. This philosophy uses cautious revenue projections and keeps expenses at an ongoing sustainable level. Another factor to consider with this budget is in the increase demand of County services. For example, our public safety department has experienced a 10-year increase of 15.5% in 911 calls and 42% in paramedic incidents. To address this increase in demand, public safety employment has increased by 7 positions. In addition, additional funding is provided to the Delaware State Police and the local law enforcement agencies. Aside from public safety, demands in the planning & zoning department continue to increase. To assist the P&Z department, there is another person in the budget to help with the workload. The County's receives the bulk of its revenue each year from both property taxes and RTT; with RTT being the largest revenue source. In this year's budget, RTT is \$3.5 million more than FY24. In addition, RTT funds are limited to some of the County's most critical services including paramedics, fire and ambulance companies, police, 911 dispatchers, economic development, assessment, public works, and open space. Thus, we can keep pace with the population and the demand for our critical services through the use of RTT. However, should RTT drop below anticipated levels, it is likely at some point in the future the County will need to seek additional revenue from the taxpayers. The other side of the budget is the expenses that support our government services and County Council priorities. Any new project request was reviewed to ensure that they are necessary, align with the County's objectives and address long-term concerns and issues of the County Council. The program and projects funded through the budget that address these objectives involve the Excite Sussex Loan program, additional funding to the housing trust fund for housing rehabilitation and expansion of public safety through additional staff. The FY25 budget recognizes that the demand for our services and on our staff continues to grow whether it is the increase in population, new regulations or demands from the public, our government is being called upon more and more to perform. The goal with this budget is to provide more funding to meet those demands but at the same time keeping the expense at a level that can be sustained with the current tax base.

Mr. Lawson reviewed the accomplishments by staff throughout the year from this year's budget. Mr. Lawson highlighted some of the milestones that were accomplished that were broken down by the County's goals.

Mrs. Jennings discussed the trends for building permits and showed a chart showing the decline. Mrs. Jennings shared a chart showing the various one-year activity. It was noted that constable complaints have gone down due to the ticketing that was put in place. The budget is down from last year by \$12.8 million. Most of that is due to the American Rescue Plan Act and capital projects are seeing a decrease due to the timing of the projects. There are increases that are seen in our operations mostly due to inflation; prices of everything continue to go up. Mrs. Jennings explained that a lot of the increases are due to one-time capital projects within the general or sewer fund.

**FY25
Budget
Presentation
(continued)**

Mrs. Jennings shared the revenue highlights:

- **No increase in taxes**
- **Use of Reserve: \$12.4 million in General Fund; \$11.9 million in Capital**
- **Tax revenue is up \$683,000**
- **Realty Transfer Tax revenue is up \$3.5 million**
- **Interest revenue is up \$2.1 million**
- **Grant revenue is up \$1.3 million**
- **Wills revenue is up \$350,000**
- **Use of savings is up \$2.4 million**
- **Building related revenues are down \$1.1 million**

Mrs. Jennings reviewed revenue highlights with Realty Transfer Tax being the biggest revenue source at 35% which is the same as last year. The building related revenues and Realty Transfer Tax were discussed and how they were impacting the budget. Mrs. Jennings noted that more reserves are being used which are only used for non-reoccurring costs. The use of reserves was discussed and broken down of how it will be spent.

Mrs. Jennings discussed proposed changes in fees. These include a \$25 annual increase in un-metered water rates (6.4% increase), \$10 annual increase in sewer rates (3.0% increase) and increase out-of-office ceremonies to cover mileage and additional time for travel; Delaware residents go to \$125 from \$100 and out-of-state couples go to \$250 from \$200. In additional, there are proposed new fees which are as follows:

- **Plan resubmittal fee - \$300 per occurrence**
 - **Engineering Plan Review – due to rejection**
 - **P&Z – site plan changes due to changes to building floor area, building footprint, building location, entrance location, or buffer/landscaped area**
- **Data center rack space rental fee - \$500/month (1/2 rack) & \$1,000/month (full rack)**
- **Board of Adjustment ADU application fee - \$500**
- **Major subdivision/RPC application (where forested buffer plan is required) - \$1,750 plus \$50 per dwelling unit (without forested buffer - \$1,000 plus \$50 per dwelling unit)**
- **Marriage Bureau Single Status forms - \$20**

Mrs. Jennings discussed and shared a chart showing the trends over the years for building related revenues and Realty Transfer Tax. Mrs. Jennings explained that Realty Transfer Tax can only be used on certain things with most of it being spent on public safety.

Mrs. Jennings shared a comparison of general fund expense showing most of the expenses are for personnel costs. With increases in other professional services (mostly due to the reassessment), contractual services (a variety of

things including dog control, insurance, house repairs with community development), programs and projects (specific to a flood mitigation project), grant-in-aid (due to one-time expenditures) and capital/improvements (directly related to EMS).

Mrs. Jennings discussed staffing; the increases in staffing include 2 in sewer – engineering, one in Planning & Zoning, one in Human Resources and 7 in public safety. For a total of 11 new full-time employees. Mrs. Jennings discussed and shared charts showing the staffing trends over the years. Mrs. Jennings reported that there is a 10% increase over last year in our regular employees and a 4% for pensioners. It is being proposed to increase the employee’s contributions for health insurance.

Public Safety, Libraries and Open Space/Recreation funding were discussed further. The general fund project revenues, project expenditures, sewer and water were shared and discussed further.

The budget book and presentation can be found on the County’s website at www.sussexcountyde.gov. Budget comments can be sent to budget@sussexcountyde.gov.

Proposed Ordinance Introductions

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2025”.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INCREASE THE FEES FOR RESIDENTS AND NON-RESIDENTS FOR OUT-OF-OFFICE MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AND TO INSTITUTE FEES FOR MISCELLANEOUS SERVICES”.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE VI., § 62-18A. OF THE CODE OF SUSSEX COUNTY TO MODIFY CURRENT FEES CHARGED BY THE RECORDER OF DEEDS AND TO ENUMERATE SUCH OTHER RECORDER OF DEEDS FEES ADOPTED IN THE BUDGET PROCESS AND SET FORTH IN THE DELAWARE CODE”.

The Proposed Ordinances will be advertised for Public Hearings, which will be held on June 18, 2024.

Grant Requests

Mrs. Jennings presented grant requests for Council’s consideration.

M 266 24 Slaughter Neck Community Action Organization, Inc. A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000 (\$2,000 from Mrs. Green’s Councilmanic Grant Account) to Slaughter Neck Community Action Organization, Inc. for their Slaughter Neck senior program.

Motion Adopted: 5 Yeas

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

M 267 24 First State Community Action Agency A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from the Countywide Youth Grant Account) to First State Community Action Agency, Inc. for their 9th Annual “It’s a Par-Tee” Miniature Golf Tournament.

Motion Adopted: 5 Yeas

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

M 268 24 Town of Millsboro A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$5,000 (\$5,000 from Mr. Rieley’s Councilmanic Grant Account) to the Town of Millsboro for a police E Bike.

Motion Adopted: 5 Yeas

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

M 269 24 Millsboro Historical Society A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$3,000 (\$3,000 Mr. Rieley’s Councilmanic Grant Account) to the Millsboro Historical Society for Jacob Godwin School maintenance and repairs.

Motion Adopted: 5 Yeas

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

Blood Bank Amendment /Agreement Robbie Murray, Public Safety Director presented a healthcare provider amendment/agreement with Blood Bank of Delmarva for Council’s consideration.

M 270 24 Approve Blood Bank A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the Health Care provider agreement – amendment between the Blood Bank of Delmarva and Sussex

Amendment /Agreement

County.

Motion Adopted: 5 Yeas

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

**CU2193
Request for
Extension**

Jamie Whitehouse, Planning and Zoning Director presented a request for an extension for Conditional Use No. 2193 filed on behalf of Chappell Farm, LLC for Council's consideration.

**M 271 24
Approve
CU2193
Time
Extension**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the time extension for a 6-month time extension until December 22, 2024, which is 6 months from the April 22, 2024 original termination date.

Motion Adopted: 5 Yeas

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

**2019-24
Request for
Extension**

Jamie Whitehouse, Planning and Zoning Director presented a request for an extension for 2019-24 filed on behalf of Stratus Estates (Formerly Known As Cool Spring Meadows) for Council's consideration.

**M 272 24
Defer
Action/
2019-24**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to defer action on the time extension request for 2019-24.

Motion Adopted: 5 Yeas

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

**2020-15
Request for
Extension**

Jamie Whitehouse, Planning and Zoning Director presented a request for an extension for 2020-15 filed on behalf of The Estuary at Oyster Rock for Council's consideration.

**M 273 24
Approve
2020-15
Time
Extension**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the time extension for a 6-month time extension until November 13, 2024, which is 6 months from the May 13, 2024 original expiration date for the subdivision.

Motion Adopted: 5 Yeas

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

Mr. Vincent, Yea

Proposed Ordinance Introductions

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.2 ACRES MORE OR LESS” filed on behalf of Living Hope Fellowship Church.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37.52 ACRES, MORE OR LESS” filed on behalf of Double H. Development, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (108 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37.52 ACRES, MORE OR LESS” filed on behalf of Double H. Development, LLC.

The Proposed Ordinances will be advertised for a public hearing.

CC Member Comments

Councilwoman Green commented about if Board of Adjustments and Planning & Zoning members move or change their party affiliations that it needs to be kept track of.

M 274 24 Go Into Executive Session

At 11:44 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session for the purpose of discussing matters related to land acquisition.

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 11:51 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session concluded at 12:20 p.m.

M 275 24 Reconvene

At 12:23 p.m., a Motion was made by Mr. Hudson, seconded Mr. Schaeffer to come out of Executive Session back into 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**

**M 276 24
E/S Action
2024-B &
2024-I**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to authorize the County Administrator to negotiate, enter into a contract and go to closing on Parcels 2024-B & 2024-I.

Motion Adopted: 5 Yeas

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

**M 277 24
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at 12:25 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,

**Tracy N. Torbert
Clerk of the Council**

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