

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 11, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 11, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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| Michael H. Vincent | President |
| John L. Rieley | Vice President |
| Cynthia C. Green | Councilwoman |
| Douglas B. Hudson | 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 161 21
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of April 27, 2021 were approved by consent.

**Beebe
Healthcare**

Dr. David Tam, President and CEO of Beebe Healthcare, presented an update on Beebe Healthcare including Beebe's response to the COVID-19 pandemic and plans to serve the needs of all of Sussex County with the expansion of facilities, services, and providers.

**Public
Hearing/
Proposed
Banks
Property
Annexation
into the
SCUSSD/
Dagsboro/
Frankford
Area**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Dagsboro/Frankford Area, to include the Banks property.

John Ashman, Director of Utility Planning & Design reported that the proposed expansion 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.

There were no public comments.

(continued) The Public Hearing and public record were closed.

M 162 21 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt**
Adopt **Resolution No. R 009 21 entitled “A RESOLUTION TO EXTEND THE**
R 009 21 **BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER**
 DISTRICT (SCUSSD) DAGSBORO-FRANKFORD AREA, TO INCLUDE
 ONE PARCEL OF LAND ALONG THE WEST SIDE OF DUPONT
 BOULEVARD LOCATED IN DAGSBORO HUNDRED, SUSSEX
 COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE
 RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY,
 DELAWARE”.

Motion Adopted: 4 Yeas, 1 Absent.

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

Board of **Mr. Lawson noted that on April 20, 2021, Mrs. Green announced her**
Adjustment **nomination of Jordan Warfel to the Board of Adjustment (District 2). The**
Nominee **Council conducted a public interview for Board of Adjustment nominee**
 Jordan Warfel.

Mrs. Green noted the retirement of Board of Adjustment member Brent
Workman and expressed appreciation for his service to the County.

M 163 21 **A Motion was made by Mrs. Green, seconded by Mr. Hudson, that the**
Approve **Sussex County Council approves the appointment of Jordan Warfel to the**
Appoint- **Sussex County Board of Adjustment, effective immediately, and until such**
ment to the **time as the term expires in June 2021 (completing the term of Brent**
Board of **Workman).**

Adjustment/
Jordan
Warfel

Motion Adopted: 4 Yeas, 1 Absent.

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

Advisory **Mr. Lawson presented Council’s recommended reappointments to the**
Committee **Advisory Committee for the Aging and Adults with Physical Disabilities.**
for the **The Aging Committee consists of 11 members; however, Mr. Lawson noted**
Aging and **that, on this date, Council is to consider nine (9) members:**

Adults with
Physical
Disabilities/
Reappoint-
ments

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| District 1 | Cathy Parker |
| District 1 | Helen Pase |
| District 1 | Helen Smith |
| District 2 | Fran Smith |
| District 2 | Linda Rogers |
| District 3 | Larry Savage |

**Advisory
Committee
(continued)**

**District 3 Francine Shockley
District 4 Jamie Magee
District 5 Scott Phillips**

**M 164 21
Approve
Reappoint-
ments to the
Advisory
Committee
on Aging
and Adults
with
Physical
Disabilities**

A Motion was made by Mr. Rieley, seconded by Mrs. Green, that the Sussex County Council approves the reappointments of the members to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities, as outlined, effective immediately, for a term of two (2) years.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Walden (Formerly known as – Burton's Pond) – Phase 1B Pump Station and Force Main, effective April 22nd; Middle Creek Preserve – Phase 2, effective April 22nd; and The Estuary, Phase 2-4B (Construction Record), effective May 4th.

2. Delaware Animal Services Performance Report – First Quarter

The Delaware Animal Services Performance Report for the first quarter of 2021 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 1,179 calls for service in the first quarter for Sussex County.

3. Distinguished Budget Presentation Award

I am pleased to announce that the Government Finance Officers Association of the United States and Canada has awarded Sussex County its Distinguished Budget Presentation Award for the Fiscal Year 2021 Budget Report. This is the third year that the County has received this prestigious award acknowledging its budget report. In order to receive the award, the budget document must serve an entity as a policy document, financial plan, operations guide, and communication device.

Congratulations to Gina Jennings, Finance Director and Chief Operating Officer, and Kathy Roth, Deputy Finance Director, for their efforts in achieving this award.

**Administrator's
Report
(continued)**

4. Council Meeting Schedule

The May 18th Council meeting has been canceled. The next regularly scheduled Council meeting will be held on Tuesday, May 25th at 10:00 a.m.

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

**Second
Quarter
Employee
Recognition
Awards**

Karen Brewington, Human Resources Director, announced the Second Quarter recipients of the Shining Star Employee Recognition Program. This program recognizes and celebrates employees who demonstrate exceptional performance, service, and accomplishments that reinforce the County's mission, vision and goals. Second Quarter recipients are Jordan Dickerson of the Engineering Department and Guillermo Montalvo-Merino of Community Development and Housing.

**Group
Life and
Disability
Benefits**

Karen Brewington, Human Resources Director, discussed the County's Group Life and Disability Insurance and Optional Accidental Life Insurance Extension. Mrs. Brewington reported that The Hartford has provided group life and disability benefits to the County since 2012; they also administer the self-funded short term disability benefit. The renewal would be effective July 1, 2021 and while the Short-Term Disability fee is increasing 26.1% (\$1,800 annually), the Long-Term Disability rate is being decreased by 26.1% (a savings of \$20,519) resulting in a net premium/fee reduction of \$18,719. The rates for Group Life and Accidental Death and Dismemberment coverage would remain unchanged. The Insurance Buyers Council recommends accepting the renewal as proposed and locking in the rates for two years, through June 30, 2023.

**M 165 21
Renew
Contract
with The
Hartford/
Group
Life and
Disability
Benefits**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council renew its contract with The Hartford for Group Life and Disability Benefits in the amount of \$259,441.00 for a period of two (2) years ending June 30, 2023.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Stop Loss
Insurance**

Mrs. Brewington discussed the County's Stop Loss Insurance (excess coverage) which provides coverage for self-insured employers by serving as a reimbursement mechanism for catastrophic claims exceeding pre-determined levels. The County's current annual specific deductible is \$285,000. The County solicits bids annually for this coverage. IBC completed a Request for Quotes (RFQ) and was successful in negotiating the renewal with the County's current vendor, Vista Underwriting Companion Life, with a savings of over \$24,000. IBC recommends

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| Stop Loss Insurance (continued) | <p>adjusting the specific deductible from the current \$285,000 to \$295,000. In weighing the premium savings against the frequency of claims over \$285,000, IBC believes the incremental increase in deductible is a worthwhile risk. In addition to the change in deductible, IBC is recommending standardizing the contracts into a paid contract in which a claim would be eligible for payment if processed in the current year, irrespective of the incurred date. A “Paid” contract is the broadest contract term available in the medical stop loss market and is also known as a “gapless” contract. This contract change would result in premium savings of \$26,407 compared to the revised renewal (assuming the \$295,000 deductible/paid option). The savings is the result of the standardized contract and eliminating the underwriting uncertainty of run-out claims. The total annual savings for increasing the deductible and moving to a Paid contract basis would be approximately \$42,000.</p> |
| M 166 21 Renew Contract for Stop Loss Insurance | <p>A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council renew its contract with Vista Underwriting Companion Life for Stop/Loss Coverage at a rate per month of \$26.66 for single coverage and \$65.64 for family coverage, with an annual specific deductible of \$295,000 on a Paid Contract basis.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea</p> |
| Highmark Pharmacy Management Programs | <p>Mrs. Brewington reported that Insurance Buyers Council (IBC) and Highmark Blue Cross Blue Shield, the County’s medical provider, met and discussed some pharmacy management programs to address rising prescription costs, and she reviewed those programs. She noted that the changes would take place this benefit year. To address rising costs, Highmark offers several cost containment programs, including Copay Armor Rx Program (co-pay assistance) and Alliance RX Walgreen’s Prime (specialty drugs), and a Hemophilia Program. There is no cost to the County for these programs.</p> |
| Request to Post Notices/ 7-Eleven Bridgeville Annexation of the SCUSSD/ | <p>John Ashman, Director of Utility Planning & Design, presented a request to prepare and post notices for the proposed expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area) to include several parcels in the Bridgeville Expansion Area. The Engineering Department received a request from Becker Morgan Group on behalf of their client, PTV 1081, LLC, the owners/developers of a project known as 7-Eleven Bridgeville for Parcel Nos. 131-19.00-7.00 and 8.02. The project is for a proposed convenience store and service station. The project will be responsible for system connection charges of \$6,360.00 per EDU based on current rates. A Public Hearing will be scheduled.</p> |

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| M 167 21 Authorize Posting of Notices/ 7-Eleven Bridgeville Annexation (continued) | <p>A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Engineering Department is authorized to prepare and post notices for the 7-Eleven Bridgeville Expansion of the Sussex County Unified Sanitary Sewer District, Western Sussex Area, to include parcels 131-19.00-7.00 and 8.02, as presented.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea</p> |
| Request to Post Notices/ Peninsula Square Annexation of the SCUSSD/ Long Neck Area | <p>John Ashman, Director of Utility Planning & Design, presented a request to prepare and post notices for the proposed expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area). The Engineering Department received a request from Duffield Associates, LLC on behalf of their client, Four Diamonds Development & Consulting, LLC, the owners/developers of a project known as Peninsula Square on Parcel No. 234-23.00-115.00. The project is for a proposed hotel, gas station, retail and office space. The project will be responsible for system connection charges of \$6,360.00 per EDU based on current rates. A Public Hearing will be scheduled.</p> |
| M 168 21 Authorize Posting of Notices/ 7-Eleven Bridgeville Annexation of the SCUSSD/ Western Sussex Area | <p>A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Engineering Department is authorized to prepare and post notices for the Peninsula Square Expansion of the Sussex County Unified Sanitary Sewer District, Long Neck Area, to include the balance of Parcel 234-23.00-115.00 located along John J. Williams Highway, Route 24, as presented.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea</p> |
| Proposed Ordinances Amending Chapter 115 of the Sussex County Code | <p>Vince Robertson, Assistant County Attorney, and Jamie Whitehouse, Planning and Zoning Director, presented for Council's consideration two (2) Proposed Ordinances.</p> <p>Mr. Robertson presented the Proposed Ordinance to amend Chapter 115 of the Sussex County Code reporting that it is necessary to replace a reference to the "Environmentally Sensitive Developing Area" (ESDA) with "Coastal Area". He reported that this revision is necessary because the ESDA name was revised to "Coastal Area" in the current Comprehensive Plan. Ordinance No. 2656 previously made this change throughout the entire Code; however, there was a place where the ESDA reference remained. The amendment makes that correction in Section 115-25B(3).</p> |

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| Proposed Ordinances Amending Chapter 115 of the County Code (continued) | Mr. Whitehouse presented the Proposed Ordinance to amend Chapter 115 of the Sussex County Code regarding the C-4 Planned Commercial District to allow its use and implementation to occur, including minimum lot sizes and types and percentages of residential uses permitted in the District: (1) that the minimum district dimensions outlined within Chapter 115 be amended to permit a minimum district area of 3 acres or greater, (2) to facilitate the increased usage of the C-4 Zoning District, and (3) to further amend the Zoning District to permit a maximum of 40% of its developable area to consist of duplexes, townhomes or multi-family dwelling houses (this is an increase from the 20% currently permitted). |
| Introduction of Proposed Ordinances | Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE IV BY AMENDING SECTION 115-25 TO REPLACE THE REFERENCE TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA” AND TO DELETE REDUNDANT LANGUAGE REGARDING BONUS DENSITY”. Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.25, 115-83.26, 115-83.30 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”. |
| Grant Requests | The Proposed Ordinances will be advertised for public hearing. Mrs. Jennings presented grant requests for the Council’s consideration. |
| M 169 21 Councilmanic Grant | A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the Delaware Community Foundation for the Georgetown-Millsboro Rotary Club for Flags for Heroes. Motion Adopted: 4 Yeas, 1 Absent. Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea |
| M 170 21 Councilmanic Grant | A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$5,000.00 (\$1,000 from each Councilmanic Grant Account) to Grace-N-Mercy Ministries for Summer Youth Camp expenses. Motion Adopted: 4 Yeas, 1 Absent. Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea |

M 171 21 Councilmanic Grant **A Motion was made by Mrs. Green, seconded by Mr. Rieley, to give \$2,000.00 (\$1,000.00 each from Mrs. Green's and Mr. Rieley's Councilmanic Grant Accounts) to the Urban Garden Initiative Corporation for a youth garden project.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 172 21 Councilmanic Grant **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$2,000.00 (\$1,000.00 each from Mr. Hudson's and Mr. Rieley's Councilmanic Grant Accounts) to the Ocean View Historical Society for the Hall's Store Visitors and Education Center.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Introduction of Proposed Zoning Ordinances **Mrs. Green introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR RETAIL SALES OF ANTIQUES AND COLLECTIBLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.7 ACRES, MORE OR LESS" (Conditional Use No. 2275) filed on behalf of Christopher L. Hooper and Lisa A. Hooper (Tax I.D. No. 231-7.00-36.00) (911 Address: 16842 Seashore Highway, Georgetown).**

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A WATER WELL DRILLING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.04 ACRES, MORE OR LESS" (Conditional Use No. 2276) filed on behalf of Atlantic Well Drilling, Inc. (Tax I.D. No. 132-3.00-4.09) (911 Address: 10872 Concord Road, Seaford).

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 EXPANSION OF A NON-CONFORMING USE AS A BORROW PIT TO INCLUDE THE PROCESSING, CRUSHING OF CEMENT AND OTHER AGGREGATES, AND THE OUTDOOR STORAGE, SALE, AND PROCESSING AND CRUSHING OF MULCH AND SOIL TO BE

Introduction of Proposed Zoning Ordinances (continued) **LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 50.90 ACRES, MORE OR LESS” (Conditional Use No. 2281) filed on behalf of Susan Ritter (Tax I.D. No. 334-12.00-7.00) (911 Address: 33508 Ritter Lake Drive, Lewes).**

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY AND TO AMEND THE CONDITIONS OF APPROVAL OF CZ 1768 (ORDINANCE 2411) TO INCREASE THE GROSS SITE AREA BY 5.253 ACRES AND TO INCREASE THE NUMBER OF PERMITTED UNITS WITHIN THE RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.372 ACRES, MORE OR LESS” (Change of Zone No. 1931) filed on behalf of Lighthipe, LLC (Tax I.D. No. 134-17.00-12.02) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 173 21 Go Into Executive Session **At 11:16 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.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Executive Session **At 11:20 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 12:24 p.m.**

M 174 21 Reconvene Regular Session **At 12:31 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, 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, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 175 21 Negotiate Land Acquisition **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the County Administrator be authorized to negotiate and enter into a contract and proceed to closing on Land 2021-B.**

**M 175 21
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 176 21
Negotiate
Land
Acquisition**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the County Administrator be authorized to negotiate and enter into a contract and proceed to closing on Land 2021-D.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 177 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 12:32 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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