

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 21, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 21, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
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 282 22
Approve
Agenda**

A Motion was made by Mr. Schaeffer seconded by Mrs. Green, 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 of the June 14, 2022 meeting were approved by consensus.

**Corres-
pondence**

Mr. Moore reported that a letter was received from The Lewes Historical Society thanking Council for their contribution.

**Public
Comment**

There were no public comments.

**Land
Preservation
Update**

Mr. Lawson provided an update on land preservation. Mr. Lawson noted that the public has put a focus on the County's activities relating to land preservation in recent years. Mr. Lawson added that this was endorsed in the Sussex County Comprehensive Land Use Plan that was adopted in 2019. He then referenced some goals included in the Comprehensive Plan relating to land preservation that the County is undertaking.

Mr. Lawson provided a historic review of land use preservation. In FY 2003, Sussex County first appropriated funding for land preservation. Land has been preserved using County funding and partnering with numerous organizations, including, the Sussex County Land Trust, the Nature Conservancy, Chesapeake Conservancy, the Farmland Preservation

**Land
Preservation
Update
(continued)**

program, DE Division of Fish and Wildlife along with others. Since FY 2003, the County has spent nearly \$13.5 million and preserved over 5,200 acres of land.

In 2020 and 2021, the County funded the following properties:

- Piney Neck Property – Division of Fish & Wildlife – 9 acres
- Jones Farm – City of Lewes & Lewes BPW – 37 acres
- Dorman Farm – Route 24 – 17 acres
- Absher Property – Nanticoke Crossing – 41 acres at Woodland Ferry

In recent months, the County negotiated for the following acquisitions:

- Dorman Family Trust Tract (No. 2) – Route 24 – 13 acres
- Dawson Bros. Tract – Route 24 – 40 acres
- Jones Family Trust – Conaway Road, Millsboro – 47 acres
- Hopkins Preserve – Sweetbriar Road – 51 acres

Mr. Lawson noted that it is over \$5.0 million in County funding for some 150 acres. Mr. Lawson shared aerial photos of each of the properties.

Mr. Lawson added that the Hopkins Preserve property will be managed by the Sussex County Land Trust.

Mr. Mark Chura, Executive Director of the Sussex County Land Trust, came forward to provide information about the Land Trust. Mr. Chura reported that the Land Trust was founded in 2002. Since then, they have been involved in about twenty different projects and raised about \$4 million to support those projects. In addition, the Land Trust has about 5,800 acres that they have had some role in preserving.

**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 May 2022 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 May.

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

**FY 2023
Budget
Hearings**

At 10:26 a.m., Public Hearings were held on the FY 2023 budget.

**Public Hearing/
Assessment
Rolls**

A Public Hearing was held on the Assessment Rolls for Sewer and Water Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's records for equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and their applicable front footage and EDU's that will be billable by the rates established in the rate ordinance.

There were no public comments.

The Public Hearing and public record were closed.

**M 283 22
Adopt
Assessment
Rolls**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council adopts the Assessment Rolls for the Sussex County Unified Sewer and Water Districts for the period July 1, 2022 through June 30, 2023.

Motion Adopted: 5 Yeas

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

**Public Hearing/
Sewer Rates
and Charges
Ordinance**

A Public Hearing was held on 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".

Mrs. Jennings reviewed highlights of the sewer and water budget. (A comprehensive presentation was given at the May 24, 2022 Council meeting.)

There were no public comments.

The Public Hearing and public record were closed.

**M 284 22
Adopt
Ordinance
No. 2867**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2867 entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT

**M 284 22
Adopt
Ordinance
No. 2867
(continued)**

**AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY
WATER AND SANITARY SEWER DISTRICTS”.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Proposed
Ordinance/
Establish-
ment of Fees**

**A Public Hearing was held on a Proposed Ordinance entitled “AN
ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, §§ 62-7 AND 62-
8B AND CHAPTER 99 §§ 99-14 AND 99-39 OF THE CODE OF SUSSEX
COUNTY RELATING TO THE ESTABLISHMENT OF FEES IN THE
ANNUAL BUDGET”**

**Mrs. Jennings summarized the Proposed Ordinance. It states that the
Planning and Zoning fees listed in these sections of the Code shall be set
forth in the schedule of fees that shall be adopted by Sussex County Council
as part of the annual budget for each fiscal year commencing with FY 2023.**

**Mrs. Jennings further explained that every time the Code is touched, there
are sections with fees that are throughout the Code. For transparency
purposes, the attempt is to start creating a fee schedule in the budget so that
it is viewed every year and is located in one place to make it easier to find
the fees.**

There were no public comments.

The Public Hearing and public record were closed.

**M 285 22
Adopt
Ordinance
No. 2868**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt
Ordinance No. 2868 entitled “AN ORDINANCE TO AMEND
CHAPTER 62, ARTICLE III, §§ 62-7 AND 62-8B AND CHAPTER 99
§§ 99-14 AND 99-39 OF THE CODE OF SUSSEX COUNTY
RELATING TO THE ESTABLISHMENT OF FEES IN THE ANNUAL
BUDGET”.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Proposed
FY 2023**

**A Public Hearing was held on a Proposed Ordinance entitled “AN
ORDINANCE ESTABLISHING THE ANNUAL OPERATING
BUDGET FOR FISCAL YEAR 2023”.**

Budget Ordinance

Mrs. Jennings reviewed highlights of the \$294.1 million annual operating budget for Fiscal Year 2023. (A comprehensive presentation was given at the May 24, 2022 Council meeting)

Public comments were heard.

Russell Hooper, President of the Sussex County Volunteer Firefighters Association, thanked the Council, Mr. Lawson, and Mrs. Jennings for their work to increase the funding in the FY 2023 budget for the fire service through the BLS discretionary fund as well as through the capital purchase request for the technical rescue team.

The Public Hearing and public record were closed.

**M 286 22
Adopt Ordinance
No. 2869**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2869 entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2023”.

Motion Adopted: 4 Yeas, 1 Nay

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

Permission to Prepare & Post Notices/ The Lands of Hete4, LLC

John Ashman, Director of Utility Planning and Design Review, presented a request for permission to prepare and post notices for The Lands of Hete4, LLC for expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). Mr. Ashman reported that the Engineering Department has received a request from Matthew Hete/Lands of Hete4, LLC, the owner/developer of the property. The request is for parcel 334-6.00-686.00 on Postal Lane. The project consists of four Single Family homes on a single parcel to be owned and occupied by family members. As they are single family homes, they will require an 8” sewer connection on Postal Lane. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates.

**M 287 22
The Lands of Hete4, LLC
Approval into SCUSSD**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Hete expansion of the Sussex County Unified Sanitary Sewer District to include parcel 334-6.00-686.00 located along Postal Lane 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**

**FY 2023
Insurance
Recommendations**

Andrea Wall, Manager of Accounting, presented FY 2023 Insurance Recommendations for Council's consideration. Mrs. Wall reported that as we approach the renewal of our insurance package on July 1, our current broker, Alliant and our insurance consultant, Insurance Buyers Council both recommended that Sussex County not market our property and liability package, pollution, and crime coverages, all other lines were marketed. The recommendation is that we market our program every 2 to 3 years in order to not over-exercise the market and maintain relationships with our key insurer partners.

These insurers presented renewal indications that were below market increases. Despite a difficult state of the market where rates are increasing significantly and capacity is shrinking as well as extenuating circumstances such as COVID-19, Alliant was able to secure renewal pricing that was below our budget projections for FY 2023. Mrs. Wall and the County's insurance consultant, Scott Agar, recommended that the County renew with the following insurers:

- **Package Policy (Property, Inland Marine, Auto and Liability – Glatfelter**
- **Pipeline Floater – Chubb**
- **Equipment Breakdown – CNA**
- **Workers' Compensation – Liberty Mutual**
- **Airport Liability – Chubb**
- **Public Officials – Indian Harbor/RSUI**
- **Crime – Great American**
- **Cyber - Lloyds/Crum & Forster**
- **Pollution – Chubb**
- **Fiduciary – Hudson**

**M 288 22
Authorize
Placement of
Insurance
Coverage**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based upon the recommendation of Alliant Insurance Services, Inc. and Insurance Buyers Council, and the Sussex County Finance Department, that Sussex County Council authorizes the placement of insurance coverage, as presented, for the period of July 1, 2022 through June 30, 2023, at a cost not to exceed \$1,990,236.00.

Motion Adopted: 5 Yeas

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

**Federal
Payment in
Lieu of
Taxes**

Andrea Wall, Manager of Accounting, reported that a check in the amount of \$38,898.00 has been received from the United States Department of the Interior, Fish & Wildlife Services, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Sharing Act covering Fiscal Year 2021. The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose. Mrs. Wall advised that the recommendation is to allocate the funds in the same percentage as other County tax collections, as the County has done in the past.

**M 289 22
Approve
Refuge
Revenue
Sharing
Funds
Distribution**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that the Sussex County Council approve the Accounting Department's recommended distribution of the Refuge Revenue Sharing Funds, as follows: Milford School District - \$7,805.36; Cape Henlopen School District - \$25,226.21; Sussex Technical School District - \$2,318.03; Sussex County - \$3,176.01; and Sussex County Libraries - \$372.39.

Motion Adopted: 5 Yeas

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

**EMS Public
Safety
Building/
CO No. 14**

Hans Medlarz, County Engineer, presented Change Order No. 14 for the EMS Public Safety Building, Project C19-04 for Council's consideration. Mr. Medlarz noted that two items associated with this Change Order are related to the cooling tower. In addition, the floor tile color that was selected carried an upcharge as well as corridor modifications and other miscellaneous items.

**M 290 22
Approve CO
No. 14/EMS
Public
Safety
Building**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that be it moved, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 14 for Contract C19-04, Sussex County Public Safety Building, be approved, for an increase of \$26,371.68.

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

**M 291 22
Nanticoke
Indian
Association,
Inc.**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$7,500 (\$7,500 from Mr. Hudson's Councilmanic Grant Account) to Nanticoke Indian Association, Inc. for their annual Indian Powwow.

Motion Adopted: 5 Yeas

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

**M 292 22
Slaughter
Neck
Community
Action
Organiza-
tion**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$6,300 (\$5,800 from Mrs. Green's Councilmanic Grant account and \$500 from Mr. Schaeffer's Councilmanic Grant Account) to Slaughter Neck Community Action Organization, Inc. for playground equipment.

Motion Adopted: 5 Yeas

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

**M 293 22
Greenwood
Police
Department**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mrs. Green's Councilmanic Grant Account) to Greenwood Police Department for Night Out.

Motion Adopted: 5 Yeas

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

**M 294 22
West
Rehoboth
Community
Land Trust**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$3,500 (\$3,500 from Mr. Schaeffer's Councilmanic Grant Account) to West Rehoboth Community Land Trust for housing maintenance.

Motion Adopted: 5 Yeas

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

**M 295 22
The**

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 Christian

Christian Storehouse Inc. Storehouse Inc. for operating costs.

Motion Adopted: 5 Yeas

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

M 296 22 Georgetown Historical Society A Motion was made by Mr. Rieley seconded by Mr. Hudson to give \$2,000 (\$2,000 from Mr. Rieley's Councilmanic Grant Account) to Georgetown Historical Society for HVAC conditioning system.

Motion Adopted: 5 Yeas

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

M 297 22 West Side New Beginning, Inc. A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$1,800 (\$1,800 from Mr. Schaeffer's Councilmanic Grant Account) to West Side New Beginning, Inc. for Project Safety Street Lights.

Motion Adopted: 5 Yeas

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

M 298 22 Town of Blades A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to the Town of Blades for Night Out.

Motion Adopted: 5 Yeas

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

Introduction of Proposed Ordinances Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 7.75 ACRES, MORE OR LESS "

Mr. Schaeffer introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT

Introduction of Proposed Ordinances (continued) **OF CONDITION NO. 9 IN ORDINANCE NO. 2378 (CONDITIONAL USE NO. 1963) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.33 ACRES, MORE OR LESS”**

The Proposed Ordinances will be advertised for Public Hearings.

Council Member Comments **Mr. Hudson commented that Sheriff First Class Glen Hillard is being laid to rest today and asked for thoughts for his family.**

M 299 22 Adjourn **A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to adjourn at 11:02 a.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.}

