

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 8, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 8, 2021, 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 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 199 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 May 25, 2021 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke:

Joan Tracy commented on the County's tax collection policy and procedures.

Mr. Schaeffer joined the meeting.

**Appoint-
ments**

Mr. Lawson reported on term expirations on the Planning and Zoning Commission and the Board of Adjustment.

**M 200 21
Approve
Planning
and Zoning
Commission
Appoint-
ment**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council approves the reappointment of Holly Wingate to the Sussex County Planning and Zoning Commission, effective immediately, until such time as the term expires in June 2024.

Motion Adopted: 5 Yeas.

**M 200 21
(continued)**

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

**M 201 21
Approve
Board of
Adjustment
Appoint-
ment**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, that the Sussex County Council approves the reappointment of Jordan Warfel to the Sussex County Board of Adjustment, effective immediately, until such time as the term expires in June 2024.

Motion Adopted: 5 Yeas.

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

**County
Collection
Process**

Mrs. Jennings and Katrina Mears, Manager of Business Services, explained the County's tax and utility services collection process and how it has improved in comparison to 2009. Sussex County utilizes a variety of tools to collect past due taxes including delinquent notices, phone calls and site visits. Efforts to collect taxes includes payment plans, the tax intercept program, Sheriff postings and sales, and the Clean Hands Ordinance. Currently, the total due for tax and sewer delinquency is approximately \$16.7 million. The County's collection rate average is 99.14%.

**Reassess-
ment
Project
RFP**

Chris Keeler, Director of Assessment, presented the results of the Request for Proposals (RFP) for the Real Property Reassessment Project. Two proposals were received and reviewed: (1) Pearson's Appraisal Service with a project completion date of January 2025 and a base amount of \$13,973,000 and (2) Tyler Technologies with a project completion date of February 2024 and a base amount of \$9,070,818. Mr. Keeler reported that a Committee reviewed the proposals, participated in interviews, ranked the proposals and recommended awarding the project to Tyler Technologies. The cost of their contract, including Project Management, Public Relations, Data Collection, Valuation Analysis and Production, Value Review, Assessment Disclosure Notices and Informal Review Meetings will cost \$9,070,818 for 185,402 parcels with a \$44 per parcel overage rate. The proposed start date is July 1, 2021; the proposed completion date is February 15, 2024.

**M 202 21
Approve
Contract
for Re-
assessment
Project**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council enter into a contract with Tyler Technologies for the Real Property Reassessment Project in the base amount of \$9,070,818 with a \$44 per parcel overage rate.

Motion Adopted: 5 Yeas.

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

Comfort-Burton Tract Forest Maintenance RFP Hans Medlarz, County Engineer, presented the results for the Comfort-Burton Tract Forest Maintenance Request for Proposals (RFP). One proposal was received and reviewed. The four-year aggregate cost is within the Engineering Department's budget estimate and, therefore; the Department is requesting the Council's concurrence to award the project to Egolf Forest Harvesting, Inc. in the aggregate amount of \$388,370.00.

M 203 21 Approve Bid for Comfort-Burton Tract Forest Maintenance A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based on the recommendation of the Sussex County Engineering Department, that the bid for the Comfort-Burton Tract Forest Maintenance RFP be awarded to Egolf Forest Harvesting, Inc. for a four-year forest maintenance contract in the amount of \$388,370.00.

Motion Adopted: 5 Yeas.

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

Bulk Delivery of Magnesium Hydroxide/ Bid Results Hans Medlarz, County Engineer, presented the bid results for the Bulk Delivery of Magnesium Hydroxide, Project No. M21-12. Two bids were received; the Engineering Department recommends awarding the bid to Premier Magnesia for their low bid of \$2.74 per gallon. If performance is satisfactorily, the contract allows for a one-year extension at the discretion of the Engineering Department.

M 204 21 Award Bid/ Bulk Delivery of Magnesium Hydroxide A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Bid Item 1 for Sussex County Project M21-12, Bulk Delivery of Magnesium Hydroxide, be awarded to Premier Magnesia at the bid amount of \$2.74 per gallon.

Motion Adopted: 5 Yeas.

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

Bulk Delivery of Seed & Chemical/ Funding Hans Medlarz, County Engineer, requested funding approval for a one-year extension (through FY 2022), of the Delivery of Seed and Chemicals Project. This Contract for bulk product accommodates farming activities at both of the County's facilities. Mr. Medlarz noted that the company, Growmark FS, LLC, honored the pricing from last year.

M 205 21 Approve Funding/ A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract M19-31, Bulk Delivery of Seed & Chemical, be reauthorized to Growmark FS, LLC for FY 2022 in the amount of \$188,979.30.

**M 205 21
Bulk
Delivery of
Seed &
Chemical
(continued)**

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**

**Delaware
Coastal
Business
Park
Project**

Hans Medlarz, County Engineer, presented Scope Amendment No. 3 to the Delaware Coastal Business Park Project. This Amendment is due to unforeseen conditions associated with unknown utilities within Baltimore Avenue and additional engineering efforts necessary to address these conditions.

**M 206 21
Approve
Scope
Amendment
for
Delaware
Coastal
Business
Park
Project**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Scope Amendment No. 3 with Becker Morgan Group, Inc. be approved in the amount not to exceed \$45,000.00 for the Delaware Coastal Business Park, Phase II, Design Services.

Motion Adopted: 5 Yeas.

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

**M 207 21
Go Into
Executive
Session**

At 10:39 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 pending litigation and 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 10:45 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending litigation and land acquisition. The Executive Session concluded at 11:40 a.m.

**M 208 21
Reconvene**

At 11:42 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 209 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the**
Negotiate **County Administrator is authorized to negotiate and enter into a contract**
Land **and to proceed to closing on Land 2021-E.**

**Purchase/
Land
2021-E**

Motion Adopted: 5 Yeas.

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

M 210 21 **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the**
Negotiate **County Administrator is authorized to negotiate and enter into a contract**
Land **and proceed to closing on Land 2021-F.**

**Purchase/
Land
2021-F**

Motion Adopted: 5 Yeas.

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

M 211 21 **At 11:45 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson,**
Recess **to recess until 1:30 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**

M 212 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene**
Reconvene **at 1:31 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**

Rules **Mr. Moore read the rules of procedure for zoning hearings.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
**Hearing/
CU 2235** **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR**
GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS
OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE
2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 10.76 ACRES, MORE OR LESS” (Conditional Use No.
2235) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D.

**Public
Hearing/
CU 2235
(continued)**

No. 230-7.00-95.00) (911 Address: 22754 Argos Corner Road, Lincoln).

The Planning and Zoning Commission held a Public Hearing on this application on April 8, 2021 at which time action was deferred. On April 22, 2021, the Commission recommended approval with the following amended condition (to Conditional Use No. 2129 / Ordinance No. 2603):

K. Two lighted on-premises signs shall be permitted. One of the signs shall have a maximum area of 32 square feet per side, and the other shall be permitted with a maximum area of 82.75 square feet per side. Neither sign shall include an Electronic Message Center.

(See the minutes of the Planning and Zoning Commission dated April 8 and 22, 2021.)

Jamie Whitehouse, Director of Planning and Zoning, presented the application.

The Council found that Jim Fuqua, Attorney, was present on behalf of the Applicant. Mr. Fuqua stated that this application is a request for a modification of a condition of approval for Conditional Use No. 2129 (Ordinance No. 2603) which was approved in 2018; that Conditional Use No. 2129 was for a self-storage facility at Argos Corner, just south of Milford; that the facility has been constructed and is open for business; that this application involves Condition K which states that “One lighted sign, with a maximum area of 32 square feet per side shall be permitted.”; that the limitation of one sign on the site creates problems for both the business and for the public; that the Applicant is proposing a second sign – an on-premise sign with a maximum area of 82.75 square feet per side; that the property is shaped like a triangle and the longer sides border two roads (Argos Corner Road and Route One); that the entrance to the storage facility is on Argos Corner Road and that is where the permitted sign was placed; that the sign on Argos Corner Road, which is 500 feet from Route One, will identify the business and the entrance to the facility; that the sign on Argos Corner Road is blocked from view by two of the storage buildings on the site; that they are proposing a sign on Route One so they can advertise the business to people traveling on that road; that the Applicant would like to put an electronic message center sign on the property along Route One; that there will be no adverse impact on adjacent properties and it will not be out of character with the area; that the Applicant is working with Rogers Sign Company to design the electronic message center sign; and that the Applicant would like Condition K, as recommended by the Planning and Zoning Commission, to be amended by deleting the last sentence.

Lynn Rogers of Rogers Sign Company was present and responded to questions raised by Council members regarding specific provisions in County and State Codes regulating the operation of electronic message center signs.

**Public
Hearing
(continued)**

There were no public comments.

The Public Hearing and public record were closed.

**M 213 21
Amend
Condition/
CU 2129/
Ordinance
No. 2603**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend Condition 7-K as recommended by the Planning and Zoning Commission to read as follows: Two lighted on-premises signs shall be permitted. One of the signs shall have a maximum area of 32 square feet per side, and the other shall be permitted with a maximum area of 82.75 square feet per side.

Motion Adopted: 5 Yeas.

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

**M 214 21
Adopt
Ordinance
No. 2773/
CU 2235**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2773 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS" (Conditional Use No. 2235) filed on behalf of Brian P. Lessard, Lessard Builders, Inc., with the following condition, as amended:

K. Two lighted on-premises signs shall be permitted. One of the signs shall have a maximum area of 32 square feet per side, and the other shall be permitted with a maximum area of 82.75 square feet per side.

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/
CU 2244**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS" (Conditional Use No. 2244) filed on behalf of Ramon A. Mendez and Alma Mendez (Tax I.D. No. 530-9.00-53.01) (911 Address: 8354 Hickman Road, Greenwood).

The Planning and Zoning Commission held a Public Hearing on this application on April 8, 2021 at which time action was deferred. On April 22, 2021, the Commission recommended approval with the following

**Public
Hearing/
CU 2244
(continued)**

conditions:

- a. The Applicant shall comply with any DeIDOT requirements associated with the use.
- b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
- c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.
- e. No outside storage or sales of merchandise shall be permitted.
- f. Any dumpsters shall be screened from the view of neighboring properties and roadways.
- g. The failure to abide by these conditions shall result in the termination of this Conditional Use.
- h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated April 8 and 22, 2021.)

Jamie Whitehouse, Director of Planning and Zoning, presented the application.

The Council found that Ramon Mendez was present and stated that he and his wife would like to improve a building on their property to have a small business (grocery store); that they reside on the property; and that adequate area is available for parking.

There were no public comments.

The Public Hearing and public record were closed.

**M 215 21
Adopt
Ordinance
No. 2774/
CU 2244**

A Motion was made by Mrs. Green, seconded by Mr. Rieley, to Adopt Ordinance No. 2774 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS" (Conditional Use No. 2244) filed on behalf of Ramon A. Mendez and Alma Mendez, with the following conditions:

- a. The Applicant shall comply with any DeIDOT requirements associated with the use.
- b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
- c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- d. The areas for parking shall be shown on the Final Site Plan and

**M 215 21
Adopt
Ordinance
No. 2774/
CU 2244
(continued)**

- clearly marked on the site itself.
- e. No outside storage or sales of merchandise shall be permitted.
 - f. Any dumpsters shall be screened from the view of neighboring properties and roadways.
 - g. The failure to abide by these conditions shall result in the termination of this Conditional Use.
 - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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/
CU 2246**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS” (Conditional Use No. 2246) filed on behalf of Bee Wise, LLC (Tax I.D. No. 334-12.00-24.00) (911 Address: 20028 John J. Williams Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on April 8, 2021 at which time action was deferred. On April 22, 2021, the Commission recommended approval with the following conditions:

- a. The use shall be limited to use as an office within the existing structure.
- b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- c. The Applicant shall comply with any DeIDOT entrance and roadway improvement requirements.
- d. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property when Route 24 is widened.
- e. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated April 8 and 22, 2021)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

**Public
Hearing/
CU 2246
(continued)**

Mr. Whitehouse noted that five letters of support have been received.

The Council found that Hal Dukes, Attorney, was present on behalf of the application with one of the Applicants, Craig Beebe. Mr. Dukes stated that the Principals of Bee Wise, LLC are Craig Beebe and his wife, Erin; that they recently purchased the subject property which has previously been occupied by a lamp shop and later, a contractors shop; that the property is improved with a dwelling, a shed and a parking lot; that no additional improvements are planned on-site; that the proposed use is for a real estate business which will not be a high use for the site; that realtors will be able to make use of the desks and equipment onsite but will not be in the office every day as the agents mostly work off-site; that there will be an occasional closing at the office; that the proposed use is compatible with the area; and that the real estate office's impact on traffic will be negligible.

There were no public comments and the Public Hearing was closed.

**M 216 21
Adopt
Ordinance
No. 2775/
CU 2246**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2775 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS" (Conditional Use No. 2246) filed on behalf of Bee Wise, LLC, with the following conditions:

- a. The use shall be limited to use as an office within the existing structure.**
- b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- c. The Applicant shall comply with any DeIDOT entrance and roadway improvement requirements.**
- d. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property when Route 24 is widened.**
- e. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.**
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**M 217 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at 2:18 p.m.

**M 217 21
(continued)**

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,

**Robin A. Griffith
Clerk of the Council**

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