

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 26, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 26, 2023, 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
Vince Robertson	Assistant County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 467 23
Approve
Agenda**

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

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 from September 19, 2023, were approved by consensus.

**Corre-
spondence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Ms. Renita Harmon spoke about housing in Sussex County.

Ms. Jill Hicks spoke about the joint workshop recently held with the County Council and the Planning & Zoning Commission.

**M 468 23
Approve
Consent
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to approve the following item under the Consent Agenda:

**Use of Existing Sewer Infrastructure Agreement, IUA-1152
Sandpiper Cove (Cobb Property), Johnson's Corner Area**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
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. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for August 2023 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 194 troopers assigned to Sussex County for the month of August.

2. Sussex County Property Taxes Due September 30th

A final reminder for property owners in Sussex County that September 30th is the deadline to pay annual County property tax bills. Payments can be made in person, online, by phone, or by mail. Any payments mailed must be postmarked no later than September 30th. Payments made October 1st or later will be subject to penalty.

This year's tax bills once again feature an easy-to-read format to help taxpayers better understand their bills and payment options. A number of payment options are available for the public's convenience. A tutorial explaining how to view account information and to make payments is available on the County website at <https://www.sussexcountycle.gov/property-tax-portal-tutorial>.

Sussex County accepts tax payments by cash, check, money order, and debit or credit cards.

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 2024 Budget Report. This is the sixth 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.

Administrator's Report (continued)

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

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, October 3rd. The next regularly scheduled Council meeting will be held on Tuesday, October 10th at 10:00 a.m.

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

**Resolution/
Hudson
Park**

Gina Jennings, Finance Director presented an ORPT grant submission resolution for Hudson Park for Council's consideration. Mrs. Jennings reported that in 2019, County Council provided funds to the Sussex County Land Trust to help purchase a 30-acre parcel along Route 9. The parcel has been designated as Hudson Park. The Sussex County Land Trust has applied for a \$143,500 Outdoor, Recreation, Park and Trails grant through the State to complete the second phase of the trailhead. The funding from the application will be used to help to construct parking and walking paths for the public. In order to qualify, the County needs to sponsor the grant application through a Resolution. There is no financial commitment to the County, the Sussex County Land Trust will manage the project and the ongoing operations of the park.

**M 469 23
Adopt
Resolution
R 016 23/
Hudson
Park**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved that Sussex County Council Adopt Resolution No. R 016 23 entitled "TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE CONSTRUCTION OF HUDSON PARK AS A TRAILHEAD TO THE LEWES TO GEORGETOWN RAIL TO TRAIL".

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/
Approve
Scope
Modification**

Hans Medlarz, County Engineer presented an approval of scope modification for Comfort-Burton Tract Forest Maintenance RFP for Council's consideration.

**M 470 23
Approve**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that based upon the recommendation of the Sussex County Engineering Department that a unit cost adjustment requested by Egolf

Scope Modification **Forest Harvesting, Inc., for the Comfort-Burton Tract Forest Maintenance RFO, scope amendments and one-year time extension be approved.**

Motion Adopted: 5 Yeas

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

Lochwood CO No. 1 **Hans Medlarz, County Engineer presented change order no. 1 for Lochwood Community Area Expansion Contract A for Council's consideration.**

M 471 23 Approve CO No. 1/ Lochwood – Contract A **A Motion was made by Mr. Hudson, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department that change order no. 1 for contract S22-07, Lochwood Community Area Expansion construction contract A be approved increasing the contract amount by \$1,221,350 subject to USDA concurrence.**

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

Public Hearing Results/Red Fox Run **John Ashman, Director of Utility Planning and Design Review presented public hearing results for Red Fox Run (West Rehoboth Area). The Engineering Department met with the Red Fox Run board and provided details and potential costs for a sewer project. The board requested that the department circulate polling letters to the property owners to gauge their interest in central sewer service. The department created and distributed the polling letters to the property owners. The response was 21 in favor, 14 opposed and 10 not responding. The department requested and County Council granted permission to prepare and post notices for a Public Hearing for the Red Fox Run expansion on July 18, 2023. The department sent notices, posted, and held the Public Hearing at the Milton Public Library on September 16, 2023. A PowerPoint presentation was presented to those in attendance (12) notifying them of rate structure, potential costs, and timelines, one based on the neighboring project & DeIDOT improvements going first and the other strictly on a county timeline. Nobody present desired to change their polling position, therefore the department is recommending approval of the expansion.**

M 472 23 Adopt Resolution No. 017 23/ Red Fox Run **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Resolution No. R 017 23 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE RED FOX RUN SUBDIVISION ON THE WEST SIDE OF COASTAL HIGHWAY. THE PARCEL IS LOCATED IN THE BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY,**

DELAWARE”.

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 473 23
Mispillion
Perform-
ance Series**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to Mispillion Performance Series for Performance by Washington Saxophone Quartet.

Motion Adopted: 5 Yeas

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

**M 474 23
First State
Community
Action
Agency**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Rieley’s Councilmanic Grant Account) to First State Community Action Agency for their 58th Annual Celebration.

Motion Adopted: 5 Yeas

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

**Intro of
Proposed
Ordinances**

There were no Proposed Ordinances for introduction.

There were no Council member comments.

**CM
Comments**

At 10:25 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition and collective bargaining.

**M 475 23
Go into
Executive
Session**

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 10:34 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition and collective bargaining. The Executive Session concluded at 11:45 a.m.

M 476 23 **At 11:46 a.m., a Motion was made by Mr. Rieley, seconded by Mrs. Green**
Reconvene **to come out of Executive Session back into Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent

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

E/S Action **There was no action related to Executive Session matters.**

M 477 23 **A Motion was made by Mr. Rieley, seconded by Mrs. Green to adjourn at**
Adjourn **11:46 a.m.**

Motion Adopted: 3 Yeas, 2 Absent

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