

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 2, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 2, 2024, at 10:00 a.m., in Council Chambers, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 001 24  
Approve  
Agenda**

**Mr. Lawson reported that Executive Session and possible action on Executive Session Items can be removed from the Agenda. A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas**

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

**Election  
Officers**

**of Mr. Lawson noted the requirement that the County Council must elect officers for 2024.**

**M 002 24  
Appoint  
President**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson that Mr. Vincent serve as President of the Sussex County Council in 2024.**

**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**

**M 003 24  
Appoint  
Vice  
President**

**A Motion was made by Mr. Hudson that Mr. Rieley serve as Vice President of the Sussex County Council in 2024.**

**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

**Council  
Member  
Appoint-  
ments**

Mr. Lawson noted the requirement that Council appoint members to the various boards and committees and he referenced the recommendations included in Council packets for this meeting, as follows: Cynthia Green to the Delaware Association of Counties (County Director); Doug Hudson to the Delaware Association of Counties (Executive Board); Michael Vincent to the Delaware League of Local Governments; Michael Vincent to the Salisbury/Wicomico MPO (District Specific); John Rieley to the Sussex Conservation District Board; Doug Hudson to the Sussex County Airport Committee; and John Rieley and Mark Schaeffer to the Sussex County Land Trust.

**M 004 24  
Approve  
Council  
Member  
Appoint-  
ments**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the 2024 Member appointments 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

**Legal  
Counsel  
Appoint-  
ments**

Mr. Lawson referenced the appointment of Legal Counsel and the recommendation included in Council packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; and legal representation for the Board of Adjustment, Planning and Zoning Commission, and Sussex County Council/Government, as follows: Ballard Spahr LLP, Barnes & Thornburg, Moore & Rutt, P.A.; Parkowski, Guerke and Swayze, P.A.; Potter Anderson & Corroon LLP, and Young Conaway Stargatt & Taylor, LLP. Mr. Lawson noted the addition of Porter Anderson & Corroon LLP who will assist with personnel matters should the need arise.

**M 005 24  
Approve  
Appoint-  
ment  
of  
Legal  
Counsel**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council approves the 2024 appointment of Legal Counsel, 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

**Rules  
of  
Procedure**

Mr. Lawson presented the Rules of Procedure which were included in Council packets for this meeting which were unchanged.

**M 006 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that the**  
**Approve**      **Sussex County Council approves the 2024 Rules of Procedure, as presented.**  
**2024 Rules**  
**of Procedure**      **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 December 12, 2023, were approved by consensus.**

**Corre-**      **Mr. Moore read correspondence received from Shoes That Fit, Ronald**  
**spondence**      **McDonald House Charities, the Greater Lewes Foundation, Food Bank of**  
**Delaware, and Delaware Breast Cancer Coalition thanking Council for**  
**their donation.**

**Public**      **Public comments were heard, and the following people spoke:**  
**Comments**

**Ms. Jill Hicks spoke about perimeter buffers.**

**Mr. Sergei Boboshko spoke about development and Land Use Ordinance**  
**steps.**

**Ms. Susan Rosenblum spoke about flooding issues.**

**Mr. Oliver Gumbs spoke about the Voluntary School Assessment.**

**Dept. of**      **Mr. Jamie Mack and Ms. Jennifer Carlson from Department of Education**  
**Education/**      **provided a presentation on Voluntary School Assessments.**  
**Voluntary**

**School**      **Mr. Mack explained that Voluntary School Assessments are a fee paid by**  
**Assessment**      **residential developers to support school construction in impacted school**  
**Discussion**      **districts. Developers have the option to pay per residential unit fee or**  
**donate land for use by the school district. Funds can be used for major and**  
**minor capital projects and may serve as local match for construction**  
**projects.**

**Mr. Mack reported that 14 Del. C. § 103 provides that DOE shall calculate**  
**VSA on a per unit basis:**

- **Calculate the average cost per child for new public schools.**
- **Multiply the cost per child by the local percentage share for the relevant local district.**
- **Multiply the result by 0.50, representing the average number of school-aged-children projected for each residential unit.**

**Each spring, VSA fees are updated for the following fiscal year.**

Dept. of  
Education/  
Voluntary  
School  
Assessment  
Discussion  
(continued)

In addition, 9 Del. C. § 6961 establishes authority for Sussex County Council to implement VSA in Sussex County:

- Implementation of Sussex County VSA program is contingent on the County adopting 9 Del. C. § 6961.
- If adopted, the County may require certification of adequate school capacity for new residential developments recorded as major record subdivision plan.

Mr. Mack explained that Municipal VSA requirement is provided in 22 Del. C. § 842 and that requirement would be triggered with Sussex County requirement of VSA. In addition, VSA requirement apply to any: “residential subdivision plan for over 5 units in size for any lands in any municipality located in a county that utilizes voluntary school assessments as set forth in Title 9 and notwithstanding any home rule or charter provision to the contrary”.

Mr. Mack reported that County or municipalities identify the need for VSA at filing of a major record subdivision plan. The developer then contacts DOE and provides the location, site plan and planned development size (number and type of units). Once that information is received, they reach out to the school district for their current capacity and add the additional students from the proposed development based on the calculation. At that point, an answer is provided back to DOE with the capacity of all the feeder schools in that pattern for that development. If any feeder pattern is over 85% capacity with additional students, VSA is required for the development. If the district confirms adequate capacity is available, VSA is not required. DOE will notify the developer of the VSA requirement based on the school capacity.

Once DOE confirms VSA is required and provides a draft VSA agreement to the developer, the developer can opt to receive credit for free market value of donated to the school district or pay per unit assessment calculated for the development.

All VSA payment amounts are based on the fee calculated for the impacted school district at the time the first residential unit building permit is issued. The payment amount remains unfixed for up to five years. If construction is still continuing after five years, the fee is recalculated based on current VSA fees. The fee recalculated repeats every five years until construction is complete. All payments are made directly to Delaware DOE and districts can request a transfer of the funding.

Mr. Schaeffer questioned the exclusions. Mr. Mack stated that VSA does not apply to developments that are primarily 55+ communities or targeted for low-income housing. He added that it even works if only a portion of the development is one or the other.

Dewey

Mr. Lawson reported that since 2022 the Sussex County Emergency

**Beach  
MOU**

**Medical Services (EMS) has occupied a portion of the Town of Dewey's building located on Coastal Highway (Route 1) in the center of town. The EMS operate a seasonal unit out of this location and have found the proximity to Route 1 and the coastal towns during the summer months improves their response times exponentially.**

**When the Town of Dewey Beach embarked on the initiative to construct a new Town Hall and Police Department, Town officials approached the County to gauge interest in co-locating an EMS station at the new Town Hall. Based on the improvement to the EMS system as a whole, County stakeholders agreed this arrangement would be worth pursuing.**

**Mr. Lawson reported that the MOU specifics the County's and Dewey's roles and responsibilities for the property. Dewey is responsible for all aspects of the construction of the facility as well as its long-term maintenance. The County has reviewed and approved the footprint the EMS will use in the new Town Hall as specified in Construction Drawings by George, Miles and Buhr. In general, the EMS footprint includes one bay in the garage and over 1,000 square feet of quarter space on the second floor. The County will execute a future lease agreement with Dewey specifying, among other items, these terms, and conditions.**

**The County will contribute one million dollars to the overall Town Hall and Police Department construction costs. The County will pay half upon Dewey's execution of a construction contract and the other half upon reaching 75 percent of construction completion.**

**Mr. Robbie Murray, EMS Director discussed response times and how this location is ideal to provide services in the area with the increased call volume.**

**Mr. Lawson noted that there will not be a reoccurring lease payment or utility payment which will be spelled out in the future lease agreement.**

**M 007 24  
Approve  
Dewey  
Beach  
MOU**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approves the Memorandum of Understanding with the Town of Dewey Beach related to the construction of the new Town Hall Police Department and the County's contribution of one million dollars to the same project as specified in the terms of the MOU.**

**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:**

Adminis-  
trator’s  
Report  
(continued)

**1. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion effective December 6<sup>th</sup>: Howard Manor, and The Estuary – Phase 4A (Construction Record).

**2. Delaware State Police Activity Report**

The Delaware State Police year-to-date activity report for November 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 190 troopers assigned to Sussex County for the month of November.

**3. Robert D. Kreitzer**

It is with great sadness that we inform you that County employee, Robert “Bob” Kreitzer, passed away on Saturday, December 16, 2023. Mr. Kreitzer began his career with Sussex County in 2002 as an Equipment Operator I in Environmental Services. He left the County in 2004 for several years and returned in November 2017. His last position held was Equipment Operator III. We would like to extend our condolences to the Kreitzer family.

**5. Vanessa B. Pettyjohn**

It is with great sadness that we inform you that County pensioner, Vanessa Pettyjohn, passed away on Wednesday, December 20, 2023. Ms. Pettyjohn began her career with Sussex County in 1976 where she worked until December 2022 for a total of 46 years of service. Her last position with the County was Billing Analyst. We would like to extend our condolences to the Pettyjohn family.

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

Bank  
Resolutions

Mrs. Jennings reported that since there were no changes to leadership, no action is needed.

T-Hangar  
Bldg/CO No.  
2

Mark Parker, Assistant County Engineer presented Change Order No. 2 and Substantial Completion for T-Hangar Building, Project A 22-23 for Council’s consideration.

M 008 24  
Approve CO  
No. 2 &  
Substantial  
Completion

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 be approved adding twenty-nine (29) calendar days with no net cost change, as well as granting of Substantial Completion for the T-Hangar Building project.

**Motion Adopted: 5 Yeas**

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

**Airport  
Advisory  
Committee  
Appointme-  
nts**

**Mr. Bob Bryant, Airport Manager, presented for Council's approval the Delaware Coastal Airport Advisory Committee members for the Year 2024 for Council's consideration.**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council appoints Dustin Berlinger, Larry Kelley, Jeffrey Reed, Rick Garner, Ezra Richards, Mark Ryan, Scott Thomas, and Ray Hopkins to the Delaware Coastal Airport Advisory Committee for 2024.**

**M 009 24  
Approve  
Airport  
Advisory  
Committee  
Appointme-  
nts**

**Motion Adopted: 5 Yeas**

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

**DSP 2<sup>nd</sup>  
Lease  
Extension**

**Mr. Bob Bryant, Airport Manager presented a second lease extension with Delaware State Police for Council's consideration.**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the State of Delaware Department of Homeland Security request for a second extension for the ground lease for Lot G at the Delaware Coastal Airport for an additional 5-year period ending June 23, 2029.**

**M 010 24  
Approve  
Second  
Lease  
Extension/  
DSP**

**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 the Council's consideration.**

**M 011 24  
Boardwalk  
Buddy Walk  
Fund**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to give \$500 (\$500 from Mr. Schaeffer's Councilmanic Grant Account) to Boardwalk Buddy Walk Fund for their Uncle David's Ice Cream Shop.**

**Motion Adopted: 5 Yeas**

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

**M 012 24**  
**Eastern**  
**Shore**  
**AFRAM**  
**Festival**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$500 (\$500 from Mr. Vincent’s Councilmanic Grant Account) to Eastern Shore AFRAM Festival for their MLK Day of Celebration.**

**Motion Adopted: 5 Yeas**

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

**M 013 24**  
**Bethany-**  
**Fenwick**  
**Chamber of**  
**Commerce**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,000 (\$1,000 from Mr. Hudson’s Councilmanic Grant Account) to Bethany-Fenwick Island Chamber of Commerce for their Fire and Ice Festival.**

**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**  
**Ordinance**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.23 ACRE MORE OR LESS” filed on behalf of Nicasia Chavez Reyes.**

**The Proposed Ordinance will be advertised for a Public Hearing.**

**Council**  
**Members’**  
**Comments**

**There were no Council Member comments.**

**M 014 24**  
**Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at 10:50 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.}*

