

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 24, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 24, 2024, 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	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 496 24
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, 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 September 17, 2024, meeting were approved by consent.

Correspondence

There was no correspondence.

There were no public comments.

**Public
Comments**

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

**M 497 24
Approve
Consent
Agenda**

1. Proclamation Request – Emergency Preparedness Month

2. Proclamation Request – Literacy Month

Motion Adopted: 5 Yeas

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

Adminis-

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

**trator's
Report**

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for August 2024 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 195 troopers assigned to Sussex County for the month of August.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Walden (fka Burton's Pond) Phase 6B (Construction Record) effective September 13th; Millville By the Sea – Summerwind Connector effective September 16th; Silver Woods Villas – Phase 1B (Construction Record) and Silver Woods Villas – Phase 2A-1 (Construction Record) effective September 18th.

3. 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.sussexcountyde.gov/property-tax-portal-tutorial>.

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

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

**Pension
Update/Co-
mmittee**

Gina Jennings, Finance Director reported that on August 15th, the pension committee held its quarterly pension meeting. At that meeting, the committee received an update from Pat Wing of Marquette Associates and recommendations on changing our Investment Policy Statement (IPS) for

Recommendations both pension funds regarding real estate investments. Mrs. Jennings added that in 2023, we adjusted our IPSs to being liquidating our real estate investments. At this August's meeting, the committee reviewed options to liquidate the rest of our real estate holdings.

Mr. Pat Wing of Marquette Associates provided an overview of the outlook that is seen for real estate and changes that have occurred since the last meeting in June. Mr. Wing discussed real estate valuations, vacancy rates, near-term maturing loans, NOI growth, expected returns by property type, core fixed income outlook and fixed income yields.

Mr. Rieley commented that a few years ago he recalls that real estate was looked at as an option because returns on fixed income was so bad. He questioned if we would be able to get back into real estate at some point if desired. Mrs. Jennings replied that the policy would be changed back if we wanted to add it.

M 498 24 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that the Sussex County Council amend its investment policy statement of the pension and OPEB funds to remove the real estate target of 3%, increase the fixed income target of 2% and increase the bank loans target by 1%.

Approve Pension Committee Recommendation

Motion Adopted: 5 Yeas

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

Peninsula Community Road Mark Parker, Assistant County Engineer presented a recommendation to award for The Peninsula Community Road repairs, project T24-12 for Council's consideration.

M 499 24 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 contract no. T24-12 be awarded to the low bidder HCE Inc. in the amount of \$272,287.00 which includes a bid alternate in the Veranda community.

Approve Peninsula Community Road Repairs

Motion Adopted: 5 Yeas

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

South Blades District Area John Ashman, Director of Utility Planning & Design Review presented a Resolution declaring the South Blades District Area for Council's consideration.

M 500 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt**
Adopt **Resolution No. R 018 24 entitled “South Blades Area of the Sussex County**
Resolution **Unified Sanitary Sewer District declared under the provisions of Title 9,**
No. R 018 24/ **Chapter 65 of the Delaware Code”.**
South Blades

District Area **Motion Adopted: 5 Yeas**

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

Winding **Hans Medlarz, Project Engineer presented a contract award for Winding**
Creek **Creek Village Water District for Council’s consideration.**
Contract

M 501 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved**
Approve **based upon the recommendation of the Sussex County Engineering**
Contract **Department that contract S20-10 for the Winding Creek Village Water**
Winding **District, be awarded to Atlantic Contracting & Material Co. for their total**
Creek **bid of \$4,042,722.00, contingent upon DHSS approval.**
Village

Motion Adopted: 5 Yeas

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

SCWRF **Hans Medlarz, Project Engineer presented GHD Amendment 27 –**
GHD **Construction Engineering Services for South Coastal WRF treatment**
Amendment **process update no. 3 & Rehoboth Beach WTP capital improvement program**
27 **for Council’s consideration.**

M 502 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved**
Approve **based upon the recommendation of the Sussex County Engineering**
Amendment **Department that Amendment No. 27 to the base engineering contract with**
27/SCWRF **GHD, Inc., be approved in the amount not to exceed \$350,000.00, for**
 engineering services associated with the South Coastal RWF treatment
 process upgrade no. 3.

Motion Adopted: 5 Yeas

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

Herring **Hans Medlarz, Project Engineer presented change order nos. 2, 3 and 4 for**
Creek/CO **Herring Creek Sanitary Sewer District: East Gravity Sewer and Force Main**
No. 2,3,4 **for Council’s consideration.**

M 503 24 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved by**
Approve CO **the Sussex County Council that based on the recommendation of the Sussex**
No. 2, 3 & 4/ **County Engineering Department that change order nos. 2, 3 and 4 for contact**
Herring **S20-09, Herring Creek Sanitary Sewer District: East Gravity Sewer and**
Creek **Force Main, Phase IV be approved, increasing the contract time by 78 and**
 38 calendar days respectively, as well as an increase of \$59,198.18, contingent
 upon USDA concurrence.

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 504 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000**
Lower **(\$2,000 from Mr. Hudson’s Councilmanic Grant Account) to Lower Sussex**
Sussex Little **Little League, Inc. for a digital sign for the Pyle Center.**
League

Motion Adopted: 5 Yeas

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

M 505 24 **A Motion was made by Mr. Hudson, seconded by Mrs. Green to give \$3,000**
Shoes That **(\$1,000 from Mr. Hudson’s Councilmanic Grant Account, \$1,000 from Mrs.**
Fit **Green’s Councilmanic Grant Account and \$1,000 from Mr. Rieley’s**
 Councilmanic Grant Account) to Shoes that Fit for their new sneaker
 program.

Motion Adopted: 5 Yeas

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

Proposed
Ordinance
Introduc-
tion **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE**
 TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-
 DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY
 DWELLINGS (220 UNITS) TO BE LOCATED ON CERTAIN PARCELS
 OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX
 COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” filed on behalf
 of Marlin Cove, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE
TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX

Proposed Ordinance Introduction (continued)

COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” filed on behalf of Marlin Cove, LLC.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” filed on behalf of James Yerkie, II.

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS” filed on behalf of Raul Alvarez.

The Proposed Ordinances will be advertised for a public hearing.

CC Comments

Mr. Rieley commented that there are still some priorities that are outstanding including the definition of open space and updating subdivision provisions in Chapter 99, he requested that the Administrator work with staff to land some of these by the end of the year.

Mr. Vincent recognized Councilman Sam Wilson.

**M 506 24
Go Into
Executive
Session**

At 10:53 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 personnel 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 10:58 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to personnel and land acquisition. The Executive Session concluded at 11:48 a.m.

**M 507 24
Reconvene**

At 11:50 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

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

M 508 24 A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at
Adjourn 11:51 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.}