

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 5, 2002.

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, February 5, 2002, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

M 078 02      A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the Agenda by deleting the following items:  
Amend and  
Approve Agenda

Derek Sapp, Project Engineer  
1. Terminal Building – Change Order No. 3  
2. Delta Airport Consultants – Contract Amendment No 9  
; and to approve the Agenda, as amended.

Motion Adopted:      4 Yea, 1 Absent.

Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

M 079 02      A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the Minutes of January 29, 2002, as distributed.  
Approve Minutes

Motion Adopted:      4 Yea, 1 Absent.

Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

Corre-spondence      Mr. Bayard read the following correspondence:

MEALS ON WHEELS OF LEWES & REHOBOTH, INC., LEWES, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Corre-  
spondence  
(continued)

KIWANIS FOUNDATION OF REHOBOTH BEACH, DE, INC., REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CITIZENS COALITION, INC.; DELAWARE CHAPTER, SIERRA CLUB; PLANTATIONS CIVIC ASSOCIATION; AND PLANTATIONS CONDO-HOMEOWNERS ASSOCIATION, LEWES/REHOBOTH, DELAWARE.

RE: Request that the public hearing record on Change of Zone No. 1454, application of Elmer Fannin, and Conditional Use No. 1434, application of Grady, Inc., be extended to the close of business on February 22, 2002.

(This request will be placed on the February 12th Agenda for consideration.)

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.

RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit. Applicant: CMF Bayside, LLC. Waterway: Roy Creek and Drum Creek.

Realloca-  
tion of  
2001  
Private  
Activity  
Bond  
Volume  
Cap

Mr. Stickels reviewed the 2001 Bond Volume Cap allocated to Sussex County which was reassigned to the State on December 11, 2001. At that time, Council was advised that \$15,000,000 was allocated to the County in 2001 and that \$10,500,000 was remaining. Since the December 11th meeting, it has been determined that \$18,750,000 was actually allocated to Sussex County in 2001. Based on this information, Mr. Stickels recommended that Council reassign to the State the remaining unallocated Private Activity Bond Volume Cap for 2001 in the amount of \$3,750,000.

M 080 02  
Assign  
Unallocated  
2001  
Private  
Activity  
Bond  
Volume  
Cap

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council hereby assigns to the State of Delaware its remaining unallocated Private Activity Bond Volume Cap for 2001 in the amount of \$3,750,000 for reallocation to the Delaware State Housing Authority and/or the Delaware Economic Development Authority. The total amount reassigned to the State of Delaware for 2001 equals \$14,250,000.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

Adminis-  
trator's  
Report

Mr. Stickels read the following information in his County Administrator's Report:

1. Positive Growth Alliance Workshop

The Positive Growth Alliance will be conducting a workshop on Thursday, February 21, 2002, at the CHEER Center, Shingle Point Road, Georgetown, Delaware, starting at 7:00 p.m. For your convenience, I

Administrator's Report  
(continued)

have included a copy of the agenda. There is no registration fee or pre-registration requirement.

2. South Ocean View Sanitary Sewer District Public Hearing

The Sussex County Engineering Department will conduct a public hearing on the boundaries, potential user costs, and the environmental assessment of the proposed South Ocean View Sanitary Sewer District. The public hearing will be held on Saturday, February 9, 2002, at 9:00 a.m. at the Millville Fire Hall, Route 26, Millville, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or other persons or corporations in any way affected by the establishment of this district or wishing to be included in this district shall be heard.

3. Delaware Department of Transportation Public Meeting

The Delaware Department of Transportation (DelDOT) will be holding a public meeting for the purpose of reviewing the State of Delaware's Capital Transportation Program for FY 2003 through 2008. The Sussex County meeting will be held at DelDOT's South District Administration Building located on DuPont Highway and Bedford Street Extended, Georgetown, Delaware, on Wednesday, February 20, 2002. A workshop session will be held at 6:00 p.m., with public comments being taken at 7:00 p.m. Public input received during February's meeting is critical to the development of the final Capital Transportation Program.

4. Sussex County Emergency Medical Services (EMS) – Significant Accomplishments – Calendar Year 2001

Included with this report is a copy of Sussex County EMS accomplishments for calendar year 2001. I would like to publicly compliment Glenn Luedtke, EMS Director, and his staff for the continuation of providing a very valuable public safety program for the residents and visitors of Sussex County.

Bid Results/  
Pump Station  
100 Upgrade  
and Force Main

Mr. Stewart, Project Engineer, reviewed the bid results for Sussex County Project No. 98-05, entitled "Pump Station 100 Upgrade & Force Main", as follows:

		Schedule A+B	Schedules A+B+C	Schedules A+B+C+D
	David A. Bramble, Inc.	\$377,581	<u>\$413,081</u>	\$711,431
	Teal Construction, Inc.	\$384,772	\$425,242	\$586,742
	A. P. Croll & Son, Inc.	\$392,052	\$434,491	\$489,491

Bid Results (continued)		Schedule A+B	Schedules A+B+C	Schedules A+B+C+D
	Bunting & Murray Construction	\$396,320	\$436,790	\$579,165
	Hopkins Construction, Inc.	\$399,072	\$437,809	\$706,154
	Edward McGinn General Contractors	\$607,800	\$672,800	\$821,550
	JJID, Inc.	\$802,520	\$841,520	\$956,270
	Engineer's Estimate	\$468,522	\$511,722	\$702,972

(Schedule A+B) - Total Base Bid

(Schedules A+B+C) - Total Base Bid Plus Generator Alternate

(Schedules A+B+C+D) - Total Base Bid Plus Generator and HDPE Alternates

M 081 02 Award Bid/ Pump Station 100 Upgrade and Force Main	A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Consulting Engineer, George, Miles & Buhr, LLC, and the Engineering Department, that Sussex County Council awards the Construction Contract for Sussex County Project No. 01-05, Pump Station 100 Upgrade and Force Main, for the amount of \$413,081.00 to David A. Bramble, Inc., contingent upon approval from USDA Rural Development.
	Motion Adopted: 4 Yea, 1 Absent.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea
Wastewater Facilities	Mr. Green, Director of Utility Construction, discussed wastewater facilities constructed in several sewer districts.
M 082 02 Grant Conditional Acceptance/ Savannah's Landing Addition	A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 181, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Savannah's Landing Addition – Phase 6, located in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District.
	Motion Adopted: 4 Yea, 1 Absent.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea

M 083 02 Grant Conditional Acceptance/ The Village at Bear Trap Dunes	A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement Nos. 197, 204, and 223, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in The Village at Bear Trap Dunes, Phases I, II and IIA, located in the South Bethany Sanitary Sewer District.
	Motion Adopted: 4 Yea, 1 Absent.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea
M 084 02 Grant Conditional Acceptance/ Mill Pond Acres	A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 170, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Mill Pond Acres, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
	Motion Adopted: 4 Yea, 1 Absent.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea
M 085 02 Grant Conditional Acceptance/ Wolfe Pointe Regional Pump Station and Forecemain	A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department for Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 195, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Wolfe Pointe Regional Pump Station and Forcemain, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
	Motion Adopted: 4 Yea, 1 Absent.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea
M 086 02 Execute Agreements/ Kinsale Glen	A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 233, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and South Shore Partners, LLC, for wastewater facilities to be constructed in Kinsale Glen, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 086 02  
(continued)

Motion Adopted: 4 Yea, 1 Absent.  
Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

Insurance  
Consultant  
Selection  
for  
Insurance  
Rebid

Mr. Baker requested permission to engage the Insurance Buyers Council (IBC), the County's insurance consultants, to assist the County in rebidding its insurance policies. Mr. Baker noted that every three years (since the 1980's) the County has rebid its insurance policies; the policies were last rebid in 1999.

Mr. Baker reviewed the proposal from IBC for the work they are proposing to do. IBC proposes that the procedure consist of two projects: (1) a one-day risk management audit of the County's exposures, and (2) the competitive proposal procedure process – prepare the Request for Insurance Proposals (RFP), supervise the competitive quotation procedure, and review the proposals. Their analysis of the quotations would be based on the following criteria:

- Scope of coverage;
- Insurer financial rating;
- Insurer; producer and (if applicable) third party administrator services; and
- Reasonably anticipated net cost.

Following a review of all the proposals received, IBC will provide the County with a written analysis together with coverage and cost comparison exhibits and specific recommendations concerning the placement of insurance to be effective July 1, 2002. IBC will then personally discuss their recommendations with the County Finance Director and the County Council.

Mr. Baker reviewed the proposed costs of the projects. IBC's proposed fee for the risk management audit project is \$1,800 plus travel expenses. IBC is proposing a maximum fee of \$16,000 for conducting the competitive proposal procedure process, plus any necessary expenses.

M 087 02  
Authorize  
Agreement/  
Insurance  
Buyers'  
Council

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council authorizes the Director of Finance to enter into an Agreement with Insurance Buyers' Council, Inc. to analyze the County's insurance exposures, prepare a request for insurance proposals, supervise the competitive quotation procedure, review the proposals and recommend the insurance providers. This will be done for a maximum fee of \$17,800 plus necessary expenses which will cover up to five complete property and liability proposals.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

M 088 02      A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00, \$50.00 from each Councilmanic Account, to Sussex Technical High School, for the Science Olympiad Team's attendance at the Invitational National Event in Newark, Delaware.

Motion Adopted:      4 Yea, 1 Absent.

Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

M 089 02      A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$400.00 from Mr. Jones' Councilmanic Account to the Friends of the Georgetown Public Library for their campaign to raise funds for the construction of a new library.

Motion Adopted:      4 Yea, 1 Absent.

Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

Defer      Action was deferred on the grant request from the Woodbridge School District.

M 090 02      A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00, \$100.00 from each Councilmanic Account, to Kent-Sussex Industries for sponsorship of the 2003 wall calendar.

Motion Adopted:      4 Yea, 1 Absent.

Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

M 091 02      A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000 from Mr. Cole's Councilmanic Account to the Rehoboth Art League, Inc. for renovations to the children's art studio.

Motion Adopted:      4 Yea, 1 Absent.

Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Rogers, Yea;  
Mr. Jones, Yea

M 092 02      A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$600.00 from Mr. Rogers' Councilmanic Account to the City of Lewes for the Mayor's attendance at the Congressional City Conference in Washington, D.C.

Motion Adopted:      4 Yea, 1 Absent.

M 092 02 (continued)	<p><b>Vote by Roll Call:</b> Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Absent; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Proposed Ordinance	<p>Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 4.912 ACRES, MORE OR LESS" (Conditional Use No. 1450) filed on behalf of Richard Mark Miller. The Proposed Ordinance will be advertised for Public Hearing.</p>
Proposed Ordinance	<p>Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60 ACRES, MORE OR LESS" (Change of Zone No. 1466) filed on behalf of Raymond McCabe and J. Oliver Smith, Jr., t/a Bayview Acres. The Proposed Ordinance will be advertised for Public Hearing.</p>
Lawsuit Filed by Sheriff	<p>Mr. Phillips asked for the County Attorney's opinion as to whether Councilmembers could comment on the lawsuit filed by Sheriff Reed against Delaware's Attorney General and Secretary of Public Safety. Mr. Bayard responded that Council members are free to comment as any citizen is free comment.</p>
Reassess- ment	<p>Mr. Phillips commented on a legislative briefing meeting which took place at the Delmar High School on February 4th. At that meeting, school district leaders throughout the County asked questions about their primary concern – reassessment. They questioned the County about the possibility of a reassessment with the idea that it would raise additional revenue for their districts. Mr. Stickels responded that the current County Council has not given any direction on this subject. However, he noted that in the past, when the subject of reassessment was discussed, the County Council was willing to participate in a reassessment, but they stated that they would need the support of the superintendents of each of the schools, the support of each school district; and also, the support of the legislators. In addition, the County Council has said that it would be willing to pay its share of the costs (20%); however, the State, including the school districts, would have to pay 80% of the costs.</p> <p>Council members expressed concern about possible tax increases and concern that a reassessment would cost the County approximately \$3 million.</p> <p>It was noted that school districts do have the power to raise revenues through a referendum.</p>

Reassessment  
(continued) Mr. Stickels stated that he informed the school district leaders that he would compile more current figures and that he, along with the Finance Director and the President and Vice President of Council, would be glad to meet with all the school districts to discuss reassessment.

Sheriff's Lawsuit County resident John Reeves addressed Council and spoke about the lawsuit filed by Sheriff Reed. Mr. Reeves asked each member of Council to issue a press release giving an opinion on the suit. He stated that he strongly supports the Sheriff and he urged Council to support the Sheriff also.

M 093 02 At 11:15 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to recess until approximately 12:00 noon at which time Council would be attending a luncheon at Sussex Pines in Georgetown with The Lower Delaware Maryland Building Officials Association for the purpose of discussing building code issues. Motion Adopted by Voice Vote.

Recess

Reconvene Mr. Jones called Council back into session at 12:15 p.m. at Sussex Pines in Georgetown.

International Building Code (IBC) Presentation and Discussion Bill Massey, Lewes Building Official and President of the Lower Delaware Maryland Building Officials Association, and Eric Stafford, Southern Building Code Congress International (SBCCI), gave a presentation on the International Building Code.

Robert L. Stickels, County Administrator; David Baker, Finance Director; and members of the Sussex County Council, with the exception of Dale Dukes, were present. Also present were representatives from the Sussex County Building Code Department; representatives from the Sussex County Building Code Appeal Board; area building officials; representatives from the State Fire Marshals Office; builders; realtors; town council members, and others.

Mr. Massey handed out a comparison of the technical requirements in the 1995 CABO One and Two Family Dwelling Code and the 2000 International Residential Code. Mr. Massey pointed out that the changes incorporated in the International Building Code are not that different from what the County and municipalities are already enforcing and will not be detrimental to builders and homeowners.

Mr. Massey advised that SBCCI is moving forward with the International Building Code; that all three Building Code Books were merged in its development; and that SBCCI continues to amend it. He noted that the previous issues of the three Codes are no longer being amended or reproduced.

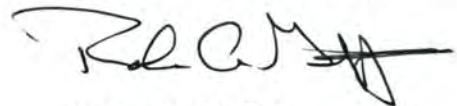
The SBCCI provides technical, educational, and administrative support to governmental departments and agencies engaged in building codes administration and enforcement. Mr. Massey and Mr. Stafford stated that officials from SBCCI are willing to come to Sussex County and conduct a workshop on the International Building Code.

IBC (continued) Mr. Massey encouraged the County Council to (1) consider adopting the International Building Code and (2) schedule a Public Hearing on the issue.

No action taken was taken by Council.

M 094 02 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 1:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council