

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 25, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 25, 2003, at 9:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

Mr. Rogers called the meeting to order.

M 086 03 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to authorize
Authorize an Executive Session to be held on this date at 9:05 a.m. for the purpose of
Executive discussing land acquisition.
Session

Motion Adopted: 5 Yea.

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

M 087 03 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to recess and go
Recess/ into Executive Session.
Go Into

Executive **Motion Adopted:** 5 Yea.
Session

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

Executive An Executive Session of the Sussex County Council was held at 9:05 a.m. in
Session the Caucus Room of the Council Chambers, Sussex County Administrative
 Office Building, Georgetown, Delaware for the purpose of discussing land
 acquisition. The Executive Session concluded at 9:45 a.m.

Reconvene Mr. Rogers called Council back into session at 9:50 a.m.

M 088 03 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve Agenda, as distributed.
Agenda

M 088 03
(continued)

Motion Adopted: 4 Yea, 1 Absent.

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

M 089 03
Approve
Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of February 4, 2003, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

Corre-
spondence

Mr. Griffin read the following correspondence:

THE BANKS FAMILY, LAUREL, DELAWARE.

RE: Card to Council and Administration for expressions of sympathy.

ALICE GODWIN, FRANKFORD, DELAWARE.

RE: Letter to Sussex County Community Development in appreciation of repairs made to her home.

KEN SMITH, DELAWARE HOUSING COALITION, DOVER, DELAWARE.

RE: Letter in appreciation of Council's financial support of the conference held in October 2002 by the Sussex Housing Group.

THE DELAWARE 4-H FOUNDATION, NEWARK, DELAWARE.

RE: Letter in appreciation of grant.

JIM ROESSLER, CO-CHAIR, MLK TEAM, SEAFORD, DELAWARE.

RE: Letter in appreciation of grant for the Martin Luther King, Jr. Community Day of Celebration.

REPRESENTATIVE JOSEPH BOOTH, HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter regarding writing and implementing regulations to protect the County's drinking water supplies.

Paramedic
Recognition

Mr. Paul Hudson was in attendance to publicly thank the Sussex County Paramedics for their outstanding work, their professionalism, and their dedication to the people of Sussex County and to thank the County Council for their dedication to the Paramedic Program. Mr. Hudson's wife was attended to by the Sussex County Paramedics and Lewes Ambulance in December of 2002. Mr. Ray Alt and Mr. Brandon Donaway, the first responders, were recognized along with Supervisor Tim Cooper and EMS Director Glenn Luedtke.

**M 090 03
Adopt
Tribute**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adopt the Tribute commending B. J. Hardin for twenty-four years of public service as the Mayor and Town Council Member of the Town of Blades.

Motion Adopted: 4 Yea, 1 Absent.

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

Mr. Jones joined the meeting.

**M 091 03
Adopt
Procla-
mation**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to adopt the Proclamation entitled "PROCLAIMING THE MONTH OF MARCH AS WOMEN'S HISTORY MONTH".

Motion Adopted: 5 Yea.

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

**M 092 03
Adopt
Tribute**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adopt the Tribute commending Joseph O'Neill, II for achieving the rank of Eagle Scout.

Motion Adopted: 5 Yea.

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

**M 093 03
Adopt
Tribute**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to adopt the Tribute commending Scott Whaley for achieving the rank of Eagle Scout.

Motion Adopted: 5 Yea.

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

**Sussex
County
Land
Trust**

Mr. Craig Hudson, Chairman, and Ms. Wendy Baker, President, were present on behalf of the Sussex County Land Trust. Mr. Hudson announced that the Board of Trustees met on Tuesday, February 25th, at which time they recommended that the Delaware Agricultural Lands Preservation Foundation purchase the development rights of the following properties:

**Sussex
County
Land
Trust
(continued)**

<u>Grantee</u>	<u>Sussex County Tax Parcel</u>	<u>Acres</u>	<u>Purchase Price</u>
Robert M., Peter, Joey & James A. Hopkins	2-35-27-1.01	216.23	\$ 871,539.90
Lawrence & Lynn Lee	4-30-10.00-14.00	187.4	99,874.50
John Wesley & Helen D. Morris	3-34-12.00-48	85	488,611.75
Nelson Warren	2-31-3-64	180	109,309.20
Thomas P. Warren	2-31-3-65	154	105,703.65
C. Maynard & Susanne E. Welfley	4-30-5.00-24	<u>111</u>	<u>90,951.30</u>
TOTALS		<u>933.63</u>	<u>\$1,765,990.30</u>

Mr. Hudson also distributed a list of the individuals and businesses who donated funds to the Land Trust Foundation.

Mr. Stickels reported that there is \$1.8 million available for this purchase, as follows:

- Sussex County Council - \$300,000
- Sussex County Land Trust - \$300,000
- State of Delaware Grant - \$600,000
- Federal Matching Grant - \$600,000

The money will be used by the State to purchase easements to six properties in Sussex County, totaling 933 acres. The properties were selected based on development pressures and the discount at which landowners were willing to sell their development rights.

Mr. Stickels stated that this is the first partnership between the County and the Land Trust. This purchase will preserve approximately 1,000 acres of farmland.

Mr. McGrath, Delaware Department of Agriculture, stated that the leveraging partnership enabled Sussex County to purchase a larger percentage of the properties that were voluntarily offered by landowners in the County compared with Kent and New Castle Counties. Mr. McGrath pointed out that the landowners themselves are contributing to this effort by the discounts that they offered from market value.

In 2001, the Sussex County Council pledged its support for the Foundation in order to assist in protecting, improving, enhancing and preserving the natural resources and open space in the County.

**Land
Trust
(continued)**

Mr. Hudson presented a check to the Sussex County Council in the amount of \$300,000 representing their contribution for the purchase of the development rights of the properties previously listed.

**M 094 03
Endorse
List of
Farms
Submitted
by Sussex
County
Land Trust
for the
Agricultural
Land
Preservation
Program**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council, having met in public session, endorses the list of farms provided by the Sussex County Land Trust to be funded for permanent preservation under the Agricultural Land Preservation Program up to \$300,000 approved by the Sussex County Council and a matching \$300,000 by the Sussex County Land Trust; and, Be It Further Moved that this approval is contingent on the future reversion of any funds to Sussex County in direct proportional share to the Sussex County Land Trust's contribution; and, Be It Further Moved that this decision be forwarded to the State of Delaware for final approval by the Delaware Agricultural Lands Preservation Foundation; and, Be It Known that the list of farms selected was based on the final criteria: (a) potential development pressure and (b) percent of discount value.

Motion Adopted: 5 Yea.

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

**Adminis-
trator's
Report**

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

1. Beneficial Acceptance

Please be advised that on February 14, 2003, Beneficial Acceptance was granted to The Summerlyn Project, Agreement No. 253. Included with this report is a summary of the project.

2. Public Workshop

The Department of Transportation invites all interested parties to attend a public workshop to begin the public involvement process for the design and construction of a new bridge over the Indian River Inlet in Sussex County. The workshop will be held on Wednesday, February 26, 2003, at the Lord Baltimore Elementary School, 120 Atlantic Avenue, Route 26, Ocean View. The public is invited to meet the project team any time between 4:00 and 8:00 p.m.

Despite preventative maintenance efforts, severe tidal erosion is occurring at the foundation of the Route 1 bridge over the Indian River Inlet. While the existing bridge is safe at this time, the Department has decided to proceed with replacement of the bridge.

The public is invited to this first public workshop to learn more about why the bridge is being replaced and how the design of the

**Adminis-
trator's
Report
(continued)**

new bridge will be created with public input. There will be an opportunity to meet the project team, learn how to become more involved in the design process, and to contribute ideas. The recently approved Capital Transportation Program includes \$57 million for this project. It is anticipated that construction would start in FY '04.

3. Public Information Meeting

The Delaware Department of Transportation (DelDOT) and Sussex County are together hosting a public information meeting regarding the DelDOT/Sussex County SR1 Land Use and Transportation Study. The meeting will be held on March 1, 2003, at Cape Henlopen High School, 1250 Kings Highway, Lewes, Delaware.

The SR1 Land Use/Transportation Study is in a planning process to increase the mobility of residents in the SR1 corridor between Five Points and the entrance to Rehoboth and Dewey Beaches. DelDOT and Sussex County are working as partners to develop a coordinated plan for land use and a supporting transportation system that emphasizes interconnections. This study is actively seeking participation of all local residents in developing recommendations for all types of travel, including automobile, bus, bicycle, and walking.

Representatives from Sussex County, DelDOT, the Public Advisory Committee, and the study team will be available between 11:00 a.m. and 3:00 p.m. to discuss study objectives and concerns. Interested residents are invited to attend during these times. At noon and 1:30 p.m., the study team will present the draft transportation plan for the study area.

Mr. Lawrence Lank, Director of Planning and Zoning, will represent the County during this meeting.

4. National Association of Counties Legislative Meeting

The Sussex County Council will not meet on Tuesday, March 4, 2003, to allow Council members and staff to attend the National Association of Counties Legislative Conference in Washington, D.C. The next regularly scheduled Council meeting will be Tuesday, March 11, 2003, in the Council Chambers, County Administrative Building, Georgetown, Delaware.

5. Rescheduled Public Hearings

As a result of the snowstorm that affected Sussex County from February 15 through February 18, the following public hearings have been rescheduled for Tuesday, March 25, 2003:

**Adminis-
trator's
Report
(continued)**

**Conditional Use No. 1477
Carl M. Freeman Communities, LLC**

**Change of Zone No. 1485
Pierce Hardy Limited Partnership**

**Change of Zone No. 1486
David Ritter**

**Change of Zone No. 1487
Caldera Properties**

These hearings will be placed on the agenda after the hearings that have already been scheduled. I would anticipate that the hearings may last until 7:00 p.m. that day.

**Recognition
of
Employees
That
Worked
Overtime
During the
Recent
Inclement
Weather**

I would also like to take this opportunity to thank the County employees who worked overtime during the storm. I realize County government is easy to criticize when we close office hours or have to cancel meetings. However, over 100 employees, many of us working 16 to 18 hours a day, worked during the storm. I am pleased to report that there were no reported serious injuries during this time period as a result of the storm. The Emergency Operations Center, the 9-1-1 Dispatchers, Paramedics, Wastewater Operations and Maintenance employees, as well as other employees volunteered to work long hours. These employees would be too numerous to list and I would be afraid I would overlook someone, but they know who they are and I really appreciate their efforts.

**Compre-
hensive
Annual
Financial
Report
Review
for
Fiscal
Year
2002**

Mr. Baker and the accounting firm of Jefferson, Urian, Doane & Sterner, P.A., Certified Public Accountants, presented the Comprehensive Annual Financial Report (CAFR) for the Sussex County Council for the Fiscal Year Ended June 30, 2002.

Mr. Baker pointed out that the report contains a new title and new information this year. The report includes additional information over and above the audit information; it includes statistics and general information about the County. Mr. Baker advised that the County has applied to the Government Finance Officers Association for an award for this report.

The CAFR report is divided into four sections: Introductory, Financial, Statistical and Single Audit.

- The Introductory section includes the table of contents, lists of elected and other officials, organizational chart, and the letter of transmittal. The letter of transmittal includes background information about Sussex County and its government, information regarding County departments and services, the economy, County government finances, budget and

**Comprehensive
Annual
Financial
Report
Review
for
Fiscal
Year
2002
(continued)**

internal controls, capital projects planned, cash management and investments, risk management, pension benefits, and debt management.

- The Financial section of this report includes the independent auditor's report along with the general purpose financial statements, required supplementary information, and combining and individual fund and account group financial statements and schedules.
- The Statistical section includes various schedules of information regarding governmental expenditures, revenues, property tax, debt information, etc.
- The Single Audit section contains the schedule of expenditures of federal awards and the independent auditors report on compliance with applicable laws and regulations and internal control as required by OMB Circular A-133 and *Government Auditing Standards*.

The report notes that the County finances have become stronger with growth in the County. The County has maintained its current tax rate at the same level for the past 13 years. During the last 12 years, General Fund revenues have exceeded expenditures each year. Taxable property assessed values have increased between 3 and 4 percent a year since 1993, without a reassessment. At the same time, total tax revenues have increased from \$11,965,216 in fiscal year 1998 to \$21,767,582 in fiscal year 2002. This is particularly due to the increase in realty transfer tax revenues, as well as a result of increased construction in the County resulting in an increase in Recorder of Deeds revenues and an increase in building permit and building inspection fee revenues.

As of June 30, 2002, the General Fund's undesignated portion of the fund balance totaled \$7,732,890. This represents 23.8 percent of the County's succeeding year General Fund budget. It is the County's goal to maintain an undesignated portion of fund balance up to 25 percent of the General Fund budget.

During Fiscal Year 2002, Sussex County's General Fund experienced an excess of revenues over expenditures in the amount of \$6,254,989.

Mr. Stickels noted that although this is a very favorable General Fund Financial Report, consideration must be given to future needs in Sussex County. Mr. Stickels distributed a list of proposed future expenditures totaling \$6,254,989.

It is the opinion of Jefferson, Urian, Doane & Sterner, P.A. that the general purpose financial statements present fairly, in all material respects, the financial position of the County of Sussex, Delaware as of and for the year ended June 30, 2002.

**M 095 03
Accept
Audit**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based on the recommendation of the County Administrator and the Finance Director, that the Sussex County Council accepts the Audit for the Year Ended June 30, 2002, as presented by Jefferson, Urian, Doane & Sterner, P.A.

**M 095 03
Accept
Audit
(continued)**

Motion Adopted: 5 Yea.

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

**Sheriff's
Vehicle/
Bid Results**

Mr. Shade, Purchasing Director, reported the bid results for one vehicle needed by the Sheriff's Department. Three bids were received, as follows:

Hertrich Fleet Services	\$18,427.00
I.G. Burton	\$18,760.00
Bob Fisher Chevrolet	\$18,869.00

Mr. Shade recommended that the bid be awarded to the low bidder, Hertrich Fleet Services.

**M 096 03
Accept
Bid/
Sheriff's
Vehicle**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council accepts the bid of Hertrich Fleet Services in the amount of \$18,427.00 for one Chevrolet Impala with the equipment specified in the bid package.

Motion Adopted: 5 Yea.

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

**Old
Business/
Change
of Zone
No. 1483**

Council discussed Change of Zone No. 1483 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,250 SQUARE FEET, MORE OR LESS" filed on behalf of Apple Electric, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on January 16, 2003 at which time they deferred action. On January 30, 2003, the Commission recommended that the application be approved.

The Sussex County Council held a Public Hearing on this application on January 28, 2003 at which time they deferred action pending a recommendation from the Planning and Zoning Commission.

**M 097 03
Adopt
Ordinance
No. 1585**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1585 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1

M 097 03
Adopt
Ordinance
No. 1585
(continued)

GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,250 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1483) filed on behalf of Apple Electric, Inc.

Motion Adopted: 4 Yea, 1 Abstention.

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

(Mr. Rogers did not participate in the Public Hearing on Change of Zone No. 1483.)

**Findings
of Fact**

The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

- 1. The commercial use will provide a service to the public.**
- 2. There was no opposition to the application.**
- 3. There are other commercially zoned uses in the immediate area where the applicant's land is located.**
- 4. The site is served by central utilities.**
- 5. The approval will promote convenience, order, prosperity, and the general welfare of the public, in that it will have a positive economic impact.**
- 6. Adequate off-street parking will be provided on the site.**
- 7. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.**

M 098 03
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$500.00, \$100.00 from each Councilmanic Account, to The Auxiliary of Stockley Center for the 15th Annual Stockley Stride 5K Run/Walk.

Motion Adopted: 5 Yea.

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

M 099 03
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Youth Activity Grant Account, to the Delaware Diamonds Girl's Softball Team for operating expenses.

**M 099 03
Youth
Activity
Grant
(continued)**

Motion Adopted: 5 Yea.

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

**M 100 03
Council-
manic
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Dr. Martin Luther King Jr. Celebration Organization for scholarships for residents to attend the banquet.

Motion Adopted: 5 Yea.

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

**M 101 03
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$250.00, \$50.00 from each Councilmanic Account, to the Civil Air Patrol Sussex Cadet Squadron for the annual rocket launch.

Motion Adopted: 5 Yea.

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

**M 102 03
Youth
Activity
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00, \$250.00 from Mr. Phillips' Youth Activity Grant Account and \$250.00 from Mr. Cole's Youth Activity Grant Account, to the River Soccer Club for a Sports Facility Complex.

Motion Adopted: 5 Yea.

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

**M 103 03
Youth
Activity
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$250.00, \$50.00 from each Youth Activity Grant Account, to the Delaware Scorpions AAU Baseball Team for tournament costs.

Motion Adopted: 5 Yea.

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

**Proposed
Escrow
Agreement/
Natelli
Develop-
ment/
West
Rehoboth
Sanitary
Sewer
District**

Mr. Izzo, County Engineer, discussed a Proposed Escrow Agreement with a proposed development in the West Rehoboth Sanitary Sewer District. The proposed development (Natelli, Inc.) is already within a sanitary sewer district; however, sanitary sewer infrastructure is not adjacent to the property. Mr. Izzo stated that there is also some concerns about the capacity of the existing pipeline and in particular, Pump Station No. 207. Mr. Izzo advised that the Engineering Department is proposing that the developer perform a Planning Study to determine how best to extend sanitary sewer service to the proposed development and to look at the capacity of the pipeline and Pump Station No. 207. Mr. Izzo recommended that Cabe Associates, Inc. perform the Planning Study since George, Miles & Buhr is representing the developer. Upon Council's approval, an Escrow Agreement will be executed with the developer. The developer will give the County the money to fund the Study; the money will be put in an Escrow Account; the County will execute a contract with Cabe Associates; Cabe Associates will perform the work and bill the County; and the County will make payment with funds in the Escrow Agreement. The scope of work is valued at \$12,500.

**M 104 03
Authorize
Escrow
Agreement/
Natelli,
Inc.**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes its President to execute an Escrow Agreement with Natelli, Inc. to provide for the extension of regional sewer infrastructure for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, and an Engineering Agreement with Cabe Associates, Inc. to perform the scope of work considered in said Escrow Agreement.

Motion Adopted: 5 Yea.

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

**Cedar
Neck
Sanitary
Sewer
District/
Contract C/
Bid
Results**

Mr. Izzo, County Engineer, reported on the bid results for Sussex County Project No. 99-12C, Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, Sandy Cove Road Collection & Conveyance, as follows:

American Paving Salisbury, Maryland	\$2,856,986.00
JJID, Inc. Bear, Delaware	\$2,962,704.00
Ed McGinn Contractors West Chester, Pennsylvania	\$3,122,740.00
Bunting & Murray Selbyville, Delaware	\$3,449,893.00

**Bid
Results
(continued)**

Bearing Construction Sudlersville, Maryland	\$3,551,903.00
Teal Construction Dover, Delaware	\$3,648,648.00
George & Lynch New Castle, Delaware	\$3,983,631.26

**Milton
Library
Expansion
Project/
Bid
Results**

Mr. Izzo noted that American Paving is currently contracted with the County on Contract A and they are currently behind schedule. He noted that the delay is due in part to the weather; however, during good weather, they have not been as productive as the County would have liked. Mr. Izzo recommended that the awarding of Contract C be deferred until the Engineering Department meets with American Paving to question them on how they plan to handle another contract.

Mr. Izzo, County Engineer, reported on the bid results for Sussex County Project No. 00-02, Milton Public Library Expansion, as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Contingent Items</u>	<u>Additive Bid #1 Elevator System</u>	<u>Additive Bid #2 Brick Pavers</u>	<u>Totals</u>
Kent Construction Co., Inc. Smyrna, Delaware	\$1,256,000	\$3,540	\$59,550	\$11,980	\$1,330,980
Brandywine Contractors, Inc. Wilmington, Delaware	\$1,315,551	\$5,550	\$64,454	\$14,690	\$1,400,245
Construction Management Service, Inc., Delmar, Delaware	\$1,353,800	\$6,300	\$54,600	\$ 5,000	\$1,419,700
Disabatino Construction Co. Wilmington, Delaware	\$1,369,000	\$6,000	\$59,000	\$7,600	\$1,441,600
Commonwealth Construction Company Wilmington, Delaware	\$1,405,000	\$7,200	\$58,000	\$9,500	\$1,479,700
J. J. Deluca Company, Inc. Wayne, Pennsylvania	\$1,539,000	\$6,450	\$45,000	\$5,200	\$1,595,650
Architect's Estimate	\$1,535,990	\$6,000	\$95,000	\$15,200	\$1,652,190
Available Construction & Within Project Budget					\$1,445,551

Mr. Izzo noted that a review of the company resulted in a good report and he recommended that the contract be awarded to the low bidder.

Ground-breaking

Mr. Izzo announced that a groundbreaking ceremony will be held on March 21, 2003 at 9:00 a.m.

**M 105 03
Milton
Library
Expansion
Project/
Bid
Award**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Project Architect, Weymouth Architects and Planners, and the Engineering Department, that Sussex County Project No. 00-02, Milton Library Expansion, be awarded to the lowest bidder, Kent Construction Co., Inc., at the bid amount of \$1,331,070.00, which considers the base bid, contingent bid items and the inclusion of Additive Bid Item Nos. 1 and 2.

Motion Adopted: 5 Yea.

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

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed the construction of wastewater facilities.

**M 106 03
Kaplan
Cove/
Agreements**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 270, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dr. Lawrence Kaplan, for wastewater facilities to be constructed in Kaplan Cove, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**M 107 03
Forest
Reach/
Agreements**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 266, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and RDM, Inc. for wastewater facilities to be constructed in Forest Reach, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**South
Bethany
SSD/
Expansion/
Request**

Mr. Archut, Assistant County Engineer, reported that a request has been received to extend the boundary of the South Bethany Sanitary Sewer District to include the Prettyman-Donohoe lands, which consists of two parcels. Mr. Archut requested permission to prepare and post notices for the proposed expansion.

**M 108 03
South
Bethany
SSD/
Proposed
Expansion/
Prepare
and Post
Notices**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the South Bethany Sanitary Sewer District boundary to include the Prettyman-Donohoe request.

Motion Adopted: 5 Yea.

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

**Proposed
Ordinance**

Mr. Jones 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.61 ACRE, MORE OR LESS" (Change of Zone No. 1509) filed on behalf of Lewes HHMO Center, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Dukes 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.488 ACRES, MORE OR LESS" (Change of Zone No. 1508) filed on behalf of Wheatley Ventures, Inc.. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,348 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1507) filed on behalf of Klabe Homes, Inc. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS" (Change of Zone No. 1506) filed on behalf of Delaware Pulpwood Co. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO A GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (7 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.61 ACRE, MORE OR LESS" (Conditional Use No. 1494) filed on behalf of Buchanan Builders, Inc. The Proposed Ordinance will be advertised for Public Hearing.

**M 109 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:25 a.m. Motion Adopted by Voice Vote.

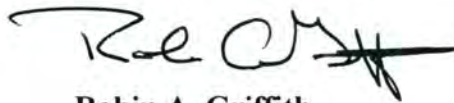
**Luncheon
Meeting/
Sussex
Conserva-
tion
District**

Sussex County Council members and staff attended a luncheon with the Sussex Conservation District Board of Supervisors and staff at the Sussex Conservation District Office in Georgetown.

Following a luncheon, Mr. William Vanderwende, Chairman, Sussex Conservation District, conducted the meeting. Mr. Vanderwende discussed the Sussex Conservation District's Audited Financial Statements for the Year Ended December 31, 2002; Agricultural Conservation Activities; Information and Education Activities; Stormwater Management; and Equipment Program.

Mr. Vanderwende thanked Council for their continued support. The Luncheon Meeting concluded.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council