



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 20, 2007

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 20, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Assistant to the County Administrator
James D. Griffin	County Attorney

M 173 07 A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the
Amend and Agenda by deleting "Lease Agreement – Paramedic Stations 100 & 104"
Approve under Glenn Luedtke, Director of EMS, and to delete the Grant Request
Agenda from the American Cancer Society, and to approve the Agenda, as amended.

Motion Adopted: 3 Yea, 2 Absent.

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

M 174 07 A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the
Approve minutes of February 27, 2007.
Minutes

Motion Adopted: 4 Yea, 2 Absent.

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

Corre- Mr. Griffin read the following correspondence:

spondence

DELAWARE ECUMENICAL COUNCIL, WILMINGTON, DELAWARE.
RE: Letter thanking the Council for a Resolution recognizing National Parent Leadership Month.

Mr. Cole read the following correspondence:

WEST SIDE NEW BEGINNINGS, INC., REHOBOTH, DELAWARE.

**Corre-
spondence
(Continued)**

RE: Letter thanking the Council for the \$5,000 contribution to their summer youth program.

DELAWARE ENVIROTHON, DOVER, DELAWARE.

RE: Letter thanking the Council for the donation to their organization.

**National
Association
of Counties
Legislative
Conference**

Mr. Baker stated that he, along with all members of Council, Mr. Godwin, and Mrs. Webb attended the annual National Association of Counties Legislative Conference in Washington D. C., which was held March 3 – 7, 2007. They attended several workshops and committee meetings. Mr. Godwin and Mrs. Webb met with the Delaware Congressional Representatives to discuss the following issues which impact Sussex County:

- **Community Development Block Grant & Home Investment Partnerships Program**

This funding is used for housing rehabilitation. The County received about 1.9 million dollars in 2004, but due to Federal budget cuts, this year the County received 1.2 million dollars. For Fiscal Year 2008, the Administration has again proposed to slash CDBG funding.

- **Airport Improvement Funding**

Changes are being proposed in the structure of funds for airport improvements. The changes being proposed are to reduce the passenger ticket tax and increase the general aviation fuel tax from 21 cents to 70 cents per gallon. The fuel tax increase would have a major economic impact on our airport, as well as on PATS/DeCrane, which are based on business jet industry.

- **Wastewater Funding**

This funding, which is used for USDA and SRF low-interest loans, will continue for new projects.

- **Beach Replenishment**

Fourteen million dollars is needed for beach replenishment for the Bethany and South Bethany area. There is a proposal to amend the Clean Water Act, which would require the Federal Corps of Engineers to permit normal cleaning and maintenance of tax ditches.

(Chip Guy, Public Information Officer, stated that the beach

replenishment funding for Bethany and South Bethany has been approved, as stated in the news earlier in the morning.)

Adminis-
trator's
Report

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

1. 9-1-1 Address Verifications

Adminis-
trator's
Report
(continued)

Attached is a copy of a public service announcement developed by Mr. Chip Guy, Public Information Officer, and the County's Addressing Department. Verizon is requesting verification of 9-1-1 addresses for each property. This verification will enable Verizon to match the proper address to phone number, and thus the County's 9-1-1 Center will have a proper physical address associated with each telephone. As noted, to verify your address, please call the County Addressing Office at (302) 855-1176.

To facilitate the address verification process, Chip Guy stated that public service announcements will be aired over the next several months. Donna Pusey, Director of the County's Addressing Department, stated that department staff will be present at different venues, as well, with tables set up to collect address cards. Mr. Baker stated that address cards will also be sent out with property tax bills.

2. Beneficial Acceptance

The Engineering Department has granted Beneficial Acceptance to the following projects:

- The Reserves at Lewes Landing (Phase 2), Agreement No. 361-1, was granted Beneficial Acceptance on March 15, 2007. The developer is PEN, L.L.C., and the project is located at the intersection of Route 9 and County Road 265 in the North Coastal Planning Area, consisting of 30 single-family lots.
- The Reserves at Lewes Landing (Phase 3) Agreement No. 361-2, was granted Beneficial Acceptance on March 15, 2007. The developer is PEN, L.L.C. , and the project is located at the intersection of Route 9 and County Road 265 in the North Coastal Planning Area, consisting of 33 single-family lots.

Included with this report is a fact sheet on each of the projects.

Wastewater
Agreements

Mr. Godwin presented two wastewater agreements for the Council's consideration.

M 175 07
Approve
Wastewater
Agreement/

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based on the recommendation of the Sussex County Engineering Department, for Sussex County Project 81-04, Agreement No. 625, that the Sussex County Council execute a Construction Administration and Construction Inspection

Savannah Square **Agreement between Sussex County Council and Stephen Doyle Construction, Inc., for wastewater facilities to be constructed in Savannah Square, located in the Dagsboro/Frankford Sanitary Sewer District.**

Motion Adopted: 4 Yea, 1 Absent.

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

M 176 07 **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon**
Approve **the recommendation of the Sussex County Engineering Department, for**
Wastewater **Sussex County Project No. 81-04, Agreement No. 587 that the Sussex County**
Agreement/ **Council execute a Construction Administration and Construction Inspection**
Bethany **Agreement between Sussex County Council and Skip Valliant for**
Landing **wastewater facilities to be constructed in Bethany Landing, located in the**
 Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

Engineering **Frank Shade, Purchasing Director, presented the bid results for the**
Vehicles/ **purchase of one pickup truck with a utility body for the Engineering**
Bid Results **Department to be used at the Treatment Facilities. Two vendors responded**
 to the advertisement, however, one vendor did not bid the unit specified.
 The following bids were received:

I. G. Burton \$ 38,043.00

Townsend Brothers \$ 36,797.00 (Did not bid unit specified.)

The Engineering Department reviewed the bids and has recommended that the bid be awarded to I. G. Burton Chevrolet.

M 177 07 **A Motion was made by Mr. Rogers, seconded by Mr. Phillips that the Sussex**
Award Bid **County Council accepts the bid of I. G. Burton Chevrolet in the amount of**
for **\$38,043.00 for one utility pickup truck for the Engineering Department.**
Engineering

Vehicles **Motion Adopted: 4 Yea; 1 Absent.**

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

Engineering **Mr. Shade presented the bid results for the purchase of two half-ton pickup**
Vehicles/ **trucks for the Engineering Department to replace outdated vehicles used at**

Bid Results **the Treatment Facilities. Two vendors responded to the advertisement with the following bids:**

I. G. Burton \$ 22,379.00/unit

Townsend Brothers \$ 23,697.00/unit

The Engineering Department reviewed the bids and has recommended that the bid be awarded to the low bidder, I. G. Burton Chevrolet.

**M 178 07 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the
Award Bid Sussex County Council accepts the bid of I. G. Burton Chevrolet in the
for amount of \$22,379.00 per unit for two half-ton pickup trucks for the
Engineering Engineering Department.
Vehicles**

Motion Adopted: 4 Yea; 1 Absent.

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

**EMS Mr. Shade presented the bid results for the custom conversion of two
Vehicles/Bid Chevrolet Suburbans to be used as paramedic vehicles. Four vendors
Results responded; one bid arrived late and was returned unopened to the vendor.
The following bids were received:**

Assurance Technology Corp. \$ 12,998.00 each

FESCO Emergency Sales \$ 23,990.00 each

J&J Emergency Vehicles \$ 24,735.00 each

Odyssey Automotive \$ 33,138.00 each

The EMS staff has reviewed the bids and has recommended that the bid be awarded to the low bidder, Assurance Technology Corp.

**M 179 07 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the
Award Bid Sussex County Council accepts the bid of Assurance Technology Corp. in the
for EMS amount of \$12,998.00 per unit for two Suburban Paramedic Unit
Vehicles conversions.**

Motion Adopted: 4 Yea; 1 Absent.

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

EMS Mr. Shade presented the bid results for the construction of two light rescue

Vehicles/Bid Results **bodies for mounting and use as paramedic vehicles. Four vendors responded; one arrived late and was returned unopened. The following bids were received:**

Assurance Technology Corp. \$ 67,656.00 each

J&J Emergency Vehicles \$ 68,425.00 each

FESCO Emergency Sales \$ 73,495.00 each

EMS Odyssey Automotive \$ 84,281.00 each

Vehicles/Bid Results (continued) **The EMS staff reviewed the bids and recommended that the bid be awarded to the low bidder, Assurance Technology Corp.**

M 180 07 Award Bid for EMS Vehicles **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council accepts the bid of Assurance Technology Corporation in the amount of \$67,656.00 each for two light rescue bodies for use as paramedic units.**

Motion Adopted: 4 Yea; 1 Absent.

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

Draft Ordinance Modifying Ordinance No. 1770/ Marine Farm, LLC **Lawrence Lank, Director of Planning and Zoning, referenced the Council meeting of September 12, 2006, at which time the Council discussed a letter received from Marine Farm, LLC, requesting the Council's authorization to delete/modify the conditions of Ordinance 1770 (C/Z #1554). This request was in response to a petition Marine Farm, LLC had received from residents of Jimtown formally declining any/all proposed improvements by Marine Farm, L.L.C., such as water and sewer connections, sidewalks, and street lights. At that meeting, the Council authorized a public hearing to hear the views of Marine Farm, LLC and the residents of Jimtown to get clarification on their request.**

Mr. Lank reviewed the draft ordinance which contained the following six modifications:

- 1. That Condition 17.A. relating to sewer improvements be deleted**
- 2. That Condition 17.B. relating to water improvements be deleted**
- 3. That Condition 17.C. relating to street light improvements be deleted**
- 4. That Condition 17.D. relating to sidewalk improvements be deleted**
- 5. That Condition 17.E. relating to Jimtown Road improvements be modified by the elimination of the entire paragraph except for the first sentence.**
- 6. That Condition 17.H relating to other improvements be deleted.**

Mr. Cole was not in favor of deleting or modifying any of the conditions since all of the conditions would enhance property values and would be highly beneficial to the residents.

Mr. Rogers, although in agreement with Mr. Cole, stated that the residents of Jimtown were very adamant at the Public Hearing held on August 22, 2006, that they did not want the improvements forced on them. He stated that a Public Hearing would offer them an opportunity to express their views.

**Draft
Ordinance
(continued)**

Mr. Baker stated if a Public Hearing is held, some of the items requested to be deleted or modified could be amended. Mr. Baker advised that Russell Archut, Assistant County Engineer, indicated that the developer could install sewer laterals and the residents could hook up whenever they choose to.

**Introduction
of Proposed
Ordinance**

Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO DELETE AND/OR MODIFY THE CONDITIONS IMPOSED IN ORDINANCE NO. 1770 FOR CHANGE OF ZONE NO. 1554, THE APPLICATION OF MARINE FARM, L.L.C.” The Proposed Ordinance will be advertised for Public Hearing.

**EOC/
Building
Project
Change
Order**

Bob Jones, Project Engineer, presented Change Order No. 6 to the Construction Contract for the new Emergency Operations Center Building. The Change Order consisted of five potential changes, as follows:

- Addition of canopy roof drains over the doors in order to direct the water run-off away from the entrances – Cost \$3,145.55**
- Change regular door going into situation room to a bullet-resistant door, as all other doors are bullet-resistant – Cost \$2,115.75**
- Addition of electrical power and lock-out switch to hot water heater in the mechanical room. (Not shown on contract drawings) – Cost \$1,916.25**
- Painting block walls in staff locker rooms and wall alcoves (Not shown on contract drawings) – Cost \$462.00**
- Delete ceiling in food storage area – Credit \$375.00**

The total net increase for the above changes is \$7,264.55 which would be added to the existing contract, increasing the new contract total to \$7,149,351.97.

**M 181 07
Approve
Change**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department and its consultant, L. Robert Kimball and Associates, that Change Order No. 6 for Sussex County Project No. 04-02, Emergency Operations Center Building,

Order/EOC Building Project **be approved, which increases the contract amount by \$7,264.55 to a new total of \$7,149,351.97.**

Motion Adopted: 4 Yea; 1 Absent.

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

South Coastal Library Expansion Presentation **Mike Izzo, County Engineer, reported on the plans for the expansion of the South Coastal Library in Bethany Beach, which will more than double the size of the existing library facility. He stated that the County is still in the design process of the South Coastal Library expansion project, which is being funded by the following three sources:**

- **State of Delaware - \$3,000,000**
- **Sussex County - \$1,500,000**
- **Friends of South Coastal Library - \$2,000,000**

Mr. Izzo introduced Philip Conte, Architect and Project Manager from Studio Jaed; Carol Fitzgerald, County Librarian; Sue Keefe, Director of the South Coastal Library; and Mary Lou Tietz, President of the Friends of the South Coastal Library.

Mr. Conte reviewed the time line for the South Coastal Library project and stated that the schematic design has been completed and the architects are currently working on the design development phase. Construction documents are expected to be complete by the end of June; bidding is scheduled for July; contract negotiations are planned in August; and construction is scheduled to begin in September.

Mr. Conte presented the new design and reviewed changes that will be made to the existing facility:

- **The vehicular and pedestrian entrance will be improved.**
- **The parking area will be increased from 80 spaces to 100 spaces.**
- **An addition is proposed to the existing 10,000 square foot building, for a total of 21,500 square feet.**
- **The proposed expansion areas include the circulation areas where books are checked in and out, staff offices and work stations, stack areas, and seating in the teen center. The book and media capacity in the adult area, as well as adult seating area, will be expanded. The capacity of books, media, and seating area in children's section will be increased, with an increase in the total seating capacity.**

- The cultural center, which is currently 900 square feet, will be increased to 2,500 square feet.
- Bike parking will be increased from 10 spaces to 30 spaces.

Mr. Conte reviewed the new floor plan and stated that the existing building will be completely renovated. In addition, an outdoor element is proposed to include a reading garden.

**South
Coastal
Library
(continued)**

Mr. Izzo stated that they may have to close the library at a certain point during the construction. He noted that it is possible that the library could relocate temporarily. If the library remains open during the construction period, the contractor would not be able to work as quickly. Before a final decision is made, consideration must be given to the bid cost versus the cost of moving to a temporary location. Mr. Izzo indicated that the construction time would be about one year, so temporary relocation should probably be 30 days prior to the start of construction and 30 days following the completion, for a total of 14 months. Mr. Conte advised that the funds for temporary relocation are included in the budget.

In response to concerns expressed by Mr. Jones regarding stormwater management, Mr. Conte stated they have consulted with the Soil Conservation District. He explained the concept of how the stormwater drainage will be managed through the design of the roof, roof gutters, and chains, which will ultimately direct the roof runoff into a bio-retention pond. Parking lot runoff will be handled by an existing swale.

Mary Lou Tietz reported the following donations received to date through their campaign:

- | | |
|-----------------------|--------------------|
| • Pledges | \$1,050,000 |
| • General community | \$60,000 (approx.) |
| • FSCL Advisory Board | \$500,000 |

Ms. Tietz stated that Representative Gerald Hocker and Senator George Bunting are honorary co-chairs of the organization and are actively involved in this effort.

**Additional
Business**

Under *Additional Business*, Mr. Sonny Vuono, a Lincoln resident, addressed the Council on behalf of the residents of Lincoln, stating that the residents are very angry over DelDOT's proposed plan for a bypass through Lincoln. A letter from the Greentop Civic Association of Lincoln was distributed to members of Council. Mr. Vuono requested the Council's support of the residents of Lincoln by passing a resolution opposing the bypass.

In response, Mr. Rogers stated that Councilmembers have been in contact with State Representatives and Senators from Sussex County. He noted that the Council is not involved with roads and does not create resolutions

regarding road projects. The Council agreed to put the matter on the agenda for April 3, 2007. Mr. Jones indicated that perhaps representatives from DelDOT could be present at that time.

**Additional
Business**

Under *Additional Business*, Dan Kramer commented on a prior FOIA complaint.

**Additional
Business/
Private
Utility
Companies**

Mr. Cole expressed concern that private utility companies are constructing sewer treatment facilities in the County's established planning areas. Some points of contention are where the private utility companies are applying for CPCN's (Certificate for Public Convenience and Necessity) in areas that the County is planning to serve. Mr. Izzo advised that the County Engineering Department and Artesian meet quarterly to determine who should serve a certain area. He noted that the County does not yet have an agreement with Tidewater.

Mr. Baker suggested that the County meet with the Public Service Commission and also schedule a workshop setting up a workshop with the private utility companies to discuss this issue.

**M 182 07
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 11:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Gaye King
Administrative Secretary