



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 2, 2006**

**Call to Order**            A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 2, 2006 at 9:10 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 321 06**            A Motion was made by Mr. Jones, seconded by Mr. Dukes, to authorize an  
**Authorize**            Executive Session to be held for the purpose of discussing land acquisition.  
**Executive**  
**Session**

**Motion Adopted:     5 Yea.**

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

**M 322 06**            At 9:12 a.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips, to  
**Recess/**            recess and go into Executive Session.  
**Hold**

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

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

**Executive**            At 9:13 a.m., an Executive Session of the Sussex County Council was held in  
**Session**            the Caucus Room adjacent to the Sussex County Council Chambers. The  
                                 purpose of the Executive Session was to discuss land acquisition. The  
                                 Executive Session concluded at 9:23 a.m.

- M 323 06**  
**Conclude**  
**Executive**  
**Session**
- At 9:25 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to come out of Executive Session.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**
- M 324 06**  
**Recess**
- At 9:26 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Cole, to recess until 10:00 a.m.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**
- M 325 06**  
**Reconvene**  
**Regular**  
**Session**
- At 10:06 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to reconvene the Regular Session of the Sussex County Council.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**
- M 326 06**  
**Approve**  
**Agenda**
- A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the Agenda, as distributed.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**
- M 327 06**  
**Approve**  
**Minutes**
- A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of April 4, 2006.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**
- Corre-**  
**spondence**
- Mr. Griffin read the following correspondence:**
- SUSSEX COUNTY ANIMAL ASSOCIATION, INC., SEAFORD, DELAWARE.**
- RE: Letter in appreciation of Council's donation.**

**BROADKILL BEACH PRESERVATION ASSOCIATION, MILTON, DELAWARE.**

**RE: Letter in appreciation of Councilman Rogers' donation.**

**Suspend Rules**                      Mr. Stickels asked that the Council suspend the rules to recognize visitors in attendance at the meeting.

**Presen-  
tation of  
Poppies  
Honoring  
Veterans**                      Cindy and Dick Phillips were present on behalf of the Oak Orchard - Riverdale American Legion Post 28 Auxiliary. Mrs. Phillips provided a short history of the poppy. After World War I, poppies bloomed in the fields where American soldiers had fallen and the poppy became a symbol of remembrance. In 1920, the American Legion adopted the poppy as a symbol of remembrance and the following year, the Auxiliary adopted it as a memorial symbol. When you wear a poppy, you are saying that you remember our veterans that have died and that you are honoring our living veterans. Mrs. Phillips presented poppies to the Council asking them to wear the poppies with pride.

Mr. Cole presented a check in the amount of \$100.00 to Mrs. Phillips for the Oak Orchard – Riverdale American Legion Post 28 Auxiliary for poppies. Mrs. Phillips told the Council that the poppies are hand made by veterans and all money raised is used to help local veterans.

**M 328 06**                      A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the  
**Adopt**                      Proclamation entitled “**PROCLAIMING APRIL 30 THROUGH MAY 7,**  
**Procla-**                      **2006 AS SOIL AND WATER STEWARDSHIP WEEK**”.  
**mation**

**Motion Adopted:        5 Yea.**

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

**Barking  
Dog  
Complaints**                      Mr. Phillips advised that he had requested that “Barking Dog Complaints” be placed on the agenda. Mr. Phillips noted that on February 14, 2006 he asked for Council’s approval to research the issue. He noted that, although it was not an enthusiastic endorsement by the Council, there were no comments in opposition. Mr. Phillips noted that, since the discussion at the Council meeting, a couple of local newspapers have printed that the Council is considering this issue and he has received calls and emails from people expressing their interest in the subject.

Mr. Phillips introduced James Smirk, who has done some research on this issue. He stated that there is a situation in his neighborhood, where a neighbor has two or three dogs that are outside sometimes at 5:00 a.m. and sometimes after midnight. He stated that the dogs sometimes bark for an hour continuously and that it is affecting his lifestyle and well-being. He stated that he would like for the Council to enact an ordinance to control

**barking dogs. Mr. Smirk distributed copies of Kent County's Noise Ordinance.**

**Barking  
Dog  
Complaints  
(continued)**

**Mr. Phillips stated that often, the Council has looked at the policies of other counties to help determine whether or not to move forward with an initiative. Mr. Phillips advised that Steve Watson, a Code Enforcement Officer for Kent County, stated that it is a difficult law but one that is often resolved by the people involved, once they realize there is a law and the law is understood.**

**Mr. Phillips advised that New Castle County also has a noise ordinance, which is enforced by the New Castle County Police. He also noted that Dewey Beach has an ordinance and there are townships in New Jersey and Pennsylvania that also have ordinances.**

**Mr. Griffin questioned whether the Homeowners Associations deal with barking dog and noise issues through regulations or Restrictive Covenants.**

**Mr. Smirk stated that when he questioned his Homeowner's Association, their response was that a notice would be posted asking for voluntary compliance. Mr. Griffin suggested that the Association should look into modifying their regulations to address the issue.**

**Mr. Cole suggested that, if the Council pursues this issue, it should be addressed in a broader sense.**

**Mr. Phillips stated that the dog barking problem is a widespread issue and that quite a few people were in attendance who wished to speak.**

**Barbara Sullivan, President of Blackwater Village Homeowners Association, spoke in support of a dog control/noise ordinance. She stated that there are dogs in her subdivision that bark incessantly. She stated that their Homeowners' Association does have regulations on this issue in their Restrictive Covenants; however, it is very difficult to enforce them. She also stated that she believes people would comply with a County law more readily than a covenant.**

**Mr. Dukes stated that he believes Homeowners Associations should regulate and enforce this issue.**

**Mr. Phillips distributed an outline of a "Nuisance Dog Ordinance", which contained language about the standards that would be expected; it leaves open-ended, who would be the enforcement agency (possibly the sheriff, constable's office, or code enforcement officer); it stipulates that noise would have to be 30 continuous minutes; and it talks about certain fines.**

**Major Randy Hughes, Delaware State Police (DSP), was present. He stated that the DSP does receive complaints about barking dogs, loud parties and music. He stated that, normally, they do not make arrests for barking dogs;**

they refer the complaint to the SPCA and work with them on dogs at large. Also, in neighbor disputes, the DSP acts as mediator. He noted that if the County enacts an ordinance, the question would be who will enforce it and who will prosecute. He also noted that the conviction issue would be problematic.

It was the consensus of the Council to conclude public comments on this issue.

(continued) Mr. Rogers stated that the Council would consider the information presented.

Wastewater Agreements Mr. Godwin, Administrative Assistant, reviewed wastewater agreements for the Council's consideration.

M 329 06  
Execute  
Wastewater  
Agreements/  
Peninsula at  
Long Neck  
A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 565, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula at Long Neck, LLC for wastewater facilities to be constructed in Peninsula – Marina Bay – Phase 3 – Area 1 – Parcel K, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent (out of room);  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

M 330 06  
Execute  
Agreements/  
Peninsula at  
Long Neck  
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. 615, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula at Long Neck, LLC for wastewater facilities to be constructed in Peninsula – Marina Bay – Area 2, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent (out of room);  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

M 331 06  
Execute  
Agreements/  
Peninsula at  
Long Neck  
A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 600, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula at Long Neck, LLC for wastewater facilities to be constructed in Peninsula –

**Marina Bay – Area 3, located in the Long Neck Sanitary Sewer District.**

**Motion Adopted: 5 Yea.**

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

**Agriculture  
Lands  
Preser-  
vation  
Program**

**Mr. Stickels introduced Wendy Baker, Sussex County Land Trust and Michael McGrath, Manager, Department of Agriculture, Land Use Planning and Preservation Division.**

**Wendy Baker reported on the Land Trust's approval of a Motion to request the Council's authorization to utilize \$350,000 of already designated funds set aside for the Sussex County Land Trust for open space purchases. The Land Trust Board of Trustees recommended properties that are located within their targeted area, called the Sussex County Grand Wildlife Corridor Loop, linking already preserved lands by their partners and conservation groups – the State, the County, the Nature Conservancy, Delaware Wildlands and various others. She stated that they believe that Delaware Agricultural Lands Preservation Program is the best way to leverage their dollars to the maximum possible and the most cost effective way. She stated that the 500 acres at a cost of \$3 million represents a cost of \$6,000 per acre. Ms. Baker reported that the four properties identified are primarily in Western Sussex County. She stated that they are proposing to take the \$300,000 from designated County funds (as proposed by Mr. Stickels), \$350,000 from privately raised funds, and \$350,000 of County funds already designated for open space preservation – this would total \$1 million. Ms. Baker advised that as a part of the Program, the \$1 million would be matched by the State and the Federal governments for a total of \$3 million.**

**M 332 06  
Authorize  
Funding for  
Agriculture  
Lands  
Preservation  
Program**

**A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council, having met in public session, authorizes the expenditure of \$350,000 which was previously authorized and awarded by the Sussex County Council for Sussex County Land Trust funding and \$300,000 of County funds budgeted for Fiscal Year 2006, and accepts \$350,000 of private funding from the Sussex County Land Trust for the expenditure to purchase agriculture land easements for property identified, as follows: Katherine F. and Frank J. Perdue (S-04-03160-1), Connie M. Truitt & John Craig, Trustee (S-93-01693) and Gary O'Day (S-05-02424), and Loblolly, LLC (S-96-030632), totaling \$2,909,895.06 and 499.88 acres. (The \$1 million in funding from the Sussex County Council and the Sussex County Land Trust will be matched by the State and Federal Governments, for a total of \$3 million.)**

**Motion Adopted: 4 Yea, 1 Nay.**

**Vote by Roll Call: Mr. Cole, Nay; Mr. Phillips, Yea;**

**Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**Proposal to Purchase Property**      **Mr. Stickels distributed an appraisal of a property located at 115 East Pine Street, formally known as the offices of Ben Shaw. The property has been appraised at \$175,000. Mr. Stickels recommended the purchase of this property since the County owns adjacent properties on two sides.**

**M 333 06 Authorize Purchase of Property**      **A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council authorizes the purchase of property located at 115 East Pine Street at a cost of \$175,000.00, contingent on receiving a favorable environmental assessment and title search.**

**Motion Adopted:      5 Yea.**

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

**The Engineering Department granted Beneficial Acceptance on April 18, 2006, to Henlopen Landing – Phase III, Agreement No. 517. The developer is Bridle Ridge Properties, L.L.C., and the project is located at the south intersection of County Road 275 and County Road 285 at Five Points in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of 54 single-family homes. Included with this report is a fact sheet on the project.**

**Energy  
Manage-  
ment**      **Mr. Stickels announced that Steve Hudson, Director of Maintenance/Engineering, would be reporting on Energy Costs/Rates. He explained that the purpose of the report was to provide information on costs that would impact the Proposed Fiscal Year 2007 Budget. Mr. Stickels stated that Delmarva Power has announced a 59 percent increase for homeowners. He noted that they did not announce what the increase was for industrial users. In Fiscal 2006, energy costs at the Administrative Building on The Circle was \$73,000; that amount is expected to increase to \$158,656 in Fiscal 2007, a 117 percent increase. Energy costs at the South Coastal Regional Wastewater Treatment Facility was \$247,586 in Fiscal Year 2006; that amount is expected to increase to \$537,847 in Fiscal 2007. Energy costs at the Wolfe Neck Wastewater Treatment Facility was \$148,082 in Fiscal 2006; that amount is expected to increase to \$321,339 in Fiscal 2007.**

**Mr. Hudson reported that last year, the County consumed 11,000 Mega Watt Hours of power; 75 percent of that amount was attributed to water and sewer and 25 percent to Administration, libraries, Emergency**

**Operations Center, etc.**

**Mr. Hudson reviewed the pros and cons of the County's options to try and reduce the anticipated increase in energy costs: join the State bid (aggregation partnership); solicit bids for electricity supply rates as a whole (third party); or solicit bids for electricity supply rates individually (third party).**

**Energy  
Manage-  
ment  
(continued)**

**Mr. Hudson reported that the State has met with representatives from the three counties for the purpose of developing a Memorandum of Agreement. The State, the three counties, and possibly a couple of municipalities will enter into a Memorandum of Agreement. A broker (Honeywell Corp.) will take the County's data along with the other groups and find the best energy rates at the time. A contract would then be entered into between the group and the energy provider.**

**Mr. Hudson advised that currently, the County is at Step One – entering into an agreement with the State of Delaware. The Agreement is not an obligation to enter into a contract; it is an agreement to participate when the energy contract comes up for renewal. However, once the County agrees to participate in the contract with the energy provider, then the County would be obligated until the contract expires. The Memorandum of Agreement uses the assumption that purchasing in aggregate would save us money. Only usage fees would be brokered; transmission fees would still be regulated. The State would like to see all accounts at fixed rates. Seven out of thirteen original supplier requests have shown an interest in bidding; however, the State has narrowed the list down to four companies that are interested in bidding on a contract of this size.**

**Mr. Hudson advised that the State has requested that the County approve and execute the Memorandum of Agreement by May 5th. Once it has been signed, the broker would find the best rates for the group. The County would then have the option to sign a contract with an energy supplier.**

**Mr. Hudson recommended that the County create an Energy Management Team made up of individuals that understand the County's operations and current energy usage. The team would evaluate the County's current energy usage by looking at the buildings, new building designs, and electrical systems for the purpose of increasing efficiencies. Mr. Hudson reviewed several energy evaluation questions that would provide necessary information to the Energy Management Team.**

**Mr. Hudson advised that the cost to join this program with the State is \$10,000; initially, they are recommending a one-year contract for the first term.**

**M 334 06  
Enter into  
Memoran-**

**A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council enter into a Memorandum of Agreement with the**



**dum of Agreement/  
State of Delaware/  
Electricity Purchase Agreement**

**State of Delaware becoming an aggregation partner, who's purpose is to purchase electricity from the de-regulated electricity market, and authorizes the County Administrator to approve an Electricity Purchase Agreement.**

**Motion Adopted: 5 Yea.**

**M 334 06  
(continued)**

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

**Human Service Grant Request**

**Susan Webb, Director of Accounting, presented a Human Service Grant request from Junior Achievement of Delaware. She noted that \$6,100 of the \$110,000 in the FY 2006 Budget for Human Service Grant funding remains available.**

**M 335 06  
Human Service Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$1,000.00 from Human Service Grants to Junior Achievement of Delaware.**

**Motion Adopted: 5 Yea.**

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

**Housing Preservation Grant Program**

**Mr. Lecates, Director of Community Development and Housing, discussed a pre-application to the United States Department of Agriculture, Rural Development, for a Housing Preservation Grant to assist ten very low and two low income homeowner occupants in the preservation of their homes in the eligible areas of the County. The pre-application would be submitted in cooperation with Kent County Levy Court. The primary objective of the HPG Program is the development of viable communities, including decent housing and a comfortable living environment, principally for persons of low and very low income. Mr. Lecates reviewed the eligibility criteria for the program and reported that the following projects would be included in the pre-application:**

**Target Areas**

	<b><u>Sussex</u></b>	<b><u>Kent</u></b>
<b>Housing Rehabilitation Grants</b>	<b>\$20,000</b>	<b>\$20,000</b>
<b>Administration</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>

**Mr. Lecates reported that, once approval has been received, an advertisement will announce the availability of funds and acceptance of applications.**

**M 336 06  
Adopt  
R 013 06/  
HPG**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council adopts Resolution R 013 06 entitled “ENDORISING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING SERVICES, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION”.**

**M 336 06  
(continued)**      **Motion Adopted:      5 Yea.**  
**Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Mr. Rogers, Yea**

**Purchase  
of Property  
Adjacent  
to Landfill  
No. 2/  
Stockley**      **Mr. Izzo, County Engineer, discussed the purchase of property adjacent to Landfill No. 2 near the County’s Stockley Landfill (No. 2). He explained that a new development has been proposed in the area (Old Mill Estates), which is to be located on the northern boundary of the landfill. Mr. Izzo noted the location of the boundary line of where the solid waste was actually deposited in the 1970s. He reported that in some areas, the solid waste is within 50 feet of the actually boundary of the landfill. He stated that the Engineering Department has reached an agreement with the developer of Old Mill Estates whereby the developer would convey a buffer of approximately 100 feet to Sussex County, consisting of approximately 7.24 acres at a cost of \$325,000 (approximately \$25,000 per acre). Mr. Izzo presented for the Council’s approval an executed Contract of Sale with the developer. Mr. Izzo noted that anything the County can do to restrict access to the landfills is to the County’s benefit.**

**M 337 06  
Approve  
Land  
Purchase/  
Landfill  
No. 2/  
Stockley**      **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 approves the purchase of 7.24± acres adjacent to the Stockley landfill at a cost of \$325,000 and authorizes the Assistant County Attorney to complete the transfer of the property.**

**Motion Adopted:      5 Yea.**  
**Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Mr. Rogers, Yea**

**Millville  
Expansion  
of the  
BBSSD/  
Amend-  
ment to  
Agreements**      **Mr. Archut, Assistant County Engineer, discussed a proposal to construct regional improvements north of the Town of Millville (Millville Expansion of the Bethany Beach Sanitary Sewer District).**  
**In March 2005, there was an original Escrow Agreement with Toll Bros, Inc. to do the design for regional infrastructure in the North Millville area, and specifically included pipeline to serve Whites Creek Landing. Amendment No. 1 was made to that Agreement, which was a Construction Administration Amendment, to allow the installation of the sewer line along County Road 349.**

Mr. Archut advised that he has three proposals for the Council's consideration:

Millville  
Expansion  
of the  
BBSSD/  
Amend-  
ment to  
Agreements  
(continued)

- Amendment No. 2 with Toll Bros., which is being proposed on this date, is for the construction administration and inspection work to be performed on the construction of the remainder of the regional infrastructure in the area.
- Agreement with Whitman Requardt & Associates which amends their original contract to allow them to do the construction administration and inspection work for the installation of these facilities (at a cost of \$299,992.00). He noted that the County has received a check in this amount to be deposited into the escrow account to pay for all the costs associated with the inspection work.)
- Standard Ordinance 38 Agreement.

Mr. Archut noted that the work includes two pumping stations, gravity lines to serve adjacent roads and streets, and a force main. Mr. Archut advised that the cost of the work is to be funded by the developers and that the agreements have all been reviewed by the Assistant County Attorney.

M 338 06  
Execute  
Amendment  
to Escrow  
Agreement/  
WR&A  
and  
Agreement  
with Toll  
Bros., Inc.

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 2 to the Escrow Agreement for MPS No. 2, Amendment No. 33, to the contract with Whitman, Requardt and Associates, LLP, for Construction Administration and Resident Project Representation, and Agreement No. 518 with Toll Bros., Inc. for County Project No. 81-04, as presented on May 2, 2006.

Motion Adopted: 5 Yea.

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

Airport  
Consultant  
Contract  
Amendment

Mr. Hickin, Project Engineer, presented Amendment No. 19 to the Airport Consultant Contract with Delta Airport Consultants. A 35-foot crosswind runway was originally proposed at a cost of over \$7 million. The FAA was not supportive of that cost and asked that the project be scaled back. In response to the FAA's request, Delta Airport Consultants scaled the runway back to a 3,070 foot runway and reduced the weight bearing of the runway to get the cost down to an acceptable amount to the FAA. Mr. Hickin reported that the FAA has set aside \$550,000.00 for a 2006 grant; however, to apply for that grant, the project must be bid out. Mr. Hickin noted that the proposed Amendment provides for the bid process and the grant application, at a cost of \$64,996.00. Upon approval, Delta would repackage the design to what is acceptable to the FAA and bid the project.

M 339 06

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon

- Approve Airport Consultant Contract Amendment** the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Amendment No. 19 to the Engineering Agreement between Sussex County and Delta Airport Consultants, Inc. to rehabilitate Crosswind Runway 10-28 (construct) – Phase I (repackage design, bidding and construction phase services) for the Sussex County Airport, which increases the original contract amount by \$64,996.00, pending approval from the County Finance Director, DelDOT and/or the FAA.
- M 339 06 (continued)** Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea
- Requests** Mr. Baker presented grant requests for the Council's consideration.
- M 340 06 Councilmanic Grant** A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$1,000.00 (\$500.00 each from Mr. Phillips' and Mr. Dukes' Councilmanic Grant Accounts) to the Laurel Wesleyan Church for the Block Party (an event for the entire community).
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea
- M 341 06 Community Improvement Grant** A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$5,000.00 from Mr. Phillips' Community Improvement Grant Account to the Town of Selbyville for ball field improvements.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea
- M 342 06 Councilmanic Grant** A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200.00 from Mr. Jones' Councilmanic Grant Account to the Woodbridge Elementary School for picnic expenses.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea
- Tabled** The funding request from the Boy Scouts of America was tabled.

**Additional  
Business**

**Dan Kramer discussed the following issues:**

- 1) Clarification of the duties of the Source Water Protection Citizen & Technical Advisory Committee.**

**(Mr. Godwin, Administrative Assistant, advised that he would be distributing information to the Committee members.)**

**Additional  
Business  
(continued)**

**(Mr. Dukes noted that a Chairman of the Committee needs to be appointed.)**

- 2) Request for copies of court cases referred to by the County Attorney during previous conversations on the payment of taxes when a house is sold.**

- 3) Farmland/land preservation.**

**M 343 06  
Authorize  
Executive  
Session**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council authorizes an Executive Session to be held on May 9, 2006 at 4:00 p.m. for the purpose of discussing personnel.**

**Motion Adopted: 5 Yea.**

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

**M 344 06  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 12:00 noon. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**