



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 15, 2007

**Call to
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 15, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
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 293 07
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve the Agenda, as distributed.

Motion Adopted: 5 Yeas.

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

**M 294 07
Approve
Minutes**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the minutes of April 24, 2007.

Motion Adopted: 5 Yeas.

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

**USDA/
Rural
Develop-
ment/
Millville
Sewer
Project**

Marlene Elliott, State Director of USDA Rural Development, presented a check to the County in the amount of \$5,000,000 to help complete the infrastructure for the new wastewater system that will serve the Town of Millville and nearby communities. The project is currently under construction and will serve over 1,300 homes that have aging onsite septic systems. The \$33,000,000 project is being funded through the cooperative efforts of the USDA, the State, the County and private developer contributions.

**Oak
Orchard/
Riverdale
American
Legion
Post #28
Auxiliary/
Presentation
Of Poppies**

Cindy Phillips was present on behalf of the Oak Orchard/Riverdale American Legion Post #28 Auxiliary. Mrs. Phillips provided a brief history of the poppy. The poppy, which is the National Symbol of Sacrifice, was adopted as the American Legion's official flower in 1921. Mrs. Phillips presented poppies to each Councilman to wear in honor of American veterans. She told the Council that the poppies are hand made by veterans and all money raised is used to help local veterans.

Mr. Cole presented a check to the Auxiliary in the amount of \$100.00 in support of the poppies program.

**DelDOT/
Subdivision
Streets
Rules and
Regulations**

Ted Bishop and Mark Cote of the Delaware Department of Transportation (DelDOT) were present to review the new manual on "Standards and Regulations for Subdivision Streets and State Highway Access". Mr. Bishop stated that DelDOT has been developing the new manual for the past three years. He recognized Rick Kautz, the County's Land Use Planner, for his invaluable input into this project. Mark Cote reviewed the new manual using a power point presentation.

Purpose of the Manual

Mr. Cote stated that the new manual will replace two older manuals from the early 1980's, one on subdivision streets and one on State highway access. The purpose of the manual is to set forth DelDOT's requirements for development accessibility to State roadways and the planning, design, construction and acceptance for maintenance of subdivision streets. The manuals are being revised for the purpose of incorporating current State and Federal regulations and requirements into one resource and to reflect the current engineering best management practices that did not exist when the original manual was developed.

Process

The process of developing the new manual began in September of 2004. Mr. Cote stated that technical and stakeholder committees were formed, which were comprised of the three counties, the Delaware League of Local Governments, the Transportation Management Association, the State Fire Marshal, all DelDOT Divisions as well as other State agencies, the Home Builders Association, & the Consulting Engineers Council. A Public Workshop was held in March 2006; a Public Hearing is planned for July 2007, which will be followed by a 30-day public comment period. It will then be determined whether to adopt the manual as written or whether there are major issues which need to be addressed prior to adoption. A phase-in process of the manual will be developed so that developers will not be subject to the new regulations until they have reached a certain point in the subdivision process. DelDOT will need to update their Agreement with Sussex County on policies and procedures and to coordinate with all of the counties to ensure consistency with the Manual and the new Comprehensive Plans.

**DelDOT/
Subdivision
Streets
Rules and
Regulations
(continued)**

Fees

Mr. Cote explained that new fees are proposed. No changes are proposed in the Initial Stage fee or the Construction Stage fee. Two fees are proposed which are associated with Traffic Impact Studies: (1) a \$5,000.00 flat fee for a TIS review if a development warrants a TIS and (2) if a development is not large enough to warrant a single TIS, the developer would be required to contribute to an Area Wide Study to determine cumulative effects of the developments in one particular area. Mr. Cote stated that they are looking at recapturing the \$195.00 fee imposed by DNREC and instituting a 10 percent inspection fee since they plan to have full-time inspection on all the developer (construction) activities.

All fees generated by DelDOT must be voted on and adopted by the General Assembly.

Traffic Impact Studies

Mr. Cote reviewed proposed TIS warrants: (1) the current range for a required TIS is 1,000 to 3,100 vehicles per day; this will be lowered to 400 vehicles per day, (2) during peak hour traffic, 50 vehicles per hour, and (3) existing or expected Level of Service will vary from Level of Service C in rural areas and Level of Service D in developed areas.

Mr. Cote stated that the existing TIS process is quite lengthy. Currently, the developer and DelDOT each do their own TIS and compare the results. The revised TIS process will require developers to hire an engineer that has been selected by DelDOT, thereby reducing the overall process time from 11 months to 3 months.

Conclusion

Mr. Cote explained that Senate Bill No. 284 would allow developers to use the State's "imminent domain" powers to purchase land from a private citizen at fair market value if the developer needs the land to make an improvement required by DelDOT.

Mr. Cote advised that DelDOT is working towards an effective date of August 2007. He noted that there will be revisions and updates of the manual on an annual basis.

A full copy of the manual may be obtained by emailing Mr. Cote at Marc.cote@state.de.us.

**M 295 07
Procla-
mation**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF MAY AS *COMMUNITY ACTION MONTH*".

Motion Adopted: 5 Yeas.

M 295 07 (continued)	Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
Presentation	The Proclamation was presented to Bernice Edwards, Director of First State Community Action Agency.
Records Storage/ Progress Report	<p>Mr. Baker introduced Jason Smith, Sussex County's Historic Planner. Mr. Smith and Joe Kempf, the County's Safety Director, have started the process of organizing records currently in storage and discarding records that are no longer required to be kept. These records have been in storage at the West Complex for several years. Mr. Baker announced that Mr. Smith will be leaving his position with the County; however, this process will continue with the oversight of a new Historic Planner. It is anticipated that the existing Emergency Operations Center building will be used as a storage facility. Mr. Baker reported that the Fiscal Year 2008 Budget will include a recommendation for the continuation of this project.</p> <p>Mr. Smith recommended that, when the County hires a new Historic Planner, that they select someone who has experience in records storage and digital archiving and filming.</p> <p>Mr. Smith stated that the County has received notification from the insurance company that the storage area at the West Complex has been declared a fire and safety hazard. Slides were shown of the disarray and poor condition of the stored records. Mr. Smith stated that a Retention Schedule for local governments was followed in carrying out the process of discarding records.</p>
Adminis- trator's Report	<p>Mr. Baker read the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><u>Delaware State Police Report – March 2007</u><p>A copy of the Delaware State Police report for March 2007 was attached to the Report. The report reflects 1,381 criminal arrests, as well as 4,119 traffic arrests during the month of March.</p><u>Budget Proposal – May 22, 2007</u><p>On May 22, 2007 at 10:00 a.m., the proposed Fiscal 2008 Sussex County Budget will be presented. The May 22nd meeting will not be a public hearing, although the public, as always, is invited to attend. Preceding the May 22nd Council meeting, a press briefing will be held at 7:30 a.m. Public hearings regarding the proposed budget will be held on June 19, 2007 at the regularly scheduled County Council meeting.</p>
Update	Eddy Parker, Director of Assessments, reported that the County is initiating a 13-week advertising campaign to raise awareness about 911

**911
Addressing
Update
(continued)**

addresses. He reported that television ads have begun to air and will continue for the 13 week period. The ads stress the importance of homeowners providing their land-line phone numbers and verifying their addressing information. This information is essential for the enhancement of the 911 system. The ads also emphasize the importance of posting 911 addresses in a conspicuous place on their properties, which is in accordance with the County Ordinance. Mr. Parker stated that approximately 42,000 residents have not yet verified their 911 address information and linked that information to their telephone numbers. Postcards requesting this information will be mailed to residents at the address that appears on their County tax bill. Residents may also provide the information on the County's website or by calling 302-855-1176. Residents and property owners can also provide this information by logging onto the County's website at www.sussexcountyde.gov.

Joe Thomas, Director of Emergency Operations, reported that the FCC has mandated (nationwide) that all cell phones must be Phase II compliant, meaning they must contain a GPS chip and the Emergency Operations Center must be equipped to accept that information. He stated that the EOC currently has the capability of pinpointing the location of a cell phone call within 175 yards of the closest cell phone tower that is transmitting the call. He noted that new technology will provide the capability of pinpointing a cell phone call and then follow it on a map. Mr. Thomas reported that approximately 55 percent of 911 calls are from cell phones.

Chip Guy, the County's Public Information Officer, showed the commercial that is currently being aired on local television stations.

**Paramedic
Station 104
Lease**

Glen Luedtke, Director of Emergency Medical Services, reported on Paramedic Station 104, which is located on Route 1 in Rehoboth, on property owned by Colonial East, L.P. (Steve Class). Several months ago, Mr. Class informed the County that he is plans to develop the property; however, he offered the County space in a newly constructed building on the property. Mr. Luedtke stated that the building is primarily a storage building; however, it will also house some commercial operations, as well as Station 104. Mr. Luedtke stated that the new building could house three paramedic vehicles, Paramedic Station 104, and Paramedic Supervisor 100 (east side). Mr. Luedtke stated that a five-year lease has been negotiated between the County and Colonial East, L.P., with a monthly rental of \$2,250.00 and a five-year renewable option, and a rent increase schedule. Mr. Luedtke advised that the State will pay 40 percent of the costs of renting and maintaining the Station, including build-out costs.

**M 296 07
Approve
Lease/
Paramedic
Station
No. 104**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve a Lease Agreement between Colonial East, L.P., and Sussex County, Delaware, for the use of a building owned by Colonial East, L.P., for Paramedic Station 104 and Paramedic Supervisor 100.

**M 296 07
(continued)**

Motion Adopted: 5 Yeas.

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

**Disposal of
Surplus
Vehicles and
Equipment**

Frank Shade, Purchasing Agent and Fleet Manager, reported that there is an accumulation of surplus electronic equipment, as well as twelve vehicles, that are in various stages of disrepair, which are no longer needed by the County. Mr. Shade asked for the Council's approval to dispose of these items through a public sale and auction.

**M 297 07
Authorize
Disposal
of Surplus
Equipment
and
Vehicles**

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to authorize the disposal of the accumulated surplus equipment and vehicles.

Motion Adopted: 5 Yeas.

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

**Abandoned
Vehicles at
Airport**

Frank Shade stated that there are numerous abandoned vehicles in the Long Term Parking Lot at the Airport; these vehicles are in various stages of disrepair and appear to be abandoned. Mr. Shade advised that some of the owners have been identified through tag and VIN numbers and have been contacted; however, there are eleven vehicles without tags, making it impossible to locate the owners. The Delaware State Police Auto Theft Unit has confirmed that none of the vehicles are stolen.

Mr. Shade reported that registered letters will be sent to those owners that have been identified, informing them that they have thirty days to remove their vehicle; otherwise, the vehicle will be towed. Mr. Shade stated that he has been advised by James Griffin, County Attorney, that the disposal procedure comes under the 2003 Homeland Security Act.

In order to prevent this problem from reoccurring, a plan has been developed whereby owners will be required to register their vehicle for long-term parking with Jim Hicken, Director of Airport and Industrial Park Operations, or his designee. A permit will be issued, which must be displayed in the vehicle. A sign will be posted designating the area as Long Term Airport Parking; the sign will indicate that all vehicles must be registered and that any unregistered vehicles will be towed at the owner's expense. Mr. Shade reported that an Agreement will be established with a local towing company. The Long Term Airport Parking area will be inspected regularly to ensure that all vehicles are properly registered.

No action was required by the Council.

**Request
for Time
Extension
Request
for Time
Extension/
C/U No.
1488
(continued)**

Lawrence Lank, Director of Planning and Zoning, referenced a letter he received from James Fuqua, Attorney, dated and received on May 7, 2007, requesting a six-month extension for Conditional Use No. 1488, filed on behalf of Vaughn and Alfred Melson (The Seasons at Bethany), a 143-unit project located on Cedar Neck Road in Ocean View. Mr. Lank stated that on April 25, 2006, the Council granted a one-year time extension, until June 3, 2007. This decision was based on the sudden and unexpected death of Alfred Melson, one of the developers. Mr. Lank reported that, since the time that the first extension was granted, preliminary approval has been granted by the Planning and Zoning Commission; approval has been received from the Office of the State Fire Marshal; and approval has been received from the Sussex Conservation District. In addition, applications and plans are currently being reviewed by the Sussex County Engineering Department and the Department of Transportation.

**M 298 07
Authorize
Time
Extension
(C/U
No. 1488)**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the application of Vaughn and Alfred Melson (Conditional Use No. 1488) be granted a six-month time extension, until December 3, 2007.

Motion Adopted: 5 Yeas.

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

**Old
Business/
Change of
Zone No.
1608**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 56.85 ACRES, MORE OR LESS” (Change of Zone No. 1608) filed on behalf of Massey’s Landing Properties, LLC.

Mr. Lank reported that the Planning and Zoning Commission held a Public Hearing on this application on March 8, 2007, at which time action was deferred for further consideration. On April 19, 2007, the Commission recommended that the application be approved with the following conditions:

1. The maximum number of dwelling units shall not exceed 120, consisting of 48 single family lots and 48 duplex lots on the north side of Long Neck Road and 24 duplex lots on the south side of Long Neck Road.
2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination.

**Old
Business/
Change of
Zone No.
1608
(continued)**

- 3. Recreational facilities and amenities shall be constructed and open to use by residents of the development within three years of issuance of the first building permit. These amenities shall include a swimming pool, community center, tot lots and sidewalks on at least one side of all streets and other recreational facilities.**
- 4. The development shall be served by a Sussex County Sewer District and the system shall be designed in accordance with Sussex County Engineering Department specifications.**
- 5. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection, as required by applicable regulations.**
- 6. Stormwater management and erosion and sediment control system shall maximize ground water recharge and shall be constructed in accordance with applicable State and County requirements, using Best Management Practices with regard to the construction and maintenance of these features.**
- 7. Site plan review for each phase of development shall be subject to the approval of the Planning and Zoning Commission.**
- 8. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. A system of street lighting shall also be provided.**
- 9. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- 10. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off, or to the property shall only occur during the hours of 7:00 a.m. to 6:00 p.m.**
- 11. State and Federal wetlands shall be maintained as non-disturbance areas, except for disturbance authorized by a valid Federal or State permit. There shall be no construction in any wetlands without valid permits. No lots shall contain any wetlands.**
- 12. The applicant shall form a Homeowners Association to be responsible for the maintenance of streets, roads, any buffers, stormwater management areas, and other common areas.**
- 13. A school bus stop shall be established within the project. The location of the bus stop shall be coordinated with the local school district and shall be shown on the Final Site Plan.**

**Old
Business/
Change of
Zone No.
1608
(continued)**

- 14. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- 15. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission**

The County Council held a Public Hearing on March 27, 2007, at which time action was deferred.

Mr. Cole expressed concern about the hours of operation and suggested that weekend hours should not be permitted.

**M 299 07
Adopt
Ordinance
No. 1899
(C/Z
No. 1608)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1899 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 56.85 ACRES, MORE OR LESS” (Change of Zone No. 1608) filed on behalf of Massey’s Landing Properties, LLC, with the following conditions:

- 1. The maximum number of dwelling units shall not exceed 120, consisting of 48 single family lots and 48 duplex lots on the north side of Long Neck Road and 24 duplex lots on the south side of Long Neck Road.**
- 2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination.**
- 3. Recreational facilities and amenities shall be constructed and open to use by residents of the development within three years of issuance of the first building permit. These amenities shall include a swimming pool, community center, tot lots and sidewalks on at least one side of all streets and other recreational facilities.**
- 4. The development shall be served by a Sussex County Sewer District and the system shall be designed in accordance with Sussex County Engineering Department specifications.**
- 5. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection, as required by applicable regulations.**
- 6. Stormwater management and erosion and sediment control system shall maximize ground water recharge and shall be constructed in**

**M 299 07
Adopt
Ordinance
No. 1899
(C/Z
No. 1608)
(continued)**

accordance with applicable State and County requirements, using Best Management Practices with regard to the construction and maintenance of these features.

- 7. Site plan review for each phase of development shall be subject to the approval of the Planning and Zoning Commission.**
- 8. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. A system of street lighting shall also be provided.**
- 9. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- 10. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off, or to the property shall only occur during the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday. There shall be no weekend hours.**
- 11. State and Federal wetlands shall be maintained as non-disturbance areas, except for disturbance authorized by a valid Federal or State permit. There shall be no construction in any wetlands without valid permits. No lots shall contain any wetlands.**
- 12. The applicant shall form a Homeowners Association to be responsible for the maintenance of streets, roads, any buffers, stormwater management areas, and other common areas.**
- 13. A school bus stop shall be established within the project. The location of the bus stop shall be coordinated with the local school district and shall be shown on the Final Site Plan.**
- 14. Street naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- 15. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission**

Motion Adopted: 5 Yeas.

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

Bayard Expansion/ Fenwick Island Sanitary Sewer District	<p>Russell Archut, Assistant County Engineer, stated that within the Bayard Expansion Area of the Fenwick Island Sanitary Sewer District is a proposed development called “The Estuary”. Mr. Archut presented an amendment to a contract with Whitman, Requardt and Associates, LLP for the design of regional infrastructure that would serve the entire area and would be integrated with the South Coastal Planning Study. The work would include designing the Regional Pumping Station (Bayard Pump Station No. 1), regional force mains, and looking at how Pumping Station No. 30 will connect. The cost of the design, in the amount of \$521,522.00, will be paid by “The Estuary”. Mr. Archut stated that the development is not currently in a sewer district; however, it is located within the County’s planning area. The Engineering Department has been working with the developers on an escrow and annexation process; however, the developers are requesting permission to move forward on the design of the facilities with the understanding that it is a risk and that annexation into the sewer district is not guaranteed. Mr. Archut recommended that the County Council approve the Amendment and proceed with the design. Mr. Archut stated that the annexation proposal will be presented to the Council for consideration at a later time.</p>
M 300 07 Authorize Contract Amend-ment with WR&A/ Bayard Expansion Area/ FISSD	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 39, dated July 7, 2006, to its original Contract with Whitman, Requardt, and Associates, LLP, to provide the final design services for the Bayard Expansion Area Regional Pumping Station, force main, and associated regional sewers.</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Motion by Roll Call: Mr. Cole, Nay; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea.</p>
Change Order/ South Ocean View SSD	<p>Russell Archut, Assistant County Engineer, presented Change Order No. 3 to the South Ocean View Sanitary Sewer District Project which provides for the removal, handling, hauling and disposal of tree stumps and root debris encountered during pipeline construction. Mr. Archut advised that tree stumps were found under the road and that they had to be removed prior to the installation of sewer lines. He reported that the cost of the proposed change order is \$99,109.50. He also reported that the consultants investigated the possibility of hauling to the landfill; however, they found that this option would not be cost-effective since the cost would range between \$300,000 and \$350,000.</p> <p>Mike Gilbert of Whitman, Requardt & Associates, LLP was in attendance to discuss the proposed change order. Mr. Gilbert stated that there are approximately 375 truckloads of root matter and approximately 100 loads of stump and woody material that need to be disposed of. He explained that the</p>

**Change
Order
(continued)**

majority of the costs would be generated by handling the material and the equipment used.

Mr. Archut advised that the project, including this work, is covered by funding already allocated by DNREC.

**M 301 07
Approve
Change
Order/
South
Ocean
View
SSD**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the County's Consulting Engineer, Whitman, Requardt and Associates, LLP, and the Sussex County Engineering Department, that Change Order No. 3 for Sussex County Contract No. 06-22, South Ocean View Sanitary Sewer District, with Edward McGinn General Contractors, Inc., be approved in the amount of \$99,109.50, which increases the contract total from \$4,684,810.44 to \$4,783,919.94, contingent upon the approval of the State of Delaware Water Pollution Control Revolving Fund.

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Cole was out of the room during the vote.

**Williams-
ville and
Bethany
Beach
Communi-
cation
Tower
Agreements**

Steve Hudson, Director of Technical Engineering, requested approval for two new communications towers to be constructed on properties owned by Sussex County in Bethany Beach and in Williamsville. These projects are a cooperative effort with the State of Delaware for the enhancement of the 800 MHz Next Generation Program, the goal of which is to increase radio coverage, particularly in-building, for Delaware's emergency services personnel, firemen, police officers, and paramedics.

Bryan Baker of the State of Delaware and Jeff Martin, Consultant for the State of Delaware, were present to explain the Next Generation Program to the Council. Mr. Baker stated that the Bethany and Williamsville sites were selected for their ability to provide in-building coverage and in-street coverage.

Mr. Baker (County Administrator) noted that this proposal would benefit the County's 911 communications and SCADA communications.

Mr. Jones questioned a recent news report that the State of Delaware has cut funding for this program. Bryan Baker responded by stating that it is a possibility; however, funding is still available.

Mr. Hudson explained that, in accordance with the Proposed Memorandum of Agreements (MOAs) with the State, the County is to supply compounds at both the Bethany and Williamsville sites. Also, in accordance with the MOAs, the State has offered to supply the County with access to the new tower in Williamsville, as well as towers in Dagsboro, Laurel, Seaford,

Williams-ville & Bethany Beach Communi-Cation Tower Agreements (continued)	<p>Bridgeville, Milton and a proposed tower in Lewes, thereby expanding the County's communications capabilities for the SCADA system, which is used for the pumping stations.</p> <p>Mr. Hudson reported that a Public Workshop for both sites was held in April of 2007 and that the reaction of the (few) attendees was positive. Mr. Hudson stated that requests were made for the 2007 – 2008 Budget to fund additional equipment necessary to access the additional towers. Mr. Hudson noted that an existing tower will have to be abandoned at the County's cost. Mr. Baker reported that there will be no charge to the County for the use of the State's towers and the County will not charge the State for allowing them to construct the towers on County property.</p> <p>As part of the MOAs, the County will pay for the electric charge of their equipment at the Bethany site, since the County owns the electric system inside the gate. The State will be responsible for all power charges outside the gate. There will be no charge to the County for any site-to-site communications.</p>
M 302 07 Approve MOA/ Bethany Beach Commun-ications Tower	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, based on the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Memorandum of Agreement with the State of Delaware, Department of Technology and Information, for the Bethany Beach communications tower site, contingent on the receipt of State and County funding.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</p>
M 303 07 Approve MOA/ Williams-ville Commun-ications Tower	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, based on the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Memorandum of Agreement with the State of Delaware, Department of Technology and Information, for the Williamsville communications tower site, contingent on the receipt of State and County funding.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea</p>
EOC Building Project	<p>Bob Jones, Project Engineer, presented Change Order Nos. 7 and 8 for the Emergency Operations Center Building Project which is currently under construction by Richard Y. Johnson & Son. Change Order No. 7 is for a cost increase of \$70,792.00; the purpose of the Change Order is to accommodate</p>

EOC Building Project (continued) **Motorola standards for maintaining a warranty on their telecommunications equipment. Mr. Jones stated that this cost increase is offset by a credit of approximately \$14,790.00 for Change Order No. 8; Change Order No. 8 deletes 7 antenna outlets since it was determined that only 9 outlets were required. (The original design was for 16 outlets.)**

Mr. Jones reported that the total amount of the contract will be increased through these Change Orders by the sum of \$56,000.58. The contract time will increase by 46 days, with a new completion date of June 11, 2007.

Joe Thomas, Director of Emergency Operations, stated that he has submitted all necessary paperwork to Homeland Security for reimbursement in the amount of \$300,000.00 for costs associated with the generator, security systems, and access control. Mr. Thomas reported that he has been advised that his request will receive approval. (His request is currently awaiting confirmation.)

M 304 07 Approve Change Order Nos. 7 & 8/ EOC Building Project **A Motion was made by Mr. Jones, seconded by Mr. Phillips, that based upon the Engineering Department and its consultant, L. Robert Kimball and Associates, that Change Order Nos. 7 and 8 for Sussex County Project #04-02, Emergency Operations Center Building, be approved, which extends the contract time by 46 calendar days due to added scope of work, and increases the contract amount by \$56,000.58, for a new total of \$7,205,352.55.**

Motion Adopted: 5 Yea

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

Requests **Mrs. Webb presented grant requests for the Council's approval.**

M 305 07 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Police Chiefs' Council, Inc. for seminar expenses.**

Motion Adopted: 5 Yeas.

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

M 306 07 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Police Chiefs' Council, Inc. for conference expenses.**

Motion Adopted: 5 Yeas.

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

M 307 07 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give**
Council- **\$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the American**
manic **Cancer Society for Relay for Life (Milford event).**
Grant

Motion Adopted: **4 Yeas, 1 Abstention.**

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

M 308 07 **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$750.00**
Youth **from Mr. Jones' Youth Activity Grant Account to Georgetown Little League**
Activity **for improvements to the complex.**
Grant

Motion Adopted: **5 Yeas.**

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

M 309 07 **A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$1,000.00**
Community **from Mr. Rogers' Community Investment Grant Account to the Sussex**
Investment **Cyclists for their Bicycle Safety Program**
Grant

Motion Adopted: **5 Yeas.**

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

M 310 07 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$5,000.00**
Community **from Mr. Cole's Community Investment Grant Account to the Town of**
Investment **Henlopen Acres for costs associated with providing security services.**
Grant

Motion Adopted: **5 Yeas.**

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

M 311 07 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00**
County **from County Council Grants to the Olde Tymer's Softball League for field**
Council **improvements.**
Grants

Motion Adopted: **5 Yea**

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

**M 312 07 At 12:29 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Phillips,
Go Into to recess the Regular Session and go into Executive Session for the purpose
Executive of discussing site acquisition.
Session**

Motion Adopted: 5 Yeas.

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

**Executive At 12:30 p.m., an Executive Session of the Sussex County Council was held in
Session the Caucus Room of the Council Chambers for the purpose of discussing site
acquisition. The Executive Session concluded at 12:51 p.m.**

**M 313 07 At 12:52 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Phillips,
Reconvene to come out of Executive Session and to reconvene the Regular Session.
Regular
Session**

Motion Adopted: 5 Yeas.

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

**M 314 07 At 12:53 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to
Adjourn adjourn the meeting. Motion Adopted by Voice Vote.**

Respectfully submitted,

**Gaye King
Administrative Secretary**