

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 25, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 25, 2002, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 400 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 401 02 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of June 18, 2002, as distributed.

Motion Adopted: 5 Yea.

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

Corre-spondence Mr. Bayard read the following correspondence:

INDIAN RIVER ODYSSEY OF THE MIND TEAM, SELBYVILLE, DELAWARE.

RE: Letter in appreciation of grant.

SUSSEX STORM SOFTBALL TEAM, BETHEL, DELAWARE.

RE: Letter in appreciation of grant.

UNIVERSITY OF DELAWARE, RESEARCH AND EDUCATION CENTER, GEORGETOWN, DELAWARE.

RE: Letter regarding the status of their poultry engineer position.

Sussex
County
Fire
Service
Growth

Mr. Joseph Murabito, Director of the Delaware State Fire School, gave a presentation on the future of the Sussex County Fire Service. Mr. Murabito asked Council to work with the fire companies to create an awareness of future demands and needs for the fire service caused by growth in the County. Based on a population growth of 31 percent by 2015, Mr. Murabito estimated that fire calls will increase 77.5 percent and ambulance calls will increase 40 percent. In 2000, Sussex County fire companies responded to 5,000 fire calls and 15,587 ambulance calls, up from 2,749 fire calls and 10,000 ambulance calls in 1990.

Mr. Murabito pointed out that the population base of Sussex County is going to place more demands on the fire, rescue, and paramedic service due to the increased population of retirees. He also pointed out that the increased population of retirees will not only increase calls for services but will also reduce the pool of volunteer firefighters.

Mr. Murabito expressed his opinion that recruitment and retention of volunteer firefighters will become an issue and that he foresees the day when Sussex County fire companies will be comprised of volunteers and paid firefighters.

Mr. Murabito reported that these issues will be addressed by a committee of firefighters who will draft a report detailing the growth issues facing the fire companies and will make a recommendation for solutions.

Mr. Stickels thanked Mr. Murabito for the report. Mr. Stickels stated that the report will be very helpful in helping the County plan budget expenditures for the fire service in the future. Mr. Stickels stated that the County has always been supportive and past funding exemplifies that fact. Since FY 92, the County has increased funding to the fire service 285 percent; FY 92 funding was \$493,055; this compares to FY 02 funding in which the fire service will receive over \$1.9 million.

Administrator's
Report

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

1. Airport Update

The Sussex County Engineering Department has scheduled a public information meeting on Wednesday, July 10, 2002, at 10:00 a.m. at the County Administrative Office West Complex, DuPont Highway, Georgetown, Delaware. Anyone interested in airport development is invited to attend. The presentation format will afford the public an opportunity to speak with local airport management and the airport consultants preparing the Master Plan Update and Environmental Assessment.

Included with this report is notification from the Engineering Department of this important meeting.

Administrator's
Report
(continued)

2. **Sussex County Land Use Plan Update**

Workshop –

Sussex County Council/Planning and Zoning Commission

Tuesday, July 9, 2002

5:00 p.m.

**Sussex County West Administrative Complex,
DuPont Highway, Georgetown**

Public Hearing –

Planning and Zoning Commission

Thursday, August 15, 2002

6:00 p.m.

CHEER Community Center, Sand Hill Road, Georgetown

Public Hearing –

Sussex County Council

Tuesday, September 10, 2002

6:00 p.m.

CHEER Community Center, Sand Hill Road, Georgetown

I would like to correct a statement that was made in last week's Administrator's Report. Drafts of the Land Use Plan will be available on Friday, July 28, 2002. I erroneously reported last week that it would be August 26, 2002.

Insurance
Bid
Recommen-
dation

Mr. Scott Agar of Insurance Buyers' Council, Inc. and Mr. Baker discussed the County's Request for Insurance Proposals and the recommendation for insurance purchases for the next three years.

In response to the Request for Insurance Proposals (RFP) dated March 13, 2002, proposals were received from three producers: Pratt Insurance, Inc., Marsh USA, Inc., and L&W Insurance.

Mr. Agar reviewed the bid award recommendation in the amount of \$749,829.00, as follows:

<u>Coverage</u>	<u>Producer</u>	<u>Premium</u>
Real and Personal Property	Pratt	\$136,942
Boiler and Machinery	Pratt	\$ 11,970
Electronic Data Processing	Pratt	\$ 9,831
Mobile Equipment	Pratt	\$ 12,560

Insurance Bid Recommendation (continued)	Property Floater	Pratt	\$ 14,796
	Valuable Papers & Records	Pratt	\$ 1,825
	Fine Arts	Pratt	\$ 250
	Crime	Marsh	\$ 3,906
	Forgery & Alteration	Marsh	Included
	Theft, Disappearance & Destruction	Marsh	Included
	Computer Fraud	Marsh	Included
	Business Income	Pratt	Included
	Extra Expense	Pratt	\$ 1,080
	Workers Compensation	Pratt	\$212,921
	General Liability	Pratt	\$ 37,731
	Emergency Dispatch Liability	Pratt	\$ 4,564
	Airport Liability	L&W	\$ 18,571
	Auto	Pratt	\$155,700
	Law Enforcement Liability	Pratt	\$ 13,173
	Umbrella Excess Liability	Pratt	\$ 49,518
	Public Officials Liability	Marsh	\$ 64,491
	<u>Estimated Net Cost Total</u>		<u>\$749,829</u>

The estimated net total does not include coverage for loss to the outfall main (pipeline floater) and sewer mains. A recommendation for this insurance coverage will be presented to Council at a later date.

It was noted that insurance costs are considerably higher. Mr. Agar explained that the insurance marketplace in 2002 is a “hard” market and unfavorable to the insurance buyer. Due to fewer insurers being willing to entertain proposals for public entities, new found underwriting discipline resulting from years of unprofitable operations, the decline in investment income to offset underwriting losses, and increased operation costs of insurers including reinsurance, many entities are being offered less coverage at significantly higher costs.

M 402 02
Approve
Award
of
Insurance

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the award of insurance, as recommended, to Pratt Insurance, Inc., Marsh USA, Inc., and L&W Insurance, for the period July 1, 2002 through June 30, 2005.

Motion Adopted: 5 Yea.

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

**Bid Report/
Laptop
Computers**

Mr. Shade, Purchasing Director, presented bid results for the purchase of nineteen (19) laptop computers to be used in paramedic vehicles, as follows:

Pelican Mobile	\$4,211.00/unit
L&E Mobile Computers	\$4,304.92/unit
G.T.S.I. Corp.	\$4,650.00/unit

Mr. Shade and Mr. Luedtke, Director of EMS, recommended that the bid be awarded to Pelican Mobile. Mr. Luedtke told Council that the laptop computers will provide mapping information and will improve response times.

M 403 02
Accept
Bid for
Laptop
Computers

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council accepts the bid of Pelican Mobile in the amount of \$4,211.00 per unit for the purchase of nineteen (19) laptop computers to be used in paramedic vehicles.

Motion Adopted: 5 Yea.

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

**Sussex
County
Life
Saver
Award**

Mr. Luedtke, Director of EMS, told Council that the Department gave out its first Sussex County Life Saver Award, an award established to recognize citizens in the community who, through their quick action and self-less acts, save a life. Mr. Charles Jefferson, Assistant Manager of the Cracker Barrel Restaurant, is the first recipient of this award. On June 15, 2002, Mr. Jefferson performed the Heimlich maneuver on a woman eating at the restaurant and successfully removed the obstruction.

**Bid
Results/
Submersible
Pump
Replace-
ment**

Mr. Robert West, Purchasing Supervisor, South Coastal Regional Wastewater Facilities, reported on the bid results for Sussex County Project No. 01-11, Submersible Pump Replacement PS 80, as follows:

ITT Flygt Industries	\$21,875.00
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(ITT Flygt Industries was the sole bidder.)

M 404 02 A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 01-11, entitled "Submersible Pump Replacement, Pump Station 80, be awarded to the low bidder, ITT Flygt Corporation, at the bid amount of \$21,875.00.

Award

Bid/

Submersible

Pump

Replace-

ment

Motion Adopted: 5 Yea.

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

Wastewater

Facilities

Mr. Baker, Utility Construction Division, discussed wastewater facilities to be constructed.

M 405 02 A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 256, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Hockessin Chase, L.P. by Tenby Hunt, for wastewater facilities to be constructed in Bethany Lakes, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

Execute

Agreements/

Bethany

Lakes

Motion Adopted: 5 Yea.

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

M 406 02 A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 258, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Robino-Sanibel Village, LLC, for wastewater facilities to be constructed in Palms of Rehoboth, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Execute

Agreements/

Palms of

Rehoboth

Motion Adopted: 5 Yea.

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

Saraglen

Acres

Proposed

SLD

Mr. McCabe, Director of Public Works, discussed the Proposed Saraglen Acres Streetlighting District. The subdivision has 18 existing streetlights and 38 improvements. Due to the fact that the Homeowners Association was having difficulty collecting payment for the existing streetlights, they

Saraglen Acres	circulated petitions requesting the County to organize a streetlighting district and take over the billing and collection process.
M 407 02 Obtain Estimates of costs and charges for street-lighting/ Saraglen Acres	A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Engineering Department has received petitions from the subdivision known as Saraglen Acres, requesting that the Sussex County Council obtain estimates of costs and charges for organizing a streetlighting district, as required by Chapter 95 of the Sussex County Code; therefore, the Sussex County Council authorizes the Engineering Department to obtain estimates of costs and charges for streetlighting, for the purpose of administering a streetlighting district referendum.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 408 02 Approve Annual Billing Rate/ Proposed Saraglen Acres Street-lighting District	A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves an estimated annual billing rate of \$98.43 per residential or commercial improvement within the Saraglen Acres Proposed Streetlighting District, which shall be adjusted each year thereafter, based upon the number of assessable units and fuel costs.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 409 02 Adopt Resolution No. R 020 02/ Establish Referendum for Saraglen Acres SLD	A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Resolution No. R 020 02 entitled “A RESOLUTION ESTABLISHING THE DATE, TIME, AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED SARAGLEN ACRES STREETLIGHTING DISTRICT”.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Cedar Landing Suburban Community Improvements	Mr. McCabe, Director of Public Works, discussed granting Substantial Completion for the Cedar Landing Suburban Community Improvement Project. Mr. McCabe noted that the agenda item was listed as “Balancing Change Order”; however, due to the fact that the Engineering Department is not satisfied with the invoice, the Department is recommending that Substantial Completion be granted at this time. He also noted that the

Cedar Landing	project has been completed and that the balancing change order will be a credit of approximately \$10,000.00.
M 410 02 Grant Substantial Completion/ Cedar Landing Suburban Community Improvements	A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion be granted to A. P. Croll & Sons, Inc. for Sussex County Project No. 99-17, Cedar Landing Suburban Community Improvements, effective May 15, 2002, and any held retainage be released. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Joy Beach/ Suburban Community Improvement Project	Mr. McCabe, Director of Public Works, informed Council that the County Engineering Department has received formal petitions from the property owners in the Joy Beach subdivision requesting that the subdivision be accepted into the Suburban Community Improvements Program. Mr. Wolfgang Franke, President of the Joy Beach Property Owners Association, was present in support of the action.
M 411 02 Accept Joy Beach Subdivision into the Suburban Community Improvement Program	A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that Joy Beach Subdivision, located in Indian River Hundred, qualifies as a "Suburban Community" as defined under Title 9, Chapter 5, of the Delaware Code, and further that valid petitions have been received from freeholders of property representing more than 50% of the property with street frontage within the community, and that the Joy Beach Subdivision be accepted in the Suburban Community Improvements Program and that plans, specifications, and cost estimates be compiled, after which an election shall determine whether the County shall proceed to finance the proposed improvements. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Ellendale Sanitary Sewer District	Mr. Izzo, County Engineer, reported on the bid results for the Ellendale Sanitary Sewer District Collection and Conveyance Contract 89-16C, Pump Station 92, 93, and New Market Village, and Contract 89-16D, Grinder Pump System.
M 412 02 Award Project	A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the Engineering Department, that Sussex County

M 412 02	Project No. 89-16C, Pump Station 92, 93 and New Market Village, be awarded to A.P. Croll & Sons, Inc. of Georgetown, Delaware at the bid amount of \$1,228,668.60, contingent upon receipt of approval from the Delaware Department of Natural Resources and Environmental Control.
Award Project No. 89-16C	Motion Adopted: 5 Yea.
Ellendale Sanitary Sewer District (continued)	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 413 02	A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the Engineering Department, that Sussex County Project No. 89-16D, Grinder Pump System, be awarded to Zellen Associates, Inc. of Jessup, Maryland, at the bid amount of \$357,240.00, contingent upon the receipt of approval from the Delaware Department of Natural Resources and Environmental Control and/or Rural Utility Service.
Award Project No. 89-16D	Motion Adopted: 5 Yea.
Ellendale Sanitary Sewer District	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Holt's Landing Sanitary Sewer District/Contract Amendment	Mr. Izzo, County Engineer, discussed a proposed contract amendment with Whitman, Requardt & Associates, LLP relating to the collection system for the Holt's Landing Sanitary Sewer District, a collection system which the County purchased and took over the control of (Bay Colony and Fairway Villa developments). Mr. Izzo reported that the previous owner of the system kept inadequate records and that maintenance on the system was substandard. Mr. Izzo reported that an engineering report has been performed to determine what needed to be done to upgrade the system. This contract will allow Whitman, Requardt & Associates to accurately locate all the sewer collection lines; all the clean-outs; all the septic tanks; and also determine where septic tanks have been installed and where they have not. Mr. Izzo reported that three small wastewater pumping stations are substandard and the stations need to be rebuilt.
M 414 02	A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 17 to its contract with Whitman, Requardt and Associates, LLP, to prepare design drawings and construction specifications for upgrading the existing Holts Landing Collection System, contingent upon the receipt of the approval from the Assistant County Attorney.
Authorize Contract Amendment/	Motion Adopted: 5 Yea.
Holts Landing Sanitary Sewer District	

M 414 02 (continued)	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
C/U No. 1451	Council discussed the continuation of the Public Hearing on Conditional Use No. 1451, filed on behalf of Rickie L. Clogg. It was noted that Mr. Clogg was not in attendance, possibly due to the fact that he was not notified that the application was being placed on the Agenda.
M 415 02 Recess Public Hearing/ C/U No. 1451	A Motion was made by Mr. Cole, seconded by Mr. Dukes, to recess the Public Hearing on Conditional Use No. 1451, filed on behalf of Rickie L. Clogg, until a future date to be established by the Director of Planning and Zoning and with the consent of the County Administrator. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Requests	The County Council discussed funding requests.
M 416 02 Council- manic Grant	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00, \$200.00 from Mr. Phillips' Councilmanic Account and \$100.00 each from Mr. Cole's, Mr. Dukes', and Mr. Rogers' Councilmanic Accounts, to the Christian Storehouse Building Fund for building repairs. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Table Funding Request	The County Council discussed the funding request from the Delaware Diamonds. It was noted that the County Council provided funding to them in the amount of \$500.00 in February, 2002. It was the consensus of Council that a letter be sent to the Delaware Diamonds reminding them of the funding that was provided to them in February and asking if the new request for funding is for a different need.
M 417 02 Youth Activity Grant	A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$300.00 from Mr. Phillips' Youth Activity Grant Account to the Delmar Public Library for the Children's Reading Program. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea

M 418 02 Council- manic Grant	<p>A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$200.00 from Mr. Rogers' Councilmanic Account to H. O. Brittingham/Parent Teachers Association (HOB/PTO) for the PARTNERS Project.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Defer Action on Funding Requests	<p>Council deferred action on the requests from the New Coverdale Outreach Mission, Inc., the Sussex Conservation District, and the Delmarva Football Officials.</p>
M 419 02 Recess	<p>At 12:17 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.</p>
Reconvene	<p>Mr. Jones called Council back into session at 1:30 p.m.</p>
National Association of Realtors/ Smart Growth Presen- tation	<p>Mr. Bob McNamara of the National Association of Realtors gave a presentation on Smart Growth. Topics of the discussion included:</p> <ul style="list-style-type: none">• What is Smart Growth?• Why should realtors care about Smart Growth?• Smart Growth as an alternative to Sprawl.• Why Sprawl is popular.• Whether homebuyers want something different.• What kind of growth is "Smart Growth".• National Association of Realtors' Smart Growth Principles.• Consumers' survey on smart choices for homebuyers.• Transferable Development Rights
M 420 02 Adjourn	<p>A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adjourn at 3:07 p.m. Motion Adopted by Voice Vote.</p>

Respectfully submitted,



Robin A. Griffith
Clerk of the Council