

SUSSEX



SEPTEMBER 11, 2001

Call to Order

The meeting of the Sussex County Council was held Tuesday, September 11, 2001, 9:00 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 |
| Robert L. Stickels | County Administrator |
| David Baker | Finance Director |
| Eugene Bayard | County Attorney |

The President asked for a moment of silence for the Nation and the victims of the terrorist attacks in New York City and Washington, D.C.

The meeting was opened by repeating The Lord's Prayer and Pledge of Allegiance to the Flag.

M 502 01
Amend
and
Approve
Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the agenda by deleting "Old Business: Conditional Use No. 1410 Jay R. Donovan" and by deleting "Sussex County Airport Terminal Building, Change Order No. 2" under Michael A. Izzo, County Engineer; and to approve the agenda, as amended.

Motion Adopted: 5 Yea.

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

M 503 01
Approve
Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of August 28, 2001, as distributed.

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Bayard read the following correspondence:

AIR QUALITY MANAGEMENT, DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.
RE: Notices of Public Hearing.

Corre-
spondence
(continued)

DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.
RE: Notice of Public Workshop on Scenic Byways.

MARY RIZK, BAYSIDE SEAFOOD & PRODUCE, LAUREL, DELAWARE.
RE: Letter commending County employees.

NORMAN POWERS, REHOBOTH BEACH, DELAWARE.
RE: Letter commending County employees.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
DELAWARE STATE OFFICE, WILMINGTON, DELAWARE.
RE: Notice of Sussex and Kent County Fair Housing Workshop scheduled for
September 20, 2001.

Mr. Stickels presented a request from Walter T. Wilson to withdraw his rezoning
applications (Change of Zone Nos. 1438 and 1439).

M 504 01
Permit
Withdrawal
(C/Z Nos.
1438 and
1439)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to permit Walter T.
Wilson to withdraw his rezoning applications (Change of Zone Nos. 1438 and
1439).

Motion Adopted: 5 Yea.

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

Road
Naming
and
Addressing
Deadline

Mr. Stickels distributed a map of Sussex County divided into four sections for the
purpose of addressing. Mr. Stickels and Mr. Norwood, Supervisor of Mapping and
Addressing, made Council aware that the deadline for requesting road name changes
and keeping the same addresses within subdivisions in Sections 1, 2, and 3 will be at
the close of business on September 28th. Mr. Stickels noted that Section 4 has been
addressed; however, addresses have not yet been delivered. No deadline has been
established for Section 4 at this time.

Capital
Transportation
Improvement
Program
Requests

Mr. Stickels distributed the *Sussex County Council Capital Transportation
Improvement Program Request* which will be presented to the Delaware Department
of Transportation at the public hearing on Thursday, September 13, 2001. Mr.
Stickels noted that he will be emphasizing that the County's population has
increased 38 percent in the last ten years and that, geographically, Sussex County
makes up 49% of the Delaware's land mass.

Mr. Stickels pointed out that the census is wrong; that there are 10,000 in the
Hispanic population, which raises the population increase figures to 48 percent.

Mr. Cole suggested that Mr. Stickels also emphasize the increase in the number of
tourists that are coming to the area.

Capital
Transportation
Improvement
Program
Requests
(continued)

Mr. Stickels highlighted the eight projects included in the report:

1. North-South Limited Access Highway

(Mr. Stickels advised that he will request that \$100 million be funded in this year's Capital Transportation Improvement Program for this project and that an additional \$400 million will be need over the next ten years.)
2. East-West Improvements
 - a. SR 36 from US 113 west of Milford to SR 404 east of Greenwood.
 - b. SR 16 from SR 36 east of Greenwood to the termination of the road at the Delaware Bay.
 - c. SR 404 east of US 113 to Delaware Technical & Community College in Georgetown west of US 113 and east of SR 5 to SR1 west of Lewes.
 - d. SR 24 from west of SR 30 to east of the Route 1 intersection north of Rehoboth.
 - e. SR 26 from the Assawoman Canal west to US 113.
 - f. SR 54 from 58C west to US 113.
3. SR1 Dewey Beach Improvements from Salisbury Road, Dewey Beach, to Lewes and Rehoboth Canal
4. SR 30 and SR5.
5. Stormwater drainage improvements into South Bethany Canal.
6. Georgetown – Park Avenue - SR 318 east of Georgetown and SR 321 south of SR 9 have been designated as a truck relief route for the Town of Georgetown. (The current road conditions are not safe for a truck relief route.)
7. US 13 Corridor Capacity Improvements
8. Sussex County Aviation Projects.

Mr. Phillips referred to the corridor capacity improvements on Route 13 and questioned what the \$11 million will be spent for. Mr. Stickels responded that the money will be spent for service roads in Delmar; major intersections and service roads for Bridgeville; improvements in Greenwood, and service roads in Laurel.

Mr. Phillips expressed concern that the corridor capacity program utilizes the denial of access as a means of managing capacity. Mr. Stickels responded that, with the

Capital Transportation Improvement Program Requests (continued)

program being included in the CTIP, DelDOT plans to allow for access for new businesses on a temporary basis, knowing that the bypasses and service lanes to be put in would then connect to the access road.

Mr. Stickels read the following information that he proposes to include in the Report:

The current Capital Transportation Improvement Program contains funding for the completion of upgrading a portion of US Route 113, numerous bridge upgrades, and the well replacement for the City of Rehoboth. These projects total \$18,215,000. The County Council would encourage this funding remaining for the completion of these projects. County Council projects total \$251,404,056 for the next five years. An additional \$300,000,000 will be needed in the future for the completion of a limited north-south access roadway. The County Council believes its requests for this year's Capital Transportation Improvement Program are necessary based on the geographic size of the County and the continued increase in population. Funding of the County Council's requests will be beneficial in improving the efficiency and effectiveness of existing roadways, improve travel safety conditions, and provide Delaware residents, as well as visitors, with optional roadways.

M 505 01 Support Capital Transportation Improvement Program Requests

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to support the *Sussex County Capital Transportation Improvement Program Request*, as proposed by the County Administrator.

Motion Adopted: 4 Yea, 1 Nay.

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

Mr. Phillips stated that he voted "Nay" since he has sufficient concerns about the language with respect to the corridor capacity preservation program.

Administrator's Report

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

1. Airport Committee Meeting

The next meeting of the Sussex County Airport Committee will be held on Wednesday, October 3, 2001, at 10:00 a.m. at the Sussex County Administrative Office West Complex located on North DuPont Highway, Georgetown, Delaware.

2. Delaware Department of Transportation (DelDOT) Public Hearing

DelDOT will be conducting a Capital Transportation Improvement Program public hearing on Thursday, September 13, 2001. The meeting will be held at the Higher Education Building located at the Jack F. Owens Campus, Delaware Technical & Community College, Georgetown, Delaware, starting

Adminis-
trator's
Report
(continued)

at 6:00 p.m. The Department will present their five-year plan from 6:00 to 7:00 p.m. Public comments will be taken at 7:00 p.m.

I would encourage the residents of Sussex County to attend this very important hearing.

3. County Council Workshop

The Sussex County Council and Delaware Department of Transportation will have a joint workshop on Wednesday, September 19, 2001, starting at 1:00 p.m. in the County Council Chambers, County Administrative Office Building on The Circle in Georgetown. Included with this report is a copy of the agenda for the joint workshop. Time will be allotted for public comments. This meeting will also be accessible on the Internet at www.sussexcounty.net.

4. Inland Bays Sensitive Area Task Force

The Inland Bays Sensitive Area Task Force, established under House Resolution No. 31, will meet on Wednesday, September 19, 2001, at 10:00 a.m. at the County Administrative Office West Complex, North DuPont Highway, Georgetown, Delaware. The Task Force was created to look at the process of handling land applications for the areas designated by the Cabinet Committee on State Planning as environmentally sensitive, primarily the Inland Bays areas. Connie Holland, State Office of Planning Coordination, will give a report on the Land Use Planning Act process and Lawrence Lank, Sussex County Director of Planning and Zoning, will give a report on the Sussex County Planning and Zoning Commission's process.

Deposit
Account

Mr. Baker recommended the opening of a new deposit account at Mellon Bank Delaware. The interest-bearing account would be an option for investments. Currently, the rate offered by Mellon Bank on this type of account is slightly higher than Certificate of Deposit rates. Mr. Baker explained that the County will deposit funds in this account for short-term investments if and when interest rates paid by the account exceed Certificate of Deposit rates.

M 506 01
Adopt
Resolution
No.
R 022 01

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adopt Resolution No. R 022 01 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Proposed Resolution/ Authorization/ EPA Grant
Mr. Baker reviewed a Proposed Resolution authorizing County representatives to transact and sign any and all documents related to the securing of funds from the federal grant awarded to the Sussex County Council by the Environmental Protection Agency. Mr. Baker explained that Congress approved \$1.2 million in last year's federal budget for the West Rehoboth sewer grant and this Proposed Resolution will authorize County representatives to sign documents regarding the grant.

M 507 01
Adopt Resolution/ Authorization/ EPA Grant
A Motion was made by Mr. Cole, seconded by Mr. Jones, to adopt the Resolution authorizing Michael Izzo, County Engineer, and David Baker, Finance Director, to transact and sign any and all documents related to securing funds from the Federal grant awarded to the Sussex County Council as administered by the Environmental Protection Agency (EPA).

Motion Adopted: 5 Yea.

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

Public Hearing/ Indian River H.S./ DFSSD
A Public Hearing was held to consider extending the Dagsboro – Frankford Sanitary Sewer District (DFSSD) to include the lands of the Indian River School District situate, lying west of County Road 401 and south of County Road 382 and being in Dagsboro Hundred, Sussex County, Delaware. There were no public comments and the Public Hearing was closed.

M 508 01
Adopt Resolution No. R 023 01
A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Resolution No. R 023 01 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO – FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL OR TRACT OF LAND KNOWN AS THE NEW INDIAN RIVER HIGH SCHOOL, LYING CONTIGUOUS TO THE DFSSD, SITUATE SOUTH OF THE TOWN OF DAGSBORO AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

Ocean View SSD/ Collection & Conveyance
Mr. Izzo, County Engineer, reported on the status of the Collection and Conveyance Contract for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District. Mr. Izzo recommended that the County grant Substantial Completion to Bearing Construction Co., Inc., effective August 30, 2001, since the work has been completed and residents of Ocean View are connecting to the system.

M 509 01
Substantial Completion
A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Sussex County

M 509 01
Grant
Substantial
Completion/
Ocean
View SSD/
Collection
and
Conveyance
(continued)

Council grant Substantial Completion, effective August 30, 2001, to Bearing Construction Co., Inc. for Sussex County Project No. 99-09, Ocean View Expansion of the Bethany Beach Sanitary Sewer District – Collection and Conveyance, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Cole was out of the room during this vote.)

SCADA
Installation/
Phase II/
Change
Order
No. 1

Mr. Izzo, County Engineer, advised Council of Change Order No. 1 for the SCADA System Improvements Project, Phase II, which is an ongoing project to upgrade the telemetry systems for the pumping stations and portions of the treatment plant. Phase I brought 60 stations on-line; the Phase II project has been awarded to Trijay Systems to bring another 90 stations on-line. Mr. Izzo reported that on or about June 21st, the bulk of the old system “crashed and burned”, putting the County in an emergency situation with approximately 90 stations without alarms. For ten days, the stations had to be monitored manually by County personnel, 24 hours a day. Mr. Izzo advised that an interim solution was developed and, from July 1st to approximately August 1st, the stations were monitored remotely; however, they still had to be monitored 24-hours a day. Trijay Systems accelerated their project and on approximately August 1st, the SCADA System was brought on line for those pumping stations. As a result, additional costs in the amount of \$20,015.00 were incurred.

M 510 01
Approve
Change
Order/
SCADA
Installation/
Phase II

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that Change Order No. 1 for Sussex County Project No. 01-06, SCADA System Improvements – Phase II, with Trijay Systems, Inc. be approved in the amount of \$20,015.00, which increases the contract total from \$858,000.00 to \$878,015.00.

Motion Adopted: 5 Yea.

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

Public
Hearing/
Final
Assessment
Roll

A Public Hearing was held to consider the final assessment roll for the Indian River Acres Subdivision, Suburban Community Improvements. Mr. McCabe, Director of Public Works, advised that the homeowners petitioned the County to pave the roads through the Suburban Community Improvements Project.

Public
Hearing/
Final
Assessment
Roll/
Indian
River
Acres
Subdivision/
Suburban
Community
Improve-
ments
(continued)

Final cost estimates were completed, after which a referendum was held, passing with 43 votes in favor and 17 votes in opposition to the project. The figures that were voted on were \$3.24 per front foot with a total project cost of \$141,927.50.

Mr. McCabe advised that the project has been constructed with the actual cost being \$104,185.30, resulting in the project being completed under budget. He noted that the \$2.23 front footage charge proposed is \$1.01 less than estimated.

Public comments were heard from one homeowner, Donald Bell. Mr. Bell expressed concern that the billing calculations are not fair and equitable; that a more equitable unit pricing should be used; that corner lot assessments have been changed; that there are drainage problems that did not exist prior to the project; and that they do not honor quick claim deeds.

Mr. Bell was advised that Suburban Community Improvement Projects are administered under State law; that the project has been completed and assessment rolls determined; and that the method of billing was announced at the referendum.

Mr. Cole suggested that, for the purpose of future projects, Council take action towards making the billing calculations more fair and equitable with unit pricing. Mr. Bayard advised that the way to proceed to accomplish this would be by Ordinance or to lobby for a change in State Law.

The Public Hearing was closed.

M 511 01
Adopt
Assessment
Rolls/
Indian
River
Acres
Subdivision

A Motion was made by Mr. Jones, seconded by Mr. Rogers, that the Sussex County Council hereby adopts the assessment rolls for the Indian River Acres Suburban Community Improvement Project, as presented on September 11, 2001.

Motion Adopted: 5 Yea.

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

Announce-
ment

Mr. Stickels announced that due to the terrorist attacks in New York City and Washington, D.C., the Honorable Ruth Ann Minner, Governor of the State of Delaware, has closed State offices and area schools.

M 512 01
Close
County
Offices

A Motion was made by Mr. Cole, seconded by Mr. Jones, to close County offices at 1:00 p.m. and to start phasing employees out beginning at 12:30 p.m.

Motion Adopted: 5 Yea.

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

Reschedule Hearings It was noted that the Public Hearings scheduled for the afternoon session would be rescheduled for October 23, 2001.

Proposed Miller Creek Sanitary Sewer District Boundaries Mr. Archut, Assistant County Engineer, summarized a Public Hearing held on July 21, 2001, on the boundaries of the Proposed Miller Creek Sanitary Sewer District. At the Public Hearing, the Sussex County Engineering Department reviewed the proposed boundaries, as well as construction-related issues and project financing. The project is estimated at \$9.7 million. It is estimated that the typical user with a home on a 75 front foot lot will have annual user costs of \$820.50. Two comments were received specifically regarding the boundaries. A letter was received from Susan and Richard L. Spencer requesting that their two lots near the George C. Moore subdivision be included in the proposed district. The second letter was received from Cabe Associates, on behalf of Bob Thornton, requesting that the Engineering Department consider annexing the Silver Woods (a.k.a. Starlight Woods) subdivision into the South Bethany Sanitary Sewer District, thereby removing it from the proposed Miller Creek Sanitary Sewer District. Mr. Schrader, Assistant County Attorney, has advised that the inclusion of the Spencer's property into the district is legally acceptable. It has also been determined that taking Silver Woods out of the proposed boundaries would isolate lots in the lands of Raymond Banks subdivision from the remainder of the district; therefore, the property will be included in the proposed district. It is the opinion of the Sussex County Engineering Department that the general consensus of those in attendance at the Public Hearing was in support of a central wastewater system for the area. Few concerns were expressed about costs, and there were no objections to moving forward with the proposal, as presented.

M 513 01 Adopt R 024 01/ Miller Creek Sanitary Sewer District Boundaries A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Resolution No. R 024 01 entitled "DISTRICT BOUNDARIES FOR THE PROPOSED MILLER CREEK SANITARY SEWER DISTRICT".

Motion Adopted: 5 Yea.

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

M 514 01 Set Referendum Date/ Miller Creek Sanitary Sewer District A Motion was made by Mr. Jones, seconded by Mr. Rogers, that the referendum on the question of establishing the Miller Creek Sanitary Sewer District shall be held on Saturday, December 8, 2001, between the hours of 8:00 a.m. and 2:00 p.m., at the Lord Baltimore School, Route 26, Ocean View, Delaware.

Motion Adopted: 5 Yea.

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

SCRWF/
Consultant
Selection

Mr. Archut, Assistant County Engineer, advised that a Consultant Selection Team conducted interviews and reviewed proposals for Consulting Services for the South Coastal Regional Wastewater Facilities. The top three ranking firms were 1) Stearns & Wheler, LLC., 2) Whitman, Requardt and Associates, and 3) George Miles and Buhr. Mr. Archut advised that initially there were eight proposals received, of which the Consultant Selection Team narrowed the proposals down to five firms. The five firms were interviewed and three firms were selected and ranked, as previously listed.

M 515 01
Select
Consultant/
SCRWF

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Consultant Selection Team that Stearns & Wheler, LLC be selected to provide consulting services for the South Coastal Regional Wastewater Facilities, effective this date through December 31, 2008, subject to the approval of the County Administrator and the Finance Director.

Motion Adopted: 5 Yea.

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

Sea Country
Estates
SSD

Mr. Archut, Assistant County Engineer, reviewed a Proposed Resolution declaring the Sea Country Estates Sanitary Sewer District. He advised that a referendum was held which passed with a vote of 38 in favor and 4 opposed.

M 516 01
Adopt
R 025 01/
Sea Country
Estates
SSD

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 025 01 entitled "SEA COUNTRY ESTATES SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE DELAWARE CODE".

Motion Adopted: 5 Yea.

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

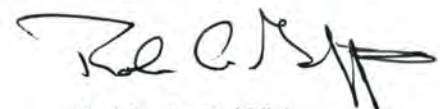
Grant
Requests

It was the consensus of Council that "Grant Requests" be deferred and placed on the September 18, 2001 Agenda.

M 517 01
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 12:18 p.m.
Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council