

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 26, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 26, 1999, 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
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 592 99 A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend the
Approve Agenda to include "1A. Proclamation Honoring the Laurel Volunteer Fire
Agenda Company" and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 593 99 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve the
Approve minutes of the meeting dated October 12, 1999.
Minutes

Motion Adopted: 5 Yea.

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

M 594 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the
Approve minutes of the previous meeting dated October 19, 1999.
Minutes

Motion Adopted: 5 Yea.

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

Correspondence

Mr. Bayard, County Attorney, read the following correspondence:

AIR QUALITY MANAGEMENT, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.
RE: Legal Notice regarding Air Quality Management Section.

EVA MAE SMITH, GREENWOOD, DELAWARE.

RE: Letter in appreciation of repairs made to her home that was made possible by the County's CDBG Program.

GEORGE H. BUNTING, JR., SENATOR, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter clarifying a comment made with regard to the recent borrow pit application considered by Council.

Sussex Conservation District Funding

Mr. Buehl, District Coordinator of the Sussex Conservation District, was in attendance to accept a grant from Council in the amount of \$79,665.00. These funds will be used by the District to pay or assist in paying all costs including personnel required for the planning, construction, maintenance and installation of tax ditches, public group ditches, highway ditches and resource conservation projects. Mr. Buehl discussed the significance of the drainage program and expressed his appreciation for Council's support of the program. Mr. Stickels reported that, from January, 1988 to date, the County Council has made \$1,360,710 in funding available to the Sussex Conservation District.

M 595 99 Adopt Proclamation

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, OCTOBER 26, 1999, AS A DAY TO HONOR THE LAUREL VOLUNTEER FIRE COMPANY".

Motion Adopted: 5 Yea.

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

Computer Aided Dispatch System

Mr. Stickels discussed the bids that were opened on September 10, 1999 on the Computer Aided Dispatch (CAD) System. Out of sixteen bid packets mailed, the following four vendors responded: Intergraph Public Safety of Huntsville, Alabama; Vision Software, Inc. of Castle Hayne, North Carolina; Logistic Systems, Inc. of Missoula, Montana; and Printrak International, Inc., of Boulder, Colorado. Mr. Stickels reported the following results:

Intergraph Public Safety

They were unable to submit a proposal and therefore, they were not considered.

Computer
Aided
Dispatch
System
(continued)

Vision Software, Inc.

Proposal was informational only and no price was submitted. The Proposal did not meet the requirements in the Request for Proposal; therefore, the Proposal was not considered.

Logistic Systems, Inc.

The Proposal was evaluated and it was determined that the Proposal did not meet all the requirements in the Request for Proposal therefore, the Proposal was rejected.

Printrak International, Inc.

The Proposal was evaluated and found to meet all the requirements in the Request for Proposal; however, the Proposal exceeds the allocated funds budgeted for the project.

Based on this information, Mr. Stickels recommended that Council reject all of the bids and authorize the re-advertisement of the Request for Proposal.

M 596 99
Reject Bids/
Computer
Aided
Dispatch
System

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to reject all of the bids received for the Computer Aided Dispatch System, and to authorize the re-advertisement of the Request for Proposal.

Motion Adopted: 5 Yea.

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

State of
Delaware
Policies and
Spending
Procedures
Relating
to Land
Use
Activities

Mr. Stickels presented to Council for discussion and consideration, proposed amendments to the State's policies and spending procedures relating to land use activities. These proposals would offer a compromise between the State and County land use plan.

Mr. Stickels noted that, as a result of the controversial State land use plan, State Representatives Clifford "Biff" Lee and J. Benjamin Ewing have stated that they are willing to introduce legislation to give County officials a louder voice in the process. The legislation calls for the following three items:

- State, County, and local governments should cooperatively inventory what infrastructure improvements are currently needed.
- Amend the State's infrastructure investment strategy (investment maps) so that it coincides with the areas the County has targeted for development (development districts).

State of
Delaware
Policies and
Spending
Procedures
Relating
to Land
Use
Activities
(continued)

- Establish an appeals board for exceptions to the agreed upon growth plans.

Mr. Stickels discussed the proposed amendment involving the creation of an appeal process that provides a mechanism for obtaining a waiver for projects that fall outside of the State's investment areas. Mr. Stickels offered two suggestions: (1) to support legislation to use the existing Advisory Panel on Intergovernmental Planning and Coordination for the appeal process or (2) to support legislation to create a Board of Appeals with equal representation by local, County and State government. Mr. Stickels noted that it would be easier to get legislation passed that would give additional responsibility to the existing Advisory Panel than to pursue legislation for a new advisory panel. Concern was expressed over the amount of authority that would be delegated to a non-elected committee. Concern was also expressed by several Councilmembers that the appeals board should be equally balanced among Delaware's three counties.

M 597 99
Pursue
Legislation/
Existing
Advisory
Panel

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to authorize Mr. Stickels to pursue legislation giving the Advisory Panel on Intergovernmental Planning and Coordination the additional responsibility to hear appeals regarding State policies and spending procedures relating to land use activities.

Motion Adopted: 3 Yea, 2 Nay.

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

Mr. Stickels discussed the proposed amendment to recognize Georgetown and Seaford as employment centers. Mr. Stickels pointed out that the current State land use map does not indicate any employment centers in Sussex County, a situation that could adversely affect (1) attracting businesses to the County and (2) the County's bond rating.

Mr. Stickels pointed out that the State land use map does not include all of the development district delineated on the County land use map. In regards to the inland bay area, the County's land use map includes some of the area in a development district. This area is not included as a development district on the State's map. Mr. Stickels noted that State funding would not be awarded for projects outside of the development district. Mr. Stickels proposed that the inland bay area could be recognized as an environmental investment area. Environmental investment areas would receive State financial support for costs associated with protecting the environment, such as water, sewer, or drainage.

Mr. Stickels distributed maps that (1) propose secondary development areas in areas that were removed from the development districts by the State and (2) shows the proposed environmental investment area.

State of Delaware Policies and Spending Procedures Relating to Land Use Activities (continued)

It was the consensus of Council that Mr. Stickels meet with the towns to review the draft map and to get their input on the proposed changes compared to the 1997 Land Use Map. Mr. Stickels advised that three public workshops will be held as well as public hearings before the Planning & Zoning Commission and the County Council.

Mr. Hugg, State Planning Coordinator, advised Council that the time period for public comment on the State's land use plan has been extended until November 27, 1999.

Mr. Stickels announced that the Cabinet Committee on State Planning Issues will be meeting with the Sussex County Association of Towns. The meeting, which will be held to discuss strategies for State policies and spending procedures relating to land use activities, is scheduled for November 4, 1999, at 1:00 p.m. in the Millsboro Civic Center. The meeting will be open to the public.

Administrator's Report

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

1. Single-Family Building Code Inspections

I thought Council may be interested in knowing that since September 1993, First State Inspection Agency, Inc., has performed 45,252 single-family inspections.

September 1993 – 1994	1,896
September 1994 – 1995	7,804
September 1995 – 1996	7,266
September 1996 – 1997	8,270
September 1997 – 1998	9,322
September 1998 – 1999	10,694

I would like to compliment First State Inspection Agency and the County's Building Code Department for the cooperation that has enabled us to perform this service. Ideally, we would like to conduct business without complications. However, considering the volume of inspections, the percentage of complaints seems to be minimal.

2. Sussex County Volunteer Firemen's Association Monthly Meeting

Selbyville Fire Company will host the monthly Sussex County Volunteer Firemen's Association meeting on Tuesday, October 26, 1999. During that meeting, the County Council will distribute checks in the amount of \$489,857.61. This funding is part of the County Council's commitment in FY 2000 to provide \$1.7 million to the fire and ambulance companies in Sussex County.

Adminis-
trator's
Report
(continued)

3. Sussex County Status Report, Third Quarter – Delaware State Police

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	12,652.75	12,770.5	17,515
Hours Assisted Other Agencies	143.5	86	90.5
Total Traffic Arrests	3,829	4,267	3,971
Total DUI's	124	131	181
Accident Reports:			
Personal Damage	164	202	427
Personal Injury	<u>59</u>	<u>88</u>	<u>156</u>
Total Accidents Reports	223	290	583
Criminal Arrests: Felony	98	106	194
Misdemeanor	<u>295</u>	<u>314</u>	<u>788</u>
Total Criminal Arrests	395	420	982
Total 10-29 P's (wanted persons)	94	210	180
Total Number of Complaints	2,086	3,597	5,118

4. Cabinet Committee on State Planning Issues

The Cabinet Committee on State Planning Issues will be meeting with members of the Sussex County Association of Towns to discuss strategies for State policies and spending on Thursday, November 4, 1999, at 1:00 p.m. at the Millsboro Civic Center, 322 Wilson Highway, Millsboro, Delaware. Cabinet Committee meetings are open to the general public.

5. Lucas Development "Make A Difference Day"

On Friday, October 22, 1999, Sussex County employees assisted with the clean up of Lucas Development. County employees were assisted by representatives of the Department of Natural Resources, First State Community Action, Delaware State Police, Delaware Department of Transportation, and the SPCA. Approximately 51 tons of trash was removed from the development. The cost of the dumpsters and the tipping fees were paid through the County's Rodent Control Fund and the Department of Natural Resources and Environmental Control. Two roads were reconditioned with the assistance of crusher run material donated by David G. Horsey & Sons, Inc.; Teal Construction, Inc.; Hopkins Construction, Inc.; Clean Delaware, Inc.; and A.P. Croll & Son. Fitzgerald Salvage assisted in removing 15 unregistered vehicles from the site.

I would like to publicly thank all of those who participated in the cleanup. I believe those living in the area feel that it really made a difference.

Lucas Development Teri Cooke of First State Community Action Agency expressed her appreciation to the County for participating in the cleanup of Lucas Development.

Industrial Park Lease Mr. Masten, Director of Economic Development, discussed a Proposed Lease with William Briedis, t/a California Closets, to build a new facility on a parcel of land known as Lot 20-B at the Industrial Park consisting of 1.64± acres. The term of the lease will be for 30 years; rent will be \$700 per acre for the first five years with the rent amount escalating every five years.

M 598 99 Authorize Lease Agreement/ William Briedis/ Industrial Park A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that the Sussex County Council authorizes a Lease Agreement with William Briedis, t/a California Closets, for a parcel of land known as Lot 20-B at the Industrial Park consisting of 1.64± acres for a term of thirty years.

Motion Adopted: 4 Yea, 1 Absent.

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

Emergency Generator Project/ Bid Results Mr. Thomas, Director of Emergency Operations, advised that currently the County has two tower sites that are used for emergency radio systems that do not have emergency generator capabilities. On September 22, 1999, a bid opening was held on the Emergency Generator Project; a Project that will provide for the purchase of two generators.

Mr. Thomas reported on the bids received, as follows:

B & D Electric Lewes, Delaware	\$47,600.00
H & A Electric Dover, Delaware	\$37,712.00

The amount budgeted for this project was \$83,000.

Mr. Thomas noted that because of the Y2K issue, there will be a delay in receiving the generators; however, this will not create a problem for the County.

M 599 99 Award Bid/ Emergency Generator Project A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to award the bid for the Emergency Generator Project to the low bidder, H & A Electric, for the amount of \$37,712.00.

Motion Adopted: 5 Yea.

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

Consultant
Selection/
Proposed
Oak
Orchard
SSD

Mr. Archut, Assistant County Engineer, presented for Council's consideration the Consultant Selection Team's recommendation for a consultant for the Proposed Oak Orchard Sanitary Sewer District. The County went through the selection process that is dictated by State law. The Selection Team reviewed the seven firms that responded to the advertisement and short-listed it to four firms. The four firms were interviewed and ranked, with Cabe Associates receiving the highest score.

M 600 99
Approve
Consultant
Selection/
Proposed
Oak
Orchard
SSD

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based on the recommendation of the Consultant Selection Team, that the Sussex County Council approves the selection of Cabe Associates, Inc. to provide Engineering Services for the Proposed Oak Orchard Sanitary Sewer District and Planning Area.

Motion Adopted: 5 Yea.

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

Mr. Archut advised that cost estimates and proposed user charges will be developed over the next month. On December 4, 1999, a Public Hearing will be held and on December 11, 1999, a referendum will be held.

Bid
Results/
New
Vehicle

Mr. McCabe, Director of Public Works, reviewed bids for a S-10 pick-up truck, as follows:

Hertrich Fleet Services	\$17,842.00
Townsend Brothers Chevrolet	\$18,397.00
First State Chevrolet	\$18,888.26
I.G. Burton Chevrolet	\$18,957.00

The new vehicle will replace a 1989 GMC Jimmy currently being used by the Public Works Department.

M 601 99
Award
Bid/
New
Vehicle

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based on the recommendation of the Sussex County Engineering Department, that the apparent low bid from Hertrich Fleet Services be approved in the amount of \$17,842.00.

Motion Adopted: 5 Yea.

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

Emergency
Power
Generators
Project/
C/O

Mr. Marvel, Maintenance Division Manager, discussed a Change Order to the Project entitled "Emergency Power Generators for Station 74, 81 and Dewey Beach Portable Generator". Mr. Marvel advised that the delivery date of the generators exceeds the completion time required by the contract. For this reason, the contractor, John W. Tieder, Inc., has requested a 45-day extension to the contract.

M 602 99
Approve
Change
Order/
Emergency
Power
Generators
Project

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 99-08 entitled "Emergency Power Generators For Station 74, 81 and Dewey Beach Portable Generator" be amended by Change Order No. 1 hereby adding 45 calendar days to the contract time.

Motion Adopted: 5 Yea.

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

M 603 99
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$100.00 from Mr. Phillips' Councilmanic Account to the Millsboro Hut, Inc. to support Scouting programs in Millsboro.

Motion Adopted: 5 Yea.

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

M 604 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$300.00 from Mr. Cole's Councilmanic Account to Interfaith Mission Inc. of Sussex County to provide funding for Make A Difference Day.

Motion Adopted: 5 Yea.

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

M 605 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$100.00 from Mr. Jones' Councilmanic Account to the Abundant Life Church for Laurie Adkins' attendance at a Christian ministry school through YWAM (Youth With A Mission).

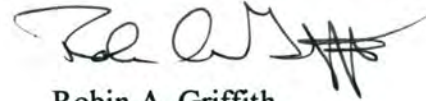
Motion Adopted: 5 Yea.

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

M 606 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 11:43 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council