

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 2, 2003

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, December 2, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**M 645 03
Amend
and
Approve
Agenda**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to amend the Agenda by striking the following:

Derek Sapp, Project Engineer

1. Sussex County Airport Terminal Apron Expansion

A. Change Order No. 4

;and, to approve the Agenda, as amended.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 646 03
Approve
Minutes**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to approve the minutes of November 18, 2003, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

RICHARD DONOVAN, LANSDALE, PENNSYLVANIA

RE: Letter complimenting three County employees: Crystal Adams, Steve McCabe, and Richard Johnson, Jr.

**M 647 03
Adopt
Tribute**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Tribute commending Irvin Aydelotte for his many years of community service and for his leadership in toy-making with the Mason-Dixon Woodworkers for under-privileged children on the Delmarva Peninsula.

Motion Adopted: 4 Yea, 1 Absent.

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

**Draft
Ordinance/
Register
of Wills/
Fees**

Mr. Stickels presented a draft ordinance entitled "AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY". Mr. Stickels noted that the draft ordinance, if adopted, will update the fees charged by the Register of Wills and will make Sussex County's fees consistent with those of New Castle County and Kent County. Mr. Stickels noted that he will have a comparison of the old fees and the new fees at the Public Hearing.

**Introduce
Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY". The Proposed Ordinance will be scheduled for Public Hearing on January 6, 2004 at 10:45 a.m.

**Gumboro
Tower
Site
Founda-
tion
Project**

Mr. Thomas, Director, Emergency Operations Center, reported that, as announced at the November 18th County Council meeting, bids were received for Sussex County Project No. EOC-03-01, Tower Foundation Installation, Gumboro Tower Site. Two bids were received:

Hopkins Construction, Inc. Bridgeville, DE	\$78,200
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Greensburg Environmental Contracting System, Inc. Greensburg, PA	\$68,246
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Mr. Thomas stated that the bids were reviewed by the Emergency Operations Center and the County Attorney and the recommendation is to accept the low bid in the amount of \$68,246.00.

Mr. Thomas noted that this project is strictly for the concrete foundation for the tower.

**M 648 03
Award
Bid/
Gumboro
Tower
Site**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to accept the low bid submitted by Greensburg Environmental Contracting Systems, Inc. for the Gumboro Tower Site Foundation Project in the amount of \$68,246.00.

Motion Adopted: 5 Yea.

M 648 03
(continued)

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

Adminis-
trator's
Report

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

1. 21st Caroling on The Circle

The Sussex County Council will once again be hosting Caroling on The Circle on Monday, December 8, 2003. Festivities will start at 6:30 p.m. and caroling should end approximately 8:00 p.m. Following Caroling on The Circle, the Sussex County Volunteer Firemen's Association Women's Auxiliary will be offering cocoa and cookies. Children will also have a chance to talk to Santa Claus.

Caroling on The Circle is the County Council's largest food drive of the year. Donations may be left at the County Administrative Building or brought the evening of the caroling. Anyone needing assistance in moving food items should call 855-7840.

Also included with this report is a list of festivities and parades that have been scheduled throughout the County.

Bid
Reports

Mr. Shade, Supervisor of Purchasing, and Mr. Luedtke, Director of EMS, reported on five bids to purchase, rechassis, and refurbish paramedic vehicles.

M 649 03
Award
Bid for
Chevrolet
Chassis

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council accepts the bid of Willis Chevrolet in the amount of \$30,568.00 for the purchase of a Chevrolet Chassis for use as a Paramedic Response Unit.

Motion Adopted: 4 Yea, 1 Absent.

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

M 650 03
Award
Bid/
Chevrolet
Suburban

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council accepts the bid of Willis Chevrolet in the amount of \$31,317.00 per unit for the purchase of one (1) Chevrolet Suburban for use in the Paramedic Department.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 651 03
Award
Bid/
Chevrolet
CK-2500
4x4**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council accepts the bid of Willis Chevrolet in the amount of \$30,564.00 per unit for the purchase of one (1) Chevrolet CK-2500 4x4 as specified for use in the Paramedic Department.

Motion Adopted: 4 Yea, 1 Absent

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

**M 652 03
Award
Bid/
Suburban
Paramedic
Unit
Conversion**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council accepts the bid of J&J Emergency Vehicles in the amount of \$20,995.00 per unit for one (1) Suburban Paramedic Unit conversion.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 653 03
Award
Bid/
Rechassis
of Para-
medic
Response
Unit**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council accepts the bid of J&J Emergency Vehicles in the amount of \$32,620.00 rechassis of one (1) Paramedic Response Unit.

Motion Adopted: 4 Yea, 1 Absent.

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

**Paramedic
Student
Proposal**

Mr. Luedtke, Director of EMS, presented a Paramedic Student Proposal which is being proposed to increase the number of paramedics available to address normal attrition and planned growth within the County's service while increasing job opportunities for Sussex County residents. Beginning in March 2004, Sussex County EMS proposes to employ three individuals per year in the position of Paramedic Student. Students will receive a salary, benefits, uniforms, and supplies. Sussex County will also provide tuition and fees for these students. These costs will be shared by the Delaware Office of EMS on a 60/40 basis. In turn, each student will agree to serve a minimum of three years as a paramedic with Sussex County EMS, or will be required to reimburse the County for its portion of tuition and fees.

Applications will be taken from the public and students will be selected following an interview process that includes written, practical, and oral testing. They will also have to be Nationally Registered MET-Basics and meet the Delaware Technical and Community College criteria for entrance into the paralegal program.

**Proposal
(continued)**

Mr. Luedtke reported that the cost of the proposal in Fiscal Year 2005 will be \$142,995.00, 40 percent of which will be reimbursed by the State. This amount will be included in the FY '05 budget proposal. Any expenditure needed in the current fiscal year for this project will be absorbed within the current EMS budget.

**M 654 03
Support
Paramedic
Student
Proposal**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council supports the Paramedic Student Proposal.

Motion Adopted: 4 Yea, 1 Absent.

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

**Oak
Orchard
SSD/
Change
Order**

Mr. Izzo, County Engineer, discussed Change Order No. 1 to Contract 99-16A, Oak Orchard Sanitary Sewer District. Contract A was for the construction (by Hopkins Construction) of the force main from the sewer district out to the treatment plant. Mr. Izzo stated that he has a proposed balancing change order in the credit amount of \$61,562.02.

**M 655 03
Approve
Change
Order
No. 1/
Oak
Orchard
SSD**

A Motion was made by Mr. Cole, seconded by Mr. Jones, that based upon the recommendation of the Engineering Consultants, Cabe Associates, Inc., for Sussex County Project 99-19A, Oak Orchard Sanitary Sewer District, with Hopkins Construction Inc., that the Sussex County Council approves Change Order No. 1, a balancing change order, in the credit amount of \$61,562.02, which decreases the contract total to \$796,405.98.

Motion Adopted: 4 Yea, 1 Absent.

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

**Engineering
Services
Agreement/
Plan
Review**

Mr. Izzo presented a proposed Engineering Service Agreement with Cabe Associates, Inc. and a proposal for to establish a new fee schedule for plan reviews. Currently, plan reviews are performed by the Engineering Chapter under Chapter 99 for road construction and drainage in new subdivisions and residential planned communities. In addition, plan reviews are currently performed by the Engineering Department for sewer and water plans under Chapter 110, also known as Ordinance No. 38.

Mr. Izzo introduced two principals from the firm of Cabe Associates, Inc.

Mr. Izzo stated that the proposal is to look into subbing out some of the plan reviews that are currently being done in-house. He noted that due to a staff shortage and the volume of applications being received, the Engineering Department is having trouble keeping up with the workload.

**Engineering
Services
Agreement/
Plan
Review
(continued)**

Mr. Izzo reported that proposals were solicited from Whitman, Requardt & Associates and Cabe Associates. He noted that the fees included in the proposal received from Whitman, Requardt & Associates were too high. Mr. Izzo distributed proposed fee schedules from Cabe Associates for subdivision plan reviews and sewer and water plan reviews.

It was noted that the County would still perform field inspections.

Councilmembers expressed concern that the proposed fee structure reflects substantial increases compared to the fees currently charged by the County. Mr. Dukes commented that he would like to receive some feedback on the proposed fee structure from developers and that he would like to defer action for several weeks.

Mr. Izzo stated that he believes there is a public benefit to charge the higher fee and to be able to provide a faster turn-around time.

Mr. Izzo stated that the purpose of the discussion today was to establish the concept of subbing out this work before the County actually enters into an agreement with Cabe Associates. He noted that, unless Council disagrees, he would continue to negotiate a contract with Cabe Associates for a possible implementation date sometime in January.

Mr. Stickels stated that he would work with Mr. Izzo and Mr. Green on sending proposed fee schedules to developers to obtain feedback.

**M 656 03
Defer
Action on
Proposed
Engineering
Services
Agreement**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to defer action on the Proposed Engineering Services Agreement relating to Plan Reviews until the December 16th or December 30th Council meeting.

Motion Adopted: 4 Yea, 1 Absent.

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

**SCRWF
Effluent
Filter
and Pump
Station
100
Project/
Contract
Amendment**

Mr. Archut, Assistant County Engineer, discussed Contract Amendment No. 2 to Modification No. 4 to an Agreement with George, Miles and Buhr for the South Coastal Regional Wastewater Facility, Effluent Filter and Pump Station 100 Project. Mr. Archut advised that this is a proposed amendment to an Agreement with George, Miles & Buhr for Design, Contract Administration and Construction Administration work. Mr. Archut noted that both of these projects were completed in 2002 and during that time, the County has questioned invoices that exceeded the contract and the County has been in negotiations with George, Miles & Buhr. Mr. Archut reported that there were some changes in the scope of work on the filter and the pump station. The first increase they asked for was in the amount of \$42,000.00. Following the County's review of this increase, it was concluded that \$9,500.00 of that amount was unjustified. George, Miles

**SCRWF
Effluent
Filter
and Pump
Station
100
Project/
Contract
Amendment
(continued)**

& Buhr has finally agreed to this, thereby reducing the amount down to \$32,400.00. In addition, there was a small credit on one part of the contract in the amount of \$126.00. Lastly, both of the contracts went over on time because the contractors did not finish on time and in terms of liquidated damages, the County assessed this back on the contractors in the amount of \$1,260.00.

Mr. Archut requested Council's permission to increase the contract in the amount of \$32,460.04. Of this amount, only \$19,876.95 is to be covered by the County.

**M 657 03
Authorize
Contract
Amend-
ment/
SCRWF**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to authorize the Sussex County Council President to execute Contract Amendment No. 2 to Modification No. 4 to an Agreement with George, Miles and Buhr for increased upset limits in the amount of \$32,460.04, which will close out the contract, subject to the approval of Rural Development USDA.

Motion Adopted: 4 Yea, 1 Absent.

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

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed the construction of wastewater facilities.

**M 658 03
Approve
Agreements/
Cedar
Neck
Expansion**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 300, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and PMS Properties, LLC, for wastewater facilities to be constructed in Cedar Neck South, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 659 03
Approve
Agreements/
Henlopen
Landing,
Phase II**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 273-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bridle Ridge Properties, LLC, for wastewater facilities to be constructed in Henlopen Landing – Phase II, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 659 03
(continued)

Motion Adopted: 4 Yea, 1 Absent.

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

M 660 03
Approve
Agreements/
Long
Neck
Shores

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 296, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dyer, McCrear Ventures, LLC for wastewater facilities to be constructed in Long Neck Shores, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

M 661 03
Approve
Agreements/
Indian
River
High
School

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 279, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement, between Sussex County Council and Indian River High School District, for wastewater facilities to be constructed in Indian River High School, located in the Dagsboro/Frankford Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

M 662 03
Approve
Agreements/
South
Inlet
Mobile
Home
Park

A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 208, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Joseph H. Simpson, for wastewater facilities to be constructed in South Inlet Mobile Home Park, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

**M 663 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00, \$100.00 from each Councilmanic Account, to the University of Delaware Sea Grant Marine Advisory Service for workshop expenses.

Motion Adopted: 4 Yea, 1 Absent.

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

**Proposed
Ordinance**

Mr. Rogers introduced 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 68.19 ACRES, MORE OR LESS" (Change of Zone No. 1546) filed on behalf of Tim Wentling. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 26.76 ACRES, MORE OR LESS (Change of Zone No. 1546) filed on behalf of 3 Seasons, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 19,500 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1547) filed on behalf of Robert G. Sando, Jr. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMPUTER REPAIR AND SALES OF COMPUTERS AND PARTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 19,500 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1548) filed on behalf of Robert G. Sando, Jr. The Proposed Ordinance will be advertised for Public Hearing.

M 664 03 **At 11:25 a.m., a Motion was made by Mr. Cole, seconded by Mr. Dukes, to**
Recess **recess until 1:30 p.m. Motion Adopted by Voice Vote.**

Luncheon **County Council members attended the Mildred King Luncheon at the**
 CHEER Center in Georgetown.

Reconvene **Mr. Rogers called Council back into session at 1:54 p.m.**

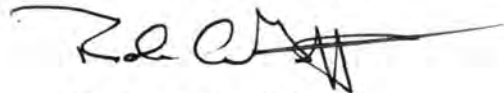
Workshop/ **Mr. Joseph Farrell of the University of Delaware and representatives of**
NEMO **DNREC, the Office of State Planning Coordination, and the Center for the**
 Inland Bays were in attendance to participate in a workshop with the
 County Council on NEMO (Nonpoint Education for Municipal Officials).

NEMO network programs are multi-agency coalitions that draw upon the expertise and resources of partner agencies and organizations within their states. One agency is needed to lead and organize the effort, often a role filled by University Cooperative Extension or Sea Grant Extension programs.

The intent of NEMO is to educate local land use decision makers about the links between land use and natural resource protection and to form a collaborative unit among those groups that are doing watershed and natural resource protection work.

M 665 03 **A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at**
Adjourn **3:20 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,



Robin A. Griffith
Clerk of the Council