

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 12, 2000

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, December 12, 2000, 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
Vance Phillips	Member
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 603 00            A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve  
Approve            the Agenda, as distributed.  
Agenda

Motion Adopted: 5 Yea.

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

M 604 00            A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve  
Approve            the minutes of the December 5, 2000, meeting, as distributed.  
Minutes

Motion Adopted: 5 Yea.

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

Corre-                Mr. Bayard read the following correspondence:  
spondence

SUSSEX FAMILY YMCA, BOARD OF DIRECTORS, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

LA ESPERANZA, INC., GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Correspondence  
(continued)

AIR QUALITY MANAGEMENT, DIVISION OF AIR & WASTE  
MANAGEMENT, DOVER, DELAWARE.  
RE: Legal Notices.

Administrator's  
Report

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

1. PATS, Inc.

Included with this report is an article that appeared in the Boeing News publication. The article talks about the success of the PATS, Inc., auxiliary fuel system and its installation at the Georgetown Airport. The article stated that a Boeing Business Jet equipped with a PATS nine-tank fuel system completed the longest-ever 737 non-stop flight around the perimeter of the 48 contiguous United States. The airplane flew for 13 hours 15 minutes 42 seconds and traveled 6,252.5 nautical miles.

2. Carolling on The Circle

On Monday, December 4, 2000, the Carolling on The Circle program was successful in raising over 24,000 items of food. This food will be distributed among the food pantries throughout Sussex County. The Sussex County Mobile Home Tenants Association raised 16,000 items, the Sussex Correctional Institution donated 2,000 items, and Georgetown Elementary School donated 1,224 items. Those groups will be recognized at the Council meeting on Tuesday, January 2, 2001.

I would like to publicly thank Rachel Pfanner for being the Master of Ceremonies. Additionally, I would like to thank Ann Maloney, Shelly Hudson, Matt Barnes, Billy West, Larry Lynch, Ed Shockley, Cindy Erskine, and Kevin Short for putting together an excellent musical presentation.

Committee members who have given unselfishly of their time to assure that we are able to outreach to those who are in need in Sussex County include Bob Betts, Margaret Bradley, Rosio Florez, Robin Griffith, Gonzalo Martinez, Dale McDowell, Diana Pettyjohn, Susan Smart, and Ray Webb.

3. Delaware Department of Transportation – Long-Range Transportation Plan Update

The Public Advisory Committee for the Long-Range Transportation Plan Update for Sussex County will meet on Wednesday, December 13, 2000, from 6:00 to 8:00 p.m. at the County's West Complex located on North DuPont Highway, Georgetown, Delaware.

Report  
(continued)

Population and employment projections, draft maps, and graphs will be the focus of the meeting. All Public Advisory Committee meetings are open to the media, as well as the general public.

Oak  
Orchard  
Sanitary  
Sewer  
District  
Funding  
Status

Mr. Baker updated Council on the funding status for the Oak Orchard Sanitary Sewer District. The projected annual sewer cost one year ago was \$726.00 annually, without any grant funding. Since then, the County has received a commitment from the Department of Natural Resources and Environmental Control (DNREC) for loans and grants that reduce the cost to \$595.50 annually.

Mr. Baker noted that the County's goal (as with all districts) is to obtain grants and low-interest loans to reduce user costs. To date, the County has requested a State low-interest loan and grant. The County is anticipating that the Wastewater Advisory Council for the State of Delaware will act on the request in January 2001 and make a recommendation that will enable the County to reduce the user costs further. Mr. Baker reported that funds which have already been approved for the project are the HUD Disaster Recovery Initiative Grant in the amount of \$963,027 and an additional \$100,000 from the County Realty Transfer Tax Grant.

Mr. Baker discussed a Rural Development loan and grant option. He stated that, in discussions with Rural Development, they have indicated to the County that they would be interested in helping fund the project. For this reason, Mr. Baker requested Council's approval to make application for funding from Rural Development.

M 605 00  
Authorize  
Application  
for Funding  
from  
RDA for  
the Oak  
Orchard  
Sanitary  
Sewer  
District

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes the County Engineering Department and the County Finance Department to apply for grant and loan funding from the Rural Development Agency for the Oak Orchard Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Ocean  
View  
Sanitary  
Sewer  
District  
Construction  
Contract

Mr. Izzo, County Engineer, discussed the status of the contract for the construction of the Ocean View Sanitary Sewer Project. Mr. Izzo explained that L. A. Merrell is the current contractor for the project and that the original contract amount was in the amount of \$7,093,276.28. Currently, the County has requisitions for work that has been completed through September 30, 2000 in the amount of \$2,361,885.04; the County has held back \$127,322.89 in retainage. L.A. Merrell has stored materials which the County has paid for in the amount of \$184,572.80.

Ocean  
View  
Sanitary  
Sewer  
District  
(continued)

Total payments made to date equal \$2,419,134.96. There is approximately \$230,000 in outstanding payments to be made to L. A. Merrell; these will be the County's final payments to this contractor. The remaining contract funds under the current contract with L. A. Merrell total \$4,674,141.32.

Mr. Izzo pointed out that a substantial amount of the work under the current contract remains to be completed. The original contract called for the project to be completed in 420 days, or January 8, 2001. Mr. Izzo reported that work on the project has not been completed in a timely manner due to problems the contractor experienced (initiating work on the Route 26 corridor, the restoration process and maintaining access to commercial properties).

On June 1, 2000, the owner of L. A. Merrell contacted Mr. Izzo and advised that he was shutting down the project. The bonding company, Fireman's Fund Insurance, was immediately notified. Later in June, L. A. Merrell returned to the job; however, significant progress was not made and around Labor Day, the Fireman's Fund Insurance Company decided to take the project over. L. A. Merrell was permitted to continue working on the project while a new contractor was found.

The bonding company submitted a Tender Agreement to the County on November 16, 2000, to reassign the finishing work to a finishing contractor. However, when the bids came in, the only bidders were Bearing Construction (formerly, L. A. Merrell) and two firms from New Jersey.

Due to the fact that the County had no experience with the two firms from New Jersey, the Sussex County Engineering Department and the consultant, Whitman, Requardt & Associates, recommend that the contract be awarded to Bearing Construction as the primary contractor and Teal Construction as a subcontractor to finish the project. (It was noted that Teal Construction was not interested in being the primary contractor.)

M 606 00  
Execute  
Tender  
Agreement  
(Ocean  
View  
Sanitary  
Sewer  
District  
Construction  
Contract)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to authorize the President of the Sussex County Council to execute a Tender Agreement with the Fireman's Fund Insurance Company and Bearing Construction to arrange for the completion of Sussex County Contract No. 99-09 entitled "Ocean View Expansion of the Bethany Beach Sanitary Sewer District Collection & Conveyance" contingent upon the approval of the final documents by the Assistant County Attorney, County Engineer, County Administrator, Finance Director, and the Consultant, Whitman, Requardt & Associates.

Motion Adopted: 5 Yea.

M 606 00  
(continued)

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

Sussex  
County  
Airport  
Terminal  
Building  
Update

Mr. Sapp, Project Engineer, discussed the construction of a terminal building at the Sussex County Airport. The one-story building will consist of 6,150 square feet. Floor plans for the building show a conference room, pilot lounge, restaurant facility, office space, and fixed base operator space. Construction of the building is expected to begin in the next few months; construction of a terminal apron for airplane parking should start during the construction of the terminal building project.

Mr. Sapp reported that 13 companies attended a bid meeting for the construction of the terminal building. The bids will be awarded in January, 2001. Construction will begin in February, 2001 and is estimated to be completed in October, 2001.

Milton  
Library  
Expansion  
Contract  
Amendment

Mr. Hawkes, Director of Utility Engineering, discussed an amendment to a contract with the architectural firm, Weymouth Architects and Planners, for the Milton Library Expansion Project. The amendment, which would cover reimbursable expenses such as travel and insurance, increases the contract amount from \$24,950.00 to \$30,950.00

M 607 00  
Approve  
Contract  
Amendment/  
Milton  
Library  
Expansion

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Amendment No. 1 to the contract with Weymouth Architects and Planners for Sussex County Project No. 00-02 entitled "Design for the Milton Public Library Expansion", thereby increasing the contract amount from \$24,950.00 to \$30,950.00

Motion Adopted: 5 Yea.

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

Waste-  
water  
Facilities

Mr. Tom Baker, Sussex County Engineering Department, reviewed beneficial acceptance agreements to connect wastewater facilities to properties in three developments in Sussex County.

M 608 00  
Grant  
Beneficial  
Acceptance

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Nassau Station, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

M 608 00  
(continued)

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

M 609 00  
Grant  
Beneficial  
Acceptance

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Southampton RPC, Phase II, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 610 00  
Grant  
Beneficial  
Acceptance

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Hunters Run, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 611 00  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$300.00, \$150.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Accounts, to the Indian River Baseball Boosters for the 2001 baseball season.

Motion Adopted: 5 Yea.

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

M 612 00  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Ellendale Civic Improvement Association for their Third Annual Recognition Banquet.

Motion Adopted: 5 Yea.

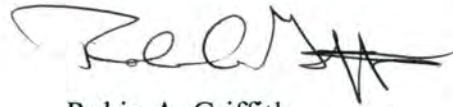
M 612 00  
(continued)

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

M 613 00  
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to adjourn  
at 11:20 a.m.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council