SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 25, 2010

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 25, 2010 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	**President**
Michael H. Vincent	**Vice President**
George B. Cole	**Councilman**
Joan R. Deaver	**Councilwoman**
Samuel R. Wilson	**Councilman**
David Baker	**County Administrator**
Susan M. Webb	**Finance Director**
Hal Godwin	**Deputy Administrator**
J. Everett Moore, Jr.	**County Attorney**

M 283 10 Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to amend the Agenda by deleting "Personnel" from the Executive Session items and to approve the agenda as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea

Minutes

The minutes of May 18, 2010 were approved by consent.

Correspondence

Mr. Moore read the following correspondence:

TOWN OF ELLENDALE
RE: Thanking Council for the recent grant for the town-wide spring cleanup.

TOWN OF SOUTH BETHANY
RE: Letter of appreciation to the Sussex County EMS Department for CPR and AED training for town staff.

MARCY GORMUS

RE: Letter thanking Community Development for the work done on her home.

MILTON THEATRE
RE: Letter of appreciation to Council for $2,500 grant.

Correspondence (Con't)

STATE REP. JOHN ATKINS
RE: Letter stating his opposition to County Code which states that a County pensioner, who subsequently becomes an elected official, must either serve as an elected official without pay or waive the County pension as long as the employee serves in the elected office.

THE AMERICAN LEGION UNIT #28
RE: Letter thanking the Council for its donation for the Poppy program.

Proclamation

Local Sussex County amateur radio organizations were honored by the County Council for the invaluable service they provide to the citizens of our county with the presentation of a Proclamation entitled " PROCLAIMING JUNE 2010 AS A MONTH TO RECOGNIZE DELAWARE'S AMATEUR RADIO OPERATORS".

Representatives of the Sussex County Ham Radio Operators were present to accept the Proclamation.

Planning Session Proposal/ FY 2011

Mr. Baker presented the General Fund and Capital Improvements capital items included in the Fiscal 2011 Capital Budget Proposal. He stated that there is also a five-year plan estimating capital items that will be needed within five years. Mr. Baker reviewed several items included in the Fiscal Year 2011 budget.

- **<u>Software package for Emergency Preparedness</u> – This would provide real time crisis information to our agencies involved in emergency management during a medical emergency event. The purpose of the software would be to link each agency with the information regarding that particular emergency response request. (Estimated cost $133,000).**

- **<u>Supervisor Replacement Vehicles (2)</u> – Two vehicles need to be replaced due to their condition and emergency use. (Estimated cost $120,000)**

- **<u>Airport – Storm Water Improvements</u> – Improvements are needed before the Conservation District approves additional projects at Industrial Park. (Estimated cost $1,500,000)**

- **<u>Extending Main Runway From 5,000 Feet to 5,500 Feet</u> – This project is 95% funded by FAA and 2.5% funded by the state. The cost covers the design and environmental assessment. (Estimated cost $550,000)**

- **<u>Wetland Mitigation Related to Runway Extension</u> – This is required to enable the County to proceed with the runway extension. (Estimated cost $600,000)**

Planning Session Proposal (Con't)

- **<u>Generator for County Administration Building</u> – This would enable computers to continue working during power outages and help protect data, software and hardware. (Estimated cost $400,000)**

- **<u>Replacement Generator at Records Storage Center</u> – This will maintain communications equipment on tower by old EOC building. (Estimated cost $120,000)**

- **<u>New Emergency Communications Building</u> – This is a joint project with the State of Delaware Communications Section. State and County would share use of building, which would be funded 50% by the State and 50% by the County. (Estimated cost $1,307,600)**

- **<u>Solar Energy Project at EOC</u> – This will substantially reduce electricity costs at EOC. (Estimated cost $660,000 funded by federal grant)**

- **<u>New Integrated Software Program</u> – This will increase efficiency and availability of information in Assessment, Planning and Zoning, Accounting, Utility Billing and Treasury Division. (Estimated cost $250,000)**

- **<u>Replacement of Greenwood Library</u> – This will increase the size of the library. State will fund 50%. (Estimated cost $250,000)**

- **<u>Property Acquisitions</u> – Property is needed at Airport for Runway Extension Project or other approved projects. (Estimated cost $1,200,000)**

- **<u>Sewer Planning Studies</u> – If needed. (Estimated cost $75,000)**

Mr. Cole asked if there was a process in place whereby applicants are notified by Planning and Zoning if their zoning or conditional use application is about to expire. Lawrence Lank, Director of Planning and Zoning, was called into the meeting at this time and reported that currently applicants are notified that their applications have expired. He stated that efforts are being made to computerize the notification process and make application status available online. Once the new program is in place, applicants would be notified regarding the current status of their conditional use or change of zone application, such as date of approval, date of expiration, information regarding substantial construction, as well as other information applicable to their respective application.

Waste

Mr. Baker reported that questions have been raised regarding the County's

Water Connect/ Disconnect Permit Requirements Waste Water Connect/ Disconnect Permit Requirements (Con't)

licensing and inspection process for connections and disconnections to the County's sewer system. He stated that currently a County inspector must inspect and approve the work prior to connecting to or disconnecting from the County sewer system. He stated that a plumber licensed by the State and the County would perform the work or oversee the work being done to connect to the County sewer system. Mr. Baker stated that the question being raised is why the County requires a licensed plumber to perform or oversee the work when it must also be approved by a County inspector? He explained that having a licensed plumber perform or oversee the work should minimize problems for the customer, as well as minimize the likelihood of damage to the County's sewer system. The County also requires bonding and liability insurance for the plumber. Mr. Baker stated that changing the plumbing licensing or inspection requirements would necessitate a change to the County Code and an ordinance change.

Mr. Izzo stated that the County requires that a licensed plumber must also obtain a permit from the County. Mr. Izzo noted examples of damages to sewer lines as a result of a disconnect not being done properly done.. In one instance, concrete was pumped into the sewer line and in other situations construction debris worked its way down into the sewer line causing backups. Mr. Izzo stated that by requiring a plumber to obtain a County permit, a technician from the County Engineering Department would oversee the work being done, thus minimizing the occurrence of these problems.

Gary Tonge, Director of Utility Permits, stated that when the plumber is ready to disconnect from a sewer system, he notifies the County of the date and a County technician meets him at the site to observe that it is done properly.

Mr. Cole questioned whether or not the County should change the current ordinance due to one complaint against the County's requirement that a plumber licensed by the State of Delaware must also obtain a license from the County before performing any work in any of the County's sewer districts.

Mr. Phillips stated that it is the consensus of the Council that this matter will be taken under advisement and that any "red tape" issues regarding licensing of plumbers by the County brought to the Council's attention would be addressed.

Administrator's Report

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

1. <u>Sussex County Airport Advisory Committee</u>

Attached is a copy of the agenda for the Sussex County Airport Advisory Committee meeting to be held on May 26, 2010, at the County Emergency Operations Center at 7:00 p.m. The primary agenda item for this meeting is to review the proposed airport

policies, rules, and regulations.

2. <u>Bookmobile Summer Schedule</u>

Administrator's Report (Con't)

Attached is a copy of the summer schedule for the bookmobile, June through August 2010. This schedule reflects assistance to the Georgetown Library that will be closed effective May 29, 2010, until it reopens sometime in July at the new location.

3. <u>Nanticoke Memorial Hospital EMS Advisory Committee</u>

Attached is a copy of a Certificate of Appreciation for the Sussex County EMS Administrative Team received from the Nanticoke Memorial Hospital EMS Advisory Committee. We wish to thank the Sussex County EMS Administrative Team including Bob Stuart, Allen Barnes, Joe Hopple, and Robert Murray, as well as the other staff, for their work that has been duly recognized.

4. <u>Delaware State Police Report</u>

Attached is a report of activity by the Delaware State Police in Sussex County for April 2010. This report shows 470 felony criminal arrests, 4,345 traffic arrests, and 107 DUI arrests that occurred during April.

5. <u>Memorial Day – May 31, 2010</u>

In recognition of the contributions and sacrifices of the men and women who died while in the military service, County offices will be closed on May 31, 2010. The Sussex County Council will not be meeting on June 1, 2010, also in honor of this holiday. The next regularly scheduled meeting of the Sussex County Council will be on June 8, 2010, at 10:00 a.m.

News Article/ National Association of Counties

Mr. Baker reported on an article printed in the May 24, 2010 issue of the National Association of Counties (NACo) news magazine regarding Sussex County lending homes to Habitat for Humanity to use as affordable housing.

Legislative Update

Hal Godwin, Deputy County Administrator, provided the following legislative update:

<u>House Bill No. 333</u> – Allows County to use the J. P. Court for sewer connections.

Status: Passed the House and Senate; Released to Governor for his signature.

<u>House Bill No. 352</u> – Deletes antiquated code provisions requiring

churches/religious organizations to obtain a permit from Sheriff, County Council and Clerk of Peace to conduct camp meetings and outdoor religious meetings.

Status: - Passed the House and Senate; Released to Governor for his signature.

Legislative Update (Con't)

<u>House Bill No. 194</u> – Casino Bill

Status: Remains in House

<u>Senate Bill No. 265</u> – Relieves farmers from nuisance actions

Status: Remains in House Agriculture Committee.

Mr. Godwin stated that certain activities are allowed under Agri-tourism, from which Sussex County is exempted, as the County wanted to have the opportunity to review any kind of amusement activities on a farm prior to permitting it, such as paint balls or a maze. Mr. Godwin expressed concern with the wording *"but not limited to"* in Line 8 of the bill, which could allow activities which the County opposes. Mr. Godwin brought this to the attention of Mr. Edward Kee, Secretary of Agriculture, who was in agreement. Mr. Godwin stated that there may be an amendment to the bill, which will more clearly define agricultural operations allowed on a farm.

Shane Abbott, Assistant Director of Planning and Zoning, stated that certain amusement activities on a farm could be permitted under a Conditional Use.

<u>House Bill No. 30</u> – Relates to school impact fees. Has been amended to be restricted only to Appoquinimink in Middletown School District. There will be a school impact fee of 6% of the construction cost for all new homes. Mr. Godwin stated that the bill was originally state-wide, but was amended two weeks ago to be restricted to Appoquinimink School only.

Mr. Godwin stated that he will continue to watch this bill.

Mr. Godwin also reported that he and County Attorney, Everett Moore, are still currently working on drafting legislation to adjust the County's tax warrant date from April 30th to June 30th, which would make the property tax date correspond with the budget year.

Mr. Godwin stated that he has the drafted legislation that would allow the state to take over the Recorder of Deeds and Register of Wills. He stated that he expects this bill to be introduced soon after the Legislature reconvenes on June 1st.

Rep. David Wilson, who was present at today's meeting, was asked if he had

Legislative Update (Con't)

concerns about any other bills that would affect Sussex County. Rep. Wilson stated that the bill regarding the take-over of the row offices by the State of Delaware will be discussed in a committee meeting on June 3rd and encouraged all Council members to attend this meeting. He stated that it was his understanding that if the state takes over the row offices, it is proposing raising the fees and giving a portion back to the County.

Mr. Baker stated that all three counties are opposed to this bill and that letters from each county will be sent to the Legislature and their respective representatives expressing their opposition.

Aircraft Tiedown Expansion Project

Jim Hickin, Director of Airport and Industrial Park Operations, came before the Council today to request the construction of an additional 18 tiedown spaces at the Sussex County Airport, stating that parking for the smaller, tiedown planes is inadequate. Mr. Hickin stated that there are currently 29 paved tiedown spaces for permanent use; however, one of those is for the Civil Air Patrol, leaving 28 public tiedown spaces. He stated that nine of those are on the taxi lane going to the hangar area, although technically they are not valid parking spaces, leaving 19 spaces for permanent use. He stated that the tiedown spaces in front of the terminal fill up very quickly, especially in the summer or when larger jets come in that take more than one space, thus forcing smaller planes to park elsewhere and other larger planes that come in to park where there are no tiedowns. This then becomes a safety issue when planes are forced to park in areas where they are not expected to be.

Mr. Hickin stated that the project was put out on bid and the lowest bidder was Mumford and Miller for $444,462.50. Mr. Hickin explained the high cost for construction of these tiedown spaces is due to the extensive earth work involved, the use of a special hot mix formula made just for aircraft usage, extra depth of material that must be used and replacement of stake-mounted taxiway lights with in-pavement lights. Mr. Hickin stated that in order for the project to be grant-eligible, the project must be for the nonexclusive use of the public, but since these would be permanent tiedown spaces, they are not inclusive and, therefore, would not be grant-eligible. He noted that he is aware of the Council's concern for payback but stated that, unfortunately, this would not be a financial payback project.

Mr. Cole raised the possibility of another engineering firm reviewing the project to see if it could be done at a lower cost. Mr. Izzo noted that when the last apron expansion was done ten years ago, the pavement failed, resulting in $35,000 additional cost to drill it out and put in a thicker pavement.

Mr. Vincent expressed concern with the high cost of the project and questioned the need for 18 additional tiedown spaces.

Mr. Hickin stated that as per an agreement with the Georgetown Air Services, the County receives a total of $500 a month for all the tiedown

spaces, noting that Georgetown Air Services manages the permanent tiedowns and the overnight parking.

(Con't)

Mr. Cole questioned the possibility of phasing in the project. Mr. Hickin noted that businesses that have their own plane and are looking to expand into Sussex County want to have a place park their plane.

Aircraft Tiedown Expansion Project (Con't)

Garrett Dernoga of Georgetown Air Services stated that on a busy weekend the jets get the priority parking in front, taking up two spaces; thus transient parking becomes a first-come, first-serve basis. He stated that when all tiedown spaces have been used, planes park near the corporate hangars. Mr. Garrett noted that the major concern when planes park in this area is the safety of pedestrians walking around the area. Mr. Garrett stated a few corporations that use the Sussex County Airport are Prudential Insurance, IBM, Staples, M&T Bank, E-Bay, J. Crew and Harris Teeter.

Mr. Izzo stated that he would obtain the plans from Urban Engineers and the Engineering Department would re-work the project from the original plan and repackage it as a phased-in project, noting that it would have to be re-bid.

Mr. Hickin questioned how the current bids received on the original project should be handled. Mr. Izzo stated that the bids would have to be rejected and the Engineering Department authorized to re-bid the project for 50% of the originally-requested tiedown spaces.

Mr. Izzo will re-work the plan for nine spaces report to the Council at the June 8th meeting.

Angola Neck Sanitary Sewer District/Bid Award

Mr. Izzo presented the fifth and final contract for the Angola Neck Sanitary Sewer District. Mr. Izzo stated that this is the largest of the five contracts that the County has bid in the past and will serve the Angola-by-the Bay Subdivision consisting of over 800 existing homes. Mr. Izzo stated that the residents of Angola-by-the Bay expressed interest in replacing their existing water lines. The water system is owned and operated by Tidewater Utilities. Mr. Izzo stated that the County Engineering Department and Tidewater worked together with the state funding agencies so that within the sewer contract, as the roads would already be open to put in the sewer lines, the contractor would also install a new water system. Mr. Izzo explained that there was one base bid for the sewer project with an alternate bid that would include both the sewer and the water, noting that Sussex County will contract with the low bidder for the sewer work to be done and Tidewater will contract with the low bidder for the water system. The low bidder was George & Lynch with a bid of $9,969,309 with the County's liability being just for the sewer work, which was $7,338,764. The sewer project is being funded by the Clean Water Advisory Council with Tidewater being funded by Office of Drinking Water. The County and Tidewater will have separate contracts with George & Lynch. Mr. Izzo

stated that the relationship between Sussex County and Tidewater, along with the Department of Natural Resources and Environmental Control, in making this arrangement was good. He noted that the County and Tidewater will each have their respective inspectors.

M 284 10 Award Bid/ Contract 09-25

A motion was made by Mrs. Deaver, seconded by Mr. Vincent that based on the recommendation of the Engineering consultants, Whitman, Requardt and Associates LLP, the County Engineering Department recommends that Sussex County Project No. 09-25, Angola Neck Sanitary Sewer District – Angola by the Bay – be awarded to George & Lynch of Dover, Delaware at the alternate bid amount of $9,969,309, which Sussex County is funding $7,338,764 and Tidewater Utilities Inc. is funding $2,2630,545 pursuant to a joint Memorandum of Understanding, and further that the bid award is contingent upon the receipt of approval from the Delaware Department of Natural Resources and Environmental Control and the Rural Utility Service.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea

Angola North Planning Study Request

John Ashman, Director of Utility Planning, stated that a resolution is now required from the Council for the County Engineering Department to apply for a Planning Study Grant from the Clean Water Advisory Council. Mr. Ashman stated that the County currently has multiple projects in the area in various stages of completion and design and that a commercial parcel has now expressed interest in a regional option for dealing with waste water and disposal of their system. Mr. Ashman noted that CABE Associates has submitted a proposal to perform the Planning Study in the amount of $40,543.67. The study will confirm the size of the drainage basin for new projects and existing homes to be served. County Engineers have met with CABE Associates and the developers, or their representatives, to discuss the study and the options for grant money. Mr. Ashman stated that the grant money is based on a 50% match estimated to be about $20,272 and it is believed that the projects or the developers would be liable for the 50% match. Mr. Ashman reported that to date letters have been received from three of the six projects citing a desire to proceed with the grant request and two of those projects have committed to additional funds, if necessary, to complete the match money required. He stated that Peddlers Village has also expressed interest in participating in the study and are willing to pay a portion of the Planning Study match. Mr. Ashman noted that letters have not yet been received from three projects, which are owned by the same developer, who is currently in discussion with his engineers and land planners. Mr. Ashman stated that the seven proposed developments to be included in the Planning Study are Peddlers Village, Pelican's Landing, The Boat Hole, Marsh Island, Marsh Farm Estates, Vessels, and Novosel.

Mr. Ashman reported that all the areas are in the environmentally-sensitive development district and in the County planning areas and that any new proposed projects in that area would be required to hook up to County sewer.

Angola North Planning Study Request (Con't)

Mr. Cole questioned whether or not the fields shown on the map presented by Mr. Ashman which are currently being tilled would be brought into the sewer district. Mr. Ashman responded by stating that it is currently not the County's intention to include the empty fields in the sewer district.

Mr. Ashman reiterated that no County funds would be used for this Planning Study.

M 285 10 Adopt R 015 10

A motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adopt Resolution No. R 015 10 entitled "RESOLUTION TO SUBMIT A REQUEST FOR A REGIONAL WASTEWATER PLANNING GRANT TO THE CLEAN WATER ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE ANGOLA NORTH AREA"

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea**

Grants

Mrs. Webb presented a grant request for consideration by the Council.

M 286 10 Community Grant

A motion was made by Mr. Vincent, seconded by Mr. Cole, to give $1,000 from Mr. Phillips' Community Grant Account to Delmar Middle and Senior High School for Destination Imagination Teams to participate in international competition.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea**

M 287 10 Authorize Executive Session

At 12:17 p.m. a motion was made by Mr. Vincent, seconded by Mr. Wilson, to authorize Council to go into Executive Session for the purpose of discussing pending/potential litigation and land acquisition.

Motion adopted by Voice Vote.

Executive Session

At 12:18 p.m. an Executive Session of the Sussex County Council was held in the Caucus Room of the Sussex County Council Chambers for the purpose of discussing pending/potential litigation and land acquisition.

M 288 10
Reconvene

At 12:40 p.m. a motion was made by Mr. Wilson, seconded by Mr. Vincent to come out of Executive Session and reconvene the Regular Session.

M 289 10
Action on Executive Session

A motion was made by Mr. Vincent, seconded by Mr. Cole, that Sussex County proceed with closing on the contract for property located in Seaford Hundred, which shall be used for the purpose of storing excess dredge material and as a park land. Closing will occur at such time as the County Administrator is satisfied that all contingencies are either met or waived at his discretion.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Wilson Yea;**
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

M 290 10
Adjourn

A motion was made by Mr. Vincent, seconded by Mr. Cole, to adjourn at 12:41 p.m. Motion was adopted by Voice Vote.

Respectfully submitted,

Gaye P. King
Administrative Secretary