

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 13, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 13, 1998, at 10:00 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
George J. Collins	Member
Lynn J. Rogers	Member

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

M 018 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 019 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes approve the minutes of the previous meeting, dated January 6, 1998.

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence:  
spondence

MICHAEL MCGRATH, PLANNING MANAGER, DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, DOVER, DELAWARE.  
RE: Formal approval of the County's Agricultural Preservation District.

VIVIAN HILL, VICE PRESIDENT, THE FOSTER PARENT ASSOCIATION, LAUREL, DELAWARE.  
RE: Letter in appreciation of Councilmanic Grant.

KEITH PHILLIPS, PRESIDENT, LAUREL HISTORICAL SOCIETY, LAUREL, DELAWARE.  
RE: Letter in appreciation of Human Service Grant.

Book- Mr. Stickels, County Administrator, discussed Change Order mobile Change Order No. 2 to the Bookmobile contract. Change Order No. 2, in the amount of \$1,714, is for graphics on the exterior of the Bookmobile. A proposed design was distributed to Council for consideration; Mr. Rogers recommended a modification to the design emphasizing the County seal. The base bid for the Bookmobile was \$86,619; Council approved a wheelchair lift

Book-  
mobile  
Change  
Order  
(con't)

option at an additional cost of \$4,100 for a total price of \$90,719. Change Order No. 1 brought the cost to \$92,872; Change Order No. 2 will bring the cost to \$94,586. Council authorized the Bookmobile purchase with a budget not to exceed \$105,000.

M 020 98  
Approve  
Change  
Order/  
Book-  
mobile

A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve Change Order No. 2 to the Bookmobile contract with Matthews Specialty Vehicles in an amount not to exceed \$1,714.

Motion Adopted: 5 Yea.

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

Code of  
Ethics

In view of the concerns expressed on January 6, 1998, Council addressed the issue of a Code of Ethics/Code of Conduct. On that date, concern was expressed regarding County departments purchasing goods and services from businesses owned by elected officials.

Mr. Baker, Finance Director, summarized the County's purchasing procedure outlining purchase order requirements, State contract requirements and bid law compliance. Mr. Baker noted that the County only recently became aware that 29 Del. C. Chapter 58 applies to Counties, Towns and Municipalities; a law placing restrictions on contracting with the State - "No state employee, no state officer, and no private enterprise in which a state employee or state officer has a legal or equitable ownership of more than 10% ... shall enter into any contract with the State (other than an employment contract) unless such contract was made or let after public notice and competitive bidding. Such notice and bidding requirements shall not apply to contracts not involving more than \$2,000 per year if the terms of such contract reflect arms' length negotiations."

A series of specific questions were directed by Council members to the County's legal counsel; questions included conflict of interest determination, definition of arms' length negotiations, and criteria permitting contracts in excess of \$2,000 per year.

Council was advised by legal counsel that the adoption of code of conduct legislation would only be necessary if Council desires to enact legislation more stringent than 29 Del. C. Chapter 58. With this in mind, legal counsel recommended that the County's purchase order procedure be reviewed with all division heads and that Council members educate themselves as to the State Law. A copy of the State Law was distributed for Council's review. Mr. Cole recommended that a workshop be scheduled in the near future.

Rules of Procedure On January 6, 1998, Mr. Stickels, County Administrator, distributed for Council's review the "Rules of Procedure of the Sussex County Council of Sussex County, Delaware". These rules of procedure were originally adopted on January 23, 1996; they are to be reviewed annually for readoption. In regards to meeting procedures, Mr. Cole had previously taken a stand regarding the ability of Council members to vote on proposed ordinances whether or not the public hearing was attended or taped proceedings listened to. It was noted that the Rules of Procedure do not address this issue. Mr. Bayard, County Attorney, advised that, in his opinion, a Council member cannot be restricted as to his ability to vote; however, voting on a matter on which a Council member is "uninformed" does expose the Council to risk.

Subsequent to the adoption of the "Rules of Procedure of the Sussex County Council of Sussex County, Delaware" the following amendments were recommended and agreed upon by a consensus of Council:

Section 2.2 be amended by deleting the following:

Regular business meetings shall convene at 10:00 a.m. on those days set forth in Exhibit "A", attached hereto and incorporated herein by reference.

and by substituting in lieu thereof the following:

Regular business meetings shall convene at 10:00 a.m. on Tuesday or at such other dates and times as may be established by Council in its published agenda.

Section 5.6 be amended by adding the following:

If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council's public hearing on the application, the matter may be placed on the agenda by the President.

(This information was previously included in Section 10.7.; the amendment is recommended to make Sections 5.6 and 10.7 consistent.)

(Mr. Cole spoke in opposition to continuing this practice.)

Section 17.3 be amended by deleting the following:

The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.

M 021 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, to  
Adopt adopt the "Rules of Procedure of the Sussex County Council of  
Rules of Sussex County, Delaware", as amended.  
Procedure

Motion Adopted: 5 Yea.

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

Adminis- Mr. Stickels, County Administrator, reviewed the following  
trator's information in his County Administrator's Report:  
Report

1. Office Closing

Sussex County government offices will be closed Monday, January 19, 1998, to allow employees to observe the Martin Luther King holiday. County offices will reopen Tuesday, morning at 8:30 a.m. There will be a Council meeting at 10:00 a.m. in the Council Chambers on January 20.

2. Sussex County Volunteer Firemen's Meeting

The Lewes Fire Department will host the next Sussex County Volunteer Firemen's meeting on Tuesday, January 27, 1998, at 7:30 p.m. The dinner will be held at Cape Henlopen High School, Kings Highway, Lewes, Delaware. During the meeting the County Council will provide a grant in the amount of \$1,000 to each fire company located in Sussex County for unspecified equipment. This is the first year that the County Council has made this funding available.

Keenwick Mr. Izzo, County Engineer, discussed the Proposed Keenwick West  
West Streetlighting District. A letter of request from the Keenwick  
Proposed West Civic Association was received requesting that Sussex  
Street- County initiate the procedure to make Keenwick West a formal  
lighting streetlighting district. Petition forms have been approved  
District and distributed; 31 executed petition forms have been returned.  
Based on this information, Mr. Izzo requested permission to  
establish a referendum.

M 022 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt  
Adopt Resolution No. R 009 98 entitled "A RESOLUTION ESTABLISHING THE  
Resolu- DATE, TIME, AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE  
tion No. QUESTION OF ESTABLISHING THE PROPOSED KEENWICK WEST STREET-  
R 009 98 LIGHTING DISTRICT".

Motion Adopted: 5 Yea.

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

Proposed Mr. Archut, Assistant County Engineer, provided Council with  
Holts an update on the Proposed Holts Landing Sanitary Sewer District.  
Landing A public hearing was conducted on December 13, 1997. The pur-  
Sanitary pose of the hearing was to discuss the proposed boundaries of  
Sewer the sanitary sewer district and to explain the estimated user  
District charges associated with the project. Mr. Archut noted that the  
proposed boundaries had been enlarged from those previously  
presented; they included the land of Cripple Creek Golf and  
Country Club and Irons Lane Landing subdivision. The majority  
of those in attendance supported the creation of the district.  
No property owners from Irons Lane spoke in favor of being in-  
cluded. It is the Sussex County Engineering Department's  
recommendation that the boundaries be adopted as proposed,  
with the exclusion of Irons Lane Landing subdivision. Based on  
this information, Mr. Archut requested permission to establish  
a referendum.

M 023 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, to  
Adopt Adopt Resolution No. R 010 98 entitled "A RESOLUTION ESTABLISHING  
Resolu- THE DISTRICT BOUNDARIES FOR THE PROPOSED HOLTS LANDING SANITARY  
tion No. SEWER DISTRICT".  
R 010 98

Motion Adopted: 5 Yea.

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

M 024 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, that  
Set the referendum on the question of establishing the Holts  
Refer- Landing Sanitary Sewer District shall be held at the Bay  
endum/ Colony Community Building on Colony Drive in the Bay Colony  
Proposed Subdivision on March 7, 1998, between the hours of 9:00 a.m.  
Holts and 2:00 p.m.  
Landing  
Sanitary  
Sewer  
District

Motion Adopted: 5 Yea.

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

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1  
GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF EXISTING RE-  
CREATIONAL FACILITIES TO ENLARGE WADING POOL AND TO ADD A  
GO-CART TRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING  
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-  
TAINING 42,000 SQUARE FEET, MORE OR LESS" (Conditional Use No.  
1229) filed on behalf of Fun Sport, Inc. The Proposed  
Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOME SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.80 ACRES, MORE OR LESS" (Conditional Use No. 1230) filed on behalf of B & M Builders, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPRAY DRYING TESTING FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 4.61 ACRES, MORE OR LESS" (Conditional Use No. 1231) filed on behalf of Paul A. Schmidtchen. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECREATIONAL VEHICLE PARK/CAMPGROUND AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32.25 ACRES, MORE OR LESS" (Conditional Use No. 1232) filed on behalf of William D. and Karen L. Simpson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32.25 ACRES, MORE OR LESS" (Change of Zone No. 1333) filed on behalf of William D. and Karen L. Simpson. The Proposed Ordinance will be advertised for Public Hearing.

M 025 98 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00 from Mr. Jones' Councilmanic Account to the Milford Century Club.

Motion Adopted: 5 Yea.

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

Certificate Mr. Dukes presented to Mr. Baker a Certificate of Service in appreciation of 20 years of faithful service to the people of Sussex County.

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Certi-  
ficate

Mr. Dukes presented to Mr. Stickels a Certificate of Service in appreciation of 10 years of faithful service to the people of Sussex County.

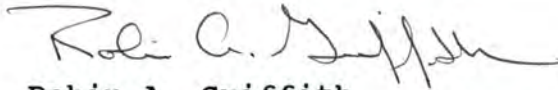
Citizen

Mr. Wolfgang von Baumgart presented to Council a 10-point program entitled "Citizen's Initiative for the Reform of County Government".

M 026 98  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 11:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council