

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 7, 1995

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, February 7, 1995, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

M 060 95      A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated January 31, 1995. Motion Adopted by Voice Vote.

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

ELIZABETH B. STRANGE, DIRECTOR, LAUREL PUBLIC LIBRARY, LAUREL, DELAWARE.

RE: Appreciation for Mr. Dukes' Councilmanic Grant in response to their 1994 - 1995 Fund Raiser.

WILLIAM J. WELLS, CHAIRMAN, NEIGHBORHOOD WATCH COMMITTEE, BEAVER DAM HEIGHTS, SEAFORD, DELAWARE.

RE: Appreciation for Mr. Dukes' Councilmanic Grant for the Neighborhood Watch Program.

RUTH ANN MINNER, LIEUTENANT GOVERNOR, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Appreciation for Mr. Dukes' participation in the proclamation ceremony for the "Celebration 75" that was held in Legislative Hall in Dover on January 19, 1995.

BERNARD J. BRADY, SECRETARY OF THE SENATE, LEGISLATIVE HALL, DOVER, DELAWARE.

RE: Notification that Senate Concurrent Resolution 1 entitled "ESTABLISHING A TASK FORCE TO EXAMINE AND ASSESS THE OPERATION AND DUTIES OF MAINTENANCE ASSOCIATIONS IN DELAWARE" was passed by the Senate and the House of Representatives of the 138th General Assembly.

TONY BOYD-HERON, PRESIDENT, MAIN STREET COMMITTEE OF MILTON, INC., MILTON, DELAWARE.

RE: Letter in support of the Milton Public Library and all Sussex County libraries being placed on the DELNET system.

Corre- BECKETT M. DILL, ACCOUNTING SUPERVISOR, CHEER, SUSSEX COUNTY  
spondence SENIOR SERVICES, INC., GEORGETOWN, DELAWARE.  
(con't) RE: Request for \$15,000 for Cheer's Nutrition Program for FY '96.

ERIC BUEHL, DISTRICT COORDINATOR, SUSSEX CONSERVATION DISTRICT,  
GEORGETOWN, DELAWARE.  
RE: Notification of the annual election of officers.

DIANA McDONNELL, PRESIDENT, AND KEVIN NEILSON, VICE PRESIDENT,  
GREATER DELMAR CHAMBER OF COMMERCE, DELMAR, DELAWARE.  
RE: Letter in support of the automation of all Sussex County  
libraries.

YMCA OF DELAWARE, SUSSEX FAMILY BRANCH, REHOBOTH BEACH, DELAWARE.  
RE: Appreciation for Council's Human Service Grant in the amount  
of \$2,000.

FINLEY B. JONES, JR., FIRST VICE PRESIDENT, SUSSEX COUNTY CHIEFS  
ASSOCIATION, MILFORD, DELAWARE.  
RE: Letter expressing the concern of the Sussex County Chiefs  
Association regarding County Ordinance No. 999 relating to  
outdoor burning in all districts.

Library Mr. Stickels, County Administrator, and Ms. Fitzgerald, Director  
Auto- of County Libraries, discussed library automation. Automation  
mation of the libraries would enable Sussex County residents to (1) have  
information about what libraries own, (2) have access to the  
Legislative Information System, and (3) have access to the Inter-  
net (the Information Superhighway). The total cost of library  
automation would be approximately \$700,000, as follows:

Hardware and Software	\$ 566,000
Database Preparation	10,000
Shipping	9,000
Training	<u>25,000</u>
Total for System	\$ 610,000
Site Preparation	30,000
Telecommunications Installation	14,000
Consultant (per price quote)	5,425
Retrospective Conversion	<u>50,000</u>
Total Start-up Costs	\$ 709,425

It was noted that these costs are for the automation of  
all libraries in Sussex County (excluding Milford). At the

Library  
Auto-  
mation  
(con't)

present time, funding from the State is available in the approximate amount of \$250,000; the amount of Federal funding should also be approximately \$250,000; the amount of local (County and independent libraries) funding would be approximately \$212,000. The independent libraries have been asked whether they are interested in participating in library automation, and if so, how much funding they are able to contribute. Responses from all of the libraries are due in by February 24th. Mr. Stickels and Ms. Fitzgerald recommended that the County move forward with library automation and submit an application for State funding.

M 061 95  
Submit  
Appli-  
cation  
for  
Funds  
for  
Library  
Auto-  
mation

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the County Council authorizes Carol Fitzgerald, County Librarian, to submit an application to the Delaware Division of Libraries for LSCA Title II funds for library automation.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

County  
Tax  
Maps

Mr. Parker, Director of Assessments, and Mr. Norwood, Project Coordinator for Rural Readdressing, were present to show Council the new tax maps that are now ready for lease to the public. On November 15, 1994, the Council approved a proposal whereby the Assessment Division would prepare, compile, and reproduce a reduced version of the Sussex County tax maps that would be available for lease. The tax maps will be updated every six months and will be leased at a cost of \$400.00 annually.

Adminis-  
trator's  
Report

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

1. Route 1 Corridor Working Group

The next meeting of the Route 1 Corridor Working Group will be Wednesday, March 22, 1995, at 7:00 p.m. in the Board Room, County Bank, Route 1, Rehoboth Beach, Delaware. The Route 1 Working Group was established by Secretary Canby. At the initial meeting, discussion included recommendation of improvements for intersections, street lighting, and accessibility for emergency vehicles. Representatives from the State Police, Rehoboth and Lewes fire departments, and Paramedics are anticipated to attend the next meeting. All meetings are open to the public.

2. Annual Sussex Conservation District Meeting

The Sussex County Council will be meeting with the Sussex

Adminis-  
trator's  
Report  
(con't)

Conservation District Board of Supervisors at noon on Tuesday, February 21, 1995. The meeting will take place at the Cashar Evans Building, 21 Shortly Road, Georgetown, Delaware. The Board of Supervisors will review their accomplishments for 1994 with the Council and discuss goals for 1995.

3. Delaware Solid Waste Authority Workshop

The Delaware Solid Waste Authority (DSWA) has scheduled a workshop on its proposed \$48 million operating budget for the fiscal year that starts July 1, 1995. The proposal holds the line on DSWA's trash disposal fee at \$58.50 a ton. Authority staff will outline the budget package at a workshop on Wednesday, February 15, at 7:00 p.m. at the Campus Theater, Delaware Technical & Community College, Georgetown, Delaware. Public comments will be taken at a public hearing on the proposal on March 15 at 7:00 p.m. at the Authority's Dover headquarters, 128 South Bradford Street.

4. Sussex County Agriculture

According to a report released on Monday, the 1992 Census of Agriculture indicates that Sussex County still leads the nation in producing more chickens than any other county in the nation. Farmers in the Sussex County broiler industry produced 194 million chickens in 1992. Cullman County, Alabama, was second with 121 million broilers sold.

Arkansas remains the leading poultry producing state. Two of its counties, Benton and Washington, sold 93 million broilers apiece, placing them third and fourth among United States counties. Delaware ranked 15th among poultry producing states and 20th in the acres of vegetables harvested.

Delaware harvested 42,380 acres of vegetables for sale, down slightly from 43,036 acres and 18th place in the 1987 census. Sussex County ranked 71st among the counties based on value of vegetables, sweet corn and melons sold--\$11,985,000, up from \$8,337,000 and 78th place in 1987. Sussex County ranked 26th in acres planted in vegetables--24,566, up from 20,114 acres and 34th place in 1987.

Mr. Stickels stated that it appears that concern over the loss of farmland in Sussex County is not adversely affecting the agriculture industry, as the County may have originally thought it was. Mr. Stickels stated that he believes agriculture will remain the County's number one industry well into the next century.

West Rehoboth Change Order Mr. Green, Director of Utility Construction, discussed Change Order No. 1 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Design Areas 4, 10, 11, 12, and 13. The Change Order is for the establishment of a unit cost for an estimated quantity of ten PVC wye branches at \$160.00 each.

M 062 95 Authorize Change Order No. 1 for West Rehoboth Project A Motion was made by Mr. Collins, seconded by Mr. Benson, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 1 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Design Areas 4, 10, 11, 12, and 13, to R. E. Pierson Construction Company in the amount of \$1,600.00 for establishment of a unit cost for 15" x 6" PVC wye branches at \$160.00 each with an estimated quantity of ten, not reflected in the contractors original bid, increasing the contract amount to \$8,081,002.95 with an unrevised substantial completion date of October 20, 1995, contingent on the approval of the Rural Economic and Community Development.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Clearwater Development Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Clearwater Development for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in the South Bethany Sanitary Sewer District.

M 063 95 Execute Agreement with Clearwater Development A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council execute an Agreement between Sussex County Council and Clearwater Development, Phase II-B, for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Clearwater Development, Phase II-B, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Agricultural Land Mr. Cole expressed concern regarding agricultural lands receiving more than one lateral during the construction of a sewer district as agricultural lands are exempt from

Agri-cultural Land (con't) sewer charges. Mr. Cole recommended that when farmland receives more than one lateral, the landowner should lose the farmland exemption or have to pay front footage charges. Mr. Stickels advised that the policy will be reviewed.

Bid Results Package F - West Rehoboth Mr. Wood, County Engineer, reviewed the bid results of Bid Package F for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, as follows:

	<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
	Lisbon Contractors	\$1,742,990.00
	Willow Oak	\$1,818,181.80
	Marquis Construction	\$1,863,843.60
	P.G. Construction	\$1,947,020.00
	Dugan Construction	\$2,093,090.00
	L. A. Merrell Construction	\$2,144,091.00
	MGK Industries	\$2,573,600.00

The bids will be reviewed for a recommendation.

Bid Results Goslee Building Demolition Mr. Izzo, Director of Public Works, reviewed the bid results of Sussex County Project No. 95-03, Goslee Building Demolition.

	<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
	Clark General Contractors	\$ 8,200.00
	D & D Dismantling	\$ 27,500.00
	Melvin L. Joseph Construction Company	\$ 10,465.00
	Kaye Construction	\$ 12,800.00
	Mid-Atlantic Contractors	\$ 11,500.00
	J.A. Moore and Sons	\$ 12,432.00

Mr. Izzo advised that the Engineering Department recommends that the bid be awarded to the low bidder, Clark General Contractors.

M 064 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, Award based upon the recommendation of the Sussex County Bid Engineering Department, that Project No. 95-03, entitled for "Goslee Building Demolition", be awarded in the amount of Goslee \$8,200.00 to Clark General Contractors, Greenwood, Delaware. Building Demolition

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Yea; Mr. Dukes, Yea

Mr. Stickels, County Administrator, advised that Clark General Contractors may be asked to submit a change order for the removal of the foundation of the old Eagle Hotel.

Edge- Mr. Izzo, Director of Public Works, requested permission water from Council to hold a referendum for the residents of Acres Edgewater Acres for the purpose of voting upon the financing Suburban of proposed improvements under the Suburban Community Community Improvements program. The proposed improvements include Improve- the application of a three inch hot mix overlay on approxi- ments mately 2,900 feet of existing streets and the installation of shoreline erosion control measures. Mr. Izzo advised that the total cost of the project would be \$110,500.00; if the project is financed at 9% for a fifteen year term, the front foot cost would be approximately \$2.28/front foot. Mr. Izzo proposed that the referendum be held on Saturday, March 4, 1995, between the hours of 9:00 a.m. and 6:00 p.m., at the South Coastal Regional Wastewater Facilities.

M 065 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, Authorize based upon the recommendation of the Sussex County Refer- Engineering Department, that the Sussex County Council endum authorizes a referendum be held on Saturday, March 4, 1995, for between the hours of 9:00 a.m. and 6:00 p.m., at the South Edge- Coastal Regional Wastewater Facilities, for the purpose of water allowing property owners and residents of the Edgewater Acres Acres Subdivision, Baltimore Hundred, to consider the financing Suburban of Suburban Community Improvements as regulated under Community Title 9, Chapter 5, of the Delaware Code, and having an Improve- estimated total cost of \$110,500.00 and an estimated front ments foot cost of \$2.28/front foot.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Yea; Mr. Dukes, Yea

Old Business C/U No. 1099 Conditional Use No. 1099 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK TRACTOR AND TRAILER STORAGE AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS" filed on behalf of Albert Delio, Jr. was discussed. A Public Hearing was held on this application on January 31, 1995, at which time the Public Hearing was closed and action was deferred.

M 066 95 Adopt Proposed Ordinance (C/U No. 1099) DENIED A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK TRACTOR AND TRAILER STORAGE AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS" (Conditional Use No. 1099) filed on behalf of Albert Delio, Jr.

Motion Denied: 5 Nay.

Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Nay;  
Mr. Collins, Nay; Mr. Stevenson, Nay;  
Mr. Dukes, Nay

Findings of Fact The Council found that the conditional use was not appropriate legislative action based on the following findings of fact:

1. The proposed conditional use would adversely affect traffic in the area.
2. The proposed conditional use is incompatible with the existing use of properties in the neighborhood.
3. The proposed conditional use may be disruptive of nearby agricultural activities.
4. Ample vacant commercial property exists in the vicinity for such an activity.

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 A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS" (Change of Zone No. 1254) filed on behalf of Donald R. Long and Terry Steele Long. The Proposed Ordinance will be advertised for Public Hearing.

M 067 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,  
Council- to give \$400.00 from Mr. Stevenson's Councilmanic Account  
manic to the Woodbridge Little League to help fund the upcoming  
Grant Little League season.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 068 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,  
Council- to give \$200.00 from Mr. Stevenson's Councilmanic Account  
manic to the Town of Greenwood for the Town Council's Recreational  
Grant Project.

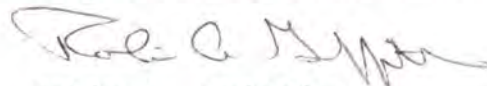
Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Sussex Mr. Stickels, County Administrator, discussed the letter read  
County in Correspondence from Finley Jones, Jr., First Vice President,  
Ordinance Sussex County Chiefs Association, regarding the County's  
Relating Ordinance relating to outdoor burning in all districts. Mr.  
to Open Lank, Director of Planning and Zoning, was present to review  
Burning the Ordinance and discuss his interpretation of the Ordinance.  
in All Chief Rogers of the Milton Fire Department was present repre-  
Districts senting the Sussex County Volunteer Firemens Association, the  
Sussex County Chiefs Association and the Delaware Firemens  
Association. Mr. Rogers advised Council that the Fire Service  
wants to be exempt from the Ordinance. It was noted that  
exempting the Fire Service from the Ordinance would require a  
Public Hearing and an amendment to the Ordinance. It was  
decided that this matter be taken under advisement.

M 069 95 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Adjourn adjourn at 11:52 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council