

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, February 11, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 11, 1997, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

Amend Agenda Mr. Stickels, County Administrator, proposed that the Agenda be amended to change and delete items listed under "Introduction of Proposed Ordinances", as follows:

From;

A. AR Zoning - Minimum Lot Size

B. Sun-setting Ordinance

to;

A. Minimum Lot Size.

M 066 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, Approve Agenda to approve the Agenda with the proposed amendments.

Motion Adopted: 5 Yea.

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

Amend Minutes Mr. Rogers advised Council of an error in the minutes of the February 4, 1997, meeting; the bid opening date for Library Department Bid Proposals should have been March 28, 1997.

M 067 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, Approve Minutes that the minutes of the Sussex County Council meeting held on February 4, 1997, be adopted and approved in their entirety, except that the words "Bids will be opened in the County Council Chambers at 4:00 p.m. on Friday, February 28, 1997." be changed to "Bids will be opened in the County Council Chambers at 4:00 p.m. on Friday, March 28, 1997."

M 067 97 Motion Adopted: 5 Yea.
(con't)

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 KATHY KRAMEDAS, PRESIDENT, REHOBOTH BEACH MAIN STREET, REHOBOTH
BEACH, DELAWARE.
RE: Letter in appreciation of Mr. Cole's Councilmanic Grant.

American Mr. Milander, Board Member of the American Heart Association,
Heart and Mrs. Wingard of the Sussex County Division of the American
Associa- Heart Association, presented to Council a plaque "With appre-
tion ciation for outstanding effort in support of research and
education to conquer heart disease and stroke."

Proposed Mr. Stickels, County Administrator, read in it's entirety a
Procla- Proposed Proclamation entitled "PROCLAIMING THE MONTH OF FEBRUARY
mation AS 'AMERICAN HEART MONTH'".

M 068 97 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Adopt Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF
Procla- FEBRUARY AS 'AMERICAN HEART MONTH'".
mation

Motion Adopted: 5 Yea.

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

Mr. Dukes presented the Proclamation to Mr. Milander and Mrs.
Wingard.

Delaware Ms. Moore, Executive Director of the Delaware Public Policy
Public Institute, was in attendance to announce the Institute's plans
Policy for a land use summit and study process that will produce
Institute recommendations and possible legislation for a more effective
Land approach to land use and infrastructure in Delaware. A Land
Use Study Committee will be named to serve as the decision-
Summit making group at the center of the process. The Study Committee
will include representatives from all interest groups with a
stake in the future of land use planning. State and County
governments, legislators, business groups, environmentalists,
civic associations, labor representatives, economic develop-
ment specialists, and agricultural interests will all be
represented. The DPPI land use planning project is a
four-month process:

Land
Use
Summit
(con't)

December, 1996 - March, 1997

Extensive background research including physical observation and interviews with representatives of various interest groups.

March 5 & 6, 1997

Land Use Summit #1 - A two-day conference with 500 people expected to attend. This summit starts the process of building among all interest groups statewide. Those in attendance will work to develop a menu of issues to be addressed by the Land Use Study Committee following the summit.

March - May, 1997

The Land Use Study Committee will meet three times to discuss opportunities, constraints, and planning alternatives. Consultants will draft proposed recommendations and possible legislation of the Study Committee's approval.

May 19, 1997

Land Use Summit #2: The Land Use Study Committee will present its recommendations/legislation to the governor, legislature and public.

Facilitating the DPPI land use summit and study process will be Siemon, Larsen & Marsh, a nationally-recognized firm that specializes in strategic land use planning and conflict resolution.

Mr. Dukes expressed several concerns regarding DPPI's plan:

- The date of the first Land Use Summit conflicts with the date of the National Association of Counties Conference.
- The location of the first Land Use Summit.
- The selection of the land use management and planning law firm of Siemon, Larsen & Marsh.
- The fact that each County is nearing the completion of a Comprehensive Land Use Plan.
- The cost to attend the Land Use Summit.

Community
Library/
Tech-
nology
Center
Proposal

Ms. Fitzgerald, County Librarian, introduced individuals from Sussex County Vocational-Technical School District: Dr. Carson, Assistant Superintendent; Ms. Schreffler, Director of Instruction; and Ms. Woods, Librarian. These individuals presented to Council a partnership proposal for the development and construction of a community library and technology center. The Sussex County Vocational-Technical School District, in partner-

Proposal
(con't)

ship with the State Division of Libraries, the Sussex County Department of Libraries, and the Delaware Center for Educational Technology proposes to consolidate resources to develop and construct a community library which will effectively provide equitable access to technological resources for all public citizens in Sussex County. The partnership will need financial and organizational support from the State of Delaware to complete the project. Council was advised that the purpose of this presentation was to solicit the County Council's endorsement of the project and to request the County to support the community library/technology center with staff, contingent on the availability of funding.

Council members expressed concern regarding the need for this type of library/center and the possible duplication of services offered in the County, i.e. services offered at Delaware Technical & Community College. Mr. Dukes stated that he wants to obtain Delaware Technical & Community College's perspective. It was the consensus of Council to take this matter under advisement.

Draft
Ordinance

Mr. Stickels, County Administrator, discussed a draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCREASE IN CERTAIN ZONING DISTRICTS THE MINIMUM LOT SIZE TO ONE (1) ACRES WHERE A CENTRAL SEWER SYSTEM IS NOT PRESENT". It was noted that this draft Ordinance is in compliance with the current recommendation of the Sussex County Comprehensive Land Use Plan.

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCREASE IN CERTAIN ZONING DISTRICTS THE MINIMUM LOT SIZE TO ONE (1) ACRES WHERE A CENTRAL SEWER SYSTEM IS NOT PRESENT". The Proposed Ordinance will be advertised for Public Hearing. The Planning & Zoning Commission will hold a Public Hearing on April 10, 1997; the County Council will hold a Public Hearing on April 29, 1997.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, submitted his County Administrator's Report, as follows:

1. Administrative Building Change Orders

Please be advised that I have approved the following change orders, as allowed by the County Council:

- a. Change Order No. 19 - Adding three wing walls to the third floor knee wall in Engineering, enclosing duct work in second floor toilet room, and additional dry wall in storage area and basement. - The wings in the knee wall were needed to stabilize the wall. The duct

Adminis-
trator's
Report
(con't)

work and additional dry wall were required to finish a wall not originally shown on the construction documents. The total cost of Change Order No. 19 was \$1,261.53.

- b. Change Order No. 20 - Painting of front doors of post office, installing interior window in Room 225, and installing dry wall over exposed duct work in Toilet Room 224. - These items were requested by the County to improve appearance. The total cost for Change Order No. 20 was \$1,225.60.
- c. Change Order No. 21 - Additional dry wall to enclose exposed beam in Stairwell B and remove tar from south wall of former post office - Dry wall on the exposed beam was required by the Fire Marshall. Removing of tar on the south wall of the post office was necessary to improve appearance. The total cost for Change Order No. 21 was \$1,379.95.
- d. Change Order No. 22 - Additional dry wall on exposed structure in Stairwell A and rework existing stairway treads in former post office. - The dry wall work was required by the Fire Marshall's Office. Reworking of existing stair treads in the former post office was necessary due to the change in finished floor height on the second floor of the former post office. The total cost of Change Order No. 22 was \$1,442.44.

2. County Government Closing

Sussex County government offices will be closed Monday, February 17, 1997, in observance of Presidents' Day. County offices will reopen on Tuesday, February 18, 1997, at 8:30 a.m.

3. Sussex County Most Wanted Property Cleanups

The following information is an update on five of the most wanted property cleanups that the County Building Code Department and the State Police have been working on to have cleaned up:

- a. Wilson Baker, Vacant Building, North Hebron Street, West Rehoboth - Owner of property, Wilson Baker, Inc. - As of this date, a small portion of the building has been demolished. A large portion of the building is still standing. The County Attorney has contacted the owner to clean up the property or the County will start prosecution in March.

Adminis-
trator's
Report
(con't)

- b. Blakes Store, Frederick Douglas Drive, Coverdale Crossroads - As of this date, the store has been demolished and 80 percent of the debris has been removed from the site.
- c. Vacant House, Road 201, Pinetown - Owner of Property, Page Melson - As of this date, the house is still standing. Mr. Melson has been contacted by Assistant County Attorney Mr. Jones. Mr. Melson has until the end of February to inform Mr. Jones of his schedule to demolish the property. If action is not taken by the owner, Mr. Jones will start litigation in March.
- d. Properties Four and Five, Two Vacant Mobile Homes, Pinetown - Owner of Property, Ella White Heirs - The owners have one mobile home torn down, but the debris is still on site. The second mobile home is still standing. Assistant County Attorney Mr. Jones has given the property owners until the end of February to come up with a schedule for demolition. If action is not taken, prosecution will begin in March.

4. Public Hearing

The Delaware Department of Transportation will be conducting a Public Hearing on the proposed extension of U.S. 9 Truck Route, from Road 431 (South Bedford Street) to U.S. Route 9, in Georgetown, Sussex County, Delaware. The hearing will be held on Thursday, February 27, 1997, at Delaware Technical and Community College, Theater Lobby, between 4:00 p.m. and 8:00 p.m. DelDOT representatives will present a proposed alignment for the extension of U.S. 9 Truck Route. The proposed improvements consist of a 12-foot travel lane and a 10-foot wide shoulder in each direction. DelDOT representatives will be meeting with the Georgetown Town Council on Wednesday, February 12, 1997, at their monthly meeting. I would encourage residents who may be affected by this new roadway to attend both of these meetings.

5. Library Automation

Most regular users of public libraries in Sussex County are aware that major changes have been occurring during the past few months. When these changes are completed, by May 30, 1997, all County libraries will be fully automated. As a result, several new services will be available to members, including electronic checkout of library materials and access to the Internet.

Adminis-
trator's
Report
(con't)

To introduce residents to the new computer service, the Sussex County library system has chosen the theme "Love Your Library". Beginning Valentine's Day, February 14, and continuing thereafter, new patrons and current members are encouraged to register for a computer-compatible library card. Although the new cards will not be valid until the library goes on-line in May, registration now will avoid delays later. To obtain a new library card, bring proof of address and identity (driver's license or other photo I.D.) and your library card, if you have one, to your local library. As I stated earlier, registration begins February 14, 1997.

Library automation is funded in part by federal funds from the Library Service Construction Act, State of Delaware DELNET Public Library Automation funds, and Sussex County Council under a contract with the State Division of Libraries.

6. Workshop

I would like to publicly announce that Mr. Dale Dukes, President of the Sussex County Council; Mr. George Collins, Vice President of the Sussex County Council; and Councilman Finley Jones will be conducting a workshop on Wednesday, February 19, 1997, at 7:00 p.m. at the Seaford City Hall. The purpose of the workshop is to discuss the proposed ordinance entitled C-2 Zoning with the mayors and councils of the towns of Greenwood, Bridgeville, Seaford, Laurel, Delmar, Bethel, and Blades. The proposed C-2 Ordinance would impose restrictions on building projects larger than 50,000 square feet. Some of the stipulations would require greater setbacks, planted buffer areas, and interconnection between adjoining properties.

The public is welcome to attend, but it will not be a public participation workshop. The County Council will hold a public hearing at 1:30 p.m. on April 1, 1997, for public input on the proposed zoning.

Fiscal
1996
Audit
Report

Mr. Baker, Finance Director, presented to Council the County of Sussex, Delaware, Audited Financial Statements and Additional Information for the Year Ended June 30, 1996. In attendance to discuss the Audit Report and to answer questions raised by Council were Mr. Jefferson and Ms. Graves of Jefferson, Urian, Doane & Sterner, P.A., the County's auditors. Mr. Baker reviewed and highlighted areas of the report for Council's information. The Audit Report expressed the unqualified opinion of Jefferson, Urian, Doane & Sterner, P.A. that "The General Purpose Financial Statements present fairly, in all material respects, the financial position of

Audit
Report
(con't)

the County of Sussex, Delaware, as of June 30, 1996." During Fiscal 1996, Sussex County's General Fund experienced an excess of revenues over expenditures of \$1,504,604. The Report indicates that during Fiscal 1996, the County's General Fund experienced the sixth straight year in a positive position. It was noted that although this is a favorable General Fund Financial Report, consideration must be given to future needs in Sussex County. The Report outlines future liabilities and obligations of the County: potential landfill postclosure liability; unfunded pension obligations, reassessment, funding an 800 MHZ communication system for the Dispatch Center, the Road Addressing Project, Library Automation Funding, funding for completion of the County Administrative Building, parking lot improvements, and library expansion projects. A reasonable reserve level is especially important given these future needs of Sussex County government. Adequate working capital is also needed for day-to-day operations, as well as for unexpected emergencies.

M 069 97
Approve
Fiscal
1996
Audit
Report

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council approves the Audit Report as prepared by Jefferson, Urian, Doane & Sterner, P.A., entitled "County of Sussex, Delaware, Audited Financial Statements and Additional Information for the Year Ended June 30, 1996", based on the recommendation of the County Administrator and the Finance Director.

Motion Adopted: 5 Yea.

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

Edge-
water
Acres

Mr. Chuck Phillips, a resident of Edgewater Acres, was in attendance to compliment Mr. Izzo and his staff on the excellent job performed on the roads in their development under the Suburban Community Improvement Program.

M 070 97
Recess

At 12:20 p.m., a Motion was made by Mr. Cole, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Applica-
tion for
SRF
Funding/
West
Rehoboth/
Phase
III

Mr. Izzo, County Engineer, was in attendance to request permission from Council to make application to the Department of Natural Resources and Environmental Control, Water Pollution Control Revolving Loan Assistance Program, for a \$8.5 Million loan to finance Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The estimated cost of the project is \$21 Million; project financing is proposed as follows:

SRF \$8.5 Million - State Revolving Fund @ 3.75% for 20 years
Funding/ \$9.8 Million - Rural Development @ 4.50% for 40 years
West \$2.7 Million - County Bonds @ 7.00% for 30 years
Rehoboth

(con't)

This proposed financing would result in the same user rates currently assessed in Phases I and II of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 071 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that the County Engineer be authorized to apply to the Department of Natural Resources and Environmental Control, SRF Water Pollution Control Revolving Loan Assistance Program, for a \$8.5 Million loan to finance Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Funding/
West
Rehoboth/
Phase
III

Motion Adopted: 5 Yea.

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

Sewer
Rates/
Alter-
natives

A discussion was held regarding sewer rates associated with new sewer districts and ways in which these rates could be reduced or made less of a hardship on property owners. Mr. Stickels, County Administrator, asked that the Engineering Department prepare a comparison report on alternative ways of calculating sewer rates for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, i.e. comparing rates under the following scenarios: a flat EDU Rate, capping front footage at 150 feet, and the current method of calculation. Mr. Cole requested that the Engineering Department determine what the average front footage is in a typical subdivision. Mr. Dukes asked that Mr. Bayard, County Attorney, investigate the legality of uniform sewer rates in subdivisions. This information is to be reported to Council in the near future.

Staff
Appoint-
ments/
Employ-
ment
Contracts

Mr. Dukes discussed offering employment contracts to Mr. Stickels, County Administrator, and Mr. Baker, Finance Director. Mr. Dukes advised that Council recognizes the importance of continuity in top positions in and the benefits that this continuity provides, i.e. bond ratings. Mr. Bayard, County Attorney, advised Council on the requirements of State Law as to employment contracts for the County Administrator and Finance Director. It was noted that this matter was previously discussed in Executive Session.

M 072 97
Approve
Employ-
ment
Contracts

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council appoint Robert L. Stickels, County Administrator, and David B. Baker, Finance Director, for a period of three years commencing upon the adoption of this Motion; these appointments shall be extended annually upon

M 072 97 (con't) the anniversary date of the original appointments unless the majority of Council vote, in public session, not to extend the appointments; if either the County Administrator or Finance Director wish to terminate their employment hereafter, that termination shall not occur with less than six months notice, in writing.

Motion Adopted: 5 Yea.

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

Asst. Administrator Mr. Collins requested that Council think about employing an Assistant County Administrator. It was the consensus of Council to take this matter under advisement.

M 073 97 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$600.00, \$300.00 from Mr. Cole's Councilmanic Account and \$300.00 from Mr. Rogers' Councilmanic Account, to the Cape Henlopen High School for students participating in an Educational Field Studies (EFS), Inc. trip to Florida.

Motion Adopted: 5 Yea.

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

M 074 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$250.00 from Mr. Jones' Councilmanic Account to Milford Magic (a girls softball team) for operating expenses.

Motion Adopted: 5 Yea.

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

P & Z/ Recommendation/ Land Use Plan Mr. Lank, Director of Planning and Zoning, presented to Council a report on the Planning and Zoning Commission's recommendation on the Sussex County Comprehensive Land Use Plan. A copy of the report is attached hereto and made a part of these minutes.

M 075 97 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$250.00 from Mr. Rogers' Councilmanic Account to Milford Magic (a girls softball team) for operating expenses.

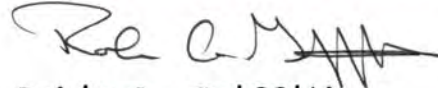
Motion Adopted: 5 Yea.

February 11, 1997 - Page 11

M 075 97 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 076 97 A Motion was made by Mr. Collins, seconded by Mr. Jones,
Adjourn to adjourn at 3:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council