

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 14, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 14, 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 070 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated February 7, 1995. Motion Adopted by Voice Vote.

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

DELAWARE HOSPICE, WILMINGTON, DELAWARE.
RE: February, 1995, edition of the newsletter entitled "Communicator".

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Notice to announce the initiation of the feasibility phase of study for Roosevelt Inlet-Lewes Beach, an interim study area of the Delaware Bay Coastline Study, Delaware and New Jersey. The purpose of this study is to investigate shoreline erosion, storm damage potential, and ecosystem restoration in the Roosevelt Inlet-Lewes Beach vicinity.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing on applications for approval of several projects, none of which are located in Sussex County.

INEZ KENT, DIRECTOR/ADMINISTRATOR, HOMEBOUND ELDERLY REHABILITATIVE OPPORTUNITIES, INC., DOVER, DELAWARE.
RE: Appreciation for \$1,000 Human Service Grant.

Building Code Requirements Mr. Stickels, County Administrator, discussed a concern of local building contractors regarding the State law that requires an architect's seal on building plans for any building to be used for human habitation. The Code of Sussex County requires an architect's seal on building plans for any single family home or commercial building over 5,000 square feet. Building contractors expressed concern

Building Code Requirements (con't) that the County might change its policy to conform with the State's requirement. It was the consensus of Council that the County will continue with its current procedure for issuing building permits. Building contractors in attendance were encouraged to lobby the General Assembly for an amendment to the State law regarding this matter.

Town of Georgetown Request Mr. Stickels, County Administrator, advised Council of a request from the Town Council of Georgetown that Sussex County enforce it's One- and Two- Family Building Code within the Town Limits of Georgetown beginning May 1, 1995.

M 071 95 Honor Town Council of Georgetown's Request A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council honor the Town Council of Georgetown's request to have the County Building Code Department enforce One- and Two- Family Building Code requirements within the Town of Georgetown beginning May 1, 1995.

Motion Adopted: 5 Yea.

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

Grant - Delaware Small Business Development Center Mr. Pfaff, Director of the Sussex County Sub-Center of the Delaware Small Business Development Center, was in attendance to present an overview of the Center's services. The Delaware Small Business Development Center was established to provide management assistance and training to small businesses in order to promote growth, expansion, innovation, increased productivity and management improvement. The Center provides one-on-one confidential counseling and special programs and seminars. The Sussex County Sub-Center is located at the Delaware Technical & Community College, Georgetown. Mr. Pfaff was presented a check in the amount of \$5,000.00 from the County Council for funding for Sussex County's Sub-Center of the Delaware Small Business Development Center.

1994 Planning and Zoning Department Report Mr. Stickels, County Administrator, reviewed the following information from the 1994 Planning and Zoning Department Report:

<u>Type of Permit</u>	<u>Quantity of Permits - 1994</u>	<u>Quantity of Permits - 1993</u>
Dwellings	1,122	1,088
Commercial/Industrial	252	265
Farm Buildings	196	207
Accessory Structures	1,206	1,183
Manufactured Homes	1,018	1,036

Sussex
County
Compre-
hensive
Land
Use
Plan

Mr. Schafer of Whitman, Requardt and Associates was present to discuss the Sussex County Comprehensive Land Use Plan. Mr. Schafer advised that the draft of the Plan has been completed and is ready for review by the Planning and Zoning Commission. Initially, the County was required to adopt a Comprehensive Land Use Plan by December 31, 1995; however, it appears now that the State of Delaware is going to extend the deadline for the completion of this Plan for at least one year. During this time, the Cabinet Committee on State Planning will have substantial input and additional meetings and coordination with Sussex County will be required for the State Transportation Plan. In order to protect the interests of Sussex County during this one year delay, Mr. Schaefer proposed to assist the County in remaining a part of the planning process, as follows:

- o Attendance and presentation at the regularly scheduled Cabinet Committee Meetings.
- o Preparation of exhibits and conducting Public Information Meetings.
- o Preparation of data and meeting with the County Council and Planning and Zoning Commission.
- o Assistance in forming a Transportation Planning Committee and furnishing them with initial data on transportation issues.
- o Such other activities that may be requested by the County.

These services will be performed on an hourly basis in accordance with the original Contract with a not-to-exceed limit of \$15,000.

M 072 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Execute that the Sussex County Council authorizes the Sussex County Agreement Administrator to execute an agreement between Whitman, with Requardt and Associates and the Sussex County Council, Whitman, Amendment No. 1, Sussex County Comprehensive Land Use Plan, Requardt in an amount not to exceed \$15,000. and

Asso- Motion Adopted: 5 Yea.
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Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Board of Assessment Review Mr. Stickels, County Administrator, advised Council that two vacancies have occurred on the Board of Assessment Review; Mr. Leonard Rayne has moved out of the district that he represents and Mr. A. Tyson Cannon has resigned.

M 073 95 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that Mr. Leonard Rayne be appointed to the Board of Assessment Review to serve the remainder of the unexpired term of Mr. A. Tyson Cannon.

Assessment Review Motion Adopted: 5 Yea.

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

Vacation of Street Mr. Stickels, County Administrator, advised Council of a notification of the intention to petition for the vacation of a portion of the southwesterly end of Sunset Lane in the Evergreen Acres Subdivision, Milford, Delaware. The petitioners, James R. Wyatt, Kathi L. Wyatt, Darryl K. Boyer, Patricia A. Boyer, and Charles G. Carter, intend to file this petition on or about February 20, 1995. It was the consensus of Council that there is no objection to this vacation of street.

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

1. Route 1 Working Group

The meeting for the Route 1 Working Group scheduled for Wednesday, February 22, 1995, has been relocated from the County Bank Board Room to the library at Cape Henlopen High School, Kings Highway, Lewes, Delaware. The meeting will take place in the library starting at 7:00 p.m. All meetings are open to the public.

2. Public Workshop - Georgetown Transportation Study

The Delaware Department of Transportation will be conducting the third in a series of public workshops aimed at addressing transportation needs in Georgetown. The workshop will be held at Delaware Technical & Community College in Georgetown on Tuesday, February 21, 1995, in the auditorium between the hours of 4:00 and 8:00 p.m. Residents and interested persons are encouraged to participate in this workshop.

Attorney Mr. Jones, Assistant County Attorney, was present to conduct the following Public Hearing.

Public Hearing "Emergency Reporting System Fund" A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY ADDING A NEW CHAPTER 59, TO BE ENTITLED "EMERGENCY REPORTING SYSTEM FUND", WHICH CHAPTER IMPOSES A MONTHLY 911 EMERGENCY REPORTING SYSTEM FUND SURCHARGE." Mr. Stickels, County Administrator, advised that the special fund designated as the "Emergency Reporting System Fund" will provide a source of funds to reimburse Sussex County and local governments for costs associated with the 911-Enhanced Emergency Reporting System. The fund will be funded by means of a monthly surcharge of fifty (50) cents on all subscribers per subscription to residential local exchange telephone service in the County, with the exception of the Milford and Harrington exchanges. Memorandums of Agreement governing revenue sharing and service responsibility will be signed with the City of Rehoboth Beach and the City of Seaford as these cities provide primary or secondary 911 Emergency Reporting Services. There were no public comments and the Public Hearing was closed.

M 074 95 Adopt Ordinance No. 1011 "Emergency Reporting System Fund" A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 1011 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY ADDING A NEW CHAPTER 59, TO BE ENTITLED "EMERGENCY REPORTING SYSTEM FUND", WHICH CHAPTER IMPOSES A MONTHLY 911 EMERGENCY REPORTING SYSTEM FUND SURCHARGE"; and Be It Further Moved that the Sussex County Council authorizes the Sussex County Council President to execute the necessary support documents and Memorandums of Understanding as required by State law.

Motion Adopted: 5 Yea.

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

FmHA Loan Resolution Mr. Baker, Finance Director, reviewed a FmHA form Loan Resolution with respect to the \$3 Million loan for the County Administration Building.

M 075 95 Adopt Resolution No. R 008 95 FmHA Loan A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 008 95 entitled "A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS COUNTY ADMINISTRATION BUILDING FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE".

M 075 95 Motion Adopted: 5 Yea.
(con't)

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

Change Order Mr. Wood, County Engineer, discussed Change Order No. 9 for the Treatment Plant for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 076 95 A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Consulting Engineers, George, Miles & Buhr, and the County Engineering Department, that the Sussex County Council approve Change Order No. 9 in the amount of \$7,158.00 to George and Lynch for the addition of hot mix paving across three (3) driveways and to provide electric service and control wiring for an automatic sampler unit, increasing their base contract to a new total of \$15,960,843.00 with no change in construction completion time, contingent on the review and approval by 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

Bid Package F Results Mr. Wood, County Engineer, discussed the bid results for Bid Package F for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, as reported on February 7, 1995. Mr. Wood recommended that the bid be awarded to the low bidder, Lisbon Contractors, Inc.

M 077 95 A Motion was made by Mr. Benson, seconded by Mr. Collins, based on the recommendation of the Consulting Engineers, George, Miles & Buhr and the County Engineering Department, that an award be given to the low bidder, Lisbon Contractors, Inc. of Danboro, Pennsylvania, in the amount of \$1,742,990.00 for Pump Station Contract Bid Package "F" for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, contingent on the approval of the reviewing agencies, Department of Natural Resources and Environmental Control, Rural Economic and Community Development Administration, and the confirmation of crew day rates for potential change orders.

Motion Adopted: 5 Yea.

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

- Agenda Item The agenda item entitled "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract D - Archaeological Investigation" was tabled.
- Change Order Mr. Green, Director of Utility Construction, reviewed Change Order No. 5 to Contract A for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
- M 078 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, Issue Change Order No. 5 West Rehoboth Project 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. 5 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Design Areas 6, 7, 8, and 9, to Teal Construction, Inc., to adjust the unit price of eight (8) inch sanitary sewer in Arnell Creek by \$17.60/LF to compensate for the extra wide bituminous concrete streets, and the establishment of a unit price of \$7.75/LF for four (4) inch force main not in the contractors original bid, for an estimated total of \$178,861.60, to be adjusted based on final measurement reflected in the closeout change order, increasing this contract amount to \$4,984,976.60, including a sixty (60) day time extension, revising the substantial completion date to September 18, 1995, contingent on the approval of the following agencies, Department of Natural Resources and Environmental Control and Rural Economic and Community Development.
- Motion Adopted: 4 Yea, 1 Nay.
- Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;
 Mr. Collins, Yea; Mr. Stevenson, Yea;
 Mr. Dukes, Yea
- Clear-water Development Mr. Green, Director of Utility Construction, discussed Conditional Acceptance for the wastewater facilities constructed in "Clearwater Development Off-site" located in the South Bethany Sanitary Sewer District.
- M 079 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, Grant Conditional Acceptance Clear-water Development based on the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in "Clearwater Development Off-site", located in the South Bethany Sanitary Sewer District.
- Motion Adopted: 5 Yea.

M 079 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Mr. Stevenson introduced the Proposed Ordinance entitled
Ordinance "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
AND C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.46 ACRES
AND 2.79 ACRES, MORE OR LESS" (Change of Zone No. 1255) filed
on behalf of O. A. Newton & Son Co. The Proposed Ordinance
will be advertised for Public Hearing.

M 080 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give
Council- \$400.00 from Mr. Cole's Councilmanic Account to the Selbyville
manic Public Library to fund half of the purchase price of a printer
Grant for their computer.

Motion Adopted: 5 Yea.

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

M 081 95 At 11:57 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Benson, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
C/U No. AGRICULTURAL RESIDENTIAL DISTRICT FOR TONING BOOTHS AND
1101 BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING
13,300 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1101)
filed on behalf of Melvin A. Fox and Gloria M. Fox. It was
noted that the applicant wishes to delete the reference to
the beauty salon. Public comments were heard. The Public
Hearing was closed and action was deferred. The record was
left open for the receipt of additional information regarding
the question of ownership of Fisherman's Road.

M 082 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$1,000.00, \$200.00 from each Councilmanic Account,
manic to the Sussex County Veterans Council for the purchase of
Grant flags to be placed on the graves of Veterans on Veterans
Day.

M 082 95 Motion Adopted: 5 Yea.
(con't)

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

M 083 95 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Council- to give \$250.00 from Mr. Stevenson's Councilmanic Account
manic to the Town Council of Georgetown for new street signs in
Grant the Town of Georgetown.

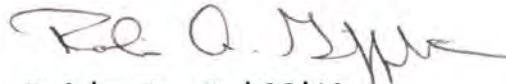
Motion Adopted: 5 Yea.

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

M 084 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Adjourn & to adjourn at 2:45 p.m. and to go into Executive Session for
Executive the purpose of discussing a personnel matter. Motion Adopted
Session by Voice Vote.

Executive An Executive Session of the Sussex County Council was held
Session Tuesday, February 14, 1995, at 2:45 p.m., in the Council
Chambers, Courthouse, Georgetown, Delaware, for the purpose
of discussing a personnel matter. The Executive Session con-
cluded at 2:50 p.m.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council