

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 20, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 20, 1996, 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
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 075 96 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, Amend Agenda to amend the Agenda to include an Executive Session immediately following the open meeting. Motion Adopted by Voice Vote.

M 076 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the meeting dated January 30, 1996. Motion Adopted by Voice Vote.

M 077 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated February 13, 1996. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence
SUSSEX COUNTY EMERGENCY MEDICAL SERVICES, GEORGETOWN, DELAWARE.
RE: Information release regarding Sussex County EMS's participation in the State Bicycle Helmet Safety Program.

Women's Ms. Tuman, Alumni Coordinator for Delaware Technical & Community History College, was present to solicit a donation in the amount of Month/ \$500.00 to help defray the expenses of a dinner to be held on Donation March 6, 1996, in honor of Women's History Month and Inter- Request national Women's Day.

Proposed Mr. Stickels, County Administrator, read a Proposed Proclamation Procla- entitled "PROCLAIMING THE MONTH OF MARCH AS 'WOMEN'S HISTORY mation MONTH'."

M 078 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF MARCH AS Procla- 'WOMEN'S HISTORY MONTH'." mation

Motion Adopted: 4 Yea, 1 Absent.

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

M 079 96
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Tech Alumni Association to help defray the expenses of a dinner to be held on March 6, 1996, in honor of Women's History Month and International Women's Day.

Motion Adopted: 4 Yea, 1 Absent.

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

Center
for the
Inland
Bays

Dr. Richards, Executive Director, Center for the Inland Bays, and Dr. Price, Associate Professor, Graduate College of Marine Studies, University of Delaware, were in attendance to discuss the Center for the Inland Bays. The Center for the Inland Bays was established to oversee and facilitate the implementation of a long-term approach for the wise use and enhancement of the Inland Bays' Watershed. Dr. Richards explained that the Center is to receive federal funds for coordinating implementation of the Federal Comprehensive Conservation and Management Plan (CCMP). CCMP goals include establishing and implementing a comprehensive non-point source pollution control program; protecting, restoring and enhancing living resources by improving water quality and protecting and enhancing habitat; developing and implementing comprehensive zoning ordinances, laws, and regulations at all levels of government that promote environmentally sound land use; establishing and implementing a comprehensive wastewater management program; developing and implementing a ground water management program that protects and improves drinking water supplies; developing and implementing a water use plan; establishing and implementing a shoreline protection program that addresses both natural processes and human activities; coordinating inland bays management with existing solid waste, air pollution, and toxics programs; ensuring that all public participation, information, and education are a part of planning and management activities related to the inland bays. Dr. Richards concluded his presentation by encouraging the County Council to work with the Center to incorporate the Comprehensive Conservation and Management Plan into the County's Comprehensive Land Use Plan.

Mr. Cole suggested that, in the future, the Center for the Inland Bays be notified of any zoning changes affecting the Inland Bays Watershed.

Proposed
Resolu-
tion/
Action
Plan

Mr. Stickels, reviewed a Proposed Resolution entitled "ACTION PLAN RECOGNIZING THE EXPANDING IMMIGRATION POPULATION OF SUSSEX COUNTY, DELAWARE". The Proposed Resolution, drafted by Robert L. Stickels, County Administrator, is a modified version of a Proposed Resolution considered at a recent SCAT

Proposed Resolution/Action Plan (con't) (Sussex County Association of Towns) meeting. The revised version recognizes the entire immigration population of Sussex County; the original version recognizes only the Latino immigrants. The revised version will be considered by SCAT at the April meeting, allowing time for the member governments to review it.

M 080 96 Endorse Action Plan A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council, having met in public session, endorses the Action Plan, recognizing the expanding immigration population of Sussex County, Delaware, as recommended by the Sussex County Association of Towns Steering Committee.

Motion Failed: 2 Yea, 1 Nay, 1 Abstention, 1 Absent.

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

Energy Code Requirement Mr. Stickels, County Administrator, discussed Senate Bill No. 83 that is scheduled to take effect March 1, 1996. Senate Bill No. 83 requires the State of Delaware to enforce an Energy Code for single family houses and commercial buildings. In accordance with this Bill, all commercial plans will have to be sealed by an architect. In addition, all single family, duplexes, residential buildings three stories or less in height and all heated additions, must meet the 1993 CABO Model Energy Code (MEC). Mr. Stickels advised that many architects/contractors are not ready for this implementation. Senator Venables has been contacted by his constituents regarding problems with the implementation of the new standards, and he, in turn, has discussed the issue with Senator McDowell, the sponsor of the Bill. In a letter to Senator Venables, Senator McDowell states that "I shall investigate this matter as quickly as possible in order to determine if any legislative corrections are in order." and "I have talked with Charles Smisson, of the State Energy Office, who has agreed that implementation of the new standards for residential construction will not be implemented until at least April 1, 1996".

M 081 96 Delay Energy Code A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that the Sussex County Council authorizes the delay of implementation of the Energy Code for commercial and residential housing until mandated by the State of Delaware.

Energy Code Requirement (con't)/Motion Withdrawn A discussion centered around the fact that the County has received no written notification from the State of Delaware regarding delaying the implementation of the new standards. Council considered the fact that these new standards have been mandated by the State per Senate Bill No. 83 and; therefore, written notification should be received to authorize any delay in implementation. Mr. Stevenson and Mr. Collins withdrew their motions.

Planning & Zoning Report/ 1995

Mr. Lank, Director of Planning and Zoning, reviewed the Planning and Zoning Department Report for the period January 1, 1995, through December 31, 1995. The report provides information pertaining to permits issued, applications submitted, Board of Adjustment cases, Inspectors' Report and comparisons to previous years.

Administrator's Report

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

1. Sussex County Volunteer Firemen's Association

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday, February 27, 1996, at 7:30 p.m. This month's meeting will be hosted by the Frankford Fire Company, Frankford, Delaware.

2. Status Report - Troop 4

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, during the month of January 1996:

Total Hours on Duty	4,394.5
Hours Assisted Other Agencies	23.5
Total Traffic Arrests	819
Total DUI Arrests	16
Accident Reports: Property Damage	55
Personal Injury	<u>15</u>
Total Accident Reports	70
Criminal Arrests: Felony	12
Misdemeanor	<u>52</u>
Total Criminal Arrests	64
Total 10-29 P's (wanted persons)	12
Total Number of Complaints	595

3. Land Use Workshops

Several questions have been raised regarding the upcoming workshops on the Comprehensive Land Use Plan. The public workshops are proposed for the staff of the Sussex County Council and their consultants, Whitman, Requardt and Associates, to receive public input from the citizens of Sussex County on issues pertaining to the development of the 1996 Sussex County Comprehensive Plan. The workshops will be introduced by Sussex County staff and a brief history provided by Thomas J. Shafer of Whitman, Requardt and Associates. After the introductory comments, the assembly will be informally separated into five core

Adminis-
trator's
Report
(con't)

discussion groups to address the issues of zoning, agriculture, water and wastewater, economic development, and transportation. These issues will be introduced in the following context:

Zoning

- a. Manufactured housing in all residential zones
- b. Cluster developments
- c. Affordable housing
- d. Conservation districts

Agriculture

- a. Impacts on agricultural districts

Water and Wastewater

- a. Minimum lot sizes for on-site septic systems
- b. Infrastructure (sewer, water, etc.)

Economic Development

- a. Job creation and economic development

Transportation

- a. General transportation issues
- b. Control of lots along existing roadways

Existing conditions maps relating to the above mentioned issues will be displayed to assist each discussion group. No solutions to these issues have been predetermined; therefore, no proposed maps or text have been prepared. The issues and concerns of the residents of Sussex County will provide valuable direction to the development of the comprehensive plan.

Once again, the schedule for the workshops is as follows:

February 21, 1996 - Delaware Technical & Community College
(Jason Theater)

March 7, 1996 - Rehoboth Beach Convention Center

March 20, 1996 - Seaford Municipal Banquet Hall

March 27, 1996 - Delaware Technical & Community College
(Higher Learning Center)

Insurance Mr. Baker, Finance Director, discussed the selection of an
Con- insurance consultant. The Insurance Buyers' Council, Inc.
sultant has served as the County's insurance consultant since 1984.
Selection Services provided by Insurance Buyers' Council, Inc. include
analyzing the County's insurance exposures, preparing a re-
quest for insurance proposals, supervising the competitive

Insurance quotation procedure, reviewing the proposals, and recommending
Con the insurance providers. Based upon the past history of ser-
sultant vice, Mr. Baker requested permission that Insurance Buyers'
Selection Council, Inc. be engaged again for all of the County's in-
(con't) surance coverage. Services will be provided for a maximum
fee of \$11,215.00 plus necessary expenses (approximately
\$500.00). These fees will cover up to five complete prop-
erty and liability insurance proposals.

M 082 96 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Select that Sussex County Council authorizes the Director of Finance
Insurance to enter into an agreement with Insurance Buyers' Council, Inc.
Con- to analyze the County's insurance exposures, prepare a request
sultant for insurance proposals, supervise the competitive quotation
procedure, review the proposals and recommend the insurance
providers. This will be done for a maximum fee of \$11,215.00
plus necessary expenses which will cover up to five complete
property and liability proposals.

Motion Adopted: 4 Yea, 1 Absent.

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

Change Mr. Green, Director of Utility Construction, discussed Change
Order Order No. 5R to Contract D for the West Rehoboth Expansion of
the Dewey Beach Sanitary Sewer District.

M 083 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, based
Issue on the recommendation of the Inspection Engineer, George, Miles
Change & Buhr, and the Sussex County Engineering Department, that the
Order Sussex County Council authorizes the President of the Sussex
No. 5R/ County Council to issue Change Order No. 5R, for the West
Con- Rehoboth Expansion of the Dewey Beach Sanitary Sewer District,
tract D/ Contract D, Design Areas 14, 15, 16, 17, and 18, to Lisbon
West Contractors, Inc., in the amount of \$5,457.70, for eight (8)
Rehoboth inch and ten (10) inch PVC sleeves, in lieu of concrete en-
casement for existing water lines, with an unrevised sub-
stantial completion date of December 29, 1995, and increasing
this contract amount to \$5,819,794.38, contingent on the
approval of Rural Economic and Community Development.

Motion Adopted: 4 Yea, 1 Absent.

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

Harbeson Mr. Archut, Director of Planning and Permits, advised Council
Street- that he is in receipt of a letter from the State of Delaware
lighting Department of Transportation asking if the County would be
District interested in transferring to them the responsibility of six

Harbeson Street-lighting District (con't)

streetlights in the Harbeson Streetlighting District. These six streetlights are located at the intersection of Route 5 and Route 9. The Department of Transportation has offered to upgrade these lights and to maintain them. They will also install four additional lights. The transfer of responsibility for the six streetlights would result in a savings to residents in the Harbeson Streetlighting District. The Department of Transportation is also asking the County to consider upgrading the remainder of the lights in the District. This upgrade would result in a cost increase to the residents; however, with the savings from the transfer of responsibility for the six streetlights, the net change in the fees would be minimal. Mr. Archut will meet with the residents of the District regarding the upgrading of the remaining streetlights as requested by the Department of Transportation.

M 084 96 Approve Transfer of Six Street-lights to DelDOT/ Harbeson Street-lighting District

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council hereby approves the transfer of responsibility for the six existing 100-watt mercury vapor units at the intersection of State Route 5 and U.S. Route 9 to the State of Delaware Department of Transportation, as presented on February 20, 1996.

Motion Adopted: 4 Yea, 1 Absent.

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

Sussex County Administrative Building Update

Mr. DiGiuseppe, Construction Inspector, provided an updated report of the estimated percentages of work completed to date and future work to be started by the general contractor and sub-contractors on the Sussex County Administrative Office Building.

Percentage of time used on project. 49.8%

Percentage of work completed on entire project as of last billing date (2/1/96). 31.0%

Contractual completion date. 9/28/96

Contractor's anticipated completion date. 11/9/96

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 RETAIL SALES OF NEW AND USED ITEMS AND CONSIGNMENT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.82 ACRES, MORE OR LESS (Conditional Use No. 1152) filed on behalf of Connie Kay Cooper. 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 TWO POLE BARNs FOR STORAGE FOR GENERAL CONTRACTORS EQUIPMENT AND PLUMBING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.201 ACRES, MORE OR LESS" (Conditional Use No. 1153) filed on behalf of Mark Beam and Keith Smith. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SURVEYOR'S OFFICE AND APARTMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.95 ACRES, MORE OR LESS (Conditional Use No. 1154) filed on behalf of Michael D. Swain. The Proposed Ordinance will be advertised for Public Hearing.

M 085 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$300.00 from Mr. Collins' Councilmanic Account to the Pink Ribbon Cancer Classic, a tournament to raise money for breast cancer research and awareness programs by the American Cancer Society.

Motion Adopted: 4 Yea, 1 Absent.

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

M 086 96 Recess At 11:52 a.m., a Motion was made by Mr. Collins, seconded by Mr. Stevenson, to recess for the purpose of going into Executive Session. Motion Adopted by Voice Vote.

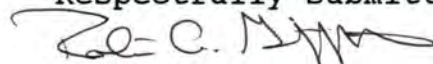
Executive Session An Executive Session was held for the purpose of discussing land acquisition.

M 087 96 Adjourn Session A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn the Executive Session and return to open meeting. Motion Adopted by Voice Vote.

M 088 96 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 12:17 p.m. Motion Adopted by Voice Vote.

Luncheon Meeting Sussex County Council members attended a luncheon meeting hosted by the Sussex Conservation District Board of Supervisors. Topics of interest and concern were discussed.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council