

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 22, 1994

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, February 22, 1994, 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 077 94  
Approve  
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the meeting dated February 8, 1994. Motion Adopted by Voice Vote.

M 078 94  
Approve  
Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to approve the minutes of the meeting dated February 15, 1994. Motion Adopted by Voice Vote.

Corre-  
spondence

Mr. Bayard, County Attorney, read the following correspondence:

JOSEPH W. BOOTH, MAYOR, TOWN OF GEORGETOWN, GEORGETOWN, DELAWARE.

RE: Appreciation for efforts during recent ice storm to alert the media about the Town's water system emergency and maintaining communications for emergency services in the Town of Georgetown. (Mr. Stickels, County Administrator, stated that other notes of thanks for assistance during the recent ice storm have been received, as well.)

WAYNE MILLER, PRESIDENT, BOARD OF DIRECTORS, CHRISTIAN STOREHOUSE, MILLSBORO, DELAWARE.

RE: Advising of their existence and programs and seeking any financial assistance Council may be able to provide.

N. C. VASUKI, P.E., DEE, CHIEF EXECUTIVE OFFICER, DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.

RE: Thanking Mr. Dukes for moderating the meeting on January 10, 1994, at the Epworth Fellowship Church regarding construction of a permanent landfill gas system and confirming a proposed meeting on Monday, March 28, 1994, at 10:00 a.m. at the Southern Solid Waste Management Center and a subsequent meeting at 7:00 p.m. at the Epworth Fellowship Church.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.

RE: Notice of Commission Meeting and Public Hearing regarding 20 applications, none of which involve locations in Sussex County.

Audit  
Report  
for Year  
Ended  
June 30,  
1993

Mr. Baker, Finance Director, presented to Council the County of Sussex, Delaware, Audited Financial Statements and Additional Information for the Year Ended June 30, 1993. In attendance to discuss the Audit Report and answer questions raised by Council were Richard I. Wade and Robert E. Williams of Wade & Santora, Certified Public Accountants & Consultants, the County's auditors. Mr. Baker reviewed and highlighted areas of the report for Council's information. The Audit Report expresses the unqualified opinion of Wade & Santora that "the general purpose financial statements referred to above present fairly, in all material respects, the financial position of the County of Sussex, Delaware, as of June 30, 1993, and the results of its operations and the cash flows of its proprietary and similar trust funds for the year then ended in conformity with generally accepted accounting principles."

Onshore  
Construction  
Contract  
Close Out  
Payment  
Summary  
(WREDBSSD)

Mr. Wood, County Engineer, distributed to Council a Contract Close Out Payment Summary for Contract No. 1A with Onshore Construction, Inc., for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Also present to discuss the Close Out Payment Summary was James R. Thomas, Jr., P.E., of George, Miles & Buhr, the County's consulting engineers on the project. A change order increase for disputed claims has been negotiated with Onshore Construction in the amount of \$142,395.59, thereby eliminating any pending litigation on the West Rehoboth Project. The final close out payment request of \$441,000.00 will complete the West Rehoboth construction contract with Onshore Construction.

M 079 94  
Approve  
Final  
Payment  
Amount  
to Onshore  
Construction  
(WREDBSSD)

A Motion was made by Mr. Cole, seconded by Mr. Collins, that based on the recommendations of the consulting engineers, George, Miles & Buhr, and the Sussex County Engineering Department, that the County Council approve a final payment amount of \$441,000.00 to Onshore Construction, Inc., which includes a negotiated close out change order in the amount of \$142,395.59, which will complete the construction contract with Onshore Construction at a contract amount of \$3,096,701.85.

Motion Adopted: 5 Yea.

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

Accessory  
Buildings

Mr. Stickels, County Administrator, advised Council that concerns have been expressed regarding the construction of accessory buildings and to what extent the Sussex County Single Family Building Code applies to said structures. Mr. Parker, Director of Assessments, and Mr. Milligan, Supervisor of Building Code Inspectors, were present to

Accessory  
Buildings  
(Continued)

address this issue. A building constructed on five acres or more as an accessory to a farming operation and used primarily for agricultural purposes (at least 75 percent of its use) is currently exempt from the provisions of the Sussex County Single Family Building Code. However, accessory buildings over 400 square feet which are not agriculture related must be built to Single Family Building Code specifications and require inspection, for which there is a minimum fee of \$90.00. Although this matter was discussed at the public hearings held prior to adoption of the Sussex County Single Family Building Code, it seems that, for the most part, the general public is unaware of the accessory building provisions in the Code.

It was the consensus of Council that existing procedures remain in effect for determining application of the Sussex County Single Family Building Code pertinent to accessory buildings.

Adminis-  
trator's  
Report

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

1. Sussex County Volunteer Firemen's Association

The Frankford Volunteer Fire Company will host the monthly meeting of the Sussex County Volunteer Firemen's Association on Tuesday, February 22, 1994, at 7:30 p.m. at the Frankford Fire Hall, Frankford, Delaware.

2. Public Hearing

The Public Hearing for "AN ORDINANCE TO AMEND § 91-10 SUSSEX COUNTY CODE RELATING TO VIOLATIONS AND PENALTIES FOR VIOLATION OF THE SOLID WASTE ORDINANCE" has been rescheduled for Tuesday, March 15, 1994, at 10:45 a.m.

3. Georgetown Transportation Study

Representatives from the State of Delaware's Department of Transportation will be attending the Council meeting on Tuesday, March 1, 1994, to discuss the Georgetown Transportation Study. Mr. Stickels will provide the Council with a copy of this report prior to the meeting. Any members of the public or media who wish to obtain a copy of this study should contact Richard K. Vetter, Project Engineer, at 739-4644.

Proposed  
Ordinance

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RADIO STATION AND BROADCAST STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

Proposed Ordinance (Continued)

CONTAINING 4.10 ACRES, MORE OR LESS" (C/U #1071) filed on behalf of Prettyman Broadcasting Co. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.29 ACRES, MORE OR LESS" (C/Z #1223) filed on behalf of Everett J. Kimmey. The Proposed Ordinance will be advertised for Public Hearing.

M 080 94 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Lord Baltimore Parent Teachers Association for the Lord Baltimore Environmental Learning Center.

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 94 Councilmanic Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$500.00 from Mr. Stevenson's Councilmanic Account to Woodbridge Little League in support of their program.

Motion Adopted: 5 Yea.

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

M 082 94 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$200.00, \$100.00 from Mr. Cole's Councilmanic Account and \$100.00 from Mr. Benson's Councilmanic Account, to the Cape Henlopen High School Student Government Association towards sending two participants to the National Association of Student Councils annual conference in St. Louis, Missouri, from June 24 to June 28, 1994.

Motion Adopted: 5 Yea.

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

M 083 94 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500.00 to the Sussex County Volunteer Firemen's Association and \$500.00 to the Sussex County Fire Chiefs' Association to send their respective Presidents to the

M 083 94  
(Continued)

International Fire Instructor's Conference in Cincinnati, Ohio, and \$500.00 to the Sussex County Volunteer Ambulance Association to send the President and other members to the Delaware EMS Conference, for a total of \$1,500.00, \$300.00 to be deducted from each Councilmanic Account.

Motion Adopted: 5 Yea.

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


Road  
Naming  
Workshop

Mr. Stickels, County Administrator, informed Council that the public workshop for the Road Naming Project previously scheduled for Wednesday, February 16, 1994, has been rescheduled for Thursday, March 3, 1994, at 7:30 p.m. at the Gumboro Fire Hall.

M 084 94  
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 11:39 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Susan W. Webb  
Acting Clerk of the County Council