

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 25, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 25, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 076 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated February 18, 1992. Motion Adopted by Voice Vote.

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

MELODY WILLEY, SEAFORD CHRISTIAN ACADEMY, SEAFORD, DELAWARE
RE: Student letter concerning the Wilckey book and the policeman's visit regarding drug abuse.

MICHAEL MCGRATH, DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, DOVER, DELAWARE
RE: Establishment of Sussex County's Farmland Preservation Advisory Board.

TIL PURNELL, PRESIDENT, SUSSEX COUNTY LEAGUE OF WOMEN VOTERS, MILLSBORO, DELAWARE
RE: Opposing the implementation of an incinerator in Sussex County.

LAWRENCE WONDERLIN, REHOBOTH, DELAWARE
RE: Sierra Club's opposition to the use of incineration as a means of disposing of refuse.

Young Certificate President Dukes presented to Lawrence O. Young a Certificate of Appreciation "For devotion, loyalty, and excellence in serving Sussex County as Custodian from January 20, 1970 to July 14, 1974 and Security Guard from July 1, 1976 to January 31, 1992".

FY '91 Audit Truitt Jefferson, Sheldon Forney and Susan Webb of Jefferson, Urian, Doane & Sterner, P.A. appeared before Council to present the "County of Sussex, Delaware, Audited Financial Statements and Supplemental Information for the Year Ended June 30, 1991".

FY '91
Audit
(con't)

Mr. Jefferson and Mr. Forney reviewed the report and addressed questions raised by Council. The Auditor's Report expresses the opinion of Jefferson, Urian, Doane & Sterner, P.A. 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, 1991, and the results of its operations and the cash flows of its proprietary and fund types for the year then ended in conformity with generally accepted accounting principles".

Security
Exchange

Mr. Stickels, County Administrator, discussed a memorandum from R.W. Corby & Company, Incorporated, which states that with the proceeds of its Municipal Refunding Collateralized Mortgage Obligations (MRCMO), Series A, dated May 1, 1989 Sussex County established an escrow of sufficient moneys and Governmental Obligations to defease its outstanding Single Family Mortgage Revenue Bonds, 1979 Series A. Securities replacements for the defeased 1979 Single Family Bonds will release more than \$100,000 to the County; however, five prerequisites must be met before the transaction can proceed.

M 077 92
Security
Exchange

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council authorizes the investigation of security replacements for the defeased Single Family Mortgage Revenue Bonds, 1979 Series A.

Motion Adopted: 5 Yea.

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

Crisis
Preg-
nancy
Center
Request

Mr. Stickels, County Administrator, presented a request for a \$1,000.00 grant from Sussex County Crisis Pregnancy Center, Inc. for the purchase of carseats and cribs, to continue providing assistance to other agencies as well as clients.

M 078 92
Grant
Crisis
Preg-
nancy
Center

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorizes the distribution of \$1,000.00 to the Sussex County Crisis Pregnancy Center, Inc. to be awarded from the Human Service Grant Program.

Motion Adopted: 5 Yea.

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

Housing
Preser-
vation
Grant
Resolu-
tion

Mr. Stickels, County Administrator, advised that a Public Hearing was held on February 4, 1992, to submit an application to Farmers Home Administration for a grant under Section 533 of the Housing Act of 1949, as amended and known as the Housing Preservation Grant (HPG) Program. The record was held open for comments until February 20, 1992. No public comments were received. A Proposed Resolution endorsing the project to be submitted to the United States Department of Agriculture, Farmers Home Administration, for funding was read, in its entirety, by Mr. Stickels.

M 079 92
Adopt
Resolu-
tion
R 010 92
(HPG)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 010 92 entitled "ENDORISING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PREAPPLICATION".

Motion Adopted: 5 Yea.

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

Sussex
County
Proposed
Inciner-
ator

Mr. Stickels, County Administrator, reported to Council on Mt. Trashmore Park in Virginia Beach, Virginia. Mt. Trashmore Park is a landfill turned into a recreational park. A discussion was held regarding this concept being a possible alternative to the implementation of an incinerator in Sussex County. A Proposed Resolution opposing the implementation of an incinerator in Sussex County was read, in its entirety, by Mr. Stickels.

M 080 92
Adopt
Resolu-
tion
R 011 92
Oppose
Inciner-
ator

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 011 92 entitled "RESOLUTION OPPOSING THE DELAWARE SOLID WASTE PROPOSAL TO OPERATE AN INCINERATOR AT THE SOUTHERN SOLID WASTE FACILITY SITE".

Motion Adopted: 5 Yea.

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

Court-
house
Expan-
sion
Contract

Mr. Stickels, County Administrator, reviewed two change orders to the Courthouse Renovation and Expansion Contract which are needed for the project to go forward, as follows: (1) An additional \$21,037.66 for modifications to the existing building requiring additional work to repair structural

Court-
house
Expan-
sion
Contract
(con't)

differences and inadequacies concealed by wall finishes, including steel modifications, new lintels, new masonry, and framing in door and window openings, and (2) An additional \$8,033.01 for the removal of an existing concrete-encased electrical conduit found under the new building addition and the installation of a new underground electrical service. Money budgeted to be reimbursed by the State of Delaware is \$1,000,000.00; balance currently available is \$189,765.00; new balance after change orders would be \$160,694.33.

M 081 92
Court-
house
Expan-
sion
Contract
Increase

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council authorizes an increase in the price of the Courthouse Renovation and Expansion Contract not to exceed \$29,070.67.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Sussex County Volunteer Firemen's Association Monthly Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday evening, February 25, 1992, at 7:30 p.m. This meeting is being held at the Cape Henlopen High School located on Kings Highway, Lewes, Delaware. The Lewes Volunteer Fire Company is the monthly sponsor. The dinner is not taking place at the fire hall, as the current fire station for Lewes is under renovation.

2. Sussex County Association of Towns Meeting

The next SCAT meeting will be held at the Laurel Fire Hall on Wednesday, March 4, 1992, starting at 7:00 p.m. Mr. Randall Arendt, planning consultant, will discuss open space in inland bays planning. Mr. Lawrence Lank, Director of Planning and Zoning, will be attending the dinner meeting. Mr. Stickels will not be able to attend, as he will be speaking at the Delaware Solid Waste Authority's public hearing being held the same evening in Dover.

Adminis-
trator's
Report
(con't)

3. DelDOT Realignment and Proposed Road Vacation

As a result of an agreement between Geraldine R. Marsh and the State of Delaware Department of Transportation, Division of Highways, a public hearing for the proposed vacation of County Road 273 is scheduled for Tuesday, March 10, 1992, at the Georgetown Highway Administration Building at 10:00 a.m. in the Conference Room. The Engineering Department has reviewed this realignment with regards to West Rehoboth collection and transmission design. This portion of design has not yet been undertaken; therefore, the Engineering Department finds no difficulty with this abandonment. Mr. Stickels knows of no other reasons why the County Council should oppose this proposed action.

LNSSD

Mr. Green, Director of Utility Construction, discussed "Beneficial Occupancy" for Contract No. 6 of the wastewater facilities constructed in the Long Neck Sanitary Sewer District.

M 082 92
Benefi-
cial
Occu-
pancy
LNSSD

A Motion was made by Mr. Benson, seconded by Mr. Cole, based upon the recommendation of the inspection engineer, KCI Technologies, Inc., for Sussex County Project No. 88-12, that the Sussex County Council grant "Beneficial Occupancy" for Contract No. 6 of the wastewater facilities constructed in the Long Neck 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

Dagsboro
Frank-
ford
SSD

Mr. Archut, Planning and Permits Division Director, reported on the Dagsboro-Frankford Sanitary Sewer District and provided Council with a contract award summary. Bids were opened on October 29, 1991, for wastewater treatment and wastewater collection. Contracts were awarded on November 26, 1991, contingent on approvals being received from FmHA, DNREC and EPA. All approvals have been received. Notice of awards, agreements, performance bonds, and payment bonds were mailed to low bidders on February 20, 1992. Mr. Stickels, County Administrator, advised Council of a change in schedule for the ground breaking which was originally scheduled for March 5, 1992. Ground breaking will now be held on March 10, 1992, at 12:00 noon.

Proposed Ordinance Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2/RPC HIGH DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 91.88 ACRES, MORE OR LESS" (C/Z #1158) filed on behalf of Bayville Shore Development Corp. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced 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 NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.01 ACRES, MORE OR LESS" (C/Z #1159) filed on behalf of Ralph Michael Pyles. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced 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 0.985 ACRES, MORE OR LESS" (C/Z #1160) filed on behalf of Solar Heating, Inc., T/A Sussex Electric. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WOODEN PALLET REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 13.5 ACRES, MORE OR LESS" (C/U #997) filed on behalf of T. J. Tennefoss. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AGRICULTURAL IRRIGATION SYSTEMS SALES AND SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.463 ACRES, MORE OR LESS" (C/U #998) filed on behalf of Jade Run Sod Farm of Delaware. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL UTILITY SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (C/U #999) filed on behalf of Delaware Electric Cooperative, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 083 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to
Council- give \$500.00, \$250.00 from Mr. Collins' Councilmanic Account and
manic \$250.00 from Mr. Dukes' Councilmanic Account, to the Laurel Alumni
Grant Association, Inc. for their scholarship fund.

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 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to give
Council- \$700.00 from Mr. Collins' Councilmanic Account to the Town of
manic Frankford to be used for their planning and zoning efforts.
Grant

Motion Adopted: 5 Yea.

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

M 085 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to recess
Recess at 11:20 a.m. Motion Adopted by Voice Vote.

Work- A workshop regarding the Delaware Manufactured Housing Association
shop was held at 1:30 p.m.

Recon- Council was called back into session at 3:05 p.m. by President
vene Dukes.

M 086 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$400.00 from Mr. Benson's Councilmanic Account to the Milton
manic Little League, Inc.
Grant

Motion Adopted: 5 Yea.

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

M 087 92 A Motion was made by Mr. Benson, seconded by Mr. Cole, to give
Council- \$200.00, \$100.00 from Mr. Benson's Councilmanic Account and
manic \$100.00 from Mr. Stevenson's Councilmanic Account, to the
Grant Milford Rotary Club for support of the Milford Middle School
Academic Achievement Program.

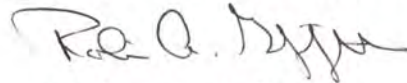
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M 087 92 Motion Adopted: 5 Yea.
(con't)

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

M 088 92 A Motion was made by Mr. Benson, seconded by Mr. Cole, to adjourn
Adjourn at 3:08 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council