

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 27, 1996

Executive Session An Executive Session of the Sussex County Council was held Tuesday, February 27, 1996, at 9:30 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition. The Executive Session concluded at 9:58 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 27, 1996, at 10:05 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 089 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Agenda approve the Agenda, as presented.

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 090 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated February 20, 1996. Motion Adopted by Voice Vote.

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice regarding the revision of the State of Delaware Implementation Plan for Achieving and Maintaining National Ambient Air Quality Standards.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice regarding the Banking and Trading Regulation comment period.

ELIZABETH B. STRANGE, LAUREL PUBLIC LIBRARY, LAUREL, DELAWARE.
RE: Letter in appreciation of Mr. Dukes' Councilmanic Grant.

BETTY JO COLLINS, MILLSBORO, DELAWARE.
RE: Thank you card.

Corre-
spondence
(con't)

DOROTHY GODWIN, PRESIDENT, ZWAANENDAEL CLUB, LEWES, DELAWARE.
RE: Request for councilmanic funds to supplement annual budget for expenses due to the need to replace the furnace in the clubhouse.

JOANN T. CONAWAY, SPONSORSHIP COMMITTEE CHAIRPERSON, AND EDWARD A. LEWANDOWSKI, PARK INTERPRETER, TRAP POND PARTNERS, LAUREL, DELAWARE.

RE: Letter requesting County Council to sponsor "March for Parks" to be hosted this year at Trap Pond State Park.

GEORGE H. BUNTING, JR., HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter requesting County Council to consider a mortgage bond program for first time home buyers.

JAMES W. AND KATHRYN V. WILLIAMS, BLADES, DELAWARE.

RE: Letter to Mr. Lecates in appreciation of the assistance they received from Sussex County Community Development Office.

DELAWARE LEAGUE OF WOMEN VOTERS, WILMINGTON, DELAWARE.

RE: Invitation to Statewide Water Resources Conference.

SUSAN A. FRANK, EXECUTIVE VICE PRESIDENT, DELAWARE HOUSING PARTNERSHIP, DOVER, DELAWARE.

RE: Letter to Mr. Dukes in appreciation of his participation at the December 18, 1995, Delaware Housing Partnership luncheon meeting. (Fiscal Year 1995 Annual Report enclosed.)

Delaware
State
Housing
Authority
NRF
Program

Mr. Stickels, County Administrator, discussed a letter from Susan A. Frank, Director, Delaware State Housing Authority, regarding the 21st Century Fund's new Neighborhood Revitalization Fund (NRF) Program. The purpose of the NRF Program is to support the revitalization of communities and preserve the affordable housing stock by rehabilitating substandard houses in selected communities throughout the State. Communities will be selected for a set aside under the NRF Program through a competitive application process. Selection of the targeted communities will be based on their housing rehabilitation needs and their neighborhood revitalization plan. Homeowners in these communities will be eligible for deferred loans to repair their home. The deadline to receive applications for this program was January 29, 1996. Two of the fifteen applications received were from community groups in Sussex County; Coverdale Crossroads and West Rehoboth.

M 091 96
Endorse
Applica-
tions
for NRF
Program

A Motion was made by Mr. Cole, seconded by Mr. Collins, to endorse the applications of Coverdale Crossroads and West Rehoboth for the 21st Century Fund's new Neighborhood Revitalization Fund (NRF) Program.

Motion Adopted: 4 Yea, 1 Absent.

M 091 96 (con't) Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

CDBG Funding Mr. Stickels, County Administrator, and Mr. Lecates, Director of Community Development, discussed the Sussex County Community Development and Housing Division's participation in State and Federally funded programs. The Division has targeted one hundred houses for rehabilitation in FY '96 leaving approximately five hundred applicants on the waiting list. The County encourages the Delaware State Housing Authority to continue supporting housing rehabilitation as the number one priority for Community Development Block Grant funding exclusively for local governments in Kent and Sussex County.

M 092 96 Adopt Resolution No. R 009 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 009 96 entitled "RESOLUTION REQUESTING THE DELAWARE STATE HOUSING AUTHORITY TO CONTINUE TO FUND KENT AND SUSSEX COUNTY LOCAL GOVERNMENTS".

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

Purchase of Property from Wilmington Trust Company Mr. Stickels, County Administrator, discussed a proposal whereby Sussex County would purchase property from Wilmington Trust Company at a purchase price of \$1.5 Million. The property, located on the east side of Route 113, at the corner of Route 28 in the Town of Georgetown, comprising of 4.12± acres, has been appraised at \$2.5 Million. Equipment included in the purchase price has been appraised at \$170,000. Mr. Stickels discussed the fact that the County will have expansion needs in the future and that this purchase could serve those needs, possibly for the next twenty to twenty-five years. It is planned that the building located on the property to be purchased will be used for County offices for Paramedic Administration, Library Administration, Sheriff Department, Economic Development Office, Alternate 911 Center, and Community Development Office. Unused office space will be leased out to provide rental income. The acquisition is scheduled to be completed by March 31, 1996. Mr. Stickels noted that Wilmington Trust Company will be retaining two acres at the corner of the property, the intersection of Route 9 and Route 113. Mr. Stickels further noted that the County plans to make an annual contribution in the amount of \$3,000 to the Town of Georgetown, as a payment in lieu of taxes, so that the Town of Georgetown will not be impacted by this acquisition.

M 093 96 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to
Adopt Adopt Resolution No. R 010 96 entitled "RESOLUTION AUTHORIZING
Resolu- PURCHASE OF WILMINGTON TRUST COMPANY BUILDING".
tion

No. Motion Adopted: 4 Yea, 1 Absent.
R 010 96

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

Implemen- Mr. Milligan, Building Code Supervisor, and Mr. Parker,
tation Director of Assessments, were present to discuss Senate Bill
of No. 83 (State Energy Code) that is scheduled to take effect
State March 1, 1996. At the February 20, 1996, Council meeting, a
Energy discussion centered around a delay in the implementation of
Code the new State Energy Code. Due to the fact that no written
authorization was received from the State of Delaware re-
garding this delay, it was decided that no action could be
taken by Council. Since that time, Mr. Stickels, County
Administrator, and Mr. Milligan have received a letter from
Charles T. Smisson, Jr., Energy Program Administrator, State
of Delaware Division of Facilities Management. Mr. Smisson
advised that "The official start implementation date for the
Model Energy Code (MEC), 1993 Edition, is March 1, 1996, with
a 120 day transition period. This applies to both the com-
mercial and residential side of the energy code. Mandatory
compliance for all parties seeking building permits is now
set for July 1, 1996." It was noted that during the 120 day
transition period, contractors will receive training material
and the opportunity to attend workshops and seminars.

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

1. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer
District - Threatened Litigation

Mr. Stickels would like to take this opportunity to update
the Council, once again, on recent threatened litigation
regarding the West Rehoboth Expansion of the Dewey Beach
Sanitary Sewer District. Individuals living in the West
Rehoboth Expansion of the Dewey Beach Sanitary Sewer
District are attempting to raise funding in the amount of
\$40 from 3,200 property owners in the district. Before
anyone decides to contribute to litigation against the
County, Mr. Stickels trusts they will take the time to
review all the circumstances regarding the creation of
the sewer district and any past litigation that has al-
ready been resolved.

The County Administrator's Report of February 6, 1996,
included a written opinion from the State of Delaware

Adminis-
trator's
Report
(con't)

Department of Justice, Attorney General's Office. This opinion stated they had reviewed the County's legal rights in the billing process of manufactured homes and were in agreement that the County's billing practices were legitimate. The County Administrator's Report of February 13, 1996, explains the process which the County went through to create the district, including notices and public meetings.

Now it appears that individuals are making claims that the County failed to implement cost-saving procedures regarding a Value Engineering (VE) Study. Claims that the recommendations of the Value Engineering Study were either ignored or not considered in the construction of this project are not accurate. Mr. Stickels would like to clarify any misconceptions that the public may have with respect to implementation of the recommendations of the VE Study.

George, Miles & Buhr and the design team diligently considered each and every recommendation and suggestion from the VE Study. This was evidenced by two reports, a "Draft Response" and a "Final Response" to the VE Study.

The VE Study focused on both the Facility Plan, as well as the design of the system. In fact, the design plans were 30 percent complete on the wastewater treatment plant and 60 percent complete on the collection system at the time of the VE Study. The County certainly fulfilled the goals of the VE Study when an additional 34 alternatives were studied in an effort to find an approach which would reduce the project costs.

Overall, 13 out of the 26 VE Study recommendations were either accepted and/or considered for implementation. These 13 recommendations forecasted a savings of \$6.5 million to the project. As the project evolved and developed in different directions, the applicability of the specific VE recommendations changed. For example, one of the VE recommendations involved mechanical treatment and the reducing of the number of clarifiers; but this recommendation became obsolete when low technology lagoons were chosen over mechanical treatment.

Mr. Stickels believes the County accomplished a reduction in cost as a result of the VE Study; however, not all recommendations could be implemented. Several recommendations may have led to a savings at the time of construction; however, the long-term changes in construction methods would only add to the operation and maintenance in the future. This would not result in a total savings to the users of the district.

Adminis-
trator's
Report
(con't)

Positive effects on the project resulting from the VE Study were:

- a. The project approach was changed completely when the project schedule was delayed by the extension of the deadline of the Memorandum of Understanding (MOU). This time was used for further investigation of many alternative treatment and disposal options, such as coordinating with the City of Rehoboth wastewater treatment system or the South Coastal Sanitary Sewer District, and surface discharges to streams, inlets, the bay, and the ocean. Various alternative collection systems were also evaluated, including pressure sewers and vacuum sewers.
- b. The number of bidding packages was modified to sequence the timing of construction, as well as the sizing of the contracts, all of which allowed the County to maximize the chance to get the lowest possible construction costs and help decrease inspection costs.
- c. The County revisited the projections of flow and was able to reduce the treatment plant capacity by seven percent.
- d. The timing of the project was very fortuitous in that favorable loans became available from Rural Economic and Community Development (RECD). This allowed the County to reduce capitalization charges by 75 percent.

For any of the recommendations of the VE Study that were rejected or not implemented by the County, they were done so in the best interests of the project. The County had absolutely no reason to favor alternatives that would increase the initial project cost or annual operating costs.

Before individuals contribute to a lawsuit regarding this sewer district, they should take time to consider the amount of effort that was put in the creating of the sewer district, including public meetings and hearings, the Attorney General's opinion, the County's billing process, as well as the County's response to the Value Engineering Study.

The only way costs for the West Rehoboth District can be reduced at this time would be by Federal and State grants. Everyone's energies and resources would be better spent if everyone worked together to involve the Federal and State governments with a Construction Grant Program.

Adminis-
trator's
Report
(con't)

2. Council Meeting Schedule

The Sussex County Council will not meet Tuesday, March 5, 1996. Recess on this date will allow County Council members and staff to attend the annual National Association of Counties Legislative Conference in Washington, D.C. During the conference, Council members and staff will have an opportunity to meet with congressional representatives to discuss Federal issues pertinent to Sussex County, such as the Environmental Protection Agency billing practice for Superfund, the establishment of an Immigration Naturalization Service in Sussex County, the reauthorization of the Construction Grant Program for water and sewer infrastructure, and the Rural Development Reform Act of 1995.

Proposed
Expansion
of the
Bethany
Beach
Sanitary
Sewer
District

Mr. Archut, Director of Planning and Permits, and Mr. Izzo, Director of Public Works, discussed a request to extend the the Bethany Beach Sanitary Sewer District to include the new subdivision "Savannah's Landing". Mr. Archut advised that only the portion of the subdivision outside of the town limits of Ocean View is included in the request. The \$500 fee that is necessary to proceed with the request has been received. The developers of the project have been contacted regarding the coordination of the project with the South Coastal Area Planning Study. They have agreed to finance the study and they have agreed to finance any improvements needed to the existing system up to the amount of the transmission/connection charge credit which is granted through the Developer Negotiation Program. Mr. Izzo advised that a Planning Study will be necessary to determine the capacity of the pump stations, to inventory the pump stations, and to look at the capacity of the South Coastal Regional Wastewater Facility. There are concerns about the size and location of the pump stations as there are other projects in the area that will be impacted by this extension. Mr. Izzo recommended that George, Miles & Buhr perform this study.

M 094 96
Prepare
and
Post
Notices/
Proposed
Expansion
of the
Bethany
Beach
SSD

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to include "Savannah's Landing", as presented on February 27, 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

Proposed Ordinance Regarding Funding for County Administrative Office Building

Mr. Baker, Finance Director, discussed a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION DEBT OF SUSSEX COUNTY FOR THE DESIGN, CONSTRUCTION AND EQUIPPING OF THE COUNTY ADMINISTRATION BUILDING; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will authorize needed borrowing for the County Administration Building Project; a Farmers Home loan, a loan from Wilmington Trust Company, and interim financing through local banks. Mr. Baker provided the following funding summary:

\$1,700,000 - Received from the State of Delaware for sale of Courthouse.

\$1,000,000 - Loan from Wilmington Trust Company, 4.75% for 3 years, 25 year amortization, to be renegotiated after 3 years if balance remains. No prepayment penalty.

\$3,000,000 - Interim financing for RECD loan which will reimburse the County for this amount after costs have been incurred. Interim financing will be comprised of funds from the General Fund and a local Bank loan to be negotiated.

\$ 600,000 - Due from State of Delaware after County vacates the Courthouse.

Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION DEBT OF SUSSEX COUNTY FOR THE DESIGN, CONSTRUCTION AND EQUIPPING OF THE COUNTY ADMINISTRATION BUILDING; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

Agreement/ Spring Lake

Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County and MLB Limited Partnership for Construction Administration and Construction Inspection Services for Water and Wastewater Facilities to be located in "Spring Lake - Phase VII and VIII", located in the Dewey Beach Water and Sanitary Sewer District.

M 095 96
Execute Agreement/ Spring Lake

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the President of the Sussex County Council execute an Agreement between Sussex County Council and MLB Limited Partnership, for Construction Administration and Construction Inspection Services for water and wastewater facilities to be constructed in "Spring Lake - Phase VII and VIII", located in the Dewey Beach Water and Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

M 095 96 (con't) Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 096 96 Council- A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$100.00 from Mr. Cole's Councilmanic Account to the Lord Baltimore PTA to reduce the deficit resulting from their Needy Family Project during the Christmas season.
manic Grant

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 097 96 Council- A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$250.00, \$150.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Grant Laurel Alumni Association, Inc. for the scholarship fund.

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 098 96 Council- A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$200.00 from Mr. Dukes' Councilmanic Account, to Concord Community Watch (RD 516) for the purchase of equipment.
manic Grant

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 099 96 Council- A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00, \$50.00 from each Councilmanic Account, to Trap Pond Partners for the sponsorship of "March for Parks".
manic Grant

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

Old Business/ C/U No. 1140 Conditional Use No. 1140 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 8 TO PERMIT A RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF

Old Business (con't) LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRES, MORE OR LESS" (Conditional Use No. 1140) filed on behalf of William R. and Lenore J. Hickman, was discussed. It was noted that Council is requesting proposed conditions to be developed by staff.

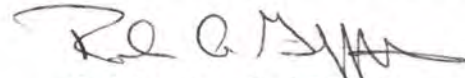
M 100 96 Defer Action/ C/U No. 1140 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 8 TO PERMIT A RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRES, MORE OR LESS (Conditional Use No. 1140) filed on behalf of William R. and Lenore J. Hickman.

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 101 96 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Cole, to adjourn at 12:22 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council