

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MARCH 6, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, March 6, 1990 at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice-President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 111 90
Approval
of Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

JOSEPH R. BIDEN, JR., UNITED STATES SENATOR, WASHINGTON, D.C.
RE: Thanking Robert L. Stickels, County Administrator, for providing a copy of Resolution No. R 007 90 regarding construction and maintenance of a new bridge over the Chesapeake and Delaware Canal.

WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.
RE: Thanking Robert L. Stickels, County Administrator, for keeping him informed of Council's efforts by forwarding copies of letters sent to Secretaries Justice and Skinner regarding the bridge over the Chesapeake and Delaware Canal.

Luncheon
Meeting

Mr. Stickels, County Administrator, advised Council that he is attempting to arrange a luncheon meeting for Thursday, March 22, 1990 with several businesses which have expressed concern regarding the bridge over the Chesapeake and Delaware Canal. Kermit H. Justice, Secretary of the Delaware Department of Transportation has indicated a willingness to attend the meeting as well. Mr. Stickels will confirm arrangements at a later date.

Corre-
spondence
(Continued)

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, AIR RESOURCES SECTION, DOVER, DELAWARE
RE: Secretary's Order 90-A-1 revising Regulation Nos. 2, 17, 21, 24, 25, and 26 of the State of Delaware Regulations Governing the Control of Air Pollution.

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Corre-
spondence
(Continued)

MARGUERITE H. PRUEITT, EXECUTIVE DIRECTOR, DELAWARE CHAPTER HEADQUARTERS, AMERICAN RED CROSS, WILMINGTON, DELAWARE
RE: Thanking Council for the generous contribution of \$2,000.00 from the Human Service Grant Program.

FIRST STATE RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, DOVER, DELAWARE
RE: Volume III, Issue 1, First State RC&D Council Newsletter.

Councilman Cole submitted a letter from Kermit H. Justice, Secretary of the Delaware Department of Transportation, explaining the Department's action regarding the removal of trees as a result of widening Rehoboth Avenue.

Proposed
Proclamation

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING MARCH 1990 AS 'MENTAL RETARDATION MONTH'".

M 112 90
Adopt
Proclamation
(Mental
Retardation
Month)

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to adopt the Proclamation entitled "PROCLAIMING MARCH 1990 AS 'MENTAL RETARDATION MONTH'" as read by Mr. Stickels, County Administrator. Motion Adopted: 5 Yea.

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

Public
Recognition/
Sussex
County
Glass
Recycling
Program

In conjunction with the County's Glass Recycling Program, Mr. Stickels, County Administrator, reported that the names of two people have been drawn from throughout Sussex County who deposited glass in the igloos located at the six County Transfer Stations during the month of February, 1990. Those drawn were John Conomon, Jr. and Tommy Isaacs, both of Milton, Delaware. Council President Stevenson presented a \$50.00 U. S. Savings Bond and a Certificate of Appreciation to Mr. Conomon "In appreciation of your efforts to improve the environment of Sussex County". A \$50.00 U. S. Savings Bond and Certificate of Appreciation will also be forwarded to Mr. Isaacs, as he was unable to attend the meeting.

Report on
Recycling
Technology
Conference

Mr. Martin D. Dusbiber, Assistant City Manager, City of Rehoboth Beach, presented to Council a report on the Recycling Technology Conference he attended recently in Washington, D. C. which dealt with the status of current recycling programs and manufacturers utilizing recycled products. Present with Mr. Dusbiber was Richard Darley, Commissioner of Rehoboth Beach. Mr. Dusbiber reported that the Environmental Protection Agency's goal is for

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Report on
Recycling
Technology
Conference
(Continued)

twenty-five percent (25%) recycling by the year 1992. Products which are recyclable include paper, glass, ferrous metals, aluminum, and PET and HDPE plastics. Curbside separation versus commingling as a means of collection was discussed; however, the ability to put all recyclables in one container, commingling, seems to generate more public participation and would be the preferred method of the City of Rehoboth Beach. The materials would then be transported to a MRF, preferably in Sussex County, for separation and processing. It is an established fact that there is a market for recyclable materials, but the materials are not being provided. The City of Rehoboth Beach readily supports and offers assistance in developing a Countywide Recycling Program.

Sussex
County
Efforts
Regarding
Recycling

Mr. Stickels, County Administrator, advised Council that he met with representatives last week regarding the possibility of an Oil Recycling Program. However, the Delaware Departments of Energy and Natural Resources and Environmental Control have indicated there are no resources available for start-up expenses and the State has not been receptive to looking into any type of Statewide Recycling Program. As a means of generating revenue to begin a Recycling Program in Sussex County, Mr. Stickels suggested that legislation be obtained to charge a \$.50 per ton tipping fee on all trash disposed of at the Southern Solid Waste Facility near Millsboro.

Realizing the importance of recycling by everyone, Sussex County employees have been asked to cooperate by separating aluminum and glass from regular office waste for depositing in containers which will be placed outside the rear of the Courthouse and the Engineering Building. Monies obtained from the sale of these recyclable products will go to the County Employees' Benefit Committee. Mr. Stickels is also checking into the purchase of stationery for all County departments which would be printed on recycled paper.

M 113 90
Legislation
to Generate
Revenue
for County
Recycling
Program
(Withdrawn)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council authorizes the Sussex County Administrator to petition the Delaware General Assembly to obtain legislation to charge a \$.50 per ton tipping fee on all trash disposed of at the Delaware Solid Waste Authority's Southern Solid Waste Facility; and be it further moved that the funds generated from this fee will be used for a Recycling Program. Motion Withdrawn.

Further
Information/
Recycling
Program

It was the consensus of Council that Mr. Stickels, County Administrator, obtain further information regarding the amount of tonnage disposed of by Sussex County at the

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Further Information/ Recycling Program (Continued) Delaware Solid Waste Authority's Southern Solid Waste Facility versus the savings which could be accrued with inception of a Recycling Program before approaching the Delaware General Assembly to obtain legislation to charge a tipping fee. Mr. Stickels is also to discuss this issue at the next meeting of the Sussex County Association of Towns to receive input from the cities and towns on a Recycling Program.

Local Government Participation in Issuance of Land Treatment Permits Mr. Stickels, County Administrator, advised Council that correspondence has been received from Robert J. Zimmerman, Administrator, Surface Water Management Section, Division of Water Resources, Delaware Department of Natural Resources and Environmental Control, indicating the State is willing to propose amendments to its land treatment regulations which would require local government participation in issuance of any land treatment permits. Mr. Zimmerman also stated that the County is welcome to assist in drafting the language for the revisions. However, since amendments to State regulations require public notice and hearing, the entire process can be expected to take from eighty (80) to ninety (90) days from the date of the proposal. Considering the length of time it would take for revisions to become effective at the State level, Council agreed this item should be placed on the agenda again next week for discussion.

Baxter Farms Mr. Stickels, County Administrator, informed Council that Secretary Clark, Delaware Department of Natural Resources and Environmental Control, has reconsidered the order regarding out-of-state waste which was taken to Baxter Farms and the waste will be removed from the site and disposed of at the Southern Solid Waste Facility, as originally recommended by DNREC staff.

M 114 90 Sussex County Volunteer Ambulance Association (Councilmanic Grant) A Motion was made by Mr. Cole, seconded by Mr. Benson, to grant \$800.00 (\$160.00 from each of the five Councilmanic Accounts) to the Sussex County Volunteer Ambulance Association to assist in sending representatives to "EMS Care 90" in Millerville, Maryland, April 27-29, 1990. Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Mariner, Yea; Mr. Stevenson, Yea

Requests for Funds to Attend Conferences The question was raised as to whether the Sussex County Volunteer Ambulance Association, Sussex County Volunteer Firemen's Association, and Sussex County Fire Chiefs'

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Requests
for Funds
to Attend
Conferences
(Continued)

Association contribute to sending their representatives to the various conferences for which funds are requested from Council. Training received at these conferences was questioned as well.

M 115 90
Sussex
County
Volunteer
Firemen's
and Fire
Chiefs'
Associations
(Council-
manic Grants)

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to grant \$800.00 to the Sussex County Volunteer Firemen's Association and \$800.00 to the Sussex County Fire Chiefs' Association (\$320.00 from each of the five Councilmanic Accounts) to assist in sending their respective Presidents to the Fire Department Instructors Conference in Cincinnati, Ohio, April 7-10, 1990. Motion Adopted: 3 Yea; 2 Nay.

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

Bid
Opening/
Sussex
County
Project
No. 89-18

Mr. Wood, County Engineer, opened the following bids on Sussex County Project No. 89-18, TV Sewer Inspection:

GENERAL SEWER SERVICES, INC. Woodlyn, Pennsylvania	\$16,950.00
WATER SPECIALTIES, INC. Milford, Delaware	28,600.00
TRI-STATE GROUTING, INC. Newark, Delaware	12,600.00
HARFORD TELEPIPE CO. Bel Air, Maryland	25,200.00
VIDEO PIPE SERVICES, INC. Newfield, New Jersey	7,920.00

The bids will be reviewed and a recommendation made to Council at a later date.

State
Clearing-
house
Projects

Mr. Stickels, County Administrator, submitted to Council copies of a memorandum from the Office of State Budget Director, State of Delaware, outlining projects received by the State Clearinghouse for federal funding. Public comments should be received no later than March 19, 1990.

Applications
to DNREC
for Wetlands
Projects

Mr. Stickels, County Administrator, submitted to Council copies of a memorandum from the Wetlands and Aquatic Protection Branch, Delaware Department of Natural Resources and Environmental Control, listing applications which have been filed for wetlands projects.

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Small
Business
Administra-
tion Seminar

Mr. Stickels, County Administrator, reported that the University of Delaware Small Business Administration and the U. S. Small Business Administration will be conducting a seminar entitled "Starting Out In Business" beginning at 6:00 p.m. on Thursday, March 29, 1990 in the Kent County Administration Building, 414 Federal Street, Dover, Delaware.

Public
Hearings/
Comprehen-
sive Zoning
Ordinance

Mr. Stickels, County Administrator, advised Council that the Planning and Zoning Commission will hold a public hearing at 7:45 p.m. on Thursday, March 22, 1990 regarding the proposed amendment to remove certain governmental exemptions from the provisions of the Comprehensive Zoning Ordinance. Council's public hearing regarding this proposed amendment is scheduled for Tuesday, April 3, 1990.

Sussex
County
Volunteer
Ambulance
Assoc. Demo

Mr. Stickels, County Administrator, reported that the Sussex County Volunteer Ambulance Association will be conducting a paramedic ambulance demonstration on Sunday, March 11, 1990 at 1:00 p.m. at the Dagsboro Fire Department.

Legal
Notice/
DNREC

Mr. Stickels, County Administrator, submitted to Council copies of a Legal Notice from the Delaware Department of Natural Resources and Environmental Control in which Secretary Clark has issued an order revising Regulation Nos. 2, 17, 21, 24, 25, and 26 of the State of Delaware's Regulations Governing the Control of Air Pollution. The revision having the largest impact on Sussex County would be the commencing of an emission inspection program on April 1, 1990.

M 116 90
Adopt Plat
Plan for
Oakwood
Development

A Motion was made by Mr. Dukes, seconded by Mr. Mariner, to adopt the Plat Plan for Subdivision No. 89-13, Oakwood Development. Motion Adopted: 5 Yea.

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

C/Z #1046

Change of Zone No. 1046, filed on behalf of Concrete Building Systems, Inc., was discussed. The Public Hearing was held on February 13, 1990 and action was deferred.

M 117 90
Adopt
Ordinance
No. 666
(C/Z #1046)

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to adopt Ordinance No. 666 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN

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M 117 90
(Continued)

LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.39 ACRES, MORE OR LESS" (C/Z #1046) filed on behalf of Concrete Building Systems, Inc. Motion Adopted: 5 Yea.

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

Findings
of Facts
C/Z #1046

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the Council's findings that the proposed land use promotes the health, safety, and morale and the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.

M 118 90
Long Neck
Contract
No. 4

A Motion was made by Mr. Benson, seconded by Mr. Dukes, that based on the recommendation of the Sussex County Engineering Department, the Sussex County Council approve the submission of the name of the apparent low bidder, together with the bid evaluations for Long Neck Contract No. 4, to the State of Delaware Department of Natural Resources and Environmental Control for their review and approval, said low bidder being Teal Construction, Inc. in the amount of \$4,262,262.00. Motion Adopted: 5 Yea.

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

M 119 90
Long Neck
Contract
No. 5

A Motion was made by Mr. Benson, seconded by Mr. Dukes, that based on the recommendation of the Sussex County Engineering Department, the Sussex County Council approve the submission of the name of the apparent low bidder, together with the bid evaluations for Long Neck Contract No. 5, to the State of Delaware Department of Natural Resources and Environmental Control for their review and approval, said low bidder being Ernest Renda Contracting Co., Inc. in the amount of \$2,181,095.00. Motion Adopted: 5 Yea.

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

M 120 90
Long Neck
Contract
No. 6

A Motion was made by Mr. Benson, seconded by Mr. Dukes, that based on the recommendation of the Sussex County Engineering Department, the Sussex County Council approve

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M 120 90
(Continued)

the submission of the name of the apparent low bidder, together with the bid evaluations for Long Neck Contract No. 6, to the State of Delaware Department of Natural Resources and Environmental Control for their review and approval, said low bidder being L. A. Merrill Construction Co., Inc. in the amount of \$5,134,000.00. Motion Adopted: 5 Yea.

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

M 121 90
Accept
Bid on
Georgetown
Marble and
Granite
Works
Building

A Motion was made by Mr. Cole, seconded by Mr. Benson, that based on the recommendation of the Sussex County Engineering Department, the bid submitted by Lester Realty, Inc. for \$207.00 for the removal of the Georgetown Marble and Granite Works building be accepted, and that the Sussex County Council President be authorized to enter into a contract with Lester Realty, Inc. for this work. Motion Adopted: 5 Yea.

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

M 122 90
Sussex
Central
Jr. High
School
Wrestling
Team
(Council-
manic Grant)

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to grant \$200.00 (\$100.00 from each of Mr. Mariner's and Mr. Stevenson's Councilmanic Accounts) to the Sussex Central Junior High School Wrestling Team towards the purchase of jackets for the team. Motion Adopted: 5 Yea.

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

M 123 90
Cape
Henlopen
High
School
Band
(Council-
manic Grant)

A Motion was made by Mr. Benson, seconded by Mr. Cole, to grant \$800.00 (\$400.00 from each of Mr. Benson's and Mr. Cole's Councilmanic Accounts) to the Cape Henlopen High School Band to help support the Band's attendance at the All-American Music Festival in Orlando, Florida the weekend of April 26-29, 1990. Motion Adopted: 5 Yea.

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

M 124 90
Recess

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to recess at 11:39 a.m. Motion Adopted by Voice Vote.

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Workshop/
Black
& Veatch
Rate Recom-
mendations
Regarding
Sewer and
Water
Districts

At 1:30 p.m., Council reconvened for a workshop to review Black & Veatch's rate recommendations regarding the County's sewer and water districts. Present to review the recommendations with Council were David B. Baker, Director of Accounting; Russell W. Archut, Chief of Planning and Permits, County Engineering Department; and Leon Collins, Director of Utility Billing. Following are the three recommendations as proposed by Black & Veatch:

1. Recover treatment related debt service through the annual service charge rather than the annual assessment fee, as is current practice.
2. Review collection/distribution, transmission, and treatment allocation factors.
3. Eliminate the impact assessment fee and system expansion fee and institute a single "connection" charge with a grace period.

As a result of the workshop, it was the consensus of Council to proceed with the one-time charge policy change which states, "that with the adoption of the connection charge, the applicability policy be changed. The revised policy would provide for the allocation, or grandfathering, of one EDU per recorded lot, as of the effective date of the ordinance change, for connection charge purposes. EDUs above one per recorded lot would pay the applicable connection charges. Lots subdivided after the effective date of the change will pay a connection charge per EDU. It is also recommended that this policy be continued for a period of three years, until July 1, 1993, at which time all new connections and improvements will pay the connection charge." Mr. Stickels, County Administrator, is to incorporate this policy change into the Fiscal 1991 Budget.

Mr. Archut will report back to Council with an ordinance change reflecting the elimination of the system expansion fee and impact assessment fee, thus creating a single connection charge.

M 125 90
Adjournment

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to adjourn at 2:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Susan W. Webb

Susan W. Webb
Acting Clerk of the County Council