

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MARCH 14, 1995

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, March 14, 1995, 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 110 95
Approve
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated February 28, 1995. Motion Adopted by Voice Vote.

Corre-
spondence

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

DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE
RE: Notice of a series of public meetings scheduled to be held to discuss operating procedures at specific DSWA solid waste disposal facilities.

Mr. Dukes announced that the Delaware Solid Waste Authority will hold a community meeting on March 27, 1995 at 7:00 p.m. at Epworth Fellowship Church, Laurel, Delaware, to inform the public regarding the work being performed at Jones' Crossroads and the drawing off of the methane gas they are using.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA
RE: An application for a Department of the Army permit.
Applicant: Bart J. Crivella. Waterway: Lewes and Rehoboth Canal.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA
RE: An application for a Department of the Army permit.
Applicant: A. Martin Clark. Waterway: Lewes and Rehoboth Canal.

DAVID HUGG, STATE PLANNING COORDINATOR, STATE OF DELAWARE, DOVER, DELAWARE
RE: Thanking Council for sponsoring the "Shaping Delaware's Future" workshop held on March 8, 1995 at Delaware Technical and Community College in Georgetown, Delaware.

Corre-
spondence
(Con't.)

ROBERT MARIER, MILFORD ROTARY CLUB, MILFORD, DELAWARE
RE: Requesting financial assistance for the 14th Annual Evening of Friendship to be held on March 18, 1995 to raise monies to fund an educational motivation project at the Milford Middle School. Mr. Stickels stated that action on this request would be postponed until the end of the morning session.

Weakfish
Tourna-
ment

Ms. Judy Diogo, Executive Director, Chamber of Commerce for Greater Milford, was in attendance to request funding for the 17th Annual World Championship Weakfish Tournament to be held May 30 through June 3, 1995.

M 111 95
Weakfish
Tournament
(Motion
Died)

A Motion was made by Mr. Cole to continue funding the Annual World Championship Weakfish Tournament as done in the past. Motion Died for lack of a second.

M 112 95
Council-
manic
Grant
(Weakfish
Tournament)

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$900.00 (\$300 each from the Councilmanic Accounts of Councilmen Benson, Stevenson, and Dukes) to the Chamber of Commerce for Greater Milford for the 17th Annual World Championship Weakfish Tournament.

Motion Adopted: 5 Yea.

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

Right-of-
way
Vacation
(Rehoboth/
Lake
Drive)

Mr. Robert Stickels, County Administrator, reported that he had received a copy of a letter addressed to the Delaware Department of Transportation from the law firm of Phillips, Goldman & Spence, Wilmington, Delaware, announcing the intentions of Dominick Pulieri, Steve Johnson, Derrick Lingo, Bryce Lingo, T. William Lingo, and John Lingo to file a petition to seek the vacation of the State's rights in a 100 foot wide right-of-way connecting Lake Drive to Surf Avenue, located between Blocks 51 and 52, Rehoboth Beach, Delaware. Mr. Stickels sought input from the County's office of Planning & Zoning, Engineering, and Emergency Preparedness to determine if they had any concerns regarding the vacation of this 100 foot wide right-of-way. It was the consensus of the Council for Mr. Stickels to notify the Courts that the County did not have any objections to the vacation of the 100 foot right-of-way as long as Lake Drive continued to remain a public access and it did not impact the easements the County has for water and sewer.

1985
Mortgage
Bonds
Escrow
Funds

Mr. Stickels, County Administrator, reported to the Council regarding the 1985 Mortgage Bonds Escrow Funds. In 1985, the County Council issued \$21,997,568.95 of single-family mortgage bonds. At that time, under the issuance, the County was required to provide \$300,000, which was loaned from the General Fund. Once sufficient securities were in place, the County's General Fund was to be reimbursed. It was thought that the General Fund would be reimbursed within a year-and-a-half. For the past 7 years, the County has been trying to retrieve these monies, but Wilmington Trust (the bond trustee) has not felt sufficient securities were in place to allow for the release of the funds. Mr. Stickels reported that the County is in receipt of a letter from Financial Guaranty Insurance Company, dated March 9, 1995, which states that based upon their review of the Accountant's Compilation Report, prepared by Causey Demgen & Moore, Financial Guaranty consents to the release of \$355,000 from the Bond Program's County Escrow Fund. It was written in the Bond Indenture that the County would receive \$355,000 in return for appropriating the original \$300,000 once proper securities were in place. Mr. Stickels stated that the County has received the \$355,000 and the funds are now in an interest bearing account. Mr. Stickels also stated that he would like to recommend several programs, which are on the County's 5-year capital improvement list, for which these monies could be allocated. Council was provided with an outline of the proposed expenditures, which included: (1) new accounting package - \$85,000; (2) foam trailer - \$25,000; (3) bookmobile - \$100,000; and (4) library automation - \$145,000.

M 113 95
Authorize
Expenditure
of 1985
Single
Family
Mortgage
Rev. Bond
Program's
County
Escrow
Fund

A Motion was made by Mr. Collins, seconded by Mr. Cole, authorizing the expenditure of the \$355,000 received from the 1985 Single Family Mortgage Revenue Bond Program's County Escrow Fund as follows: (1) new accounting package - \$85,000; (2) foam trailer - \$25,000; (3) bookmobile - \$100,000; and (4) library automation - \$145,000.

Motion Adopted: 5 Yea.

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

County
Adminis-
trator's
Report

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

Adminis-
trator's
Report
(Con't.)

1. Edgewater Acres Suburban Community Improvements

Please be advised that the referendum for the Edgewater Acres Suburban Community Improvements project was held on March 4, 1995, in accordance with Delaware Code, Title 9, Chapter 5, Suburban Community Improvements. Forty-four property owners voted; 37 voted in favor and seven voted in opposition. Therefore, the referendum passed successfully.

The Public Works Division shall now proceed to complete the appropriate plans and specifications to construct the proposed improvements. A summertime construction period is planned.

Mr. Stickels complimented Mr. Michael Izzo, Director of Public Works, and his staff for their work on this project.

2. New County Administrative Office Building Update

The proposed construction plans and specifications have received semifinal approval from the Rural Economic and Community Development (formerly FmHA). Clendaniel Associates will make final changes to the plans and specifications and resubmit them for final review by March 20, 1995. This schedule will permit advertisements for the contract to be made in early April, with the bids being due on April 28, 1995, and the contract being awarded in the first week of May 1995. The construction schedule requires that the building be completed by June 1, 1996.

A check has been prepared and delivered to the Town of Georgetown in the amount of \$109,344 for the impact fees for the new building. This assures that adequate sewer and water capacity has been allocated.

Mr. Dukes requested that Mr. Clendaniel appear before Council to provide an update regarding the County Administrative Office Building Project prior to the project being put out to bid.

3. Cedar Neck Expansion - RECD Preapplication

The Rural Economic and Community Development (RECD) has responded to the County Council's preapplication for funding assistance for the Cedar Neck Expansion area. They have advised the County Council that the project is eligible for funding by the agency, and they suggest that a formal application be filed by

Adminis-
trator's
Report
(Con't.)

July 1, 1995. The Engineering Department will be meeting with the RECD on April 6, 1995, to discuss the notes attached to the approval. A full report will be made to the Sussex County Council after that meeting.

Bethany
Bay/Phase II
Conditional
Acceptance

Mr. Robert Green, Director of Utility Construction, appeared before Council to discuss the granting of Conditional Acceptance for the wastewater facilities constructed in Bethany Bay - Phase II, located in the proposed Millville/Ocean View Sanitary Sewer District.

M 114 95
Grant
Conditional
Acceptance
(Proposed
Millville/
Ocean View
SSD)

A Motion was made by Mr. Cole seconded by Mr. Benson, that based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant "Conditional Acceptance" for the wastewater facilities constructed in "Bethany Bay - Phase II", located in the proposed Millville/Ocean View Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Change
Order No. 1
West Reh.
Contract D

Mr. Robert Green, Director of Utility Construction, discussed Change Order No. 1, Contract "D", for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 115 95
Issue
Change
Order No. 1
(Contract
"D" - West
Rehoboth
Expansion
of Dewey
Beach SSD)

A Motion was made by Mr. Collins, seconded by Mr. Dukes, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 1, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract "D", Design Areas 14, 15, 16, 17, and 18, to Lisbon Contractors, Inc., for mobilization and demobilization charges at lift station 801, to accommodate DelDOT's construction schedule for a bicycle path to be constructed in the existing unpaved shoulder on Route 285 in the amount of \$7,574.13, with a one (1) day time extension, and revising the substantial completion date to November 3, 1995, and increasing this contact amount to \$5,445,014.06. Sussex County Council's approval is

M 115 95
(Con't.)

contingent on the approval of Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

Proposed
Ordinance
(C/U No.
1111)

Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RETAIL SALES OF GIFTS, CRAFTS, AND COLLECTIBLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.96 ACRES, MORE OR LESS" (Conditional Use No. 1111) filed on behalf of Trantino Norwood. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
(C/U No.
1112)

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 CUSTOM SEWING WORKROOM AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 40,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1112) filed on behalf of David T. and Susan C. Stevenson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
(C/U No.
1113)

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MINI-GOLF COURSE (AMUSEMENT PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS" (Conditional Use No. 1113) filed on behalf of Patricia A. Derrick and Thomas B. Derrick. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
(C/U No.
1114)

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR EXTENSION OF A BORROW PIT (CONDITIONAL USE NO. 992) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.29 ACRES, MORE OR LESS" (Conditional Use No. 1114) filed on behalf of the State of Delaware, Division of Highways. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
(C/Z No.
1257)

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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS" (Change of Zone No. 1257) filed on behalf of Bruce Harrison. The Proposed Ordinance will be advertised for Public Hearing.

M 116 95
Council-
manic
Grant
(Town of
Ocean
View)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500 from Mr. Cole's Councilmanic Account to the Town of Ocean View for the construction of a pavilion to be built in the John West Park.

Motion Adopted: 5 Yea.

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

M 117 95
Council-
manic
Grant
(Rehoboth
Schools
PTA)

A Motion was made Mr. Cole, seconded by Mr. Collins, to give \$200 from Mr. Cole's Councilmanic Account to the Rehoboth Schools Parent Teacher Organization for their efforts to upgrade the Computer Lab at the Rehoboth Elementary School.

Motion Adopted: 5 Yea.

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

M 118 95
Council-
manic
Grant
(Sussex
Central
High
School
Band)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$700.00 (divided equally between the Councilmanic Accounts of Councilmen Stevenson, Benson and Collins) to the Sussex Central High School Band to cover the cost of equipment, uniforms and transportation.

Motion Adopted: 5 Yea.

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

M 119 95
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$300.00 (\$150.00 from Mr. Collins' Councilmanic Account and \$150.00 from Mr. Dukes'

M 119 95
(Con't.)
Laurel
Alumni
Assoc.

Councilmanic Account) to the Laurel Alumni Association, Inc. for their scholarship fund.

Motion Adopted: 5 Yea.

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

Archaeo-
logical
Study
West Reh.

Mr. Stickels, County Administrator, presented a video showing Phase I of the archaeological work being performed for Contact "D" of the West Rehoboth Project. As a result of the archaeological finds, it is expected that work at this site will enter Phase II.

M 120 95
Council-
manic
Grant
(Milford
Rotary
Club)

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$200.00 (\$100.00 from Mr. Benson's Councilmanic Account and \$100.00 from Mr. Stevenson's Councilmanic Account) to the Milford Rotary Club to be used for the 14th Annual Evening of Friendship to raise monies to fund an educational motivation project at the Milford Middle School.

Motion Adopted: 5 Yea.

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

M 121 95
Recess

At 11:15 a.m., a Motion was made by Mr. Stevenson, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:30 p.m.

Public
Hearing
(C/U No.
1106)
Action
Deferred

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTSIDE BOAT STORAGE, BOAT AND BOATING SUPPLIES SALES, MARINE ENGINE REPAIR AND BOAT PAINTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS" (Conditional Use No. 1106) filed on behalf of Eric H. Ritter. The Public Hearing was closed and action was deferred.

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M 122 95
Adjourn

At 3:40 p.m., a Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Acting Clerk of the County Council