

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 19, 1996

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, March 19, 1996, 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 115 96      A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 116 96      A Motion was made by Mr. Collins, seconded by Mr. Cole, to approve the minutes of the previous meeting dated March 12, 1996. Motion Adopted by Voice Vote.

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearing regarding applications for approval, none of which relate to Sussex County.

T. WILLIAM LINGO, JACK LINGO REALTOR, REHOBOTH BEACH, DELAWARE.  
RE: Letter in appreciation of Sussex County officials attending a meeting with a group of realtors and administrative personnel associated with Jack Lingo Realtor.

RHONDA H. TUMAN, ALUMNI COORDINATOR, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.  
RE: Letter in appreciation of Council's financial support and participation in the 1996 International Women's Day Dinner.

GARY MORRIS, COMMANDER, THE AMERICAN LEGION, SUSSEX POST NO. 8, GEORGETOWN, DELAWARE.  
RE: Letter of invitation to the Annual American Legion Birthday Dinner on March 23, 1996.

ARLENE S. LITTLETON, EXECUTIVE DIRECTOR, CHEER, SUSSEX COUNTY SENIOR SERVICES, INC., GEORGETOWN, DELAWARE.  
RE: Letter of invitation to a luncheon to celebrate "CHEER Day in Delaware" on July 23, 1996.

Present- Mr. Esposito, Director, Division of Water Resources, State of  
ation Delaware Department of Natural Resources and Environmental  
of Check Control, presented a check to Council in the amount of  
from \$1,463,335.36, the eighteenth payment on a \$17 million loan  
DNREC/ from the State's Water Pollution Control Revolving Loan Fund.  
West The money will be used to help finance the wastewater treat-  
Rehoboth ment and collection system to serve the West Rehoboth area.

Com- Mr. Mylander and Ms. Messick of Delaware National Bank were  
mercial present to discuss a proposed Commercial Lease Agreement  
Lease with Sussex County for 7,898 square feet of office space  
Agree- located on the second and third floors of the Wilmington  
ment Trust Company Administrative Building. (Sussex County is  
with purchasing this building from Wilmington Trust Company in  
Delaware accordance with action taken at the February 27, 1996,  
National Council meeting.) The primary term of the Lease is for  
Bank a period of five years (April 1, 1996 through March 31,  
2001) with two five-year option periods (April 1, 2001  
through March 31, 2006 and April 1, 2006 through March 31,  
2011). The annual rental during the primary term is  
\$71,082.00; \$5,923.50 per month. The annual rental during  
the first option, if exercised, will be increased by the  
cumulative percentage increase in the U.S. Bureau of Labor  
Statistics, CPI, over the primary term, or fifteen percent  
(three percent per year for five years), whichever is less.  
The annual rental during the second option, if exercised,  
will be increased by the cumulative percentage increase in  
the U.S. Bureau of Labor Statistics, CPI, over the first  
option term, or fifteen percent (three percent per year for  
five years), whichever is less. Other terms and conditions  
are outlined in the Commercial Lease document.

M 117 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, that  
Authorize the Sussex County Council authorizes the President of the  
Com- Sussex County Council to execute a Commercial Lease Agreement  
mercial with Delaware National Bank, as presented.  
Lease

Agreement Motion Adopted: 5 Yea.  
with

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

Emergency Ms. Sheridan, Director of Operations, Operations and  
Situation Maintenance Division of the Engineering Department, and  
at Mr. Wood, County Engineer, discussed an emergency situation  
Waste- regarding Wastewater Pumping Station 4, located on Route One  
water and Old Bay Road in Dewey Beach, the main sewage pumping  
Pumping station for the Town of Dewey Beach. On January 30, 1996,  
Station the bearings in Pump No. 1 failed; within days, Pump No. 2  
4/DBSSD began to exhibit signs of bearing failure. Ms. Sheridan

Emergency Situation (con't) advised that considering the anticipated increase in flow during the upcoming summer season and the deteriorated condition of the existing equipment, the possibility of an interruption in service is great. With this emergency situation, Ms. Sheridan advised that the standard bid process for the purchase of new equipment would not be in the County's or the residents' best interest as it would result in postponing the ordering of the equipment another ninety days. Ms. Sheridan advised that she has obtained bids for new equipment from three different companies, as follows: Riordan Materials - \$67,820.00; Pump and Power - \$75,706.00; and Sherwood-Logan - \$80,971.00.

M 118 96 A Motion was made by Stevenson, seconded by Mr. Cole, that Authorize the Sussex County Council authorizes the purchase of two Purchase flight pumps in an amount not to exceed \$67,820.00, as of Pumps authorized by Title 29, Section 6903(a)(2), as recommended for Station by the County Administrator.

4/DBSSD Motion Adopted: 5 Yea.

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

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

1. Troop 4 Status Report

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of February, 1996:

Total Hours on Duty	3,975.5
Hours Assisted Other Agencies	44.5
Total Traffic Arrests	753
Total DUI Arrests	23

Accident Reports:	Property Damage	58
	Personal Injury	<u>16</u>
	<b>Total Accident Reports</b>	<b>74</b>

Criminal Arrests:	Felony	19
	Misdemeanor	<u>55</u>
	<b>Total Criminal Arrests</b>	<b>74</b>

Total 10-29 P's (wanted persons)	75
Total Number of Complaints	595

Adminis-  
trator's  
Report  
(con't)

2. Coastal Stock Tab Building Settlement

The purchase of the Coastal Stock Tab building by D & B Products, formerly of Easton, Maryland, was completed on Monday, March 18, 1996. The sale price for the building was \$350,000. Additionally, a \$400,000 lien was placed on the building, which will be forgiven if D & B Products remains at the Sussex County Industrial Park. If they should leave before the ten year period, they will be required to pay a proportional amount of the remaining ten year lien. The \$350,000 that the County received for the building will be used for enhancement and improvements to the Industrial Park.

3. EMS Deputy Paramedic Director Resignation

Sussex County Emergency Medical Services Deputy Director Michael J. Harris has resigned from his position to become the EMS Program Manager for the City of Ventura, California. Mr. Harris has served as Deputy Director for the program since 1991. One of the original personnel hired to staff the new system, Mr. Harris was promoted to Supervisor in 1991 and then served as Acting Director when EMS Director William Stevenson was called to duty during the Gulf War. Upon Mr. Stevenson's return, Mr. Harris was promoted to Deputy Director.

Mike brought a unique blend of skills to Sussex County. He was instrumental in developing the EMS Program and will be missed.

3. Southern Delaware Choral Society

The long awaited original choral composition for Sussex County will have its world premier on Sunday, April 14, 1996, at the Sussex Central Senior High School, Georgetown, Delaware, at 3:00 p.m. Tickets may be purchased in advance at a cost of \$10 by calling the Sussex County Arts Council at 856-5421. Tickets may also be purchased at the door at a cost of \$12 each.

Public  
Hearing/  
Proposed  
Ordinance  
Issuance  
of  
General  
Obliga-  
tion Debt

A Public Hearing was held on 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 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. There were no persons present in opposition to this Proposed Ordinance. The Public Hearing was closed.

M 119 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to  
Adopt Ordinance No. 1083 entitled "AN ORDINANCE AUTHORIZING  
Ordinance THE ISSUANCE OF GENERAL OBLIGATION DEBT OF SUSSEX COUNTY  
No. 1083 FOR THE DESIGN, CONSTRUCTION AND EQUIPPING OF THE COUNTY  
Issuance ADMINISTRATIVE BUILDING; AND AUTHORIZING ALL NECESSARY  
of ACTION IN CONNECTION THEREWITH".  
General  
Obliga- Motion Adopted: 5 Yea.  
tion Debt

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

Proposed Mr. Archut, Director of Planning and Permits, reported on  
Ocean petitions received regarding the Proposed Ocean View Sani-  
View tary Sewer District. On July 18, 1995, County Council  
Sanitary approved the preparation and circulation of petitions to  
Sewer submit the question of organizing a sanitary sewer district  
District to include the Town of Ocean View to a vote of elections in  
Petition that district. Two hundred and seventy-one (271) petitions  
Results were received; 252 were declared valid. Mr. Archut requested  
and permission to prepare a Tabletop Study establishing the cost  
Proposed of providing Sanitary Sewer Service to the Proposed Ocean  
Action View Sanitary Sewer District. Information resulting from  
the Tabletop Study will be presented at a Public Hearing  
tentatively scheduled for October 26, 1996.

M 120 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, that  
Authorize the Sussex County Council hereby approves the Sussex County  
Tabletop Engineering Department to prepare a Tabletop Study establish-  
Study/ ing the cost of providing sanitary sewer service to the Pro-  
Proposed posed Ocean View Sanitary Sewer District, with the information  
Ocean being provided in a Public Hearing tentatively scheduled for  
View October 26, 1996.

Sanitary Motion Adopted: 5 Yea.  
Sewer  
District

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

Change Mr. Archut, Director of Planning and Permits, and Mr.  
Order Clendaniel of R. Calvin Clendaniel Associates, discussed  
No. 5/ Change Order No. 5 to the County Administrative Office  
County Building Contract. Change Order No. 5 includes four  
Adminis- proposals: revisions to bathrooms on the third floor, out-  
trative side electrical receptacles (one-110 volt and two-208 volt),  
Office ceiling in Council Chambers, and emergency back-up sump  
Building system. Change Order No. 5 also includes a credit in the  
Contract amount of \$654.12 representing a 2% bond fee paid on  
earlier change orders which the contractor has not been

Change Order (con't)

billed for. The total cost of Change Order No. 5, including the credit, is \$10,014.69, bringing the contract total to \$5,180,489.52.

M 121 96  
Approve Change Order No. 5/  
County Administrative Office Building Contract

A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Architect, R. Calvin Clendaniel Associates, and the County Engineering Department, the Sussex County Council approves Change Order No. 5, in an amount not to exceed \$10,014.69, to the County Administrative Office Building Contract, with no additional time required, and with the approval being subject to the RECD.

Motion Adopted: 5 Yea.

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

Harbeson Street-lighting District Upgrade of Lights

Mr. Archut, Director of Planning and Permits, discussed the Harbeson Streetlighting District and the Department of Transportation's offer to (1) upgrade and maintain the lights at the intersection of Route 5 and Route 9 and (2) to upgrade the remainder of the lights in the District. Mr. Archut presented this proposal at the February 20, 1996, Council meeting. At that meeting, Council approved the transfer of responsibility for the six existing 100-watt mercury vapor units at the intersection of Route 5 and Route 9 to the Department of Transportation. In addition, at that meeting, Mr. Archut advised he would meet with the residents of the District regarding the upgrading of the remaining streetlights. Mr. Archut informed Council that, following the February 20, 1996, Council meeting, he met with the residents of the District to obtain their views regarding this matter. Residents expressed concern about the brightness of the upgraded lights and decided to wait until the new lights have been installed before they decide whether or not they want the remaining lights to be upgraded.

Public Hearing CDBG Program

A Public Hearing was held to give all citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program for a grant under the provisions of the Community Development Act of 1977. The primary objective of the Community Development Program is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

In accordance with Section 106 (d) (2) (D) of the Housing and Community Development Act of 1974, as amended, Sussex County Council addressed its three (3) year Community Housing and Development Plan.

Public  
Hearing  
(con't)

Mr. Stickels, County Administrator, advised that Sussex County will be applying for \$1,400,000 out of the \$1,700,000 available for Sussex and Kent Counties.

The Public Hearing was closed and the record was left open for written comments until the close of business on March 25, 1996.

A Proposed Resolution will be presented at the March 26, 1996, Council meeting outlining Sussex County's application.

Report  
on Bids  
for  
Project  
No.

Mr. Norwood, Project Manager - Addressing and Mapping, reviewed bids received for Sussex County Project No. 96-05, Aerial Photography (for the Rural Road Naming and Readdressing Project), as follows:

96-05  
Aerial  
Photo-  
graphy

<u>Company</u>	<u>Bid</u>
L. Kimball & Assoc., Inc. Edensburg, Pennsylvania	\$ 10,460.00
Keystone Aerial Surveys Philadelphia, Pennsylvania	\$ 11,978.00
Kucera International, Inc. Willoughby, Ohio	\$ 16,450.00
3D Imaging, LLC Easton, Maryland	\$ 17,900.00
Caddum, Inc. Nashville, Tennessee	\$ 18,000.00
Emergency Data Systems Reading, Pennsylvania	\$ 19,582.00
Westinghouse Landmark Gis, Inc. Cary, North Carolina	\$ 23,144.46
Photo Science Gaithersburg, Maryland	\$ 25,214.00

Mr. Norwood advised that, based on the contract bid specifications and in consulting with NCS, Inc., the County's E911 Addressing Consultant, it is recommended that the contract be awarded to L. Robert Kimball & Assoc., Inc.

M 122 96  
Award  
Bid

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that Sussex County Council hereby awards the contract of Aerial Photography for E911 addressing to L. Kimball &

M 122 96 Associates, Inc., for the sum of \$10,460.00, as recommended  
(con't) by Mr. Norwood, Project Manager - Addressing and Mapping, and  
NCS, Inc., the County's E911 Addressing Consultant.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; 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 LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRES, MORE OR LESS", filed on behalf of William R. and Lenore J. Hickman was discussed. A Public Hearing was held on this application on January 30, 1996, at which time action was deferred to allow time for proposed conditions to be drawn up for Council's consideration. This application was brought up as old business before the County Council on February 27, 1996, at which time action was deferred again due to the fact that proposed conditions were not available. At this meeting, twelve proposed conditions were presented and discussed.

M 123 96 Adopt Proposed Ordinance C/U No. 1140 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt 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, with the following conditions:

1. The applicant shall provide written verification from the Delaware Department of Natural Resources and Environmental Control that the septic system is adequate to serve the use (by submittal of permit or approval letter).
2. The applicant shall provide written verification from the Delaware Department of Transportation that the entrance is adequate to serve the use (by submittal of permit or approval letter).
3. The applicant shall provide written verification from the Sussex County Building Code Department that the building meets Code (by submittal of permit or approval letter).

M 123 96  
(con't)

4. The applicant shall provide written verification from the Office of the State Fire Marshal that the building and site plan meets fire regulations (by submittal of permits or approval letters).
5. The applicant shall provide written verification from the Sussex Conservation District that the site plan meets erosion/sedimentation control and stormwater management criteria (by submittal of permit or approval letter).
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
7. Parking area and driveways shall be paved with a minimum of two (2) courses of bituminous surface treatment (tar & chip). All parking spaces shall be marked with painted strips or curb. Paving is to be completed within one year of approval.
8. The applicant shall provide a continuous visual screen along the perimeter of the parking area adjoining residential lots. The screen shall be a minimum height of six (6) feet and may consist of evergreen hedge or foliage screening or a louvered wall or fence.
9. The use shall be operational from May 1 through September 30 with closing hours at 12:00 a.m.
10. The building shall be handicap accessible.
11. Trash receptacles or dumpsters shall be provided and shall be located near the building and away from adjoining residential lots.
12. Signage shall be limited to 32 square feet per side or facing.

Motion Denied: 4 Nay, 1 Yea.

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

Findings  
of Fact  
(C/U  
No. 1140)

The Council found that the proposed conditional use was not appropriate legislative action based on the following findings of fact:

1. The use will not be consistent with the character of development in the vicinity.
2. The use may have an adverse impact on the neighboring community, property values therein and traffic in the area.

Findings  
of Fact  
(con't)

3. The use is not a desirable one in the area where it is proposed.
4. The use would not promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

M 124 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give Council- \$1,000.00, \$800.00 from Mr. Cole's Councilmanic Account and manic \$200.00 from Mr. Collins' Councilmanic Account, to the Lower Grant Sussex Little League, Inc. for operating expenses.

Motion Adopted: 5 Yea.

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

M 125 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Council- to give \$1,000.00, \$200.00 from each Councilmanic Account, manic to the Sussex County Chapter, National Federation of the Blind Grant of Delaware for expenses associated with sending delegates to the NFB National Convention.

Motion Adopted: 5 Yea.

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

M 126 96 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Council- give \$1,000.00 from Mr. Stevenson's Councilmanic Account to manic "Sanctuary for Kids" for the construction of a community Grant playground in Bridgeville.

Motion Adopted: 5 Yea.

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

M 127 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Council- to give \$500.00 from Mr. Stevenson's Councilmanic Account to manic Boy Scout Troop 999 to help defray the costs of their trip to Grant New Mexico.

Motion Adopted: 5 Yea.

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

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M 128 96 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,  
Council- to give \$500.00 from Mr. Benson's Councilmanic Account to the  
manic Milton Senior Citizens for the purchase of a new television.  
Grant

Motion Adopted: 5 Yea.

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

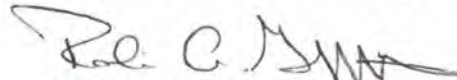
M 129 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Council- give \$200.00 from Mr. Dukes' Councilmanic Account to Teen  
manic Missions, Int'l, Inc., \$100.00 to Noah Goricki and \$100.00  
Grant to Paul Goricki for expenses associated with their trip  
to Pakistan and Honduras, respectively.

Motion Adopted: 5 Yea.

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

M 130 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Adjourn adjourn at 12:07 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council