

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 22, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 22, 1994, 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 106 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated March 15, Minutes 1994. Motion Adopted by Voice Vote.

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

BATTLE R. ROBINSON, ASSOCIATE JUDGE, THE FAMILY COURT OF THE STATE OF DELAWARE, GEORGETOWN, DELAWARE.
RE: Expressing appreciation to Council for the Proclamation honoring her as "Woman of Historic Note".

THE HONORABLE JOSEPH R. BIDEN, JR., UNITED STATES SENATOR, WASHINGTON, D.C.
RE: Federal support for local law enforcement activities and comprehensive anti-crime legislation (Violent Crime Control and Law Enforcement Act of 1993).

KATIE STAKIEL, STUDENT, SEAFORD, DELAWARE.
RE: A.D.A.M. Program.

Second Ms. Rhonda Tuman, representing Delaware Technical & Community Annual College, was present to invite Council members to the Second Sussex Annual Sussex County Science Fair and Expo to be held Friday, County March 25, 1994, in the Higher Education Building, Delaware Science Tech, Georgetown. Ms. Tuman also expressed appreciation on Fair behalf of Delaware Tech for Council's \$500.00 grant for the DT&CC event.

Biden Mr. Stickels, County Administrator, discussed the Biden crime Crime bill which is a major anti-crime initiative containing wide- Bill ranging provisions to strengthen law enforcement and provide much-needed aid to states and communities. Delaware is to receive about \$45 million over the next five years under this community policing program; however, the program will require a local match to the federal dollars. The crime bill

Biden
Crime
Bill
(con't)

program will provide funding for police officers for five years, with a declining federal share -- requiring state and local governments to assume a greater share during the five years, and the full cost of the officers after the five-year period expires.

Cost
Sharing
Police
Program

Karen Johnson, Secretary of Public Safety, State of Delaware, and Colonel Clifford M. Gravier, Superintendent, Delaware State Police, were in attendance to discuss a Cost Sharing Police Program between the State of Delaware, the Delaware State Police and Sussex County. The Program would put an additional fifteen state troopers and four supervisors in Sussex County with personnel costs to be shared between the federal government, the State of Delaware and Sussex County. Additional costs for the County would include the purchase of eight vehicles approximately every five years; the State would provide eleven vehicles approximately every five years. In addition, the State would pay the costs for building, utilities, uniforms, equipment, insurance, etc. It was emphasized that the County's contribution to the program would not be used for administration, supervision, overhead, etc.; the County's contribution would be used specifically for personnel costs and vehicles. The federal government would pay 75 percent of personnel costs for fifteen troopers the first year, 50 percent the second year, 40 percent the third year, 25 percent the fourth year, and 10 percent the fifth year. The State would increase its share of personnel costs for fifteen troopers as the federal share goes down. The County would never pay more than 50 percent of personnel costs for the fifteen troopers. It was noted that this proposal has been endorsed by Governor Carper. The Program, however, is contingent on the enactment of the Biden crime bill.

M 107 94
Begin
Negotia-
tion
Agree-
ments
for Cost
Sharing
Police
Program

A Motion was made by Mr. Cole, seconded by Mr. Collins, to authorize Robert L. Stickels, County Administrator, to begin negotiation agreements for this Program and to incorporate the Program into the FY '95 draft budget.

Motion Adopted: 5 Yea.

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

Land
Use
Plan
Contract

Mr. Thomas J. Shafer, P.E., of Whitman, Requardt and Associates was in attendance to discuss a proposed Agreement between Sussex County Council and Whitman, Requardt and Associates to update the Comprehensive Land Use Plan for Sussex County.

Land
Use
Plan
Contract
(con't)

On November 23, 1993, Council authorized the County Administrator to negotiate a contract with Whitman, Requardt and Associates to develop a land use document and supporting ordinances. The scope of services was to require the comparison of the existing Coastal Sussex Land Use Plan and the Western Sussex Land Use Plan and extraction of pertinent data, information and criteria necessary to upgrade the two plans into one Land Use Plan and all other services to comply with the Delaware Quality of Life Act in 9 Del. C. Sec. 6951 and supporting Ordinances. Total compensation and reimbursement paid to Whitman, Requardt and Associates for professional services as outlined in the Agreement are not to exceed \$75,000.

M 108 94
Execute
Land
Use
Plan
Contract

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council, based on staff recommendation, authorizes the Sussex County Council President to execute an Agreement with Whitman, Requardt & Associates to update the Comprehensive Land Use Plan; and be it further moved that the County Council designates Mr. Lawrence Lank to act with authority on its behalf in respect to all aspects of the project.

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, discussed the following information in his County Administrator's Report:

1. Disaster Relief and Emergency Assistance

President William Clinton declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the State of Delaware due to damage resulting from the ice storm and flooding on February 8 through February 18, 1994. President Clinton signed the Disaster Declaration on Wednesday, March 16, 1994.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs in the designated areas.

FEMA will coordinate Federal assistance efforts and designate specific areas eligible for such assistance. Mr. Glenn Gillespie, Emergency Preparedness Director,

Adminis-
trator's
Report
(con't)

has scheduled a meeting with FEMA on Friday, March 25, 1994, at 1:30 p.m. in the DNREC Auditorium, 89 Kings Highway, Dover, Delaware. The purpose of the meeting will be to discuss the reporting requirements and designate those who will be eligible for reimbursement. For this Declaration, all volunteer fire companies will submit their claims to the County Emergency Operations Center, making the County the applicant.

2. Annual Compliance Inspection - South Coastal Regional Wastewater Facility

The Department of Natural Resources and Environmental Control (DNREC) has recently completed the NPDES annual inspection for the South Coastal Regional Wastewater Facility, as required by the United States Environmental Protection Agency. During the inspection, the Department of Natural Resources sets up a 24 hour sampling of the effluent. This effluent is then tested in a State laboratory. The South Coastal Regional Wastewater Facility permit limit allows the Total Suspended Solids and BOD's to be discharged at an average of 15 mg/l and a maximum concentration of 23 mg/l. The effluent that was tested indicated Total Suspended Solids were discharged at 3.0 mg/l and the BOD was 4.3 mg/l.

During the inspection, the State also inspected the Facility's written records and monthly reports. DNREC was complimentary with the overall operation and maintenance of the Facility, and no deficiencies were recorded.

The South Coastal Regional Wastewater Facility staff includes Heather Sheridan, Operations Supervisor; Rex Powell, DRC Operator/South Coastal/Farm Manager; Gary Hickman, Ken Stevenson, and Charles Parsons, Operators. Mr. Stickels publicly thanked the staff for their dedication to this facility.

3. 17th Annual Prayer Breakfast

The Sussex County Council will be hosting the 17th Annual Prayer Breakfast on Tuesday, April 12, 1994, starting at 8:00 a.m. in the Higher Education Building, Delaware Technical & Community College. Tickets are \$8.00 per person and are available in the County Council Office.

This year's speaker will be Mr. Robert McElwee. Mr. McElwee's business career has been centered around heavy construction. He is President of the McElwee Scarborough Construction firm, a firm specializing in construction of

Adminis-
trator's
Report
(con't)

water filtration and wastewater treatment plants for both public and private industry. Mr. McElwee's clients include Texaco, AT&T, Chemical Bank of New York, Scott Paper Company, the Town of Georgetown, and the Town of Millsboro.

In addition to his construction career, Mr. McElwee has been officiating football for 31 years, the last 18 in the National Football League. He headed the officiating crew for Super Bowl XXII, Super Bowl XXVIII, and has officiated numerous playoff and championship games. Mr. McElwee is currently President of the Professional Football Referees Association.

Mr. McElwee is a member of the Haddonfield United Methodist Church, where his brother, Dr. Bill McElwee, is pastor. Church work, volunteer services in the community, and music occupy his few spare hours.

Mr. Stickels believes everyone who attends the Prayer Breakfast will be pleased with Mr. McElwee's message.

4. Cedar Creek Estates Street Lighting District

The Planning and Permits Division of the County Engineering Department will be holding a public meeting on Wednesday, March 23, 1994, at 6:00 p.m. at the Slaughter Neck Community Center. The purpose of the meeting is to provide public information and cost estimates for the proposed street-lighting district. A referendum will be held on Wednesday, March 30, 1994, at the same location from 1:00 p.m. to 7:00 p.m.

Salt
Pond
Agree-
ment

Robert C. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Salt Pond Associates for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Salt Pond - Phase 5 & 5A, located in the Bethany Beach Sanitary Sewer District.

M 109 94
Execute
Salt
Pond
Agree-
ment

A Motion was made Mr. Collins, seconded by Mr. Benson, that the President of the Sussex County Council execute an Agreement between Sussex County Council and "Salt Pond Associates" for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Salt Pond - Phase 5 & 5A, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

M 109 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Abstained;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Public Hearing Bethany Beach SSD Expansion A Public Hearing was held to consider extending the Bethany Beach Sanitary Sewer District to include a certain piece, parcel, or tract of land owned by Peter and Marybeth Fowler, lying contiguous to the Bethany Beach Sanitary Sewer District, situate west of Section IV of Ocean Way Estates and being in Baltimore Hundred, Sussex County, Delaware. The Public Hearing was closed.

M 110 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 012 94 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND OWNED BY PETER AND MARYBETH FOWLER, LYING CONTIGUOUS TO THE BSSD, SITUATE WEST OF SECTION IV OF OCEAN WAY ESTATES AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

White's Creek Manor Sewer District Mr. Archut, Director of Planning and Permits, provided an update on the status of the proposed White's Creek Manor Sewer District. At the December 14, 1993 Council meeting, Mr. Archut reviewed the table top study of the project. On that date, Council instructed Mr. Archut to schedule a community meeting for the purpose of reviewing the cost estimates with the residents. Mr. Archut advised Council that the community meeting was held on Saturday, February 26, 1994. Mr. Archut further advised that White's Creek Manor Homeowner's Association has sent out a survey regarding the proposed sewer district to all property owners/homeowners. Results of the survey will be tabulated after April 1, 1994. Upon receipt of the results, Mr. Archut will report back to Council.

South Ocean View Sanitary Sewer District Mr. Archut, Director of Planning and Permits, discussed the petition to establish a sanitary sewer district in the South Ocean View area and solicited Council's preference on how to proceed. The sanitary sewer district would include Plantation Park I and II, Plantation Park Marina, George C. Moore, Malcolm's Manor, Starlight Woods, Ocean Air, and Chevy Chase Subdivisions. Mr. Archut advised that petitions to establish a sanitary sewer district for the South Ocean View

South Ocean (con't) area were prepared and distributed and fifty-one valid petitions have been received. Questions were raised regarding a previous agreement with Starlight Woods. Mr. Bayard, County Attorney, was asked to review the agreement and report back to Council. A recommendation on how to proceed was deferred.

Farming Report Mr. Powell, Farm Manager, provided Council with a report on income and expenses resulting from the County's farming operations associated with Piney Neck Wastewater Treatment Facility, Inland Bays Wastewater Treatment Facility, and South Coastal Regional Wastewater Treatment Facility. The County's farming operations are a result of the treatment process at the wastewater facilities. Total income from crops harvested to date - \$14,031.48; total expenses for farming on crops harvested to date - \$31,432.00.

Dyna Sand Project (SCRWF) Garth E. Jones, Engineer III, discussed the "Dyna Sand" Construction Project (SCRWF Effluent Filters) and recommended that a final payment of \$13,800.00 be made to Hopkins Construction, Inc. pending receipt of an extended guarantee on the concrete.

M 111 94 Close Out Dyna Sand Project (SCRWF) A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Engineering Department, that the "Dyna Sand" Construction Project (SCRWF Effluent Filters) be closed out and final payment of \$13,800.00 be made to Hopkins Construction, Inc. pending receipt of an extended guarantee on the concrete.

Motion Adopted: 5 Yea.

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

Contract A Bid Results West Rehoboth Mr. Wood, County Engineer, and Ms. Judy Schwartz of George Miles & Buhr discussed the Contract A bid results for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The bid results were reported to Council at the meeting of March 15, 1994.

M 112 94 Award Contract A West Rehoboth A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Consultant Engineers, George, Miles & Buhr, and the County Engineering Department, that the Sussex County Council award Contract "A" of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to the low bidder, Teal Construction, Inc., for the amount of \$4,770,770.00, contingent upon the review and approval by Farmers Home Administration (RDA) of the contract bid documents.

M 112 94 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 113 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Council- give \$500.00 from Mr. Cole's Councilmanic Account to the
manic Rehoboth Beach Downtown Business Association to be used on
Grant producing the Downtown Rehoboth Beach Walking Guide.

Motion Adopted: 5 Yea.

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

M 114 94 A Motion was made by Mr. Stevenson, seconded by Mr. Cole,
Council- to give \$400.00 from Mr. Stevenson's Councilmanic Account
manic to the Sussex Central Baseball Boosters to be used for the
Grant varsity baseball trip to Richmond, Virginia.

Motion Adopted: 5 Yea.

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

M 115 94 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Council- to give \$400.00, \$200.00 from Mr. Benson's Councilmanic Account
manic and \$200.00 from Mr. Stevenson's Councilmanic Account, to
Grant Milford Parks and Recreation to be used for volleyball equip-
ment.

Motion Adopted: 5 Yea.

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

M 116 94 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Council- to give \$500.00 from Mr. Benson's Councilmanic Account to
manic the Milton Little League to be used to revamp the minor league
Grant field.

Motion Adopted: 5 Yea.

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

M 117 94 Council-
manic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$300.00, \$150.00 from Mr. Dukes' Councilmanic Account and \$150.00 from Mr. Collins' Councilmanic Account, to the Laurel Chapter of Business Professionals of America to be used to attend the national convention in San Francisco, California.

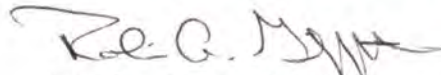
Motion Adopted: 5 Yea.

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

Solid Waste Ordinance Violations Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO AMEND §91-10 SUSSEX COUNTY CODE RELATING TO VIOLATIONS AND PENALTIES FOR VIOLATION OF THE SOLID WASTE ORDINANCE" which was denied at the Council meeting held on March 15, 1994. Suggestions were made that violators be required to perform community service in lieu of or in addition to paying fines. No action was taken.

M 118 94 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Cole, to adjourn at 12:08 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council