

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-APRIL 16, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, April 16, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George B. Cole	Member
George J. Collins	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 182 91  
Approve  
Minutes

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

Corre-  
spondence

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

JOHN A. SERGOVIC, JR., ATTORNEY AT LAW, GEORGETOWN  
RE: Requesting Change of Zone No. 1113, filed on behalf of Maplewood Industries, Inc., remain tabled until the applicant's attorney and the County attorney agree upon restrictive covenants, which would control the use of the property, if the County Council deemed it appropriate to approve the rezoning request.

CHRISTOPHER ROTH, SEAFORD CHRISTIAN ACADEMY, SEAFORD  
RE: Letter concerning the Anti-Drug Abuse Management (ADAM) Program.

ERICA DAILY, CENTRAL ELEMENTARY SCHOOL, SEAFORD  
RE: Letter concerning the Anti-Drug Abuse Management (ADAM) Program.

DEPARTMENT OF THE ARMY, PHILADELPHIA DISTRICT, CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA  
RE: They have been authorized by the Federal Emergency Management Agency to restudy and update Flood Insurance Studies in Sussex County. The purpose of these restudies is to examine and evaluate the flood hazard areas in Sussex County which are developed or which are likely to be developed and determine flood elevations for those areas.

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Corre-  
spondence

Once the flood elevations are established by the Corps of Engineers, they will be used by each community to carry out the floodplain management objectives of the National Flood Insurance Program. They will also be used as the basis for determining appropriate flood insurance premium rates applicable to new buildings and their contents.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY  
RE: Notice of Commission Meeting and Public Hearings.

DELMARVA WATER TRANSPORT COMMITTEE, INC., SALISBURY, MARYLAND  
RE: Notice of meeting on Friday, May 10, 1991.

Business,  
Industry,  
Education  
Alliance  
Job  
Fair

Ms. Shirley O'Connor, Kent-Sussex Coordinator, The Delaware Business/Industry/Education Alliance, reviewed the schedule of events for the Sussex County Job Fair being held today at Delaware Technical and Community College, Georgetown. Ms. O'Connor invited Council to stop by and view the exhibits supplied by local businesses participating in the event.

The Business/Industry/Education [BIE] Alliance was created in 1982 and includes representatives of large and small businesses, public education, and government agencies. The organization has developed programs that bring business people into the schools and school personnel into business to share ideas, develop new solutions, and build practical working relationships. Students participating in today's event will have the opportunity to talk first-hand with local business representatives and see what jobs are available plus the requirements and responsibilities involved with the job. Ms. Joyce Westen, Co-Chairman, Sussex County Job Fair, encouraged the Council, press and general public to participate in today's activities.

Proposed  
Proclama-  
tion

Mr. Stickels, County Administrator, read a Proposed Proclamation entitled "PROCLAIMING APRIL 28--MAY 4, 1991, AS SOIL AND WATER STEWARDSHIP WEEK."

M 183 91  
Adopt  
Proclama-  
tion  
"Soil &  
Water  
Steward-  
ship  
Week"

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING APRIL 28--MAY 4, 1991 AS SOIL AND WATER STEWARDSHIP WEEK." 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

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Soil &  
Water  
Stewardship  
Week  
(Con't.)

President Dukes thanked Mr. Cashar Evans, Chairman, Board of Supervisors, Sussex Conservation District, for his 39 years of service to the District. Ms. Beth Horsey, Coordinator, Sussex Conservation District, thanked Council for the Proclamation and their continued support of Soil Conservation programs over the years. "Soil and Water Stewardship Week" has been celebrated nationally since 1955.

Lt. Gov.  
Wolf's  
Comments

The Honorable Dale E. Wolf, Lieutenant Governor, State of Delaware, entered the meeting at this time and was recognized by President Dukes. He had participated in the opening exercises at the Sussex County Job Fair at Delaware Technical and Community College this morning. The intent of the visit to Council was merely to say good morning and listen.

State  
Draft  
Regulations  
Governing  
Extractive  
Use  
Operations

Mr. Lank, Planning and Zoning Director, reviewed the "State of Delaware Draft Regulations Governing Extractive Use Operations" prepared by the Department of Natural Resources and Environmental Control, Division of Water Resources. A Committee made up of DNREC representatives, other agencies, County representatives, contractors, and citizens had worked with DNREC in the preparation of the Draft Regulations. This Draft was used at the first Public Workshop held April 4, 1991. The Committee will meet May 9, 1991, to discuss comments they have received since the first workshop.

Members of the Council were in agreement that County representatives attending the May 9, 1991, meeting should voice the following points addressed in the Draft [3.03 Provisions]:

1. Sussex County does not wish to assume the responsibility and authority for administering this program; DNREC should assume this responsibility.
2. DNREC should issue a feasibility letter on property being considered for extractive use operations before conditional use applications for borrow pits are considered for zoning changes.

Transfer  
Stations

Mr. Stickels, County Administrator, reviewed a Proposed Ordinance for introduction relating to charges for depositing solid waste at the County Transfer Stations. The estimated tipping fees for the Sussex County Transfer Stations at Delaware Solid Waste Authority and the total estimated operating costs for FY '92, '93, and '94 were also reviewed.

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Transfer  
Stations  
(Con't.)

President Dukes discussed concerns and suggestions raised by residents concerning the transfer stations. Alternative options and concerns were discussed.

Councilman Collins questioned the action taken by inspectors when trash is found and identified. Fines for littering and the authority to assess such fines was discussed. There was a consensus that an Ordinance is needed to address this problem.

Proposed  
Ordinance

President Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 91, SUSSEX COUNTY CODE RELATING TO CHARGES FOR DEPOSITING SOLID WASTE AT COUNTY FACILITIES." The Proposed Ordinance will be advertised for Public Hearing.

Adminis-  
trative  
Report

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

1. Tax Bills - This year's tax bills were ordered with last year's bills to save money by purchasing in a larger volume. However, this year's bills will list County and school taxes separately. The first tax shown will be the County tax. The second tax will be the school tax. In addition to the separation and subtotaling of the taxes, a separate insert will be sent with the billing. This insert will be similar to last year's statement that showed what portion of the total tax bill was the County Government's.
2. Library Fees - At last week's meeting the charging of fees for library services was raised by a resident. Currently, the County charges \$10.00 per year for nonresident, nonproperty owners. This generated \$330.00 in FY '90. Mrs. Fitzgerald, Director of County Libraries, is to monitor this practice more closely.

Wicomico County charges \$7.25 per year to out-of-state residents. They do not charge Maryland residents or Delmar, Delaware, residents. If the County Council were to adopt a policy to charge the public in general, it would mean we would have private libraries, not public libraries. The County Council has adopted the American Library Association Liberty Bill of Rights as part of our County library policy. This policy guarantees a person's right to free access and use of libraries.

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Adminis-  
trative  
Report  
(Con't.)

3. Code Enforcement Officers - The County Personnel Department will be accepting applications for Code Enforcement Officer I. The County will have to have six new officers by July 1, 1991. On this date, the County Building Code Department will implement the new Single Family Building Code.

Successful candidates for this position should possess knowledge of materials, methods, and practices used in building construction; some knowledge of legal procedures as related to the enforcement of ordinances and codes; ability to recognize faulty construction or hazardous conditions and to recommend effective corrective measures; ability to read and interpret building construction plans and specifications and to recognize deviations from such plans in the construction process; ability to enforce codes and regulations firmly, tactfully, and impartially; ability to establish and maintain effective working relationships with contractors, property owners, representatives from other agencies, and the public; ability to communicate effectively; good physical condition.

Timing of the implementation of the new Single Family Building Code in relation to the present state of the economy was discussed.

4. Delaware Health and Social Services - The Division of Aging does not expect an increase in federal funds for 1992, nor do they expect an increase in the FY '92 State budget. For the next contract year, they will not be able to maintain the services they are now providing at the current level. The application process has begun for 1992 and contractors are requested to bring their proposals in at 5.3 percent less than last year. The Governor's Advisory Council on Aging has requested that the County Council appoint two members to join with the Governor's Advisory Council on Aging to discuss programs being funded through the Division of Aging. The objective of this committee is to recommend to the Division of Aging program category cuts. Names to serve on this committee are needed by May 1, 1991.

Weston  
Consultant  
Agreement

Mr. Wood, County Engineer, requested authorization to enter into an agreement with Roy F. Weston, Inc. for consultant services whereby they would set out a base rate for services, fee structure, liability protection and other specifics.

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Weston  
Consultant  
Agreement  
(Con't.)

Since the selection of Roy F. Weston, Inc. in 1978, all environmental studies have been done as needed and authorized by purchase orders at County landfills and transfer stations. Once an agreement with Weston has been completed, the Engineering Department will present each Task Order Agreement to the Council for their consideration and approval. There are three Task Orders presently being prepared for consideration of the Council, namely:

1. Conducting remedial investigation and feasibility studies at Laurel landfill;
2. Preparation of a Compliance Plan for the six transfer stations to meet the new State standards; and
3. Continual performance of activities for groundwater monitoring at transfer stations.

M 184 91  
Authorize  
Weston  
Agreement

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that the Council President be authorized to enter into a basic ordering agreement with Roy F. Weston, Inc. for consultant services related to Sussex County Landfills and Transfer Station projects. 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 185 91  
Executive  
Session

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, authorizing an Executive Session to be held next Tuesday, April 23, 1991, starting at 9:30 a.m. in the Council Chambers, for the purpose of discussing pending litigation. 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

Long Neck  
Business  
Assoc.  
Request

Mr. Cole reported that the Long Neck Business Association had contacted him and made a request that the County Council support their application for a Post Office to be located in the Long Neck area. Approximately 7,500 to 10,000 people live in that particular area.

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M 186 91  
Support  
Long Neck  
Business  
Assoc.  
Request

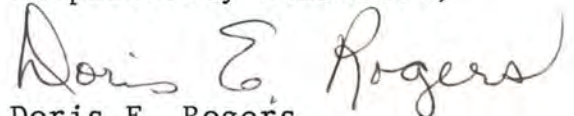
A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council support the Long Neck Business Association's application for a Post Office to be located in their area. Motion Adopted: 4 Yea; 1 Absent.

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

M 187 91  
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 11:50 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council