

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 23, 1996

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, April 23, 1996, at 10:00 a.m. in the Court of Chancery, 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.

Visitors      Mr. Dukes recognized a Speech and Debate Class from Sussex Central High School that was present to observe a Council Meeting.

Proposed Changes to Agenda      Mr. Stickels, County Administrator, reviewed several proposed changes to the Agenda, as follows:

Under Robert Stickels, County Administrator, change Proclamation - "Senior Companion Week" to Proclamation - "National Volunteer Week"; add Proclamation - "Delaware Volunteer and Service Week".

Under Robert Green, Director of Utility Construction, delete West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Construction Package C, Change Order Nos. 3, 4, and 5; Construction Package D - Change Order No. 6.

Delete afternoon session listed as "Farnell & Smith - Alliance PPO".

M 174 96      A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Agenda      Adopt the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 175 96      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes      approve the minutes of the previous meeting dated April 16, 1996. Motion Adopted by Voice Vote.

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

AMERICAN RED CROSS IN DELAWARE, WILMINGTON, DELAWARE.  
RE: Letter in appreciation of Council's past support and

Corre- requesting Council to consider continuing their \$3,000 donation  
spondence this year.  
(con't)

B.J. VANKAVELAAR, ASSISTANT DIRECTOR, FINANCIAL INVESTMENTS,  
STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.  
RE: Letter regarding the six year Capital Transportation  
Improvement Program (CIP).

MARIE JO GRAY, MILFORD COMMUNITY PARADES, INC., MILFORD, DELAWARE.  
RE: Letter in appreciation of Mr. Stevenson's and Mr. Benson's  
Councilmanic Grants.

Proposed Mr. Stickels, County Administrator, read in its entirety a  
Procla- Proposed Proclamation entitled "PROCLAIMING APRIL 21 THROUGH  
mation APRIL 27, 1996, AS 'NATIONAL VOLUNTEER WEEK' IN SUSSEX COUNTY".

M 176 96 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Adopt to Adopt the Proclamation entitled "PROCLAIMING APRIL 21 THROUGH  
Procla- APRIL 27, 1996, AS 'NATIONAL VOLUNTEER WEEK' IN SUSSEX COUNTY".  
mation

Motion Adopted: 5 Yea.

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

Ms. Robin Fisher, Director, Senior Companion Program, was pre-  
sent to accept the Proclamation.

Proposed Mr. Stickels, County Administrator, read in its entirety a  
Procla- Proposed Proclamation entitled "PROCLAIMING APRIL 22 THROUGH  
mation APRIL 28, 1996, AS 'DELAWARE VOLUNTEER AND SERVICE WEEK' AND  
PROCLAIMING APRIL 23 AS 'RSVP DAY' IN SUSSEX COUNTY".

M 177 96 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,  
Adopt to Adopt the Proclamation entitled "PROCLAIMING APRIL 22  
Procla- THROUGH APRIL 28, 1996, AS 'DELAWARE VOLUNTEER AND SERVICE  
mation WEEK' AND PROCLAIMING APRIL 23 AS 'RSVP DAY' IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Presen- Ms. Gloria Clark, Sussex RSVP Director, was present to accept  
tation the Proclamation. Ms. Clark presented a Certificate of  
of Appreciation to the County Council for "invaluable support in  
Certifi- furthering the efforts of the Sussex Retired and Senior  
cate of Volunteer Program to provide significant volunteer service to  
Appre- the community."  
ciation

Literacy Grant Application Mr. Stickels, County Administrator, discussed a grant application to be submitted to the Delaware Department of Public Instruction for Project READS in the amount of \$2,587.00. Project READS is Sussex County Department of Libraries' volunteer reading tutorial program. This grant will provide money for student/tutor materials and recognition.

M 178 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Authorize authorize the County Administrator to apply for a grant in the Literacy amount of \$2,587.00 to the Delaware Department of Public In- Grant struction for Project READS.

Appli- Motion Adopted: 5 Yea.  
cation

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

Proposed Amend- Mr. Stickels, County Administrator, discussed a Proposed ment to Amendment (No. 3) to the County's Comprehensive Land Use Compre- Plan Agreement with Whitman, Requardt and Associates. The hensive County has requested Whitman, Requardt and Associates to Land perform additional services related to the Comprehensive Use Land Use Plan which increases the not-to-exceed limit Plan of the Contract. First, the enactment of legislation by the State, "Shaping Delaware's Future", significantly enlarged the scope of work required by the previous law and added three new mandatory elements to the comprehensive plan. Also, public participation in the plan has been greatly expanded by adding four workshops and meetings with concerned citizen groups to the previous required two public hearings. In addition, Whitman, Requardt and Associates were requested to assist in the formation of the "Transportation Policy Advisory Committee" and to attend their meetings. They also attend meetings of the "Cabinet Committee on State Planning Issues" and the "Planners Work Group". Finally, Whitman, Requardt and Associates has drafted new zoning ordinances for the C-2 commercial zone and presented public testimony. To cover the additional costs already incurred and to complete the Comprehensive Land Use Plan, the not-to-exceed limit needs to be increased by \$45,000 for a total not-to-exceed limit of \$135,000.

M 179 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, Authorize to authorize the President of the Sussex County Council Amendment to amend the Agreement with Whitman, Requardt and Associates to Compre- for land use consultant services, increasing the not-to- hensive exceed limit by \$45,000 for a total not-to-exceed limit Land of \$135,000.

Use Motion Adopted: 5 Yea.  
Plan

M 179 96 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

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

1. Housing Rehabilitation Grants

The Office of the Budget, in its function as the State Single Point of Contact, has reviewed the County's request for federal funds in the amount of \$75,000 for housing rehabilitation grants. The Office of Budget Director believes that this funding request is consistent with the Delaware Consolidated Housing Plan and the goals of the 1995 Shaping Delaware's Future Report.

The State's support does not assure us that the federal funds will be awarded; however, without the State's support, the federal government cannot fund the program. The County should know within sixty days if this grant will be approved.

2. Sussex County Volunteer Firemen's Association Monthly Meeting

The Memorial Fire Company, Slaughter Beach, will host the Volunteer Firemen's Association monthly meeting on Tuesday evening, April 23, 1996, at 7:30 p.m.

3. Delaware State Police - Sussex County Status Report - First Quarter 1996

The following hours of duty and enforcement were compiled by the Delaware State Police in Sussex County for the first quarter of 1996:

	<u>Troop 4</u>	<u>Troop 5</u>	<u>Troop 7</u>
Total Hours on Duty	12,065	14,944.75	16,279
Hours Assisted Other Agencies	95.5	93.5	86.5
Total Traffic Arrests	2,454	2,233	1,663
Total DUI's	66	79	91
Accident Reports:			
Property Damage	166	189	247
Personal Injury	<u>38</u>	<u>84</u>	<u>56</u>
Total Accident Reports	204	273	303
Criminal Arrests:			
Felony	65	41	71
Misdemeanor	<u>213</u>	<u>248</u>	<u>360</u>
Total Criminal Arrests	278	289	431

Adminis-  
trator's  
Report  
(con't)

	<u>Troop 4</u>	<u>Troop 5</u>	<u>Troop 7</u>
Total 10-29 P's (wanted persons)	103	184	136
Total Number of Complaints	1,725	2,530	3,007

4. Federal Emergency Management Agency (FEMA) Reimbursement Costs - Blizzard of '96

Governments and organizations in Sussex County received \$59,266 from FEMA for costs associated with snow removal from the storm that left approximately 28 inches of snow in Sussex County last winter. Funding was distributed as follows:

Sussex County Government	\$ 1,640
Hospitals	
Beebe Medical Center	1,210
Milford Memorial	3,679
Nanticoke Memorial	5,754
Methodist Manor House	1,785
Towns	
Bethany Beach	3,191
Blades	975
Bridgeville	2,696
Delmar	2,101
Fenwick Island	866
Georgetown	3,338
Greenwood	1,127
Henlopen Acres	1,850
Laurel	2,971
Lewes	2,257
Milford	6,024
Millsboro	2,667
Milton	2,138
Rehoboth Beach	3,915
Seaford	<u>9,082</u>
<b>TOTAL</b>	<b>\$59,266</b>

5. Senate Environmental and Public Works Committee Hearing

The Senate Committee on Environmental and Public Works will be holding a hearing on Wednesday, April 24, 1996, at 9:30 a.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to solicit comments on Senate Bill 1285, a bill to reauthorize and

Adminis-  
trator's  
Report  
(con't)

amend the Comprehensive Environmental Response, Compensation, and Liability Act, also known as the Superfund Program. Mr. Stickels has been invited by Senator Max Baucus of Montana and Senator John H. Chafee, Chairman, to testify before the Committee on behalf of local governmental organizations. These organizations include American Communities for Cleanup Equity, National League of Cities, National Association of Counties, U.S. Conference of Mayors, International City/County Management Association, National Association of Towns and Townships, National School Boards Association, and the Municipal Waste Management Association.

It is Mr. Stickels' goal to see that local governments receive relief from liability of waste activities from municipal solid waste landfills. He believes the funding that the federal government spends annually on the Superfund Program would be better spent if the federal government would reauthorize the Environmental Protection Agency's Construction Grant Program for water and wastewater infrastructure.

6. Burning Restrictions - Coastal Zone

Mr. Stickels has recently had inquiries regarding the County's Ordinance, Chapter 115, Article III, Subsection 115-15.1 of the Code of Sussex County relating to outdoor burning. The Code states:

"No wood, wood by-products or other materials shall be burned out-of-doors, as part of debris removal for a development or construction project, within the Coastal Zone Area of Sussex County, as defined by the State Coastal Zone Act, during the period of April 1 through October 1 of each year. Nothing herein shall be construed to prohibit out-of-doors burning for agricultural purposes or by the State of Delaware."

Mr. Stickels would appreciate any help the media could give in reminding residents of Sussex County in the Coastal Zone Area of the burning restrictions.

Proposed  
Resolu-  
tion/  
Refunding  
Revenue  
Bonds

Mr. Baker, Finance Director, presented for Council's consideration a Proposed Resolution entitled "A PROJECT RESOLUTION AUTHORIZING \$3,680,000 ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS (PACKEM ASSOCIATES LIMITED PARTNERSHIP PROJECT)". Mr. Baker informed Council that in 1986, Packem Associates Limited Partnership applied to the County for the financing of a project consisting of the acquisition of land in Rehoboth Beach, Delaware, and the construction thereon of a mixed use commercial facility, including a hotel and related commercial facilities.

Proposed Resolution (con't) In response to this application, the County issued its Economic Development Revenue Bonds (Packem Associates Limited Partnership) Series 1986 in the initial aggregate principal amount of \$3,950,000 to assist in financing the Project. Mr. Baker advised that \$3,680,000 of the 1986 bonds remains outstanding and the Applicant has requested that the County issue its revenue bonds to refinance the 1986 Bonds for the purpose of achieving interest rate savings.

M 180 96 Adopt Resolution R 014 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Resolution No. R 014 96 entitled "A PROJECT RESOLUTION AUTHORIZING \$3,680,000 ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS (PACKEM ASSOCIATES LIMITED PARTNERSHIP PROJECT)".

Motion Adopted: 5 Yea.

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

Tecot Electric Mr. Green, Director of Utility Construction, discussed granting Conditional Acceptance for the wastewater facilities constructed at Tecot Electric, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 181 96 Grant Conditional Acceptance/Tecot Electric A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed at Tecot Electric, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Bid Proposal Results/Sussex County Project No. 95-08 Mr. Izzo, Director of Public Works, reviewed with Council the Bid Proposal Results for Sussex County Project No. 95-08, Sussex County Parking Facility, as follows:

	BIDDER	BID PRICE
No. 95-08	Melvin L. Joseph Construction Co. Inc. Georgetown, Delaware	\$ 88,670.90
	Sparr Associates, Inc. Salisbury, Maryland	\$ 92,381.90
	Delmarva Paving, Inc. Seaford, Delaware	\$ 99,882.50

Bid Proposal Results (con't)	<u>BIDDER</u>	<u>BID PRICE</u>
	A.P. Croll and Son, Inc. Georgetown, Delaware	\$103,203.75
	Daisy Construction Company, Inc. Greenwood, Delaware	\$109,363.50

Mr. Izzo noted that the Engineer's estimate was \$101,000.

M 182 96 Award Bid/ Sussex County Project No. 95-08 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, that the contract for Sussex County Project No. 95-08 entitled "Sussex County Parking Facility" be awarded to Melvin L. Joseph Construction Co., Inc. at the contract amount referenced in the bid proposal dated April 22, 1996.

Motion Adopted: 5 Yea.

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

M 183 96 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$960.00 from Mr. Cole's Councilmanic Account to the Town of Ocean View for the purchase of picnic tables for the Park Pavilion.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 184 96 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$1,000.00 from Mr. Stevenson's Councilmanic Account to the Georgetown Historical Society for use at the Nutter D. Marvel Museum.

Motion Adopted: 5 Yea.

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


M 185 96 Recess At 11:03 a.m., a Motion was made by Mr. Cole, seconded by Mr. Collins, to recess for Executive Session. Motion Adopted by Voice Vote.

Executive Session An Executive Session of the Sussex County Council was held Tuesday, April 23, 1996, at 11:15 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation.

April 23, 1996 - Page 9

- M 186 96 At 11:34 a.m., a Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn the Executive Session and return to Regular Session. Motion Adopted by Voice Vote.
- M 187 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 11:35 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council