

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 28, 1998

Executive Session An Executive Session of the Sussex County Council was held Tuesday, April 28, 1998, at 9:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing personnel.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 28, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 179 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 180 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated April 7, 1998.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

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

STEVE PEPPER, MAYOR, TOWN OF GEORGETOWN, GEORGETOWN, DELAWARE.
RE: Expansion of the Georgetown Spray Treatment Facility to include treatment for the future Ellendale Sewer District.

JOHN HOLLIS, BOARD OF DIRECTORS, WESTERN SUSSEX BOYS & GIRLS CLUB, SEAFORD, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

JILL LONG THOMPSON, UNDER SECRETARY, DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY, WASHINGTON, D.C.
RE: Invitation to USDA Rural Development's Office of Community Development regional workshop.

Grant Request/ First State Community Action Agency Ms. Rose Lawson, Community Development Specialist, First State Community Action Agency, was in attendance to seek funding from Council to cover the cost of educational training in the communities of Coverdale, Ellendale, Pinetown, and West Rehoboth. First State provides technical assistance, administrative and program development to impoverished communities in Sussex County. First State has been providing these community groups with capacity-building information in an effort to enable them to effectively interact with state and local agencies to diminish some of the negative social and criminal conditions within their communities.

M 181 98 Human Service Grant/ Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$1,500.00, \$1,300.00 from Human Service Grants and \$200.00 from Mr. Jones Councilmanic Account to First State Community Action Agency for educational training in impoverished communities in Sussex County.
Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Awards Ceremony/ Operator of the Year Mr. Stickels, County Administrator, reported that an Awards Ceremony for Operator of the Year was held at Delaware Technical and Community College on April 24, 1998. The organizations sponsoring the event were Delaware Rural Water Association; Department of Health and Social Services, Division of Public Health, Office of Drinking Water; Department of Natural Resources and Environmental Control, Division of Water Resources; Water and Wastewater Operators Association, Eastern Shore Chapter; and Delaware Technical and Community College. At this ceremony, Sussex County employee, Heather Sheridan, was presented "The Wastewater Operator of the Year Award". Mr. Stickels read the following information into the record:

Heather Lisa Sheridan graduated from Old Dominion University in May of 1975 with a B.S. degree in Biology. On December 2, 1976 she began her employment with Sussex County as a Laboratory Technician I at the South Coastal Regional Wastewater Facility. In 1977, she successfully completed both the Basic and Intermediate Wastewater Treatment Facility Operator Training Courses as well as Laboratory Procedures Training at the State Monitoring Lab and, on July 1 of 1979 she was promoted to a Laboratory Technician II. She continued her education and training, receiving her Wastewater Operator Level III License in the latter part of 1979. On January 1, 1983, Ms. Sheridan was promoted to the position of Operations Supervisor for the County-operated

Awards
Ceremony
(con't)

Wastewater Facilities. On August 6, 1986 she completed the requirements for, and was awarded a Class IV Wastewater Operator License. In 1987, Heather was presented with the prestigious William D. Hatfield Award, which is given to operators of wastewater plants who, through their outstanding performance and professionalism deserve commendation. This award was presented by the Chesapeake Water Pollution Control Association. On November 30, 1995 Ms. Sheridan was promoted to the position of Director of Operations.

William
A. Car-
penter
Partner-
ship
Center

Mr. Stickels, County Administrator, reported that on June 16, 1997, the Board of Trustees of Delaware Technical and Community college renamed the Higher Education Building on the Owens Campus the "William A. Carter Partnership Center". This was done in recognition of the many years that Mr. Carter has served Delaware Tech in a wide variety of roles. A ceremony will be held on May 8, 1998 in the lobby of the building to recognize Mr. Carter.

M 182 98
Adopt
Procla-
mation

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING MAY 8, 1998 AS A DAY TO HONOR WILLIAM A. CARTER".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Green-
wood
Library
Shelving
Bid

Mr. Stickels, County Administrator, reported the following bid results for the project entitled "Greenwood Library Shelving":

Carboni Taylor, Inc.

Steel Shelving \$12,941.00

Option 1 - Wood End Panels \$ 4,235.00

This was the only bid received.

M 183 98
Authorize
Bid
Award/
Green-
wood
Library
Shelving

A Motion was made by Mr. Jones, seconded by Mr. Collins, to authorize the bid award for the project entitled "Greenwood Library Shelving" to Carboni Taylor, Inc.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Contract for Rodent Control Activities Mr. Stickels, County Administrator, advised Council that the State, in their Fiscal Year 1999 Budget, has made available \$10,000 in funding to Sussex County to use for rodent control activities. Delaware Health and Social Services, Division of Public Health, is charged with the administration and oversight of the funds and related activities.

M 184 98 Authorize Application for Rodent Control Funding A Motion was made by Mr. Jones, seconded by Mr. Rogers, authorizing the Sussex County Administrator to make application to Delaware Health and Social Services, Division of Public Health, in the amount of \$10,000, for Rodent Control Activities.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

T-Hangar Leases Mr. Stickels, County Administrator, discussed the leases for T-Hangars constructed at the Sussex County Airport. These leases were authorized by County Council on October 21, 1997 and amended on March 24, 1998. As of October 21, 1997, Monte P. Shepler and Audry L. Barnum were among the six tenants who had agreed to enter into lease agreements with the County. Since that time, these two tenants have notified the County that they are unable to execute the leases. Mr. Stickels submitted for Council's consideration two new prospective tenants -- Flight Line, Inc., c/o James C. Eaton (\$300.00 per month, 3 year lease) and Willoughby Farms, Inc., c/o Charles Allen, III (\$250.00 per month, 3 year lease). All terms and conditions will remain the same.

M 185 98 Authorize T-Hangar Leases A Motion was made by Mr. Collins, seconded by Mr. Jones, to authorize the President of the Sussex County Council to enter into two (2) three-year lease agreements with Flight Line, Inc. and Willoughby Farms, Inc. for T-Hangars at the Sussex County Airport replacing two (2) previously authorized lease agreements with Monte P. Shepler and Audry L. Barnum.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

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

1. Student Government Day

The County Council will host high school students from public and private schools in Sussex County on Thursday,

Adminis-
trator's
Report
(con't)

May 7, 1998 for a mock County Council session. Students who will be participating in the Boys and Girls State Program will be given agenda items that the Council has faced during the year. The public, as well as the media, is welcome to attend the session.

2. Memorial Day Parade

Virgil Wilson V.F.W. Post 4961, American Legion Post 6, Prattis-DeShields American Legion Post 37, Chapter 9 Disabled American Veterans, and Detachment 780 Marine Corps League will be presenting a Memorial Day Parade this year on May 30, 1998, at 10:00 a.m. The parade will start at the intersection of Pennsylvania Avenue and Nylon Boulevard, Seaford, Delaware. There will be services at the Kiwanis Park, Stein Highway, at 10:30 a.m. and at the Methodist Manor House at 12:00 noon. The public is invited to attend the ceremonies. If any Council members will be attending, please let Robin know.

3. Cedar Neck Sanitary Sewer District

On Wednesday, April 22, 1998, Mr. Dale Dukes, President of the Sussex County Council, and Mr. George Cole, Councilman for the Cedar Neck Sanitary Sewer District, received a check in the amount of \$6,910,700 for the Cedar Neck Sanitary Sewer District. The check was presented by Mr. John S. Walls, State Director, USDA Rural Development. This funding will be used to help reduce the annual cost to the users of the district. This low-interest loan will allow the County Council to reduce projected costs by 12½ percent.

4. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District - Phase III Bid Results

Bids for Contract No. 1 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III, were publicly opened and read aloud at 2:00 p.m. in the Council Chambers on Monday, April 27, 1998. Bids were received as follows:

<u>Contractor</u>	<u>State Prevailing Wage Rates</u>	<u>Without Wage Rates</u>
Teal Construction, Inc. Dover, DE	\$5,088,088.00	\$4,848,848.00
L. A. Merrell Construction Co., Inc. Sudlersville, MD	\$5,583,067.79	\$4,850,774.32

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trator's
Report
(con't)

<u>Contractor</u>	<u>State Prevailing Wage Rates</u>	<u>Without Wage Rates</u>
George & Lynch, Inc. New Castle, DE	\$5,769,436.20	\$5,662,649.45
JOAO & Bradley Construction Co., Inc. Bethlehem, PA	\$6,118,687.00	\$6,118,687.00
Engineer's Estimate Without Wage Rates - \$4,558,304.84		
Engineer's Estimate With Wage Rates - \$5,064,783.15		

The Engineering Department will evaluate the bids and make a recommendation to Council on Tuesday, May 5, 1998.

Checking
Account
Proposal

Mr. Baker, Finance Director, and Mr. Townsend, Internal Auditor, presented for Council's consideration a proposal to move five checking accounts from CoreStates to a local bank. Mr. Townsend discussed the reasons why this proposal was initiated:

1. Mileage reimbursement for travel to and from CoreStates in Rehoboth costs approximately \$1,624 per year.
2. The convenience of a local bank for business transactions will save an employee's time, which can be used more effectively in the Utility Division Department.
3. Security will be enhanced with the elimination of travel to and from the bank with deposits.
4. The collateral requirement by Sussex County Council is that the bank collateralize accounts at 120 percent of the deposit balances daily, with direct issues of the U. S. Government. Some problems in this area have been experienced with CoreStates.
5. The wire transfer service, through the Federal Reserve Bank, is a very important element in the payment of bond debt service in a timely fashion. Some problems have been experienced in this area also.

Mr. Townsend reported that letters were sent to each of the local banks in the Georgetown area. The Committee appointed to this project has reviewed the information submitted and has recommended that the five checking accounts be moved to Mellon Bank. The committee's recommendation is based on the following factors: higher interest rates, no service charges, and benefits for Sussex County employees.

Proposal (con't) A Proposed Resolution authorizing the five checking accounts at Mellon Bank was presented for consideration.

M 186 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Resolution No. R 014 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF Resolu- tion No. DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESI- R 014 98 DENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

T-Hangar Project Mr. Sapp, Project Engineer, discussed Change Order No. 4 to Sussex County Project No. 97-02, Six (6) T-Hangars at Sussex County Airport. The reason for the Change Order is that the well driller felt it was necessary to drill deeper than the required 70' stated in the specification, in order to get past the clay layer. Mr. Sapp advised that pending approval of Change Order No. 4, it is recommended that Substantial Completion be granted for the project.

M 187 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the Balancing Change Order/ Change Order for Sussex County Project No. 97-02, Six (6) T-Hangar Project T-Hangars at Sussex County Airport, pending approval from Delaware Rural Development Association, changing the current contract price of \$199,691.30 to the final invoice amount of \$199,870.30 for an additional \$180.00, leaving the project under budget by \$129.70.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 188 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grants Sub- Substantial Completion to Carl J. Williams, Inc. for Sussex County Project No. 97-02, effective April 28, 1998, Six (6) Com- T-Hangars at Sussex County Airport, and all held retainage pletion/ T-Hangar shall be released, pending approval from Delaware Rural Project Development Association.

M 188 98 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Old
Business/
C/U
No. 1229

Conditional Use No. 1229 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF EXISTING RECREATIONAL FACILITIES TO ENLARGE WADING POOL AND TO ADD A GO-CART TRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 42,000 SQUARE FEET, MORE OR LESS" filed on behalf of Fun Sport, Inc. was discussed. A Public Hearing was held on this Proposed Ordinance on March 17, 1998 at which time action was deferred; the Public Hearing was closed; however, the record was left open for submission of material including but not limited to additional information from the Division of Natural Resources and Environmental Control. Mr. Lank, Director of Planning and Zoning, advised that the Planning and Zoning Commission recommended approval of the enlargement of the wading pool and denial of the go-cart track expansion. (Mr. Rogers did not participate in the discussion of this application - Mr. Rogers left the meeting during the discussion and vote.)

M 189 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1228 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF EXISTING RECREATIONAL FACILITIES TO ENLARGE WADING POOL AND TO ADD A GO-CART TRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 42,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1229) filed on behalf of Fun Sport, Inc.; authorizing the enlargement of the wading pool and denying the go-cart track expansion, with the following conditions:

1. The proposed wading pool will not exceed the dimensions of 45' by 40' with 18" of depth. The wading pool shall be surrounded by chain-link type fencing with a height of 4' and sidewalks with a minimum width of 3'. The existing wading pool shall be removed.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all agency approvals.

Motion Adopted: 3 Yea, 1 Nay, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Absent;
Mr. Collins, Nay; Mr. Jones, Yea;
Mr. Dukes, Yea

Findings of Fact The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. Council adopts and incorporates herein the specific findings and recommendations of the Planning and Zoning Commission, approving the enlargement of a wading pool and denying the addition of a go-cart track, since the wading pool will have minimal impact on the surrounding area while the additional go-cart track will have substantial negative impact on nearby residential areas already adversely affected by the existing conditional uses on-site.

Public Hearing/
Bacon Grove/
Time Extension A Public Hearing was held on an appeal of the Sussex County Planning & Zoning Commission's decision to deny the request of Norris L. Niblett for a time extension to submit a final subdivision plan for Bacon Grove (the subdivision of land in a GR General Residential Zoning District in Little Creek Hundred by dividing 53.33 acres into 77 lots, located on the south side of Road 515, 2,065 feet west of Road 13A). Public comments were heard and the Public Hearing was closed. Mr. Bradley, Attorney for the Applicant, advised that the request for the time extension is due to a delay in the Army Corps of Engineer's approval process.

M 190 98 Grant
Time Ex-
tension/
Bacon Grove A Motion was made by Mr. Collins, seconded by Mr. Jones, to grant a one year time extension for the submission of a final subdivision plan for Bacon Grove, Subdivision No. 96-22, (Norris L. Niblett, applicant); the time extension was granted for the sole purpose of obtaining wetlands delineation approval by the Army Corps of Engineers.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Nay; Mr. Jones, Yea;
Mr. Dukes, Yea

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF SPORTING GOODS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" (Conditional Use No. 1248) filed on behalf of Banks Sporting Goods. The Proposed Ordinance will be advertised for Public Hearing.

Media Publica-
tion Mr. Cole requested that Mr. Stickels' letter of April 24, 1998 to Senator George H. Bunting, Jr. and Representative Shirley A. Price, regarding wastewater discharge to the State's sanitary system at Delaware Seashore State Park, be submitted to local newspapers for publication.

M 191 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers,
Council- to give \$500.00 from Mr. Collins, Councilmanic Account to
manic the Town of Delmar for the fireworks display on opening night
Grant at the U.S. Route 13 Speedway.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 192 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$300.00, \$150.00 each from Mr. Collins' and Mr. Dukes'
manic Councilmanic Accounts, to the Laurel Alumni Association, Inc.
Grant for scholarship funding.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

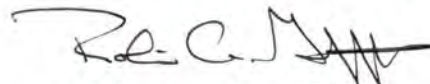
M 193 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Council- give \$500.00 from Mr. Dukes' Councilmanic Account to the
manic Laurel Chamber of Commerce for the 4th Annual Independence
Grant Day Celebration.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 194 98 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adjourn adjourn at 11:37 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council