

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JUNE 5, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, June 5, 1990 at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice-President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 264 90  
Approval  
of Minutes

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

Corre-  
spondence

Mr. Jones, Assistant County Attorney, read the following correspondence:

C. DAVID FLICKINGER, CHAIRMAN, FOURTH OF JULY PARADE COMMITTEE, BETHANY BEACH, DELAWARE  
RE: Inviting Council to participate in the Bethany Beach Fourth of July Parade on Wednesday, July 4, 1990 beginning at 2:00 p.m.

SUSSEX COUNTY EMPLOYEES ADVISORY COMMITTEE, GEORGETOWN, DELAWARE  
RE: Requesting Council's reconsideration of the pay plan as presented in the proposed Fiscal 1991 Budget and an opportunity to participate in budget hearings, as related to salary proposals, for Fiscal 1992.

As follow-up and in an effort to provide Council with as much information as possible in consideration of the pay plan presented in the proposed Fiscal 1991 Budget, Mr. Stickels, County Administrator, distributed figures to Council on cost of living adjustments for County employees over the last five years. There are 235 County employees with an average annual salary of \$17,140.00. In addition, County employees receive longevity raises and a portion will receive job reclassification increases. Mr. Stickels further reported that there are 57,752 people employed in the work force in Sussex County at an average annual salary of \$14,539.00.

Lines of  
Credit by  
Resolution  
Legislation

Mr. Jones, Assistant County Attorney, submitted to Council a draft of legislation which has been prepared for

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Lines of Credit by Resolution Legislation (Continued) introduction to the Delaware General Assembly regarding the authority of Sussex County to establish a line of credit by Council adoption of a Resolution rather than the current procedure of enactment of an Ordinance for such purposes. Mr. Purpur, Finance Director, has requested this legislation to allow the County Government more flexibility in short-term borrowing. Line of credit authorization through adoption of a Resolution would eliminate the advertising and public hearing processes, as well as the attorney's opinion currently required with an Ordinance, and would be implemented only upon majority vote of the members of the Sussex County Council.

M 265 90 Lines of Credit by Resolution Legislation A Motion was made by Mr. Dukes, seconded by Mr. Mariner, that the Sussex County Council authorizes the Sussex County Administrator to obtain legislation regarding lines of credit by Resolution. Motion Adopted: 5 Yea.

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

Prime Hook National Wildlife Refuge Funds Mr. Stickels, County Administrator, read in its entirety a letter from George F. O'Shea, Assistant Refuge Manager, Prime Hook National Wildlife Refuge, included with which was a check in the amount of \$30,286.00 as federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge for Fiscal 1989. The Prime Hook National Wildlife Refuge is situated 71.6 percent in the Cape Henlopen School District and 28.4 percent in the Milford School District. The formula which has been used for the past several years also provides for a percentage of the funds to be distributed to the Sussex County Vocational-Technical School District and Sussex County Council based on the tax rate.

M 266 90 Prime Hook National Wildlife Refuge Funds A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorizes the distribution of revenues received for the Prime Hook National Wildlife Refuge as follows: Milford School District - \$6,662.00; Cape Henlopen School District - \$16,637.94; Sussex County Vocational-Technical School District - \$1,228.32; and Sussex County Council - \$5,757.74. Motion Adopted: 5 Yea.

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

Sussex County Glass Recycling Program Mr. Stickels, County Administrator, reported to Council that "Recyclers of the Month" for May, 1990 in the Sussex

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Sussex County Glass Recycling Program (Continued)

County Glass Recycling Program are Darleen K. Mort of Seaford, Delaware and George Snow of Bridgeville, Delaware. Each will receive a \$50.00 U. S. Savings Bond for their efforts. Participation in this program continues to steadily increase, with a thirty-four percent (34%) increase from April to May and a sixty-nine percent (69%) increase since inception of the program.

Status of Legislation in Delaware General Assembly

As a matter of information, Mr. Stickels, County Administrator, advised Council that it does not appear legislation introduced in the Delaware General Assembly pertaining to recycling will be released from committee prior to June 30, 1990, nor is action anticipated on Senate Bill No. 421 regarding postponement for two years of the location of an incinerator at the Southern Solid Waste Facility in Sussex County.

Proposed Ordinance on Sewer Capitalization Fee/West Rehoboth

Mr. Jones, Assistant County Attorney, reviewed changes which have been incorporated into Proposed Ordinance entitled "AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA" in an effort to relieve concerns which were presented at the public hearing on May 8, 1990. Revisions include alternative methods of payment of the sewer capitalization fee (i.e. the setting up of procedures for partial payments and a Utility Relief Program as a method of assisting low income residents), establishment of an appropriate fee sliding scale based on lot square footage, allowable exemptions from immediate payment of the capitalization fee, and determination by the County Engineer whereby existing systems could be authorized for connection to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, providing said systems meet standards and specifications required by the County Engineer.

Utility Relief Program

Mr. Stickels, County Administrator, reviewed a Utility Relief Program which would help alleviate the possible hardship of sewer or water capitalization costs to residents living in affected districts. A lien would be placed on each property participating in the program and would have to be satisfied in its entirety if the property were to be sold, unless the new property owner meets the income level guidelines set forth. Only owner occupied properties would be eligible for participation. This program may be an option for residents not only of West Rehoboth, but possibly the Ellendale and Fenwick Island sewer and/or water districts as well.

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M 267 90  
Adopt  
Ordinance  
No. 685  
(Sewer  
Capitali-  
zation  
Fee/West  
Rehoboth)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adopt Ordinance No. 685 entitled "AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA" with the revisions incorporated as presented by Mr. Jones, Assistant County Attorney. Motion Adopted: 5 Yea.

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

Family  
Literacy  
Program

Mr. Stickels, County Administrator, reported to Council that six (6) families, with fifteen (15) children, have registered for the first session of the Family Literacy Program to be held at the Milton Library on June 6, 1990 from 6:30 to 8:00 p.m. Additional classes will be given in October of 1990 and February of 1991.

Community  
Development  
Block  
Grant  
Funding

Mr. Stickels, County Administrator, informed Council that Sussex County has received a Community Development Block Grant totaling \$630,000 from the Delaware State Housing Authority for the following activities:

Milton - Housing Rehab (18 units)	\$180,000
Laurel - Infrastructure for Redevelopment	150,000
Laurel - Housing Rehab (13 units)	128,093
Countywide - Housing Rehab (13 units)	128,092
Program Administration	<u>43,815</u>
	<u><b>\$630,000</b></u>

Sussex County received one hundred percent (100%) funding for programs requested through the Community Development Block Grant Program.

Public  
Hearing/  
Western  
Sussex  
Land Use  
Plan

Mr. Stickels, County Administrator, advised Council that a public hearing on the Western Sussex Land Use Plan will be held on Thursday, June 21, 1990 in the Court of Common Pleas, Courthouse, Georgetown, Delaware, at 7:30 p.m. A draft of the Plan is expected in the near future.

Audit  
Proposal  
Bids

Mr. Purpur, Finance Director, reported to Council on the bid opening which was held on Tuesday, May 15, 1990 for the examination and audit of all financial books, all accounting books and records of Sussex County for the years beginning July 1, 1989 and ending June 30, 1990, beginning

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Audit  
Proposal  
Bids  
(Continued)

July 1, 1990 and ending June 30, 1991, and beginning July 1, 1991 and ending June 30, 1992 (year-end engagements) and for auditing services between July 1, 1990 and June 30, 1993. Of the three bids received, the low bidder was Jefferson, Moffitt & Urian, P.A., Georgetown, Delaware. After a thorough review of the bids and verbal assurance from Truitt W. Jefferson, CPA, that the audits could be prepared as advertised, it is the recommendation of Mr. Purpur that the audit bid be awarded to the firm of Jefferson, Moffitt & Urian, P.A., Certified Public Accountants, of Georgetown, Delaware.

M 268 90  
Award  
of Audit  
Proposal  
Bid

A Motion was made by Mr. Dukes, seconded by Mr. Benson, that the audit bid be awarded to the firm of Jefferson, Moffitt & Urian, P.A., for the years ending June 30, 1990, 1991, and 1992 and for special work during July 1, 1990 through June 30, 1993 based on their low bid of \$23,500.00 annually for the year-end engagements and \$37.50 per hour for non year-end engagement work. Motion Adopted: 5 Yea.

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

Shady  
Park,  
Phase III  
(FISSD)

Mr. Green, Chief of Utility Construction, County Engineering Department, appeared before Council regarding Shady Park, Phase III, Section 2. Shady Park is an Ordinance No. 38 project located in the Fenwick Island Sanitary Sewer District for which the establishment of an escrow account in the amount of \$22,990.00 is requested for construction coordination services.

M 269 90  
Escrow  
Agreement/  
Shady  
Park,  
Inc.  
(FISSD)

A Motion was made by Mr. Cole, seconded by Mr. Mariner, that the President of the Sussex County Council be authorized to execute an agreement between the Sussex County Council and Shady Park, Inc. for an escrow agreement in the amount of \$22,990.00 to be used for construction coordination services of wastewater facilities to serve the property Shady Park, Inc. in the Fenwick Island Sanitary Sewer District. Motion Adopted: 5 Yea.

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

M 270 90  
Construc-  
tion Coordi-  
nation  
Services/  
Shady Park,  
Inc. (FISSD)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the President of the Sussex County Council execute an agreement between the Sussex County Council and Kidde Consultants, Inc. for the construction coordination services

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M 270 90 for wastewater facilities in Shady Park, Inc. in the Fenwick  
(Continued) Island Sanitary Sewer District. Motion Adopted: 5 Yea.

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

Recess At 10:38 a.m., Council President Stevenson declared a recess  
until 11:00 a.m.

Reconvene Council reconvened at 11:00 a.m.

Public Hearing/  
Series  
1990  
General  
Obligation  
Bonds

A Public Hearing was held on Proposed Ordinance entitled "A BOND AUTHORIZATION ORDINANCE: AUTHORIZING THE ISSUANCE OF SUSSEX COUNTY, DELAWARE GENERAL OBLIGATION BONDS, SERIES 1990, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,740,000 TO PAY THE COSTS OF (A) PLANNING, ENGINEERING, ACQUIRING, AND CONSTRUCTING VARIOUS CAPITAL IMPROVEMENT PROJECTS WITHIN AND FOR THE BENEFIT OF SUSSEX COUNTY, DELAWARE, AND (B) ACQUIRING CERTAIN COMPUTERS, COMPUTER PROGRAMS, AND OFFICE EQUIPMENT TO BE USED WITHIN AND FOR THE BENEFIT OF SUSSEX COUNTY, DELAWARE; AUTHORIZING THE SALE OF SUCH BONDS; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF SUCH BONDS; PROVIDING THAT THE FULL FAITH AND CREDIT AND TAXING POWER OF SUSSEX COUNTY, DELAWARE SHALL BE PLEDGED TO THE PAYMENT OF PRINCIPAL AND INTEREST ON SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ARBITRAGE AND FEDERAL TAX CERTIFICATE IN CONNECTION THEREWITH; AUTHORIZING THE PREPARATION AND USE OF A PRELIMINARY OFFICIAL STATEMENT OF SUSSEX COUNTY, DELAWARE WITH RESPECT TO THE BONDS; AUTHORIZING THE EXECUTION, DELIVERY, AND APPROVAL OF AN OFFICIAL STATEMENT OF SUSSEX COUNTY, DELAWARE WITH RESPECT TO THE BONDS; AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION WITH THE FOREGOING". Steven R. Director, Esquire, of Morris, James, Hitchens & Williams, the County's bond counsel, briefly reviewed sections of the Proposed Ordinance. Also present to answer any questions was Mr. J.H.W. Gefaell, Managing Director of R. W. Corby & Company, Inc., the County's investment banker.

M 271 90  
Adopt  
Ordinance  
No. 686  
(Series  
1990  
General  
Obligation  
Bonds)

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adopt Ordinance No. 686 entitled "A BOND AUTHORIZATION ORDINANCE: AUTHORIZING THE ISSUANCE OF SUSSEX COUNTY, DELAWARE GENERAL OBLIGATION BONDS, SERIES 1990, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,740,000 TO PAY THE COSTS OF (A) PLANNING, ENGINEERING, ACQUIRING, AND CONSTRUCTING VARIOUS CAPITAL IMPROVEMENT PROJECTS WITHIN AND FOR THE BENEFIT OF SUSSEX COUNTY, DELAWARE, AND (B) ACQUIRING CERTAIN COMPUTERS, COMPUTER PROGRAMS, AND

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M 271 90 OFFICE EQUIPMENT TO BE USED WITHIN AND FOR THE BENEFIT OF  
(Continued) SUSSEX COUNTY, DELAWARE; AUTHORIZING THE SALE OF SUCH BONDS;  
PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF SUCH BONDS;  
PROVIDING THAT THE FULL FAITH AND CREDIT AND TAXING POWER  
OF SUSSEX COUNTY, DELAWARE SHALL BE PLEDGED TO THE PAYMENT  
OF PRINCIPAL AND INTEREST ON SUCH BONDS; AUTHORIZING THE  
EXECUTION AND DELIVERY OF AN ARBITRAGE AND FEDERAL TAX  
CERTIFICATE IN CONNECTION THEREWITH; AUTHORIZING THE  
PREPARATION AND USE OF A PRELIMINARY OFFICIAL STATEMENT  
OF SUSSEX COUNTY, DELAWARE WITH RESPECT TO THE BONDS;  
AUTHORIZING THE EXECUTION, DELIVERY, AND APPROVAL OF AN  
OFFICIAL STATEMENT OF SUSSEX COUNTY, DELAWARE WITH RESPECT  
TO THE BONDS; AND AUTHORIZING ALL OTHER ACTION NECESSARY  
OR DESIRABLE IN CONNECTION WITH THE FOREGOING". Motion  
Adopted: 5 Yea.

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

M 272 90 A Motion was made by Mr. Cole, seconded by Mr. Stevenson,  
Adopt to adopt Resolution No. R 018 90 entitled "RESOLUTION  
Resolution DETERMINING CERTAIN BOND PROVISIONS OF THE SUSSEX COUNTY,  
No. R 018 90 DELAWARE GENERAL OBLIGATION BONDS, SERIES 1990". Motion  
(Series Adopted: 5 Yea.  
1990 Bond

Provisions) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

M 273 90 A Motion was made by Mr. Mariner, seconded by Mr. Stevenson,  
Friends to grant \$250.00 (from Mr. Stevenson's Councilmanic Account)  
of the to the Friends of the Greenwood Library to be used toward  
Greenwood the inception of a video collection particularly suitable  
Library for family and senior citizen viewing. Motion Adopted: 5  
(Council- Yea.  
manic Grant)

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

M 274 90 A Motion was made by Mr. Mariner, seconded by Mr. Stevenson,  
Georgetown to grant \$500.00 (from Mr. Stevenson's Councilmanic Account)  
Little to the Georgetown Little League for expenses of the program.  
League Motion Adopted: 5 Yea.  
(Council-

manic Grant) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

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M 275 90 A Motion was made by Mr. Dukes, seconded by Mr. Cole, to  
Laurel grant \$600.00 (from Mr. Dukes' Councilmanic Account) to  
School the Laurel School District for the Laurel Summer Recreation  
District Program. Motion Adopted: 5 Yea.  
(Council-  
manic Grant) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Mariner, Yea;  
Mr. Stevenson, Yea

Outdoor Advertising Signs Councilman Cole stated he has received several complaints regarding outdoor advertising signs along Route 1 and requested that a review of permits be made to determine possible violations of the Sussex County Zoning Ordinance. Mr. Lank, Director of Planning and Zoning, advised Council that it is his understanding the State of Delaware is issuing renewal permits for signs which are several years old. Mr. Lank has written to the Department of Transportation requesting a current listing of sign permits which have been issued by the State of Delaware, as well as guidelines used by the State to substantiate permit renewals.

Buffer Zones Upon request by Mr. Stickels, County Administrator, on the status of buffer zones between agricultural and residential lands, Mr. Lank, Director of Planning and Zoning, reported that the Delaware Department of Agriculture has been contacted and, at this point, no input has been received due to the inability of the State to locate any actual ordinances regarding this subject. Mr. Lank has also inquired for information through the National Association of Counties.

C/Z #1064 Mr. Jones, Assistant County Attorney, informed Council that the applicant for Change of Zone No. 1064, Carl M. Freeman Associates, Inc., has now submitted the MR site plan for which the public hearing record was left open to allow for preparation of said plan showing how the property would look if it were to be developed MR rather than RPC. It is the opinion of Mr. Jones that it would be appropriate for the record to remain open for an additional ten (10) days to allow for public review and written comment on the MR site plan submitted.

M 276 90 A Motion was made by Mr. Cole, seconded by Mr. Dukes, that  
Record the record for Change of Zone No. 1064, filed on behalf  
Remain of Carl M. Freeman Associates, Inc., remain open for an  
Open on additional ten (10) days to allow for public review and  
C/Z #1064 written comment regarding the MR site plan submitted by  
the applicant. Motion Adopted: 5 Yea.

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

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C/Z #1064 Mr. Lank, Director of Planning and Zoning, was directed  
Site Plan to make a comparison of the RPC and MR site plans submitted  
Comparisons by the applicant for Change of Zone No. 1064, Carl M. Freeman  
Associates, Inc., to be presented to Council at the end  
of the ten (10) day extension for public review and written  
comment on the MR site plan.

M 277 90 A Motion was made by Mr. Dukes, seconded by Mr. Stevenson,  
Adjournment to adjourn at 11:30 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb  
Acting Clerk of the County Council