

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 8, 1993

Executive Session An Executive Session of the Sussex County Council was held on Tuesday, June 8, 1993, at 9:10 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition. The Executive Session concluded at 10:00 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 8, 1993, at 10:10 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 215 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated June 1, 1993. Motion Adopted by Voice Vote.

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

ROSALIE B. WALLS, EXECUTIVE DIRECTOR, GREATER GEORGETOWN CHAMBER OF COMMERCE, GEORGETOWN.

RE: Appreciation for contribution towards the advertisement in the 1993 Great Race Yearbook.

RICKY JEFFERSON, STUDENT.

RE: Letter regarding the A.D.A.M. Program.

C. DAVID FLICKINGER, VOLUNTEER CHAIRMAN, 4TH OF JULY COMMITTEE, BETHANY BEACH.

RE: 1993 Bethany Beach Independence Day Parade & Celebration.

JIM SMARTE AND FRANCIS PASSWATERS, DUPONT, SEAFORD.

RE: DuPont Fire Brigade Training provided by Sussex County Paramedics.

JAMES A. BALL, PRESIDENT, BEEBE MEDICAL CENTER, LEWES.

RE: Recognizing those individuals that constitute Sussex County's Emergency Medical System, in celebration of National EMS Week.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.

RE: Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for a proposed project located in Lewes and Rehoboth Canal.

Corre- R. H. BECKERT, M.D., BRIDGEVILLE.  
spondence RE: Appreciation for the recognition extended by Council.  
(con't)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,  
WETLANDS AND AQUATIC PROTECTION BRANCH, DOVER.

RE: Pending Applications for Subaqueous and/or Wetlands  
Projects, five of which are in Sussex County.

GERALD AND NANCY WEBB, ELLENDALE.

RE: Appreciation for help with home improvement.

Personnel Mr. Stickels, County Administrator, advised Council of the  
Board names of three individuals who have been recommended to  
serve on the Sussex County Personnel Board, as follows:  
Mr. Scotty Wallace Amerine, Mr. Richard F. Whaley, and Mrs.  
Kathleen Walton. The Personnel Board is required in  
accordance with 9 Del. C. § 7006.

M 216 93 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Personnel to appoint Mr. Scotty Wallace Amerine, Mr. Richard F. Whaley,  
Board and Mrs. Kathleen Walton to the Sussex County Personnel Board.

Appoint- Motion Adopted: 5 Yea.  
ments

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

Legis- Mr. Stickels, County Administrator, provided the following  
lative legislative update:  
Update

STATE LEGISLATION

1. House Bill No. 180

An Act to Amend Chapter 66, Title 16 of the Delaware  
Code Relating to Smoke Detectors.

This Act mandates the installation of smoke detection  
devices in new and existing residential occupancies.  
This Act also provides penalties for non-compliance.

2. House Bill No. 230

An Act to Amend Title 9, Chapter 69, of the Delaware  
Code Relating to the Power of the Board of Adjustments  
of Sussex County, to Hear Variances.

This Amendment adds "exceptional practical difficulty"  
as a standard in addition to "unnecessary hardship"

Legis-  
lative  
Update  
(con't)

for the Sussex County Board of Adjustment to grant a variance from the terms of the zoning Ordinance. This Amendment brings Sussex County's Board of Adjustment into conformity with similar statutes applicable to municipalities and the other Counties.

3. House Bill No. 235

An Act to Amend Titles 7 and 30 of the Delaware Code Relating to Fees and Taxes Imposed to Fund the Cleanup of Hazardous Substances.

This Act provides for a \$2.00 surcharge on solid waste disposal fees to be imposed and collected by the Solid Waste Authority to be applied to the Hazardous Substance Cleanup fund. This provision is effective from July 1, 1994, to December 31, 2000.

4. House Bill No. 239

An Act to Redesignate Existing Chapter 74A of Title 16 of the Delaware Code as Chapter 100 of Title 16 of the Delaware Code, and to Add a New Chapter 101 to Chapter 16 of the Delaware Code to Provide for the Establishment and Operation of a Trust Fund to be Used to Reimburse Governmental Costs Associated With 911-Enhanced Emergency Reporting Systems.

This Bill would create a new 911 Trust Fund to reimburse State and local governments for costs incurred in the design, installation or maintenance of a 911-Enhanced Emergency Reporting System. The 911 Trust Fund would be funded by a nominal monthly surcharge on all subscribers to residential dial tone line service in Delaware.

5. House Bill No. 244

An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes.

This Act clarifies valuation for purposes of the realty transfer tax when property is sold below assessed value for property tax purposes.

6. House Bill No. 255

An Act to Amend Chapter 70, Title 9 of the Delaware Code Relating to Sussex County Procedure.

Legis-  
lative  
Update  
(con't)

This Bill would delete the requirement that the Sussex County Council meet on a weekly basis to make Sussex County's ordinance conform with that of Kent County and New Castle County.

7. House Bill - Draft

An Act to Amend Title 9, Chapters 3, 11 and 81 and Title 21, Chapter 23 of the Delaware Code Relating to the Power of County Governments to Impose and Collect a Tax Upon the Transfer of the Title of a Mobile Home or House Trailer.

This Act grants to the County governments the power and authority to impose and collect a tax upon the transfer of mobile homes or house trailers, which are otherwise subject to property taxes; prohibits transfer of the title by the Division of Motor Vehicles of the Department of Public Safety until all transfer taxes levied by the Counties have been paid in full; and provides for the County governments to adopt an ordinance or ordinances to administer and regulate the tax adopted pursuant to this Act.

Representative Lee will sponsor this legislation.

Mr. Stickels explained that this legislation would have to apply to all three counties. It was the consensus of Council that Mr. Stickels proceed in finding additional sponsors for this legislation.

FEDERAL LEGISLATION

1. The Federal Communications Commission has passed regulations that allow local governments to oversee cable television in setting rates and providing services.

Sussex County does not qualify as being able to oversee the rates of cable companies in Sussex County. It is only for those who have the right to grant franchises. In Delaware, in the unincorporated areas, cable companies are governed by the Public Service Commission.

2. The House Appropriations Committee voted to eliminate funding for the Library Services and Construction Act (LSCA) Title VI Library Literacy Program in H.R. 2244. If this measure is not overturned, it will mean no library literacy money will be available during the fiscal year that begins this fall. Loss of these funds would mean elimination of the Library Literacy Program in Sussex County.

Legis-  
lative  
Update  
(con't)

Mr. Stickels, County Administrator, advised Council of letters he has sent to Regina Montoya, Assistant to the President, Intergovernmental Affairs; Kathleen A. McGinty, Deputy Assistant to the President, Director of the Office of Environmental Policy; and Carol M. Browner, Administrator, Environmental Protection Agency, regarding (1) Municipal Settlement Strategy for Superfund Sites, and (2) Hazard Ranking System, Re-Scoring for Superfund Sites.

Adminis-  
trator's  
Report

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

1. Roadside Zoning Violations

To date, five roadside vendors have been cited for zoning violations; no summonses have been issued. All five violators cooperated with the inspector and closed their operations. Anyone wishing to report a violation should call 855-7878 from 8:30 a.m. to 4:30 p.m., Monday through Friday. Complaints will be taken at 855-7885 from 4:30 p.m. Friday to 8:30 a.m. Monday, starting June 15, 1993.

2. Road Naming

A public meeting is scheduled at the Selbyville Fire Hall, Selbyville, Delaware, at 7:00 p.m. on June 10, 1993, to allow for public input on road naming. Representatives from the County, fire service, and post office will be attending the meeting. Anyone with any questions regarding road naming should contact Dennis Norwood at 855-7898.

3. FY '93 Local Government Records Management Improvement Grant

The Delaware Bureau of Archives and Records Management, with the assistance of the Delaware Local Records Commission, has awarded the Sussex County Assessment Division \$2,500. This funding will be used to help with record retention and reduction of record space. The \$2,500 will be used towards the purchase of a micro-filming camera and reader/printer for the County Records Management Program. Included with this report was a Summary of Awards.

4. Proposed Fenwick Island Water District

A Public Hearing will be held on Saturday, June 12, 1993, at 10:00 a.m. at the Fenwick Island Town Hall, 800 Coastal Highway, at the intersection of Route 1 and Bayard Avenue, Fenwick Island, Delaware. All interested persons, officials,

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trator's  
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residents, voters, taxpayers, property owners, and other persons of corporations in any way affected by the establishment of this district, or wishing to be included in the district, should attend this meeting. Upon completion of the meeting, the Engineering Department will determine the final boundaries of the proposed district.

5. Milton Library

The Milton Library has completed its relocation to the Milton Civic Center, located adjacent to the current library building. Library services were offered to the residents of Milton on Friday, June 4, 1993. Although the Library is not 100 percent, the Milton users should have adequate service through the summer. The new facility allows the County to continue children's library hours. Mr. Stickels expressed his thanks to the Mayor and the Town Council of Milton and Sussex County employees for their support and efforts in relocating the Library in such a short period. The Department of Transportation has hired an independent consultant to continue monitoring the damage of the library building. It is quite obvious that the construction integrity of the building has been jeopardized. Mr. Stickels feels that the relocation will not be for a short period of time.

Old  
Business  
C/U  
#1037

Conditional Use No. 1037 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY FOR MINIATURE GOLF TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.07 ACRES, MORE OR LESS" filed on behalf of Salt Pond Associates was discussed. A Public Hearing was held on this application on June 1, 1993, at which time action was deferred.

M 217 93  
Adopt  
Ordinance  
No. 892  
(C/U  
#1037)

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 892 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY FOR MINIATURE GOLF TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.07 ACRES, MORE OR LESS" (C/U #1037) filed on behalf of Salt Pond Associates, with the following conditions:

1. Signage shall be no larger than the entrance sign at the Salt Pond Development per the applicant's photographic exhibit.
2. No golf play shall begin before 10:00 a.m. or after 10:00 p.m. daily. The arcade and snack bar shall open at 10:00 a.m. and close at 11:00 p.m. daily.

- M 217 93 (con't) 3. The applicant shall provide no amplified sound or music.

Motion Adopted: 4 Yea, 1 Abstention.

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

Mr. Cole abstained due to the fact that he was not in attendance during the Public Hearing held on June 1, 1993.

Findings of Fact The Council found that the Conditional Use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is within an existing developed residential planned community and, more specifically, is within that area in the community established and approved by Sussex County for neighborhood business use.
2. The applicant established that the proposed use is consistent with the character of the community as developed, will cause no adverse traffic, environmental or other impact. In fact, the use is less intrusive than many others in the neighborhood business zone and will serve community recreational needs.
3. The proposed use is consistent with the purposes of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

West Rehoboth Design/Build Bid Recommendation Mr. Wood, County Engineer, and Mr. Thomas of George, Miles & Buhr, were in attendance to discuss the design/build bid recommendation for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Also in attendance to participate in the discussion was Gerard Esposito of the State of Delaware, Department of Natural Resources and Environmental Control. Two proposals were received on May 10, 1993, for the Design/Build Contract, as follows:

- o George & Lynch, Inc. from New Castle, Delaware
- o P.G. Construction, Inc. of Maryland from Orlando, Florida

The lowest proposal was submitted by George & Lynch, Inc. The total project cost shown on the Proposed Evaluation Form was in the amount of \$15,831,000.

West Rehoboth Design/Build Bid Recommendation (con't)

Given the use of the design/build option, in which the wastewater treatment and disposal facility will be built by a private company, rather than the County, the overall cost of the project is estimated to be approximately \$76,000,000. Typical annual sewer costs (contingent upon many factors) would be \$5.74 for front footage and \$202.00 for operation and maintenance.

A discussion was held regarding how the rates affect manufactured home communities and homeowners with large lots. Mr. Cole requested that additional rate comparisons be prepared using the following factors: (1) sewer lines to go no farther than the entrance of manufactured home communities, and (2) other maximum front footage numbers.

M 218 93 Award West Rehoboth Design/Build Contract

A Motion was made by Mr. Collins, seconded by Mr. Cole, that based on the recommendation of the Design/Build Evaluation Committee, the Consulting Engineers, George, Miles & Buhr, and the County Engineering Department, that the County Council authorizes the County Council President to conditionally award the design/build portion of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Project to the low bidder, George and Lynch, Inc., of New Castle, Delaware, for the bid amount of \$15,831,000.00, contingent upon (1) the formal acceptance and approval of the Facilities Plan, (2) the design/builder obtaining appropriate permits and approvals from local, State or Federal agencies which may be necessary, and (3) the County's ability to proceed without delays resulting from existing litigation.

Motion Adopted: 5 Yea.

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

M 219 93 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Cape Henlopen Senior Center to be used for repair work on their elevator.

Motion Adopted: 5 Yea.

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

M 220 93 Councilmanic Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$300.00 from Mr. Stevenson's Councilmanic Account to the Town of Greenwood, DE., Inc. for the Little League Baseball Program.

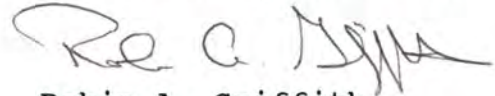
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M 220 93 Motion Adopted: 5 Yea.  
(con't)

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

M 221 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adjourn adjourn at 11:51 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council