

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 14, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 14, 1994, at 10:00 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 237 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated June 7, 1994. Motion Adopted by Voice Vote.

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

KENT T. PETERSON, PRESIDENT, NANTICOKE LITTLE LEAGUE, SEAFORD, DELAWARE.

RE: Letter to Mr. Dukes expressing appreciation for his Councilmanic Grant in the amount of \$1,000.

JANET LEE, CHAIRMAN, LAUREL PARK & RECREATION COMMITTEE, TOWN OF LAUREL, LAUREL, DELAWARE.

RE: Letter to Mr. Dukes expressing appreciation for his Councilmanic Grant for the fireworks fund.

JOSPEH M. MCCABE, COUNCILMAN, TOWN OF BLADES, BLADES, DELAWARE.

RE: Letter to Mr. Dukes expressing appreciation for his Councilmanic Grant for the Blades War Memorial Project.

PATTY CAREY, COMMITTEE CHAIRLADY, SUSSEX COUNTY CHAPTER, NATIONAL FEDERATION OF THE BLIND OF DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter to Council expressing appreciation for Council's Councilmanic Grants totalling \$1,000.

RONALD MACARTHUR, SEAFORD COUNCILMAN AND PRESIDENT OF THE NANTICOKE WATERSHED PRESERVATION COMMITTEE, CITY OF SEAFORD, SEAFORD, DELAWARE.

RE: A major study of the Nanticoke River by the Chesapeake Bay Foundation. An informal discussion about the project will be held at the Seaford City Hall on Thursday, June 16, starting at 7:00 p.m.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.

RE: Notice of Commission Meeting and Public Hearing on several applications, none of which pertain to Sussex County.

Corre- U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
spondence RE: An application for a Department of the Army permit.
(con't) Applicant: Dann Carrigan. Waterway: Deep Hole Creek
(Broadkill Sound).

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice regarding the Ozone State Implementation Plan (SIP) Revision submitted by the Air Quality Management Service to the U.S. Environmental Protection Agency.

CHRISTOPHER BURRIS, SEAFORD CHRISTIAN ACADEMY, SEAFORD, DELAWARE.

RE: A.D.A.M. Program.

M 238 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, Authorize that the Sussex County Council authorizes an Executive Executive Session to be held on Tuesday, June 28, 1994, at 9:00 a.m., Session in the Sussex County Council Chambers, for the purpose of discussing pending litigation.

Motion Adopted: 5 Yea.

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. Council Meeting Schedule

A reminder that there will not be a Council meeting on Tuesday, July 5, 1994. The first regularly scheduled Council meeting in July will be Tuesday, July 12, 1994. The non-scheduling of the meeting the week of July 4 is permitted under Delaware state law.

2. Computer Upgrade

The County's AS400 computer upgrade from a Model B to a Model F was successfully completed on June 6, 1994. Most jobs are now being completed in half the time required prior to the upgrade. In the next year, more users will be attached and more data bases will be created for availability on the computer.

The upgrade was performed during the evening hours of June 1 and 2; Saturday, June 4; and the morning hours of June 6. Throughout these hours, the computer was utilized by the Data Processing staff to complete the necessary steps for the upgrade.

Adminis-
trator's
Report
(con't)

The cost of the upgrade was approximately \$35,000. This cost was paid from funds received from users of information created by the Data Processing Department. It was not necessary to use tax dollars to pay for this. The entire cost was borne by the information users.

Mr. Stickels complimented Bonnie Smith, Director of Data Processing, and her department for the excellent job in doing the upgrade.

3. Sussex County Volunteer Firemen's Association Monthly Dinner Meeting

The Delmar Fire Department will host the June meeting of the Sussex County Volunteer Firemen's Association on Tuesday evening, June 28, 1994, at 7:30 p.m. The meeting will take place at the Delmar Fire Hall, Delmar, Delaware.

4. Signing Ceremony

Karen L. Johnson, Secretary of Public Safety, and Dale R. Dukes, President of the Sussex County Council, will be conducting a signing ceremony on Monday, June 27, 1994, at 10:00 a.m. The signing ceremony will take place at Troop 4 located at the intersection of 113 and 431, south of the Town of Georgetown. The County Council will be entering into a joint agreement with the State to provide fifteen road troopers and four supervisors on a cost-sharing basis between the County, the State, and Federal government.

This agreement will assist the County Council in expanding its public safety services for Sussex County. Currently, the County assists in funding fire and ambulance companies, paramedics, emergency communications, and emergency preparedness. The staffing of Troop 4 by the Delaware State Police will be beneficial to the quality of life in Sussex County.

5. Election Signs

With this being an election year, Mr. Stickels thought it would be best for everyone to be advised of the requirements regarding political signs. The Zoning Code of Sussex County, Chapter 115, Article XXI, Section 115-60, Sub-section A(11), states:

"Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of thirty-two (32) square feet per side or facing and shall contain no more than two (2) sides or facings, back to back. Any such sign

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Report
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shall not be erected more than ninety (90) days prior to any contested election or referendum and removed within thirty (30) days after the election or referendum date."

Based on these requirements, anyone who has an opponent that has filed for a primary election may post signs by June 11. However, if the candidate is not facing a primary election, they cannot place signs until August 9.

Public
Hearing
on
Budget

A Public Hearing was held on the Sussex County Fiscal 1995 Budget for General Fund, Bond Issues, Community Development Programs, and Sewer and Water Districts, as proposed on May 24, 1994.

Automa-
tion of
Libraries

During the Public Hearing, a discussion was held regarding the automation of the libraries in Sussex County. Mr. Stickels, County Administrator, reported that the cost to automate the County's three libraries is approximately \$34,425.00. This expenditure was not included in the Fiscal 1995 Budget. A representative of the Friends of the South Coastal Library, Elizabeth Baxter, informed Council that the Friends are willing to make a financial commitment for the automation of the South Coastal Library if the County is not planning to pursue the automation of the libraries. It was the consensus of Council that the cost of \$34,425.00 is too high; however, less expensive options for automation would be considered.

At the conclusion of public comments, the Public Hearing was closed.

M 239 94
Adopt
Fiscal
1995
Budget

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council adopts the "Sussex County 1995 Budget for General Fund, Bond Issues, Community Development Programs, and Sewer and Water Districts", as proposed on May 24, 1994.

Motion Adopted: 5 Yea.

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

M 240 94
Adopt
Tax
Rates

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council adopts the Sussex County tax rates for Fiscal Year 1995 as follows:

County Property Tax Rate - 44.50¢ per \$100 of
Assessed Valuation;

County Capitation Tax - \$3.00.

M 240 94 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

Dyna Sand Project Mr. Wood, County Engineer, and Mr. Jones, Engineer III, discussed the "Dyna Sand" Construction Project (SCRWF Effluent Filters) and recommended that the contract with George, Miles & Buhr be increased by \$2,933.49.

M 241 94 Increase Contract Dyna Sand Project A Motion was made by Mr. Benson, seconded by Mr. Collins, that based on the recommendation of the Engineering Department, that the contract with George, Miles & Buhr for Design and Construction Administration for the Micro-strainer Replacement of the South Coastal Regional Waste-water Facility be increased by \$2,933.49, increasing the contract to \$53,433.49 due to increased requirements for inspection services during the construction phase.

Motion Adopted: 5 Yea.

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

Bid Results Collec-tion Contract Con-struction Package "B" Mr. Wood, County Engineer, reviewed the bid results for the Collection Contract Construction Package "B" for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Bids were received for combined total, plus individual bids on areas 4/13, 10, 11, and 12. Bids were as follows:

| | AREA | LOWEST BID | BIDDER |
|---------------|--------------|-----------------------|-------------------|
| West Rehoboth | 4/13 | \$2,020,202.20 | Willow Oak |
| | 10 | \$2,428,266.00 | George & Lynch |
| | 11 | \$1,545,148.00 | American Paving |
| | 12 | <u>\$3,548,548.00</u> | Teal Construction |
| | Combined Bid | \$8,070,858,00 | R. E. Pierson |

Public Hearing Assessment Rolls & Rates A Public Hearing was held on "Assessment Rolls for Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District, South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, and Dagsboro-Frankford Sanitary Sewer District". Public comments were heard and the Public Hearing was closed.

M 242 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Adopt the Sussex County Council hereby adopts the Assessment Rolls
Assess- and Rates for all Sussex County Sanitary Sewer and Water
ment Districts, as presented on June 14, 1994, for the period
Rolls & July 1, 1994 to June 30, 1995.
Rates
Fiscal Motion Adopted: 5 Yea.
1995

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

Proposed Mr. Dukes introduced a Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF
TREATED SLUDGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CON-
TAINING 89.20 ACRES, MORE OR LESS" (Conditional Use No. 1082)
filed on behalf of the Mayor and Council of the Town of
Selbyville. The Proposed Ordinance will be advertised for
Public Hearing.

M 243 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Council- give \$500.00 from Mr. Cole's Councilmanic Account to West
manic Side New Beginnings for community trash pick-up and night
Grant lighting of community streets.

Motion Adopted: 5 Yea.

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

M 244 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$400.00, \$300.00 from Mr. Dukes' Councilmanic Account
manic and \$100.00 from Mr. Stevenson's Councilmanic Account, to
Grant The Woodland Ferry Association for the development of the
plot ground near the ferry slip on the Seaford side of the
Nanticoke River as a park.

Motion Adopted: 5 Yea.

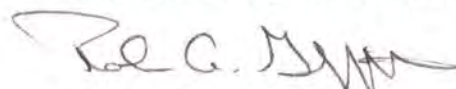
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 245 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Council- give \$600.00 from Mr. Benson's Councilmanic Account to the
manic Town of Ellendale to help fund the purchase of a computer.
Grant

Motion Adopted: 5 Yea.

- M 245 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea
- M 246 94 Re-appoint Commission Member A Motion was made by Mr. Collins, seconded by Mr. Cole, to reappoint Donald Ralph to the Planning and Zoning Commission for a term of three years.
Motion Adopted: 5 Yea.
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea
- M 247 94 Re-appoint Commission Member (Motion Failed) A Motion was made by Mr. Cole, seconded by Mr. Collins, to reappoint Daniel Magee to the Planning and Zoning Commission for a term of three years.
Motion Failed: 3 Abstentions, 2 Yea.
Vote by Roll Call: Mr. Benson, Abstained; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Abstained;
Mr. Dukes, Abstained
- M 248 94 Recess At 12:05 p.m., a Motion was made by Mr. Collins, seconded by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.
- Reconvene Mr. Dukes called Council back into session at 1:30 p.m.
- Attorney Mr. Jones, Assistant County Attorney, was the attorney present.
- Public Hearing (C/Z #1231) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.80 ACRES, MORE OR LESS" (Change of Zone No. 1231) filed on behalf of David A. Shevock. The Public Hearing was closed and action was deferred for further discussion regarding a reduction in the acreage or possible Conditional Use.
- M 249 94 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Cole, to adjourn at 3:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council