

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JUNE 18, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, June 18, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 259 91
Approval
of Minutes

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

C/U #960
Withdrawn

President Dukes announced that Conditional Use No. 960, filed on behalf of Chesapeake Utilities Corporation/Eastern Shore Natural Gas Company, had just been withdrawn.

Procedure
Clarifi-
cation
for
Zoning
Applica-
tions

President Dukes requested clarification on the actual time span required before a new zoning application may be filed for this parcel. Mr. Bayard, County Attorney, advised that there is no time limit for reapplication on a zoning matter that is withdrawn by the applicant - as was done in this case. At a Public Hearing, held on January 15, 1991, County Council deferred action on a Proposed Ordinance to Amend Chapter 115, Code of Sussex County, Relating to Zoning Procedures. The adoption of that Proposed Ordinance would have prohibited the withdrawal of a zoning application after the commencement of the Public Hearing before County Council.

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

TURNABOUT COUNSELING CENTER, SEAFORD

RE: Announcing the appointment of Carole Vellenoweth as the new Executive Director of Turnabout Counseling Center. Turnabout Counseling is a nonprofit, multifaceted social service agency providing prevention, treatment and training services to individuals, families and groups.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA

RE: Public Notices soliciting comments and recommendations concerning the issuance of permits for work to be done at

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Corre-
spondence
(Con't.)

Beach Cove (Indian River Bay) and Reading, Pennsylvania (Schuylkill River). The purpose of the proposed work at Beach Cove is to prevent shoreline erosion of the wetlands area and provide a boat launch facility for community residents.

ARLENE S. LITTLETON, CHEER, SUSSEX COUNTY SENIOR SERVICES, INC., GEORGETOWN

RE: Clarifying the intent and purpose of a recent survey taken by the CHEER agency; exploring possible funding to replace the \$100,000 plus loss in federal and state funds brought about by budget cuts.

West
Rehoboth
Expansion
of Dewey
Beach
Sanitary
Sewer
District

Mr. Stickels, County Administrator, reviewed Council's decision on April 2, 1991, to authorize the development of the Facility Plan for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The Plan was to be developed with concentration being placed on the six options as recommended by Black & Veatch and eliminating the seventh option, recommended by Secretary Clark, DNREC, to consider privatization. At that time, concerns were voiced by George, Miles and Buhr and Council members concerning the time factor for this consideration plus establishing trusteeship should the private contractor fail to complete the project.

Mr. Esposito, Deputy Director, Water Resources, DNREC, asked Council to reconsider its decision to eliminate the privatization option. He recommended that we continue with the development of the present Facility Plan for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. In addition, he suggested that Council reevaluate privatization. DNREC stands ready to supplement the costs for a bidding process for consultants to study privatization based on two concerns: (1) it may provide immediate cost savings; and (2) it would eliminate the possibility of criticism concerning future costs of the sewer by private contractors.

It was the consensus of the Council that there is sufficient evidence that privatization has been explored by the County for sewer lines. It was also agreed that there is a substantial risk to the County [if the private provider failed to complete the project]. In addition, the users are at risk [annual user costs could become excessive]. No action was taken on the request. Additional historical figures will be researched from the Engineering files that were obtained from private contractors to provide sanitary sewer districts in the West Rehoboth area in 1985.

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Emergency
Operations
Center
Recorder
Bids

Mr. Stickels, County Administrator, discussed the recommendation for the 20-channel recorder for the Emergency Operations Center. Bids were opened during Council's regular meeting on April 30, 1991. This equipment will allow for the expansion of the Paramedic channels and will replace outdated equipment. The original bids were based on the assumption that the State of Delaware was going to do a joint purchase with us; however, the decision has since been made that they cannot afford to purchase the equipment at this time. The bids were separated to give a fair comparison; the County's cost for a 20-Channel Recorder with a Spoken Time Module is as listed below.

Dictaphone Corporation	\$19,892.50
Delaware Office Equipment	\$19,031.15

It is the recommendation of the Emergency Operations Center that Council authorize the purchase of the equipment from Delaware Office Equipment, the low bidder.

M 260 91
Authorize
Purchase
of Record-
er for
E.O.C.

A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Emergency Operations Center, to authorize the purchase of a Racal Wordsafe 20-Channel Recorder with a Spoken Time Module from Delaware Office Equipment, total cost \$19,031.15. Motion Adopted: 5 Yea.

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

Community
Develop-
ment
Block
Grant
Awards

Mr. Stickels, County Administrator, reviewed a letter from Ms. Martha Harris, Director, Delaware State Housing Authority, listing the Sussex County Community Development Block Grant awards. Program activities were funded as follows:

West Rehoboth Housing	\$108,000
Seaford Housing	70,000
Georgetown Housing	80,000
Laurel/Infrastructure	271,800
Laurel/Relocation	235,000
Administration	<u>62,000</u>

TOTAL GRANT

\$826,800

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Legisla-
tive
Update

Mr. Stickels, County Administrator, discussed legislative matters pending in the General Assembly and made personal comments on the following bills:

House Bill No. 220 - authorizes the collection of \$3.00 for each apartment complex or multi-unit residential building within a service area of a volunteer fire company. When the bill was first introduced, it required a \$3.00 fee to be paid annually; however, there have already been amendments increasing the fee to \$10.00. This piece of legislation will most likely be tabled for more discussion in the next session; would not be surprised to see the bill expanded to include commercial property and single family homes. Monies would be collected by the County and distributed to the volunteer fire companies.

House Bill No. 270 - provides for the levying and collecting of a tuition tax that is to be used as the local share to match a state appropriation for homebound instruction, private placement of the handicapped and the preschool handicapped program. It would require a 2.7¢ increase in the local school districts' tax rates. This is currently delaying the County's ability to start our billing. If passed, the bill would give the State its first statewide property tax.

Proposed
Resolu-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "RESOLUTION RESOLVING THE DATE FOR SCHOOL ASSESSMENTS." The Proposed Resolution resolves that all school districts must submit a tax assessment rate for their district to the Sussex County Council by June first of each year.

M 261 91
Adopt
Resolu-
tion
R 015 91

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 015 91 entitled "RESOLUTION RESOLVING THE DATE FOR SCHOOL ASSESSMENTS." Motion Adopted: 5 Yea.

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

Legisla-
tive
Update
(Con't.)

House Bill No. 305 - provides that the salaries of the Sussex County Row Offices shall be determined by the Sussex County Council. Currently, the law states that elected officials in a Row Office will be paid \$9,000 annually. This legislation would give Council the authority to increase salaries equal to those in Kent County; their current salary is \$12,000 annually.

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Legisla-
tive
Update
(Con't.)

House Bill No. 306 - provides that before imposing a tax or increasing a present tax for Sussex County Vocational-Technical School funding, such proposed tax or tax increase must first be approved by referendum. This would bring the Vocational-Technical School in line with the other districts' ability to raise their taxes.

County Council Legislation - The County Council had four bills that it wished to have adopted into State law this session:

- (a) The ability to increase mileage reimbursement paid by County Council. This has been signed into law by Governor Castle. County Council can reimburse up to an amount equal to that which is permitted by the Internal Revenue Service. The FY '92 Budget was formulated on a 25¢ rate.
- (b) Legislation that would allow "exceptional practical difficulty" as a standard in addition to "unnecessary hardship" for the Sussex County Board of Adjustment to grant a variance from the terms of the Zoning Ordinance has been introduced and is in committee.
- (c) Legislation allowing for the collection of a lodging tax not to exceed five percent has been introduced and is in committee.
- (d) The collection of a one percent document tax on manufactured homes has been introduced and is in committee.

Dewey
Beach
Water
District
Rates

Mr. Russell Archut, Chief of Planning and Permits, reported that the Dewey Beach Water District was inadvertently omitted from the motion last week adopting the assessment rolls and rates for Sussex County operated and maintained sanitary sewer districts. Due to this omission, a separate motion is needed to adopt the rates as discussed at the Public Hearing on June 4, 1991.

M 262 91
Adopt
Dewey
Beach
Water
Rates

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council Adopt the Assessment Rolls and Rates for the Dewey Beach Water District, as presented on June 4, 1991, for the period July 1, 1991, to June 30, 1992. Motion Adopted: 5 Yea.

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

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Condi-
tional
Accept-
ance

Mr. Green, Chief of Utility Construction, recommended that The Chancellery in the Dewey Beach Sanitary Sewer and Water District be granted Conditional Acceptance.

M 263 91
Condi-
tional
Accept-
ance
The
Chancel-
lery

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc, for Sussex County Project No. 81-04, that the Sussex County Council grant "Conditional Acceptance" of the Sanitary Wastewater and Water Facilities for The Chancellery in the Dewey Beach Sanitary Sewer and Water District. Motion Adopted: 5 Yea.

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

Laurel
Landfill
Study

Mr. Wood, County Engineer, recommended authorization of an agreement with Roy F. Weston, Inc. (WESTON) for the Remedial Investigation/Feasibility Study for Laurel Landfill. Since the time Laurel Landfill was listed on the EPA Superfund List, WESTON has provided services for the County at the landfill site by purchase order. On April 16, 1991, County Council entered into a Basic Ordering Agreement with WESTON for consulting services related to landfill and transfer station projects. In accordance with that Agreement, WESTON has prepared this Task Order Agreement describing the scope of work they will be performing and the cost estimate (\$204,500) for the Preliminary Work Plan Portion of the Laurel Landfill Remedial Investigation/Feasibility Study. Upon approval of this Preliminary Work Plan by EPA, additional funding to complete the full scope of the work will be requested.

M 264 91
WESTON
Agree-
ment
Laurel
Landfill

A Motion was made by Mr. Benson, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that the Sussex County Council President be authorized to enter into a Task Order Agreement Contract with Roy F. Weston, Inc. (WESTON) to conduct the project activities in connection with the Remedial Investigation/Feasibility Study (RI/FS) at the Laurel Landfill, for the estimated cost of \$204,500. Motion Adopted: 5 Yea.

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

June 18, 1991

Public
Hearing

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY ADDING THERETO CHAPTER 90, TO PROVIDE FOR SEDIMENT CONTROL AND STORMWATER MANAGEMENT." The Public Hearing was closed.

M 265 91
Adopt
Ordinance
No. 769

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 769 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY ADDING THERETO CHAPTER 90, TO PROVIDE FOR SEDIMENT CONTROL AND STORMWATER MANAGEMENT." Motion Adopted: 4 Yea; 1 Nay.

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

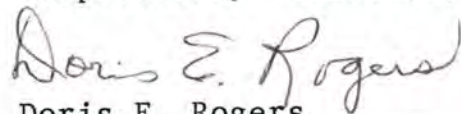
Presenta-
tion

On behalf of the League of Women Voters of Delaware, Mrs. Lewis (Til) Purnell presented their booklet entitled "DELAWARE GOVERNMENT - All You Ever Wanted to Know About Government and Didn't Know Where To Ask" to the Council President and the County Administrator.

M 266 91
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council