

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 21, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, June 21, 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 250 94      A Motion was made by Mr. Cole, seconded by Mr. Benson, to Approve Minutes      approve the minutes of the previous meeting dated June 14, 1994. Motion Adopted by Voice Vote.

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

KELLI TRICE, STUDENT.  
RE: A.D.A.M. Program.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: 1993 Annual Report.

JUSTICE RANDY J. HOLLAND, SUPREME COURT OF DELAWARE, GEORGETOWN, DELAWARE.  
RE: Thanking Mr. Dukes for his efforts in making the acquisition of the Sussex County Courthouse by the State of Delaware come to fruition.

Survey      Mr. Stickels, County Administrator, distributed a question- in      naire that will be enclosed with Sussex County's property tax County's      bill mailing. The purpose of the questionnaire is to give the Tax      taxpayers of Sussex County the opportunity to voice their Bill      opinion on whether they are willing to pay more taxes for the Mailing      implementation of new programs, i.e. Parks and Recreation, Additional Police, Library Programs, and Transportation. Responses will be compiled and a full report will be provided to Council.

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

1. Senate Bill 33.

AN ACT TO AMEND CHAPTER 60 AND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF SAID CHAPTERS.

Legis-  
lative  
Update  
(con't)

This Act establishes a class of environmental felonies which will allow the Attorney General to pursue those serious offenses where criminal prosecution is warranted.

This Bill was not voted out of Committee; however, it has been placed on the agenda to be voted on by the Senate.

2. Senate Bill 88.

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATION OF THAT CHAPTER.

This Act provides progressive and enhanced punishments for chronic violators of Delaware's environmental laws. It requires the Court of Common Pleas to hear cases involving second offenses, and the Superior Court to hear cases involving three or more violations.

This Bill failed to get support; however, it was left on the table.

3. Senate Bill 338.

AN ACT TO AMEND CHAPTER 70 OF TITLE 9 OF THE DELAWARE CODE RELATING TO THE LIMITATION ON SUSSEX COUNTY IN THE PROCUREMENT OF SERVICES AND SUPPLIES.

This Act permits the Director of Finance of Sussex County to procure services or supplies up to \$10,000 without the necessity for public bidding and publication.

This Bill has not been voted on yet.

3. Senate Bill 339.

AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE RENTAL AND PURCHASE OF MOTOR VEHICLES AND EXCEPTIONS THERETO.

This Act excepts from the public bid requirements the acquisition of motor vehicles for Sussex County. Vehicles with a probable cost in excess of \$10,000 would still be publicly bid and purchased under other applicable laws.

This Bill has not been voted on yet.

4. Senate Bill 340.

AN ACT TO AMEND CHAPTER 87 OF TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF DELINQUENT TAXES AND PROVIDING FOR ATTORNEY FEES INCURRED BY SUSSEX COUNTY TO BE TAXED IN ALL PROCEEDINGS UNDER SUBCHAPTER II THEREOF.

Legis-  
lative  
Update  
(con't)

This Act authorizes Sussex County to collect attorney's fees incurred by the County in connection with monition sales.

This Bill has not been voted on yet.

5. House Bill No. 510.

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 TITLE 16 OF THE DELAWARE TO PROVIDE AUTHORITY FOR EACH COUNTY OF THIS STATE TO ESTABLISH AND OPERATE A FUND TO BE USED TO REIMBURSE COUNTY AND LOCAL GOVERNMENTAL COSTS ASSOCIATED WITH 911 EMERGENCY REPORTING SYSTEMS FUND.

This Bill would create a new 911 Emergency Reporting System Fund to reimburse county and local governments for costs incurred in the administration, staffing, street addressing and training necessary to maintain a 911-Enhanced Emergency Reporting System. The 911 Fund would be funded by a nominal monthly surcharge on all subscribers to residential dial tone line service in Delaware.

This Bill has passed the House; the Senate has not yet voted on it.

6. House Bill No. 540.

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE PRESERVATION OF INLAND BAYS, AND CREATING THE INLAND BAYS' WATERSHED ENHANCEMENT ACT.

The primary purposes of this legislation are to establish a Center for the Inland Bays that will receive and distribute funds to support Inland Bays' watershed wise use and enhancement efforts; to educate users of the Inland Bays to promote stewardship of the Bays and bolster support for voluntary actions; and to encourage restoration and land acquisition efforts in priority areas of the Inland Bays' watershed.

7. House Bill No. 555.

AN ACT TO AMEND CHAPTER 3, TITLE 9; CHAPTER 3, TITLE 22; AND CHAPTER 1, TITLE 25, DELAWARE CODE, RELATING TO FAMILY DAY CARE FACILITIES.

This Act aids the establishment and operation of family day care homes in residential areas by striking all restrictions against such facilities in residential areas and by prohibiting actions by local zoning bodies from treating family day care homes as anything other than an accepted use within a residential use.

Legis-  
lative  
Update  
(con't)

This Bill is still in Committee. It was the consensus of Council to oppose this Bill.

8. House Bill No. 584.

AN ACT TO AMEND CHAPTERS 1 AND 23 OF THE DELAWARE CODE RELATING TO PARK TRAILERS.

This Bill assigns a registration number to park trailers that do not fit into the mobile home or recreational trailer registration categories. This Act will allow the Division of Motor Vehicles to title the trailers as park trailers with a "PT" title number.

It was the consensus of Council that an ordinance be drafted to address House Bill No. 584.

Adminis-  
trator's  
Report

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

1. County Board of Adjustment Application No. 5373

On Monday, June 20, 1994, the Sussex County Board of Adjustment voted to allow Melvin L. Joseph, operating as Joseph Construction Company, Georgetown, to withdraw his request for a special use exception. The request was made to obtain permits to install and operate an asphalt batching plant in Georgetown Hundred. Additionally, the Board voted not to allow Joseph Construction Company to reapply for one year.

2. March Ice Storm Reimbursement

On Tuesday, June 14, 1994, Mr. Stickels was presented with a check by Thomas R. Carper, Governor of the State of Delaware, in the amount of \$16,321. The check was for reimbursement of overtime costs that the County experienced because of the March ice storm. The State of Delaware received a check for \$4.8 Million to offset the State's cost, Delaware Electric Cooperative, counties, fire companies, and local municipalities. This funding will help offset budget over-expenditures that the County experienced as a result of the overtime.

3. Specialized Transportation Fund

Mr. Stickels has approved the request of Ms. Arlene S. Littleton, Executive Director of Cheer, to transfer \$8,650 from Insurance and \$1,690 from Volunteer Transportation to Wages and Benefits. The transferring of these funds is necessary to allow Cheer to pay the increase in workmen's compensation insurance. County

Adminis-  
trator's  
Report  
(con't)

Council policy has given the County Administrator the authority to allow for inner-account transfers, as long as the agency does not exceed the total amount that has been awarded under the Transportation Program.

Deposit  
Account

Mr. Baker, Finance Director, requested approval to open a new deposit account at Mellon Bank for the County Administration Building Project.

M 251 94  
Adopt  
Resolu-  
tion No.  
R 018 94

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 018 94 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 DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; 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. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Agenda  
Item

Mr. Baker, Finance Director, advised that the agenda item entitled "Audit Agreement" was tabled.

Agree-  
ment  
Bethany  
Bay

Mr. Green, Director of Utility Construction, discussed an Agreement with Linder and Company, Inc. for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Bethany Bay, Phase II, located in the Millville/Ocean View Sanitary Sewer District.

M 252 94  
Execute  
Agree-  
ment  
Bethany  
Bay

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the President of the Sussex County Council execute an Agreement between Sussex County Council and Linder and Company, Inc. for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Bethany Bay, Phase II, located in the Millville/Ocean View Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Agree-  
ment  
Clear-  
water  
Develop-  
ment

Mr. Green, Director of Utility Construction, discussed an Agreement with Clearwater Development, Phase I, for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Clearwater Development, Phase I, located in the South Bethany Sanitary Sewer District.

M 253 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, that  
Execute the President of the Sussex County Council execute an Agree-  
Agree- ment between Sussex County Council and Clearwater Development,  
ment Phase I, for Construction Administration and Construction  
Clear- Inspection Services for wastewater facilities to be constructed  
water in Clearwater Development, Phase I, located in the South Bethany  
Develop- Sanitary Sewer District.  
ment

Motion Adopted: 5 Yea.

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

Cedar Mr. Green, Director of Utility Construction, discussed the  
Neck granting of Conditional Acceptance for the wastewater facili-  
Force ties constructed as the "Cedar Neck Force Main", located in the  
Main Cedar Neck Expansion of the Bethany Beach Sanitary Sewer Dis-  
trict.

M 254 94 A Motion was made by Mr. Cole, seconded by Mr. Benson,  
Grant that based upon the recommendation of the Inspection Engineer,  
Condi- Sussex County Engineering Department, for Sussex County  
tional Project No. 81-04, that the Sussex County Council grant  
Accept- Conditional Acceptance for the wastewater facilities con-  
tance structed as the "Cedar Neck Force Main", located in the Cedar  
Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.  
Neck  
Force  
Main

Motion Adopted: 5 Yea.

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

Boundary Mr. Archut, Director of Planning and Permits, discussed a  
Extension request to extend the boundaries of the Fenwick Island  
Request Sanitary Sewer District to include the lands of Carl Pepper  
Fenwick and Peninsula Oil Company. Mr. Archut advised Council that  
Island there were two other properties that could be considered in  
SSD the extension; lands owned by Mr. and Mrs. Ralph Lawrence  
Jones and lands owned by Mr. and Mrs. Clarence G. Murray.  
Mr. Archut requested permission to prepare and post notices  
for the requested extension.

M 255 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Prepare that the Sussex County Engineering Department is authorized  
and Post to prepare and post notices for the extension of the Fenwick  
Notices Island Sanitary Sewer District Boundary to include the lands  
for of Carl Pepper, Wilma Lee and Ralph Lawrence Jones, Clarence  
Boundary G. and Geraldine J. Murray, and Peninsula Oil Company, as  
Extension presented on June 21, 1994.  
Fenwick  
Island  
SSD

Motion Adopted: 5 Yea.

M 255 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Orchard Mr. Izzo, Director of Public Works, and Ms. Deptula, Project  
Manor Manager, discussed the County taking over the street lights  
Street- at Orchard Manor which were installed by and are currently  
lights maintained by John Satterfield. Mr. Izzo informed Council  
that the cost for streetlighting would be \$57.13 annually  
per residential or commercial improvement. The cost would  
be adjusted annually based upon the number of assessable  
units and the fuel rates.

M 256 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, that  
Approve based upon the recommendation of the Sussex County Engineering  
Rates Department, that the Sussex County Council approves an annual  
Orchard billing rate of \$57.13 per residential or commercial improve-  
Manor ment within the Orchard Manor, Sections I and II, Streetlighting  
Street- District, which shall be adjusted each year thereafter based  
lights upon the number of assessable units and fuel costs.

Motion Adopted: 5 Yea.

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

Establish Refer- Mr. Izzo, Director of Public Works, advised that it was  
endum necessary to establish the date, time and place of a refer-  
for endum to be held to consider the question of establishing  
Orchard the Proposed Orchard Manor, Sections I and II, Streetlighting  
Manor District. Mr. Izzo read a Proposed Resolution establishing  
Street- that the referendum be held on Monday, July 18, 1994, from  
lighting 1:00 p.m. to 6:00 p.m. at the Inland Bays Regional Wastewater  
Facilities.

M 257 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adopt Adopt Resolution No. R 019 94 entitled "A RESOLUTION ESTABLISH-  
Resolu- ING THE DATE, TIME AND PLACE OF A REFERENDUM TO BE HELD TO  
tion No. CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED ORCHARD  
R 019 94 MANOR, SECTIONS I AND II, STREETLIGHTING DISTRICT".

Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Stevenson introduced a Proposed Ordinance entitled "AN  
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A  
B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF  
LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX

Proposed Ordinance (con't) COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS" (Change of Zone No. 1235) filed on behalf of Brandywine Valley Investment. The Proposed Ordinance will be advertised for Public Hearing.

M 258 94 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 City of Rehoboth Beach to help fund the cost of replacing the Cape Henlopen Lighthouse.

Motion Adopted: 5 Yea.

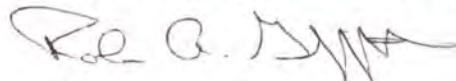
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 259 94 Appoint-ment A Motion was made by Mr. Cole to appoint Tom Ryan to the Planning and Zoning Commission for a term of three years. The Motion died for the lack of a second.

Legis- lative Update Mr. Stickels, County Administrator, discussed legislation enacted recently which protects the Secretary of State's records from the media or others from obtaining all their records. Under this legislation, requests for information in formats including computer diskettes or magnetic media will not be honored. Mr. Stickels will lobby for this same protection for the County.

M 260 94 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 11:30 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council