

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JUNE 25, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, June 25, 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 267 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.

Corre-  
spondence

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

MRS. JAMES MASON, MS. VIOLET PLUMMER, MS. ROSE EDWARDS, MRS. MARY J. CONING, MS. VIRGINIA MATTHEWS, MR. & MRS. ROBERT GATES, MR. E. C. CONING, MR. AND MRS. HERBERT METZ, MR. RALPH BEAUCHAMP, MR. DADE TOMLIN, MS. HELEN DONOVAN, MRS. FLORENCE MITCHELL, MS. FRANCES HEALY, MS. SOPHIE SANCHEZ, MR. & MRS. JOHN KING, MR. RALPH BARINGER, AND MS. RUTH FOGG, HULING COVE CHEER CENTER, LEWES

RE: Funding to continue bus service for CHEER Centers.

Explana-  
tion  
DAST  
Funding

Mr. Stickels, County Administrator, explained the County Council's involvement in the decision making process for CHEER funding. At the beginning of each new fiscal year, the Delaware Authority for Specialized Transportation (DAST) provides us with a list of available funding for specialized transportation services for the elderly and handicapped in Sussex County. In addition, they submit their recommendation for the distribution of the transportation funds. However, County Council is put in the position of making a decision on the distribution. Consequently, Huling Cove CHEER Center is expressing their concern for the continuance of bus service at their Center through the above letters.

Corre-  
spondence  
(Con't.)  
C/U #969

A packet of letters concerning Conditional Use No. 969, filed on behalf of Robert D. Eckstine, was submitted for the record as follows:

June 25, 1991

Corre-  
spondence  
(Con't.)  
C/U #969

June 15, 1991: FROM: Eckstine Enterprises, P.A.;  
TO: Wayne Lyons, Delmarva Power

June 16, 1991: FROM: Eckstine Enterprises, P.A.;  
TO: President Dukes

June 17, 1991: FROM: Ralph E. Klesius, Delmarva Power;  
TO: President Dukes

June 17, 1991: FROM: Kenneth W. Droddy;  
TO: Sussex County Council

June 18, 1991: FROM: Ecksktine Enterprises, P.A.;  
TO: President Dukes

June 18, 1991: FROM: Michael McGrath, Planning Manager,  
Aglands Preservation Section, Department  
of Agriculture;  
TO: Lawrence Lank

June 19, 1991: FROM: Eckstine Enterprises, P.A.;  
TO: President Dukes and Councilmen

June 19, 1991: FROM: Eckstine Enterprises, P.A.;  
TO: Bruce Tobey, State of Delaware Aviation  
Department

Corre-  
spondence  
(Con't.)  
East-West  
Corridor

LYNN LAMBERSTON, LEWES

RE: Concerns regarding the proposed East/West Expressway  
being planned for Route 404/9 corridor.

Mr. Stickels, County Administrator, requested that his letter,  
dated June 24, 1991, to The Honorable Kermit H. Justice,  
Secretary of the Department of Transportation, State of  
Delaware, concerning the East-West Corridor be read. A  
portion of the letter is printed below for the record.

"The purpose of this letter is to reiterate the position  
of the Sussex County Council regarding the proposed  
East-West Corridor. It is the consensus of the County  
Council that the no-build alternative should be the  
final choice of the Department of Transportation.  
The public input received by the County Council at  
both Council meetings and public community meetings  
has been overwhelming in support of the no-build  
concept. The County Council trusts that your agency  
will adhere to the wishes of the residents of Sussex  
County.

"It is the opinion of the Sussex County Council that  
the best way to serve Sussex County residents would  
be to upgrade existing roads. We believe that this  
should take place before the Department of  
Transportation entertains any activity in creating  
new roadways."

June 25, 1991

Transfer  
Station  
Permits

Mr. Stickels, County Administrator, reviewed the Application Form for Permits that will be required at the Sussex County Transfer Stations beginning September 1, 1991. The Application Form will be available at the Transfer Stations after July 1, 1991. They can be mailed to the Transfer Station Department or brought to the Courthouse Annex with the required fee for the issuance of the Permit. No Permits will be sold at the Transfer Stations. The Councilmen agreed that the name of the state in which a vehicle is registered should be included on the Application Form with the registration number. This would provide additional information concerning the users.

Building  
Code  
Appeal  
Board

Mr. Stickels, County Administrator, reviewed the composition of the Sussex County Building Code Appeal Board. One representative from the Sussex County Fire Service, one representative from the Home Building Industry and three representatives from the General Public meet as needed to hear appeals concerning the Building Code and are compensated at the rate of \$50 per meeting.

M 268 91  
Appoint-  
ments  
Building  
Code  
Appeal  
Board

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to appoint the following persons to serve on the Sussex County Building Code Appeal Board:

Finley B. Jones, Jr. 1 Year  
Greenwood, Delaware 19950  
Representing Sussex County Fire Service

Kathleen Davis 2 Years  
Lewes, Delaware 19958  
Representing General Public

Arthur Marvel 3 Years  
Seaford, Delaware 19973  
Representing General Public

James Walls 1 Year  
Georgetown, Delaware 19947  
Representing Home Building Industry

Ann Jones 2 Years  
Delmar, Delaware 19940  
Representing General Public

Motion Adopted: 5 Yea.

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

June 25, 1991

Arbitration  
Commission

Mr. Stickels, County Administrator, read a letter of resignation from the Sussex County Arbitration Commission for Dennis V. Cordrey, Director of Personnel. Mr. Cordrey's resignation was based on the theory that his serving on this Commission could be viewed as a possible conflict of interest.

M 269 91  
Appoint-  
ment  
Arbitration  
Commission

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council appoint David B. Baker to serve on the Sussex County Arbitration Commission, replacing Dennis V. Cordrey. Motion Adopted: 5 Yea.

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

Sediment &  
Stormwater  
Committee

Mr. Stickels, County Administrator, reviewed recommendations for the Sediment and Stormwater Management Advisory Committee.

M 270 91  
Appoint-  
ments  
Sediment &  
Stormwater  
Management  
Advisory  
Committee

A Motion was made by Mr. Cole, seconded by Mr. Benson, to appoint the following persons to serve on the Sediment and Stormwater Management Advisory Committee:

1. Representative - Sussex County Engineering Department Oscar Perez
2. Representative - Sussex County Planning and Zoning Office Lawrence Lank
3. Representative - Delaware Department of Natural Resources and Environmental Control Earl Shaver
4. Representative - USDA Soil Conservation Service To be appointed by the District
5. Professional and Technical Representative Pat Ryan
6. Representative - Sussex Conservation District Richard Clendaniel, Jr.

Motion Adopted: 5 Yea.

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

June 25, 1991

Proposed  
Resolution

Mr. Stickels, County Administrator, read a Proposed Resolution in its entirety entitled "A RESOLUTION AUTHORIZING THE PRESIDENT AND CLERK OF COUNCIL TO EXECUTE AND DELIVER SUBORDINATION AGREEMENTS FOR THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT."

M 271 91  
Adopt  
Resolution  
R 016 91

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 016 91 entitled "A RESOLUTION AUTHORIZING THE PRESIDENT AND CLERK OF COUNCIL TO EXECUTE AND DELIVER SUBORDINATION AGREEMENTS FOR THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH 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

Line of  
Credit  
Approval

Mr. Stickels, County Administrator, discussed a letter from Mr. C. Edward Cranston, Jr., Vice President, Wilmington Trust Company, confirming the approval of the County's \$25,000,000 revolving Line of Credit for the coming year. President Dukes will execute this Agreement.

Administra-  
tor's  
Report

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

1. Sussex County Volunteer Firemen's Association Monthly Meeting - The meeting will be held tonight at the Bridgeville Fire Hall, starting at 7:30 p.m.
2. Greenwood Library Grant - The Sussex County Library in Greenwood has been notified that they will be awarded a \$2,500 Library Services and Construction Act (LSCA) grant. This money is awarded by the federal government through the State of Delaware Division of Libraries. These funds will be used for senior citizen programs and activities at the library starting in October.

Long Neck  
Sanitary  
Dewer  
District

Mr. Green, Chief of Utility Construction, discussed the need for Change Order No. 1 for the Long Neck Sanitary Sewer District, Contract No. 1. A recapitulation of Contract No. 1 to date was distributed for Council's review.

M 272 91  
Long Neck  
Sanitary  
Sewer  
District

A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering

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M 272 91 Department, that the Sussex County Council President be  
(Con't.) authorized to issue Change Order No. 1 for the Long Neck  
Long Neck Sanitary Sewer District, Contract No. 1, to Bunting & Murray  
Sanitary Construction Company, Inc., for #57 stone for area deemed  
Sewer unstable by the Engineer, for the amount of \$14,430.00,  
District increasing this contract amount to \$2,511,763.20. Motion  
Adopted: 5 Yea.

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

Public Hearing A Public Hearing was held on Proposed Ordinance entitled  
Amend "AN ORDINANCE AMENDING ORDINANCE NO. 686 RELATING TO SUSSEX  
Ordinance COUNTY'S \$3,740,000 GENERAL OBLIGATION BONDS, SERIES 1990."  
No. 686 The Public Hearing was closed.

M 273 91 A Motion was made by Mr. Cole, seconded by Mr. Collins,  
Adopt based upon the recommendation of Bond Counsel, to Adopt  
Ordinance Ordinance No. 770 entitled "AN ORDINANCE AMENDING ORDINANCE  
No. 770 NO. 686 RELATING TO SUSSEX COUNTY'S \$3,740,000 GENERAL  
OBLIGATION BONDS, SERIES 1990." Motion Adopted: 5 Yea.

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

Public Hearing A Public Hearing was held on Proposed Ordinance entitled  
Bonds "AN ORDINANCE RELATING TO PROPOSED GENERAL OBLIGATION BONDS  
OF SUSSEX COUNTY." The Public Hearing was closed.

M 274 91 A Motion was made by Mr. Cole, seconded by Mr. Collins,  
Adopt to Adopt Ordinance No. 771 entitled "AN ORDINANCE RELATING  
Ordinance TO PROPOSED GENERAL OBLIGATION BONDS OF SUSSEX COUNTY."  
No. 771 Motion Adopted: 5 Yea.

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

Town of Mr. Stickels, County Administrator, discussed a letter  
Millville received yesterday from Butch Evans, Mayor, Town of Millville,  
Request and Mike Harrison, Chairman, Town Planning Commission. The  
letter requests that the County Council extend the moratorium

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Town of  
Millville  
Request  
(Con't.)

on zoning changes within the Town of Millville until December 30, 1991. The initial effective date of the moratorium, as requested by the Town, was April 23, 1991, through July 1, 1991.

M 275 91  
Extend  
Moratorium  
in Town of  
Millville

A Motion was made by Mr. Cole, seconded by Mr. Collins, to extend the moratorium for any zoning change within the Town of Millville until September 30, 1991. Motion Adopted: 5 Yea.

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

Bid  
Review

Mr. Stickels, County Administrator, recommended that Motion No. M 260 91, adopted June 18, 1991, be rescinded. Upon closer review of the original bids, it has been determined that neither bidder met the specifications.

M 276 91  
Rescind  
Motion  
Authorizing  
Purchase  
of Recorder

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council rescind Motion No. M 260 91, authorizing the purchase of a Racal Wordsafe 20-Channel Recorder with a Spoken Time Module from Delaware Office Equipment; and further direct the Sussex County Administrator to readvertise for proposals. Motion Adopted: 5 Yea.

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

Public  
Health  
And  
Safety  
Concern

Mark Lane, Rehoboh Seafood Market, requested time to address Council concerning the increased sale of seafood from the roadside. Two additional seafood retailers from the area joined Mr. Lane for the discussion.

The problem was described as follows:

1. The number of hucksters selling seafood from the back of pickups along the major coastal roadways continues to increase. Maryland and Virginia have established standards [health, weights and measures, etc.] concerning roadside vendors, however, Delaware has not addressed the issue.
2. This practice constitutes a public health threat in addition to creating traffic hazards.

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Public  
Health  
and  
Safety  
Concern  
(Con't.)

It was the consensus of the Council that Planning and Zoning Inspectors should be asked to monitor the major coastal roadways for possible setback violations. Presently, the Planning and Zoning Ordinance does not contain a definition for vendors or hucksters. In addition, the County will ask the Department of Public Health, the Department of Transportation and other State agencies, as needed, to work cooperatively with them to develop a long-range plan that will provide public health and safety protection for consumers.

M 277 91  
Council-  
manic  
Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$500, from Mr. Dukes' Councilmanic Account, to Laurel Chamber of Commerce to assist in funding the Annual Watermelon Festival. Motion Adopted: 5 Yea.

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

M 278 91  
Council-  
manic  
Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$500, from Mr. Dukes' Councilmanic Account, to the City of Seaford to assist with expenses for the Seaford Community Pool. Motion Adopted: 5 Yea.

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

M 279 91  
Council-  
manic  
Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$750, from Mr. Benson's Councilmanic Account, to the City of Lewes to assist with refurbishing one of their parks. Motion Adopted: 5 Yea.

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

M 280 91  
Council-  
manic  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$100, from Mr. Collins' Councilmanic Account, to the Town of Laurel to assist with purchasing fireworks for their 4th of July celebration. 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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M 281 91  
Council-  
manic  
Grant

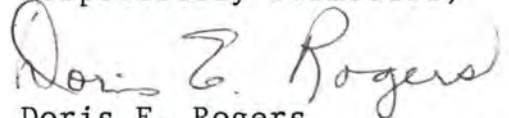
A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500, from Mr. Stevenson's Councilmanic Account, to Georgetown Little League to assist with expanding their facility. Motion Adopted: 5 Yea.

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

M 282 91  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to adjourn at 11:54 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council