

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 12, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 12, 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 287 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Approve to approve the minutes of the previous meeting dated June 28, Minutes 1994. Motion Adopted by Voice Vote.

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

SUSAN A. FRANK, DIRECTOR, STATE OF DELAWARE, DELAWARE DEVELOPMENT OFFICE, DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE. RE: Audit Report and Conditional Closeout Agreement for Sussex County CDBG Contract #03-92.

Presen- Mr. Dukes presented a check to Mr. Kavel, representing Delaware tation Technical and Community College, in the amount of \$1,000.00 for of the recent July Fourth Celebration. Mr. Kavel extended an in- Grant vitation to Council to participate in next year's celebration.

Legis- Mr. Stickels, County Administrator, advised Council that four lative Bills affecting Sussex County were recently passed. Mr. Stickels Update provided Council with the following legislative update:

1. House Bill No. 510 -

This legislation 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 50-cent monthly surcharge on all residential dial tone line service in Sussex County. The County will be required to adopt an ordinance prior to the collection of this funding.

Representative Ewing and Senator Adams were very instrumental in getting this Bill passed. This legislation was signed into law by Governor Carper on Wednesday, June 29, 1994.

Legis-
lative
Update
(con't)

2. Senate Bill No. 339 -

This legislation amends Subchapter I of Chapter 69 of Title 29 of the Delaware Code to except from the public bid requirements of Chapter 69 for 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 legislation was signed into law by Governor Carper on Wednesday, June 29, 1994.

3. Senate Bill No. 338 -

This legislation amends Section 7004(c)(17) of Title 9 of the Delaware Code by permitting the Director of Finance for Sussex County to procure services or supplies up to \$10,000 without the necessity for public bidding and publication. This is consistent with Chapter 69 of Title 29 of the Delaware Code relating to the procurement of material and award of contracts for public works by State agencies, which permits the purchase of material or contract for work to be performed without competitive bidding where the probable costs of the purchase or contract does not exceed \$10,000.

This legislation was signed into law by Governor Carper on Wednesday, June 29, 1994.

4. Senate Bill No. 340 -

This legislation amends Chapter 87 of Title 9 to include a provision authorizing Sussex County to collect attorney's fees incurred by the County in connection with monition sales.

This legislation was signed into law by Governor Carper on Wednesday, June 29, 1994.

5. House Bill No. 584 -

This legislation assigns a registration number to park trailers that do not fit into the mobile home or recreational trailer registration categories. This legislation would allow park models to be placed in campgrounds under the County's current ordinance.

This legislation passed the House and the Senate.

Mr. Bayard, County Attorney, was instructed by Council to review the legislation for the purpose of making a recommendation as to how the County should address it.

Legis-
lative
Update
(con't)

6. Senate Bill No. 252 with Senate Amendment No. 1 -

This legislation permits municipalities and county governments to have assessment and reassessment appraisals performed by individuals other than those currently licensed by the State.

7. House Bill No. 570 -

This legislation establishes a Water Facility Advisory Council to establish a planning mechanism for central sewer and water systems. The Council will make recommendations with regard to long-term solutions for planning and prioritizing the State's wastewater needs. In addition, the Advisory Council will be faced with the task of coming up with equitable long-term funding mechanisms to finance new central water and sewer systems, as well as pay for the upgrade and expansion of existing systems throughout the State.

8. House Bill No. 540 -

This legislation establishes a Board of Directors for the Inland Bays to address issues raised in the Comprehensive Conservation and Management Plan (CCMP). The CCMP outlines the problems facing Delaware inland bays and offers action and plans for saving the bays. The Board of Directors would serve as an advisory board only and would not have legislative authority. The Inland Bays Center would receive funds to implement the Board's recommendation initiatives to enhance the quality of the inland bays. Such initiatives include educational programs, land acquisition, cleaning the bays, and assisting farmers in implementing environmentally sensitive agriculture practices.

Road
Vacation

Mr. Stickels, County Administrator, discussed the intentions of Robert L. Thomas, Lisa M. Steele, Nancy L. Carter, Patricia A. Scott, Janice W. Clark and Suzanne P. Thompson to file, on or about July 18, 1994, a petition to vacate a portion of the public road known as Bay Front Road. Mr. Stickels will be notified of the date and time of the hearing. Mr. Stickels advised that he has notified various County departments to determine if there are any objections to the vacation of the road. It was the consensus of Council to approve the vacation of the road upon the condition that there is no objection by any of the County departments notified. Mr. Bayard, County Attorney, will communicate with the landowners' attorney on behalf of the County's interests.

Adminis-
trator's
Report

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

Adminis-
trator's
Report
(con't)

1. Federal Emergency Management Agency

Mr. Glenn A. Gillespie, Director of the Emergency Operations Center, and Mrs. Betty Collins will be presenting checks to Sussex County volunteer fire companies for their assistance during the February ice storm. Funding from FEMA and Red Cross will be as follows:

	<u>FEMA</u>	<u>RED CROSS</u>
Ellendale Volunteer Fire Company	\$5,584.00	
Georgetown Volunteer Fire Company	3,277.00	\$1,025.42
Greenwood Volunteer Fire Company	2,798.00	
Laurel Volunteer Fire Company	2,624.00	
Indian River Volunteer Fire Company	1,234.00	
Seaford Volunteer Fire Company	983.00	
Millsboro Volunteer Fire Company	942.00	
Milton Volunteer Fire Company	866.00	
Blades Volunteer Fire Company	820.00	

2. Water Utility Legal Notice

Mr. Stickels has received notice from the Department of Natural Resources and Environmental Control, Division of Water Resources, that the Town of Bethany Beach has filed for a Certificate of Public Convenience and Necessity to provide water service to a property on Delaware Avenue, Bethany Beach, Sussex County, Delaware, owned by Pep-Up, Inc. A public hearing will not be held unless the Secretary of the Department of Natural Resources and Environmental Control receives a request for such a hearing within fifteen days from July 10, 1994.

I know of no reason why the County Council should oppose this application. The water service would be in compliance with County zoning approval for this property. Pep-Up, Inc. stated they would be connected to central water and sewer.

3. Route 1 Corridor Preservation

The Delaware Department of Transportation will be conducting a public workshop entitled "Help Shape the Future of Route 1". The purpose of the hearing is to update the public on the Route 1 Corridor Preservation Program. The workshop in Sussex County will be held on Wednesday, July 20, 1994, from 4:00 to 8:00 p.m. at the Evelyn I. Morris School, 103 Third Street, Lincoln, Delaware. Mr. Lawrence Lank, Director of Planning and Zoning; Mr. Stickels, County Administrator; and Mr. Dukes, President of Sussex County Council, will attend a special briefing on Monday, July 18, 1994, in Dover regarding this program.

Adminis-
trator's
Report
(con't)

3. Bay Farm RPC - Change of Zone No. 960

Mr. Lawrence Lank, Director of Planning and Zoning, has received a letter from James A. Fuqua, Jr., representing Townsends, Inc., requesting that the Planning and Zoning Commission void the approvals for the proposed RPC development known as Bay Farm. The County Council approved the RPC on December 27, 1988. This approval would have allowed the development of 806 acres, plus or minus, for a single-family, multi-family project, with neighborhood business and a marina. The marina would include 350 boat slips and additional amenities, including an 18-hole golf course and clubhouse with conference center, swimming pool, and tennis courts. The housing would consist of 516 single-family detached homes, 72 rental condominium units, and 521 townhouses, for a total of 1,109 housing units.

The Planning and Zoning Commission will vote on Thursday, July 14, 1994, whether or not to allow the withdrawal of the application.

Proposed
Hudson
Ponds
Street-
lighting
District
Refer-
endum
Results

Mr. Archut, Director of Planning and Permits, discussed the results of the Proposed Hudson Pond Acres Streetlighting District referendum held on June 29, 1994, as follows:

Number Voting in Support of the District	14
Number Voting in Opposition of the District	6

The results of the referendum certify the approval of the Hudson Pond Acres Streetlighting District. Mr. Archut reviewed a Proposed Resolution entitled "A RESOLUTION ESTABLISHING THE HUDSON POND ACRES STREETLIGHTING DISTRICT".

M 288 94
Adopt
Resolu-
tion No.
R 021 94

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Resolution No. R 021 94 entitled "A RESOLUTION ESTABLISHING THE HUDSON POND ACRES 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

Award
Recommen-
dation
Construc-
tion
Package
"B"
West
Rehoboth

Mr. Wood, County Engineer, and Mr. Day, representing George, Miles & Buhr, discussed the recommendation for the award of Construction Package "B" for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Package "B" was bid two ways: in four bid packages and as a combined bid. Following the bid opening on June 13, 1994, the information was forwarded to George, Miles & Buhr for a detailed evaluation and recommendation for award. Mr. Wood and Mr. Day discussed how the individual bids and combined bid were

Award Recommendation (con't) compared; differences in quantities (square yards versus square feet) were mathematically adjusted using the unit prices. The comparison showed that the apparent low bid on the combined package, submitted by R. E. Pierson Company, Inc., in an amount not to exceed \$8,070,858.40, was also the lowest overall bid. The contract documents state that the award will be made to the lowest responsible bidder. George, Miles & Buhr has made the recommendation that the bid be awarded to the low bidder, R. E. Pierson Company, Inc. Mr. Wood advised that the bid recommendation has been forwarded to the Rural Development Association/Farmers Home Administration. Mr. Schrader, Assistant County Attorney, advised Council of (1) a bidding entity who is protesting the bidding process, (2) how the contention is being handled, and (3) his opinion that the bidding process and recommendation of George, Miles & Buhr are fair.

M 289 94 Award Construction Package "B" West Rehoboth A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Consulting Engineers, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorize the award to the low bidder, R. E. Pierson Company, Inc. of the combined areas of Contract "B", for the not to exceed amount of \$8,070,858.40, contingent upon the concurrence with this review by the Rural Development Association/Farmers Home Administration.

Motion Adopted: 5 Yea.

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

Archaeological Study West Rehoboth Mr. Wood, County Engineer, provided Council with a general update of the archaeological work associated with the West Rehoboth Project. Mr. Wood requested Council's approval to award a contract to MARR Associates to conduct a Phase I Archaeological Study in the right-of-way areas of Contracts 10, 11, 12 and 13 in an amount not to exceed \$30,506.90. To date, approximately \$151,000.00 (including this contract in the amount of \$30,506.90) has been spent on archaeological work for the West Rehoboth Project.

M 290 94 Award Contract for Phase I Archaeological Study West Rehoboth A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Consulting Engineers, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council award a contract to MARR Associates to conduct a Phase I Archaeological Study in the right-of-way areas identified in the Collection Contract "B" for the not to exceed amount of \$30,506.90.

Motion Adopted: 5 Yea.

M 290 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Mr. Cole introduced a Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIRS TO
BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES,
MORE OR LESS" (Conditional Use No. 1084) filed on behalf of
David A. and Patricia Tucker. The Proposed Ordinance will
be advertised for Public Hearing.

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 A TRUCK AND FARM
EQUIPMENT REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL
OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY,
CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No.
1085) filed on behalf of Stanley Walker and Constance
Walker. The Proposed Ordinance will be advertised for
Public Hearing.

M 291 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$400.00, \$200.00 from Mr. Stevenson's Councilmanic
manic Account and \$200.00 from Mr. Benson's Councilmanic Account,
Grant to the Milford Little League to help cover the expense of
hosting the Mid-Atlantic Eastern Regional Big League Tourna-
ment.

Motion Adopted: 5 Yea.

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

M 292 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$350.00 from Mr. Collins' Councilmanic Account to Caring
manic About People to help pay for transporting at risk children in
Grant the Frankford area to the Frankford Town Park.

Motion Adopted: 5 Yea.

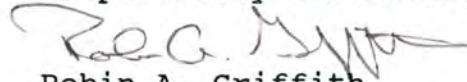
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Communi- Mr. Collins discussed what the County could do to improve
cations with non-English speaking people. Mr.
Stickels, County Administrator, advised that the County
Non- library system does offer the "English as a Second Language"
English program. County library representatives and representatives
Speaking from the Delmarva Poultry Industry will be invited to the
People next Council meeting to discuss this issue.

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M 293 94 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Adjourn to adjourn at 11:33 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council