SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 18, 1995

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, July 18, 1995, at 10:00 a.m., at the South Coastal Library in Bethany Beach, 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 315 95 Approve Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated July 11, 1995. Motion Adopted by Voice Vote.

Correspondence

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

FRIENDS OF THE MILTON LIBRARY, MILTON, DELAWARE.
RE: Invitation to the Milton Library anniversary celebration on July 22, 1995.

CALVIN L. MUSSER, III, SCHOOL BOARD PRESIDENT, LAUREL SCHOOL DISTRICT, LAUREL, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of his Councilmanic Grant for the Superintendent Search.

FRANK J. MORRIS, SECRETARY, SUSSEX COUNTY STAMP CLUB, MILTON, DELAWARE.
RE: Letter requesting financial assistance in the amount of $250.00 for the 4th Annual Stamp Exhibition and Bourse to be held on Saturday, September 23 and Sunday, September 24, 1995.

DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.
RE: Notice of a community meeting for the Jones Crossroads Landfill area on August 1, 1995, at 7:00 p.m., at the Epworth Fellowship Church.

Certificate of Appreciation

Mr. Dukes presented to Mr. Irvin Aydelotte a Certificate of Appreciation for devotion, loyalty, and excellence in serving Sussex County as a member of the Sussex County Library Advisory Board from July 1, 1989, to July 11, 1995.

Certificate of Appreciation

Mr. Dukes presented to Mr. William Lowe, Jr. a Certificate of Appreciation for devotion, loyalty, and excellence in serving Sussex County as a member of the Sussex County Library Advisory Board from September 6, 1988, to July 11, 1995.

Recommendations for Route 1

Mr. Joel Leidy of the Delaware Department of Transportation was present to discuss a report from the Delaware Route 1 Working Group containing recommendations to improve Route 1 from Five Points to Rehoboth Beach. The working group was created in January, 1995, to develop solutions to improve safety and traffic mobility within the corridor. Mr. Leidy reviewed the following ten recommendations outlined in the report:

Recommendation 1: Develop a Corridor Overlay Zone.

Recommendation 2: Reduce Speed Limits and More Strictly Enforce Traffic Regulations.

Recommendation 3: Create Dedicated Traffic Lane for Emergency Vehicles.

Recommendation 4: Develop an Ultimate Plan.

Recommendation 5: Remove Flashing Red Arrow Signals and Conduct Study of Traffic Signalization and Signage.

Recommendation 6: Develop Public Transportation Plan.

Recommendation 7: Discourage Pedestrian Crossings of Route 1 until Ultimate Plan is Developed.

Recommendation 8: Improve Lighting at Key Intersections.

Recommendation 9: Consider All Recommendations Prior to Taking Action on Permit Requests.

Recommendation 10: Develop Public Safety Program.

The Route 1 Working Group is urging the State and the County to consider the recommendations contained in the report and work quickly toward implementing them.

Administrator's Report

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

1. Power Outage

The Emergency Operations Center wants to remind the public that homes and businesses that lose power should not call 911. As a result of temperatures in excess of 100 degrees on Saturday, July 15, 1995, the Emergency Operations Center received hundreds of calls from residents who had lost their power. These non-emergency calls on 911 tie up lines and delay 911 calls from being received by the dispatchers. Residents should become familiar with their individual power companies and have their emergency numbers available.

Administrator's Report (con't)

2. Proposed Ellendale Sanitary Sewer District

A Public Meeting will be held on Thursday, July 20, 1995, at 7:00 p.m., at the Ellendale Fire Hall, Ellendale, Delaware. The purpose of the meeting will be to discuss potential boundaries for the proposed sewer district and associated costs. Residents in the Town of Ellendale and Ellendale area are encouraged to attend this meeting.

3. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

County Council members will be touring the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District on Thursday, July 20, 1995, starting at 10:00 a.m. Included in the tour will be representatives from George, Miles & Buhr, Rural Economic and Community Development and the Department of Natural Resources. Council members will be visiting different construction sites that include collection lines, transmission lines and the treatment plant. The tour will start from the parking lot at the Courthouse in Georgetown at 10:00 a.m. The first stop will be the treatment plant at approximately 10:30 a.m.

4. Subdivision Approval

Please be advised that the Planning and Zoning Commission gave approval of Matlinds Estate Subdivision on Thursday, June 22, 1995. The subdivision is located on the northwest side of Road 206, 550 feet southwest of State Route One in the Cedar Neck Hundred. The subdivision consists of 43.3± acres, subdivided into 55 single family residential lots. The roadway will be private and the homes will be served with individual on-site well and septic systems.

West Rehoboth Capitalization Fee Bills

Mr. Baker, Finance Director, and Mr. Collins, Director of Utility Billing, were present to discuss West Rehoboth Sewer capitalization fee bills. Beginning July 22, 1995, the Sussex County Utility Billing Division will begin mailing bills to landowners in the West Rehoboth sewer service area for capitalization fees. These bills will be mailed solely to landowners. Tenants who rent at mobile home parks will not receive capitalization fee bills. The fee is a one-time charge to be used to pay for collection system construction costs of the West Rehoboth Sewer Project. Based on the square footage of the land parcel, the charges will be as follows:

10,000 square feet and more	$ 500
5,001 through 9,999 square feet	$ 375
5,000 square feet and less	$ 250

West Rehoboth Capitalization Fee Bills (con't)

The capitalization fee will be due from residents prior to hook-up to the sewer system. Sewer system hook-up will not be permitted until completion of the project, which is anticipated to be approximately December 1, 1995, at the earliest. Thereafter, residents will have one year to hook-up to the sewer system. This fee will be due prior to hook-up to the system, approximately December 1, 1996, at the latest. For unimproved lots, the capitalization fee bill will be due approximately December 1, 1996. For new construction, this fee will be due upon obtaining a County building permit; for property transfers, the fee is payable at settlement. The County is sending out these invoices now to provide ample time for residents to make plans for payment of the bills.

EPA Invoice for Laurel Landfill

Mr. Izzo, Director of Public Works, advised Council that on July 3, 1995, the County received an invoice from the Environmental Protection Agency in the amount of $344,121.61. An itemized cost summary report was distributed to Council for review and discussion, as follows:

Regional Payroll Costs	$ 44,558.38
Headquarters Payroll Costs	.00
EPA Indirect Costs	103,065.60
Regional Travel Costs	261.58
Headquarters Travel Costs	.00
Alternate Remedial (ARCS) Contract Costs CH2M Hill (Central), Inc.	8,596.80
Contract Lab Program Financial Cost Summary	23,008.61
Environmental Services Assistance Teams (ESAT) Contract Costs Lockheed Engineering & Sciences Company	4,362.74
Interagency Agreement (IAG) Costs Agency for Toxic Sub. and Disease Registry	27,228.45
DOI/U.S. Fish & Wildlife Service	1,059.37
State Cooperative Agreement (SCA) Costs DE Dept. of Natural Res. & Env. Control	48,795.00
Technical Enforcement Support (TES) Contract Costs Dynamac Corporation	$ 83,185.08
TOTAL SITE COSTS:	$ 344,121.61

EPA Invoice for Laurel Landfill (con't)

It was noted that the purpose of the invoice is to reimburse the EPA for costs that they incurred while overseeing the work that the County and it's consultants did during the performance of the Remedial Investigation/Feasibility Study at the Laurel Landfill site. Mr. Izzo, Director of Public Works, and Mr. Stickels, County Administrator, expressed their concerns regarding the invoice; of particular concern was (1) no supporting documentation, (2) the salaries incurred by the EPA and (3) the two listed contractors - CH2M Hill (Central), Inc. and Lockheed Engineering & Sciences Company. Mr. Izzo advised that no one recalls these consultants doing any work on the project. Given the concerns regarding the July 3, 1995, invoice, Mr. Izzo has written the EPA requesting supporting documentation and Mr. Stickels has written Mr. McCabe, newly appointed Regional Administrator of the EPA Region 3, requesting (1) that any points of contention that may arise be reasonably considered and (2) some form of discount be considered.

Public Hearing -- Issuance of Revenue Obligations

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE OBLIGATIONS OF SUSSEX COUNTY FOR THE FINANCING AND REFINANCING OF THE CONSTRUCTION AND EQUIPPING OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". Mr. Baker, Finance Director; Mr. Salmons of Potter, Anderson & Corroon; and Mr. Gefaell of Corby North Bridge Securities, reviewed the Proposed Ordinance. The Proposed Ordinance, if adopted, will enable the County to refinance West Rehoboth Wastewater Revenue Bonds. The refinancing of the bonds will result in a savings to the County. Savings will be approximately three percent of bond principal refunded and will exceed all financing costs. Mr. Salmons and Mr. Gefaell have recommended that the County take the necessary steps to get into position to refinance the bonds. There were no public comments and the Public Hearing was closed.

M 316 95 Adopt Ordinance No. 1042

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 1042 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE OBLIGATIONS OF SUSSEX COUNTY FOR THE FINANCING AND REFINANCING OF THE CONSTRUCTION AND EQUIPPING OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

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

CABO Code Changes

Mr. Milligan, Supervisor of the Building Code Department, and Mr. Dempsey, Chief Inspector for First State Inspection Agency, Inc., reviewed the major changes in the CABO One and Two Family Dwelling Code Book. Mr. Milligan advised that

CABO Code Changes (con't)

the CABO Code has major changes every three years and a new Code Book is published every three years. A proposal to implement the changes, effective April 1, 1996, was presented to Council for consideration. Mr. Milligan advised Council that the Ordinance requires implementation of the Code changes, as published.

M 317 95 Implement CABO Code Changes

A Motion was made by Mr. Cole, seconded by Mr. Collins, to implement the changes in the CABO One and Two Family Dwelling Code Book, effective April 1, 1996.

Motion Denied: 3 Nay, 2 Yea.

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

Town of Blades Request

Mr. Milligan, Supervisor of the Building Code Department, advised Council of a request from the Town of Blades that Sussex County enforce it's One and Two Family Building Code within the Town Limits of Blades beginning October 1, 1995.

M 318 95 Enforce One and Two Family Building Code Requirements in Town of Blades

A Motion was made Mr. Cole, seconded by Mr. Collins, that the Sussex County Council honor the Town of Blades' request to have the County Building Code Department enforce One and Two Family Building Code requirements within the Town of Blades beginning October 1, 1995.

Motion Adopted: 5 Yea.

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

Change Order

Mr. Hawkes, Engineer Maintenance Supervisor, reviewed Change Order No. 1 to the Roof Replacement Contract for the South Coastal Regional Wastewater Facility.

M 319 95 SCRWF Roof Replacement Contract Change Order

A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes the Council President to issue Change Order No. 1, for the South Coastal Regional Wastewater Facility Roof Replacement Contract, Project No. 94-10, to Quality Exteriors, for the replacement of 300 square feet of deck insulation at a unit price of $3.29 per square foot. This proposal increases the contract by $987.00, thereby increasing the contract amount to $29,046.40.

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 Ocean View Sanitary Sewer District Request

Mr. Archut, Director of Planning and Permits, discussed a letter from the Town Council of Ocean View regarding their interest in obtaining the necessary petitions for the creation of a sanitary sewer district in the Town of Ocean View. Several years ago, a similar petition went to referendum; however, due to the fact that the area was expanded to include many sub-divisions, mobile home parks, etc..., the referendum was defeated. The current request is solely for the town limits of Ocean View.

M 320 95 Circulate Petitions for Sanitary Sewer District in Town of Ocean View

A Motion was made by Mr. Benson, seconded by Cole, that the Sussex County Council approves the preparation and circulation of petitions to submit the question of organizing a sanitary sewer district to include the Town of Ocean View to a vote of elections in that district.

Motion Adopted: 5 Yea.

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

Possum Point Civic Association's Request for Sanitary Sewer Service

Mr. Archut, Director of Planning and Permits, discussed the Possum Point Civic Association's interest in receiving sanitary sewer service. This issue was initially brought before Council at the June 27, 1995, meeting. At that time, it was the consensus of Council to see what the Town of Millsboro's position is prior to any action being taken. Mr. Archut reported that he has spoke with the Town Manager of the Town of Millsboro and he has been advised they are not interested in providing sanitary sewer service to areas that are not annexed by the Town. It was noted that Colonial Estates Manufactured Home Park, which is in close proximity to Possum Point, has previously expressed interest in receiving sanitary sewer service.

M 321 95 Circulate Petitions for Sanitary Sewer District to include Possum Point

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council approves the preparation and circulation of petitions to submit the question of organizing a sanitary sewer district to include Possum Point and Colonial Estates to a vote of electors in that 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 Extension to the Bethany Beach SSD

Mr. Archut, Director of Planning and Permits, requested Council's approval to prepare an application to the Rural Economic and Community Development Agency (RECD/RSDA) for funding assistance for the extension of the Bethany Beach Sanitary Sewer System to serve Ocean Way Estates, Section I and II. On February 28, 1995, Council approved that a

Proposed Extension (con't)

pre-application be prepared to determine if any low interest funds would be available. A response has been received from the Rural Economic and Community Development Agency advising the County to submit an application.

M 322 95 Prepare RECD Application for Funding for Bethany Beach SSD Extension

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Engineering Department is hereby directed to prepare an application to the Rural Economic and Community Development Agency (RECD/USDA) for funding assistance for the extension of the Bethany Beach Sanitary Sewer System to serve Ocean Way Estates, Sections I and II.

Motion Adopted: 5 Yea.

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

Weather Related Problems

Mrs. Collins, Acting Director of Emergency Operations, updated Council on several problems resulting from temperatures in excess of 100 degrees on Saturday, July 15, 1995, i.e. power outages, chicken mortality, and crop yields.

M 323 95 Councilmanic Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give $300.00 from Mr. Benson's Councilmanic Account to the Milton Little League for the purchase of hats and for other operating expenses.

Motion Adopted: 5 Yea.

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

M 324 95 Councilmanic Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give $400.00 from Mr. Collins' Councilmanic Account to the Delmar Junior-Senior High School for equipment for the blind.

Motion Adopted: 5 Yea.

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

M 325 95 Councilmanic Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give $150.00 from Mr. Collins' Councilmanic Account to the Laurel School District for the Laurel Recreation Program.

Motion Adopted: 5 Yea.

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

M 326 95
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give $250.00, $50.00 from each Councilmanic Account, to the Sussex County Stamp Club for the 4th Annual Stamp Exhibition and Bourse.

Motion Adopted: 5 Yea.

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

Absence

Mr. Collins advised Council that he will be absent from the next two Council meetings as he will be out of the Country.

M 327 95
Adjourn

Following a question and answer period, a Motion was made by Mr. Benson, seconded by Mr. Cole, to adjourn at 12:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the County Council