SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 24, 1990

Call to Order

The regular meeting of the Sussex County Council was held on Tuesday, July 24, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 349 90 Approval of Minutes

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

Mr. Berl, Assistant County Attorney, read the following correspondence:

SUSSEX COUNTY CHAPTER, NATIONAL FEDERATION OF THE BLIND OF DELAWARE, GEORGETOWN
RE: An invitation to the annual picnic to be held in the Georgetown City Park on Saturday, August 4th, starting at 10:00 a.m.

DIVISION OF VOLUNTEER SERVICES, DEPARTMENT OF COMMUNITY AFFAIRS, DOVER
RE: "THE DELAWARE VOLUNTEER" summer newsletter.

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON
RE: "HANDI NETWORK NEWS" publication for July 1990.

AIR RESOURCES SECTION, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER
RE: A Public Notice of two (2) applications available for inspection. One site is located in Glasgow and the other at Southern Metal Processing in Seaford.

Transfer Station No. 1

Bid proposals for Sussex County Transfer Station No. 1, near Bridgeville, were opened July 10, 1990. Three (3) bids were received and the low bidder was White Line, Inc., Georgetown. A review of the bids has been completed.

M 350 90
Bid
Award
TR1-90

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, authorizing the President to execute a contract agreement between the Sussex County Council and White Line, Inc., for the operation and maintenance of Sussex County Transfer Station No. 1, for the three (3) year period commencing September 17, 1990 and ending September 16, 1993, at an annual amount of $38,400. Motion Adopted: 5 Yea.

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

Recycling

Mr. Stickels, County Administrator, reported that D & J Recycling, Milford has agreed to accept plastic milk bottles, two liter soda bottles, and aluminum soda cans at the County Transfer Stations. Participants are asked to remove lids from containers before placing them in the designated receptacles. There will be no charge involved and no income received by the County for this. County savings will be realized by less weight being transferred from Transfer Stations to the Delaware Solid Waste Authority. Each ton of plastic and aluminum that is recycled will save a tipping fee of $38.11. Residents are encouraged to participate in the program. The continuation of the free service provided at the Transfer Stations could be influenced by residents' decision to help in eliminating County costs. Signs are being prepared for installation at each Transfer Station for the convenience of users.

The possibility of recycling oil was again discussed. A means of disposal that would not place the County at considerable risk has not been found, however, the search continues.

Councilman Cole questioned the County's liability coverage with D & J Recycling and recommended the adoption of an agreement for this.

DAST
Funds

Mr. Kenneth S. Bock, Administrator, Delaware Authority for Specialized Transportation (DAST), was present. He discussed available funding for the specialized transportation services for the elderly and handicapped in Sussex County. He reviewed proposed allocations for the agencies involved. Monies allocated can be used only for transportation needs.

CHEER Concern

Councilman Stevenson reported considerable feedback from constituents being served by independent senior centers. They question the prerequisite that their acceptance of meals, prepared and transported from a central location within the County by Cheer, controls their eligibility for receiving transportation funds. Mr. Bock was aware of this nutritional problem.

M 351 90 Distribution of DAST Funds

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the Sussex County Council authorize the distribution of the State of Delaware's Specialized Transportation Fund (DAST) as follows:

(1)	Cape Henlopen Senior Center	$ 18,000.00
(2)	Easter Seals	27,100.00
(3)	Indian River Senior Center	4,900.00
(4)	Lewes Senior Center	19,500.00
(5)	Meals on Wheels	14,000.00
(6)	Nanticoke Senior Center	20,000.00
(7)	People's Place II	1,500.00
(8)	Sussex County Senior Services (CHEER)	325,000.00

Motion Adopted: 5 Yea.

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

Whitman, Requardt & Associates Request

Mr. Stickels, County Administrator, discussed the contract between Sussex County Council and Whitman, Requardt and Associates for the preparation of a Land Use Plan for the Western Portion of Sussex County. The terms of the contract require the Consultant to have all work completed by July 31, 1990. The Plan was completed and presented by Whitman, Requardt and Associates at the official Public Hearing of the Planning and Zoning Commission on June 21, 1990 for the Commission's recommendations. Due to poor attendance at the Public Hearing, the record was kept open for thirty (30) days for public comments. The Commission will be meeting Thursday, July 26, 1990, and will consider the Proposed Plan again at that time. Since the Commission has not made their recommendations, the Plan cannot be completed by the specified time of the contract. Whitman, Requardt and Associates have asked the County for an extension of sixty (60) days, due to unavoidable delays, to complete the Plan. The County Administrator and Director of Planning and Zoning both agree that this is a reasonable request and should be granted.

M 352 90
Contract Extension Whitman, Requardt and Associates

A Motion was made by Mr. Cole, seconded by Mr. Dukes, authorizing the amendment of the contract with Whitman, Requardt and Associates, for the Preparation of a Land Use Plan for the Western Portion of Sussex County, providing for a sixty (60) day extension. Motion Adopted: 5 Yea.

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

M 353 90
Executive Session Scheduled

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, authorizing an Executive Session to be held on Tuesday, July 31, 1990, starting at 9:00 a.m. to discuss the Dagsboro/Frankford Sanitary Sewer District and Sussex County Council v. Carl Webb. Motion Adopted: 5 Yea.

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

Administrator's Report

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

1. The Delaware Solid Waste Authority will hold their monthly Board of Directors meeting on Thursday, July 26, 1990, starting at 5:00 p.m. in Room K-270, at the VoTech Kent Center, Denney's Road and U.S. 13, Dover.

2. The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday, July 24, 1990, at 7:30 p.m. at the Roxana Fire Company.

3. The Delaware Agricultural Museum, located on Route 13, Dover, will be celebrating their Tenth Anniversary on Thursday, August 16, 1990, from 10:00 a.m. to 10:00 p.m.

4. DelDOT will be holding two (2) public meetings on the Sussex East-West Corridor Study. The first meeting will be held on Tuesday, July 31, 1990, starting at 7:30 p.m., Bridgeville Fire Hall. The second meeting will be held on Wednesday, August 1, 1990, starting at 7:30 p.m., at the Delaware Technical and Community College, Georgetown. All people living in the Georgetown/Bridgeville area are encouraged to attend the meetings. A fourth alternative to the east-west corridor, known as the Wishbone Alternative, will be evaluated in detail, along with the Road 40 Alternative, the Road 527 Alternative, the Route 404 Alternative, and the No-Build Alternative.

Revised Plot Plan

Mr. Lank, Director of Planning and Zoning, brought in a revised plot plan for Gosling Creek. Errors in computation on lots were found by the surveyor. There is no change in the layout of the plan, only dimensional errors. Mr. Lank requested authorization by County Council for the Planning and Zoning Office to approve corrections on plot plans that do not change the configuration of the plan.

M 354 90 Approval of Plot Plans

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to allow the Director of Planning and Zoning to make corrections in a previously approved plot plan that does not affect the configuration or layout of the Plan. Motion Adopted: 5 Yea.

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

C/U #931

Conditional Use No. 931, filed on behalf of Chaski Associates, L.P., was discussed. Public Hearing was held April 24, 1990 and action was deferred.

M 355 90 Adopt Ordinance No. 703 C/U #931

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Ordinance No. 703, entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION TO A MOBILE HOME PARK (LAUREL VILLAGE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 37.95 ACRES, MORE OR LESS" (C/U #931) filed on behalf of Chaski Associates, L.P. with the following stipulations:

1. The maximum number of lots shall not exceed one hundred thirty-two (132) within the revised addition and the proposed addition.

2. The westerly buffer of the expansion areas shall have a minimum seventy-five (75) foot width, and shall be landscaped with pine trees for the purpose of screening and shall be fenced thereby restricting any access from Route 13-A.

3. Central sewer and water with fire protection capabilities shall be provided.

4. All federal and state permits and revised plans shall be required for review by the Planning and Zoning Commission.

Motion Adopted: 4 Yea; 1 Nay.

M 355 90 (Con't.)

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

Findings of Facts C/U #931

The findings of facts and the recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of facts of the Council. The Council found that the conditional use was appropriate legislative action based upon its findings that the proposed land use promotes the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council imposed four (4) stipulations on the conditional use.

C/Z #1072

Change of Zone No. 1072, filed on behalf of Dorothy Kelly, David Dekowsky and Erin Rogers, was discussed. Public Hearing was held on June 19, 1990 and action was deferred.

M 356 90 Adopt Ordinance No. 704 C/Z #1072

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to Adopt Ordinance No. 704, entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.9 ACRES, MORE OR LESS" (C/Z #1072) filed on behalf of Dorothy Kelly, David Dekowsky and Erin Rogers. Motion Adopted: 4 Yea; 1 Nay.

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

Findings of Facts C/Z #1072

The findings of facts and the recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of facts of the Council. The Council found that the change of zone was appropriate legislative action based upon its findings that the proposed land use promotes the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council further found that there was a genuine need for commercial space in the area, to service present and contemplated residents. Specifically, the Council also found that sewage disposal would be adequately handled with an on-site system, as designed by a registered engineer, pursuant to current DNREC regulations.

C/Z #1077

Change of Zone No. 1077, filed on behalf of Malone Schooler, was discussed. Public Hearing was held on July 10, 1990 and action was deferred.

M 357 90
Adopt Ordinance No. 705
C/Z #1077

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Ordinance No. 705 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/Z #1077) filed on behalf of Malone Schooler. Motion Adopted: 3 Yea; 2 Nay.

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

Findings of Facts
C/Z #1077

The findings of facts and the recommendations of the Planning and Zoning Commission are incorporated into the record and into the findings of facts of the Council. The Council found that the change of zone was appropriate legislative action based upon its findings that the proposed land use promotes the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. Specifically, and additionally, the Council found that the proposed property would be incorporated into an already approved site plan for a shopping center, and would have no adverse impact on an area which is already commercial in nature.

Zoning Concern

A concern was discussed regarding the practice of subdividing of a five (5) acre parcel with a mobile home into smaller size parcels and then applying to the Board of Adjustment for consideration of a mobile home on less than five (5) acres. It was suggested that Planning and Zoning draft a Proposed Ordinance for introduction that would address this problem.

Agenda Change

Mr. Wood, County Engineer, asked to strike Change Order No. 1, Sussex County Project No. 89-06, from the Agenda. Additional time for the preparation of a recommendation is needed.

Bids Long Neck SSD

Mr. Wood, County Engineer, reviewed bid results for Long Neck Sanitary Sewer District as follows:

Bid Results Long Neck Sanitary Sewer District

Long Neck Sanitary Sewer District - Contract No. 1

L. A. Merrell Construction	$5,005,395.00
Teal Construction, Inc.	3,043,040.00
Ernest Renda Construction Company, Inc.	3,511,375.00
Onshore Construction & Engineering Corporation	3,117,850.00
Willow Oak, Inc.	2,933,333.00
Lisbon Contractors, Inc.	3,246,280.00
Brady Contracting Company, Inc.	3,134,047.00
R. J. Longo Construction Company, Inc.	3,467,095.00
James Julian, Inc.	4,236,377.00
George Tripp, Inc.	4,029,035.00
R. E. Pierson	3,018,340.00
Bunting & Murray Construction, Inc.	2,497,333.20
Marquis Construction Company, Inc.	3,911,115.00

The apparent low bid, presented by Bunting and Murray Construction, Inc., was 10% under the engineer's estimate.

Long Neck Sanitary Sewer District - Contract No. 2

L. A. Merrell Construction	$9,478,315.00
Teal Construction, Inc.	5,474,474.00
Ernest Renda Construction Company, Inc.	6,406,370.00
Onshore Construction & Engineering Corporation	6,222,217.50
Lisbon Contractors, Inc.	6,316,605.00
Brady Contracting Company, Inc.	5,596,990.00
R. J. Longo Construction Company, Inc.	6,505,325.00
George Tripp, Inc.	8,147,245.00
R. E. Pierson	5,279,025.00
Marquis Construction Company, Inc.	7,072,820.00

The apparent low bid, presented by R. E. Pierson, was 4% under the engineer's estimate.

Long Neck Sanitary Sewer District, Contract No. 3

L. A. Merrell Construction	$5,429,210.00
Teal Construction, Inc.	2,984,963.00
Ernest Renda Construction Company, Inc.	3,353,170.00
Onshore Construction & Engineering Corporation	2,754,754.00
Lisbon Contractors, Inc.	3,350,500.00
Brady Contracting Company, Inc.	3,498,910.00
R. J. Longo Construction Company, Inc.	3,364,115.00
George Tripp, Inc.	4,139,650.00
R. E. Pierson	3,573,570.00
Marquis Construction Company, Inc.	3,720,490.00

The apparent low bid, presented by Onshore Construction & Engineering Corporation, was 15% under the engineer's estimate.

Long Neck SSD

The bid proposals will be evaluated and a recommendation will be prepared for the contracts.

Mr. Wood, County Engineer, reviewed the projected costs for the six (6) construction contracts for the Long Neck Sanitary Sewer District. A summary for all projected costs, in addition to the construction costs, was requested.

Proposed Ordinance C/U #949

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP AS AN ACCESSORY TO THE USE OF THE PREMISES FOR A RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS" (C/U #949) filed on behalf of Eugene and Susan Spatz. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/Z #1089

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 28.15 ACRES, MORE OR LESS" (C/Z #1089) filed on behalf of W. Nelson Hall. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance C/Z #1090

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26,555 SQUARE FEET, MORE OR LESS" (C/Z #1090) filed on behalf of Alexander, Ilija and Barbara Momchilovich. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Resolution 1990 Bonds

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "CONFIRMING THE AWARD OF THE SALE OF $3,740,000 SUSSEX COUNTY, DELAWARE GENERAL OBLIGATION BONDS, SERIES 1990, BY COMPETITIVE BID TO DEAN WITTER REYNOLDS, INC., THE INTEREST RATES STATED IN THE BID THEREFOR, CONFIRMING THE APPOINTMENT OF DELAWARE TRUST COMPANY, WILMINGTON, DELAWARE TO ACT AS THE BOND REGISTRAR AND PAYING AGENT, AND AUTHORIZING THE DISTRIBUTION OF THE OFFICIAL STATEMENT PERTAINING TO THE BONDS".

July 24, 1990

M 358 90
Adopt Resolution No. R 025 90 Bonds Series 1990

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Resolution No. R 025 90 entitled "CONFIRMING THE AWARD OF THE SALE OF $3,740,000 SUSSEX COUNTY, DELAWARE GENERAL OBLIGATION BONDS, SERIES 1990, BY COMPETITIVE BID TO DEAN WITTER REYNOLDS, INC., THE INTEREST RATES STATED IN THE BID THEREFOR, CONFIRMING THE APPOINTMENT OF DELAWARE TRUST COMPANY, WILMINGTON, DELAWARE TO ACT AS THE BOND REGISTRAR AND PAYING AGENT, AND AUTHORIZING THE DISTRIBUTION OF THE OFFICIAL STATEMENT PERTAINING TO THE BONDS". Motion Adopted: 5 Yea.

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

Bond Statement

The Official Statement for the $3,740,000 Sussex County, Delaware General Obligation Bonds, Series 1990, is available for public inspection in the Office of the Clerk.

Recycling

Councilman Cole suggested the possibility of the County creating a compost area for the waste created by general lawn and ornamental care.

M 359 90
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Stevenson to adjourn at 11:50 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Doris E. Rogers

Doris E. Rogers
Clerk of the County Council