

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 30, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 30, 1996, at 10:00 a.m. in the Court of Chancery, 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 300 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Agenda Adopt the Agenda.

Motion Adopted: 5 Yea.

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

M 301 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated July 23, 1996, as presented. Motion Adopted by Voice Vote.

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

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for an application from IPM Equities, Incorporated, for the Assawoman Canal, in Baltimore Hundred, Sussex County, Delaware.

WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.
RE: Letter enclosing a copy of the response received following his inquiry to the Bureau of the Census.

WILLIAM V. ROTH, JR., CHAIRMAN, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, UNITED STATES SENATE; AND SAM NUNN, RANKING MINORITY MEMBER, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, UNITED STATES SENATE, WASHINGTON, D.C.
RE: Letter expressing strong support for the provisions in the Immigration Control and Financial Responsibility Act (H.R. 2202) that addresses the problem of noncitizens who commit serious crimes in this country.

M 302 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Authorize authorize an Executive Session to be held in the County Council Executive Chambers on Tuesday, August 6, 1996, at 9:15 a.m., for the Session purpose of discussing land acquisition.

Motion Adopted: 5 Yea.

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

Cape Mr. Stickels, County Administrator, advised that Milton
Henlopen Library wishes to apply for the Cape Henlopen School District,
School Community Partnership Grant, in the amount of \$4,633 for the
District period September 1, 1996 through June 30, 1997. This is the
Community second year for this Grant. This year, the Grant, Computers
Particip- and Learning in Milton Library, will focus on computer access
ation in the library for students. This Grant will provide on-line
Grant access and computer based reference materials as well as ser-
vices of a computer consultant to provide training to students
and new library staff. Funds will be used to pay for telephone
lines (\$1,033), Internet access (\$600) and the computer con-
sultant's time (300 hours at \$10 per hour -- \$3,000).

M 303 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, that
Authorize the Sussex County Council authorizes the Sussex County Admin-
Applica- istrator to apply for a Grant in the amount of \$4,633 to the
tion for Cape Henlopen School District for the Community Partnership
Community Grant Program.

Particip- Motion Adopted: 5 Yea.
ation
Grant

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

Increase Mr. Stickels, County Administrator, discussed a proposal
Retirees' whereby the health benefits of retirees between the ages
Health of 60 and 65 would be increased to a maximum of \$1 million.
Benefits At age 65, the lifetime maximum would reduce to \$250,000;
however, medicare would be primary at that time. This
increase in health benefits to retirees would be \$1.00
per month additional for each non-retired employee and
each retired employee. This increase in coverage is
being recommended to eliminate the exposure to the
retirees during the time period from age 60 to age 65.

M 304 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Increase that the Sussex County Council authorizes the increase in
Retirees' health benefits for retirees between the ages of 60 and
Health 65 to a maximum of \$1 million, as recommended by the
Benefits County Administrator and Finance Director.

M 304 96 Motion Adopted: 5 Yea.
(con't)

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

Draft Ordinance Mr. Schrader, Assistant County Attorney, advised Council that in accordance with their instructions at the July 23, 1996, meeting, an Ordinance has been drafted entitled "AN ORDINANCE IMPOSING A MORATORIUM UPON APPLICATION FOR CHANGES OF A ZONE DESIGNATION, CONDITIONAL USES, OR THE SUBDIVISION OF LAND PENDING THE ADOPTION OF A COMPREHENSIVE LAND USE PLAN". Mr. Schrader proceeded to read the drafted Ordinance in its entirety.

Correspondence Regarding Moratorium Mr. Schrader, Assistant County Attorney, read the following correspondence relating to action taken at the July 23, 1996, Council meeting, that the Planning and Zoning Department will not accept any applications for rezonings, conditional uses, or subdivisions until the adoption of a countywide Comprehensive Land Use Plan.

BRIDGET A. FORDER, PRESIDENT, BACON SWITCH PRESERVATION DISTRICT, DELMAR, DELAWARE.

RE: Letter in support of Council's action.

TRENA HANSEN, REALTOR, BETHEL, DELAWARE.

RE: Letter in opposition to Council's action.

GEORGE KEEN, GENERAL PARTNER, BETHANY PROPER LIMITED PARTNERSHIP, BETHANY BEACH, DELAWARE.

RE: Letter in opposition to Council's action.

AUDREY PRETTYMAN, PRESIDENT, SUSSEX COUNTY ASSOCIATION OF REALTORS, GEORGETOWN, DELAWARE.

RE: Letter in opposition to Council's action.

MICHAEL R. TYLER, PRESIDENT, CITIZENS COALITION, INC., NASSAU, DELAWARE.

RE: Letter in support of Council's action.

THOMAS J. SHAFER, WHITMAN, REQUARDT AND ASSOCIATES, BALTIMORE, MARYLAND.

RE: Letter regarding the drafting of the Sussex County Comprehensive Land Use Plan.

Schedule/
Land Use
Plan Mr. Stickels, County Administrator, reviewed a proposed schedule for the Sussex County Land Use Plan. Following a discussion and a recommendation by Mr. Cole to include a workshop for County Council members, the following schedule was submitted:

Schedule (con't)	Workshop - Planning & Zoning	August 15, 1996 Court of Common Pleas 7:30 P.M.
	Copies of Plan Available \$15.00 each	September 3, 1996
	Submit Plan to State for Review	September 3, 1996
	Public Hearing - Planning & Zoning	September 19, 1996 DTCC Theater 7:30 P.M.
	Workshop - Planning & Zoning Adoption	October 31, 1996 Court of Common Pleas 7:30 P.M.
	Public Hearing - County Council	November 19, 1996 DTCC Theater 7:30 P.M.
	Workshop - County Council	November 25, 1996 Court of Common Pleas 7:00 P.M.

Mr. Collins' Comments Mr. Collins read into the record the reasons why he supported the Motion last week to impose a moratorium on applications for rezoning, conditional uses and subdivisions.

"One of the items on last week's Agenda was a discussion of the status of the Land Use Plan. As the Council discussed the Land Use Plan, it became apparent to me that there may be significant changes in Sussex County's zoning laws. I became concerned that these changes could result in many applications being filed in the next few months, before the Land Use Plan takes effect. I was concerned that these applications would be filed for purposes of speculation, in order to beat the effective date of the Land Use Plan and its Ordinances. For this reason, I believed that it was necessary to immediately impose the Moratorium."

County Attorney Opinion Mr. Schrader, Assistant County Attorney, advised Council that he concurs with the opinion of Mr. Bayard, County Attorney, as stated at the Council meeting on July 23, 1996, and in the minutes of that meeting.

Public Comments Mr. Dukes recognized members of the Public who wished to speak regarding the Moratorium.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE IMPOSING A MORATORIUM UPON APPLICATION FOR CHANGES OF A ZONE DESIGNATION, CONDITIONAL USES, OR THE SUBDIVISION OF LAND PENDING THE ADOPTION OF A COMPREHENSIVE LAND USE PLAN". The Proposed Ordinance will be advertised for Public Hearing on August 20, 1996, at 11:00 a.m.

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

1. Relocation of Offices

The Sussex County Economic Development Office and the Industrial Airpark Office relocated to the County's DuPont Highway Complex, Georgetown, Delaware, on Monday, July 29, 1996. The offices will be located on the third floor of the building.

The County Council purchased this property to house Paramedic Administration and Library Administration. Paramedic Administration is anticipated to relocate to the building on Thursday, August 15, 1996. Library Administration will relocate on Tuesday, September 3, 1996.

2. Sussex County Reimbursable Transportation Program

The Delaware Transit Corporation has recommended the following funding for the Reimbursable Transportation Program for Sussex County:

Nanticoke Senior Center	\$ 21,909
Lewes Senior Center	16,100
Laurel Senior Center	46,500
Easter Seal Rehabilitation Center	31,992
Indian River Senior Center	2,100
Cape Henlopen Senior Center	29,200
Sussex County Senior Services, Inc.	340,820

This item will be placed on the agenda on Tuesday, August 6, 1996, for Council's consideration to approve the recommended amounts.

Accounting Software Project Mr. Baker, Finance Director; Mrs. Webb, Director of Accounting; and Mrs. Smith, Director of Data Processing, requested approval to negotiate an agreement for the purchase of accounting software and related services. The County received nine bids for

Accounting Software Project (con't) the project; following a thorough investigation of the bids received, three vendors are proposed for consideration. The vendors that are being considered, in priority order, are as follows: J.D. Edwards, H.T.E., Incorporated, and Automation Counselors, Incorporated.

M 305 96 Authorize Negotiation of Agreement for Purchase of Accounting Software A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council authorizes the Director of Data Processing, Director of Accounting and Director of Finance to negotiate an agreement for the purchase of accounting software and related services from a vendor based on the following priority list: (1) J.D. Edwards; (2) H.T.E., Incorporated; and (3) Automation Counselors, Incorporated.

Motion Adopted: 5 Yea.

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

Rehoboth Shores/ LNSSD Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the wastewater facilities constructed in Rehoboth Shores, located in the Long Neck Sanitary Sewer District.

M 306 96 Grant Beneficial Acceptance/ Rehoboth Shores/ LNSSD A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Rehoboth Shores - Phase II A, for Lots 1-13, 55-65, 88-98, 66-76, 36-54, for a total of 66 lots being in Area One of Phase II, located in the Long Neck 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

Change Orders WREDBSSD Mr. Green, Director of Utility Construction, reviewed several change orders for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 307 96 Authorize Change Order No. 4/ Contract F A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 4, for the West Rehoboth Expansion of the Dewey Beach Sanitary

M 307 96 Sewer District, Construction Package F, to Lisbon Contractors, Inc., for a credit amount of \$22,285.00, for line item quantity adjustments reflected in the original contract bid, and the addition of locating wire and access points for force main piping, with an unrevised substantial completion date of December 29, 1995, decreasing this contract amount to \$1,705,474.57, contingent on the approval of the Department of Natural Resources and Environmental Control and Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 308 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 8, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract D, Design Areas 14, 15, 16, 17, and 18, to Lisbon Contractors, Inc., for a credit amount of \$125,015.72, for line item quantity adjustments reflected in the original contract bid, in addition to the resolution of various construction claims, with 56 additional days, with a revised substantial completion date of February 23, 1997, and decreasing this contract amount to \$5,700,277.05, contingent on the approval of Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 309 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 7, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract C, Design Areas 5 and 19, to Lisbon Contractors, Inc., for a credit amount of \$673.84, for line item quantity adjustments reflected in the original contract bid, and the resolution of various construction claims, with an unrevised substantial completion date of December 29, 1995, and decreasing this contract amount to \$3,012,187.30, contingent on the approval of Rural Economic and Community Development and Department of Natural Resources and Environmental Control.

M 309 96 Motion Adopted: 5 Yea.
(con't)

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

Pine
Valley

Mr. Clarence Barker was given the opportunity to speak regarding road conditions in Pine Valley. Mr. Barker has stated that he believes road conditions are substandard. He further believes that the roads were in better shape prior to work being performed on them following the installation of sewer lines in the area. It was noted that warranty work will be performed on these roads in the near future. It was the consensus of Council to take the matter under advisement until after the warranty work has been performed.

Change
Order/
Parking
Facility

Mr. McCabe, Project Engineer, discussed Change Order No. 1 for the Sussex County Parking Facility. Change Order No. 1, in the amount of \$2,200.00, is for the paving of Strawberry Alley.

M 310 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1, for Sussex County Project No. 95-08, entitled Sussex County Parking Facility, be approved, which provides a cost increase of \$2,200.00 and increases the contract total from \$88,670.90 to \$90,870.90.
Change
Order
No. 1/
Sussex
County
Parking
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 311 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$1,000.00 from Mr. Cole's Councilmanic Account to the Town of Fenwick Island for the purchase of a picnic table and spring riders for the Town's playground.
Council-
manic
Grant

Motion Adopted: 5 Yea.

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

M 312 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$450.00, \$300 from Mr. Stevenson's Councilmanic Account and \$150.00 from Mr. Collins' Councilmanic Account, to the American German High School Student Exchange for expenses associated with hosting 25 German students during their two-week visit to the United States.
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$450.00, \$300 from Mr. Stevenson's Councilmanic Account and \$150.00 from Mr. Collins' Councilmanic Account, to the American German High School Student Exchange for expenses associated with hosting 25 German students during their two-week visit to the United States.

M 312 96 Motion Adopted: 5 Yea.
(con't)

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

M 313 96 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Council- to give \$300.00 from Mr. Stevenson's Councilmanic Account
manic to the Bad Company Co-ed Softball Team for expenses associated
Grant with attending the Co-ed World Series Tournament in Virginia.

Motion Adopted: 5 Yea.

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

M 314 96 At 12:15 p.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Benson, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

Reconvene At 1:35 p.m., Mr. Collins called Council back into session.

Location The afternoon session was held in the Council Chambers.

Absence Mr. Dukes and Mr. Benson were absent for the afternoon session.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR PROPANE STORAGE TANKS
No. 1160) (EXPANSION TO AN EXISTING PETROLEUM STORAGE FACILITY) TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.9 ACRES, MORE OR
LESS" (Conditional Use No. 1160) filed on behalf of H. R.
Phillips, Inc. The Public Hearing was closed and action was
deferred due to the fact that only three Councilmen were
present to vote.

M 315 96 A Motion was made by Mr. Cole, seconded by Mr. Stevenson,
Adjourn to adjourn at 2:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council