

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 5, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 5, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 383 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 384 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting dated July 29, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

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

CATHY PETITGOUT, SUSSEX CENTRAL FOOTBALL BOOSTERS, GEORGETOWN, DELAWARE.

RE: Letter of appreciation for Councilmanic Grant.

GLENDIA SCOTT, LAUREL, DELAWARE.

RE: Letter to Frank Calio in appreciation of Sussex County items donated for the National Education Association Representative Assembly.

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. (Applicant: Draper-Bennett Tax Ditch Association. Waterway: Draper-Bennett Tax Ditch)

Corre- MILFORD SENIOR CENTER, MILFORD, DELAWARE.
spondence RE: Invitation to attend Grand Opening and Dedication Ceremony
(con't) of the Milford Senior Center, Inc. on September 14, 1997.

BILL GLENN, PRESIDENT, LAUREL CHAMBER OF COMMERCE, LAUREL,
DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

DENNIS L. SCHRADER, WILSON, HALBROOK & BAYARD, GEORGETOWN,
DELAWARE.
RE: Letter regarding decision on Kerns, et al. vs. Dukes, et al.

Access Mr. Dukes advised that a Public Hearing will be held on the
Manage- Draft Statewide Access Management Policy on Thursday, August
ment 7, 1997, from 4:00 p.m to 8:00 p.m. in the Theatre Lobby at
Policy the Jack F. Owens Campus of Delaware Technical & Community
Hearing College, Georgetown, Delaware.

Invita- Mr. Dukes advised Council of an invitation to attend the un-
tion veiling of a veterans cemetery in Stockley on August 12, 1997.

Reim- Mr. Stickels, County Administrator, advised Council of a letter
bursement received from Edward G. Pollard, Jr., Court Administrator, The
for Family Court of the State of Delaware, regarding the County's
Transpor- request for reimbursement for transportation of prisoners.
tation It is the Court's position that they are not responsible for
of the costs incurred by the Sheriff's Department in fulfilling
Prisoners its common law duty to transport prisoners from the courthouse
to prison. Mr. Pollard suggests that it may be appropriate
for the costs incurred by the Sheriff's Department in trans-
porting prisoners to be passed on in the form of court costs
to the individual who has been transported. The fees would
be assessed by the judicial officer at final disposition as a
portion of the court costs; when the court costs are paid, the
Sheriff's portion would be forwarded to the County.

M 385 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, that
Assign the Sussex County Council, having met in public session,
Costs authorizes the Sheriff's Department to assign the cost for
for the transportation of prisoners to the individuals.
Transpor- Motion Adopted: 5 Yea.
tation of
Prisoners Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Attorney Mr. Bayard, County Attorney, left the meeting and Mr. Schrader,
Assistant County Attorney, joined the meeting.

Sussex County Special-ized Transpor-tation Funding Mr. Stickels, County Administrator, discussed Delaware Transit Corporation's recommended funding of the specialized transportation service for the elderly and handicapped in Sussex County for FY '98. The total amount of funding recommended is as follows:

Sussex County Senior Services, Inc.	\$377,820.00
Cape Henlopen Senior Center	\$ 30,660.00
Easter Seal Rehabilitation Center	\$ 33,591.60
Indian River Senior Center	\$ 2,205.00
Laurel Senior Center	\$ 48,825.00
Lewes Senior Center	\$ 16,905.00
Nanticoke Senior Center	<u>\$ 23,004.45</u>
	\$533,011.05

Arlene Littleton, Executive Director, Sussex County Senior Services (CHEER), expressed dissatisfaction over the percentage established in the contract in regards to exceeding annual apportionments, as follows: (1) the amount of funds eligible for salaries and benefits of administrative personnel should not exceed 10% of the agency's annual apportionment unless prior authorization is granted by Delaware Transit Corporation, and (2) the amount of funds eligible for overhead should not exceed 2% of the agency's annual apportionment. These percentages in last year's contract were 15% for administrative personnel and 8% for overhead. Ms. Littleton advised that they cannot sign the contract with these stipulations.

Mr. Stickels will make a recommendation to Council regarding the Delaware Transit Corporation's proposed funding at the August 12, 1997, Council meeting.

Adminis-trator's Report Mr. Stickels, County Administrator, read the following informa-tion in his County Administrator's Report:

1. Extended Hours

The following hours of activity took place on Wednesday, July 23, 1997:

- (a) Clerk of the Peace - Six licenses issued and two weddings performed from 4:30 to 7:30 p.m.;
- (b) Planning and Zoning - No activity from 7:30 to 8:30 a.m., four building permits, three tax releases, and two manufactured home placement permits issued from 4:30 to 7:30 p.m.;
- (c) Tax Division - No activity from 7:30 to 8:30 a.m., eight telephone inquiries and three walk-in inquiries

Adminis-
trator's
Report
(con't)

regarding manufactured home releases from 4:30 to 7:30 p.m.;

(d) Utility Billing - No activity.

2. Rehoboth Mall Limited Partnership v. Sussex County Council and Sussex County Engineering Department

The Supreme Court of the State of Delaware ruled on the 30th day of July, 1997, in favor of the Sussex County Council. Rehoboth Mall Limited Partnership had requested that the County Council reimburse the developer for the cost of the installation of their wastewater sewer system that was constructed prior to the development of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. A lower court, Superior Court of the State of Delaware, had ruled on the 28th day of February, 1997, that the County Council was not liable for those costs if the County Council did not use part of Rehoboth Mall Limited Partnership's system in the new system. This ruling was affirmed by Chief Justice Veasey and Justices Walsh and Berger.

Dennis L. Schrader represented the Sussex County Council and John Sergovic represented the plaintiff.

Bid
Results/
Indus-
trial
Park
Taxiway
Overlay

Mr. Perez, Director of Public Works, reported to Council on the bid results of Sussex County Project No. 97-06, Industrial Park Taxiway Overlay:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Jerry's Paving Milford, Delaware	\$34,555.00
SPARR Associates Salisbury, Maryland	\$49,620.00
A.P. Croll & Son Georgetown, Delaware	\$52,879.00
Ralph Cahall & Son, Inc. Clayton, Delaware	\$56,300.00

Engineer's Estimate - \$36,000.00

M 386 97
Award
Bid/
Indus-
trial
Park
Taxiway
Overlay

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the contract for Sussex County Project No. 97-06 entitled "Industrial Park Taxiway Overlay" be awarded to Jerry's Paving of Milford, Delaware, at the bid amount of \$34,555.00, subject to final approval by the Delaware Department of Transportation, which will be evidenced by a separate agreement.

M 386 97 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7,822 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1315) filed on behalf of Joseph Balsamo. The Proposed Ordinance will be advertised for Public Hearing.

M 387 97 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Council- give \$500.00 from Mr. Rogers' Councilmanic Account to Casa
manic San Francisco for the after-school program.
Grant

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 388 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$500.00 from Mr. Jones' Councilmanic Account to the
manic Georgetown Little League for participation in the Eastern
Grant Regionals in Bristol, Connecticut.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Grant Mr. Dukes discussed a request from Mr. John Hollis for a
Request \$500.00 Grant from the Sussex County Council to the Carson
Scholar Fund Foundation. No action was taken.

Agenda Mr. Cole requested that Council discuss, at a future meeting,
Item the County's policy on dealing with violators of zoning
Request regulations.

Agenda Mr. Cole requested that representatives of DNREC attend
Item a Council meeting in the near future to discuss the situation
Request in the Inland Bays area where fish are being found having un-
explained lesions.

Newspaper Mr. Dukes discussed an article in The Daily Times entitled
Article "Movable county seat, or whose county is it?", an article
regarding The Worcester County Commissioners plans to move
the county seat of Worcester out of Snow Hill. The article
refers to Sussex County's Administrative Office Building.

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Presenta-
tion

Mr. Dukes presented to Mr. Stickels, County Administrator, a framed picture of the Sussex County Administrative Office Building in appreciation of his efforts in the construction of the building.

M 389 97
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Jones, to adjourn at 11:12 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council