

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 8, 1995

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, August 8, 1995, 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 350 95
Approve
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Collins, to approve the minutes of the previous meeting dated August 1, 1995. Motion Adopted by Voice Vote.

Corre-
spondence

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public notice regarding project review applications received, none of which are located in Sussex County.

ELIZABETH HOCHHOLZER, SOUTHERN DELAWARE CHORAL SOCIETY, REHOBOTH BEACH, DELAWARE.

RE: Letter discussing the status of the choral composition on the subject of Sussex County. The premier performance of this work will take place on Sunday, April 21, 1996.

THE HONORABLE GEORGE H. BUNTING, STATE REPRESENTATIVE, HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter requesting Mr. Stickels, County Administrator, to call an emergency meeting of all those involved in a natural disaster preparation.

Mr. Stickels, County Administrator, read in its entirety a memorandum to Council providing an update on recent hurricane preparedness activities. A copy of the memorandum will be sent to Representative Bunting.

TONY BOYD-HERON, PRESIDENT, MAIN STREET COMMITTEE OF MILTON, INC., MILTON, DELAWARE.

RE: Letter to the Mayor and Council of the Town of Milton discussing local sentiments regarding the possibility of the relocation and expansion of the library and a replacement civic center.

MICHAEL D. SPRAGUE, CHAIRMAN, WASTEWATER FACILITIES ADVISORY COUNCIL, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Invitation to attend two workshops on wastewater facility needs in Sussex County.

County Video Mr. Stickels, County Administrator, showed the new County video to be used by the County to market the Industrial Airpark and the County.

Proposals for Former Coastal Stock Tab Building Mr. Stickels, County Administrator, and Mr. Calio, Director of Economic Development, discussed the proposals received for the Coastal Stock Tab building. The deadline for the proposals was July 31, 1995; although 38 informational packets were mailed out, only two proposals were received, as follows:

D & B Products
Easton, Maryland

Delmarva Business Systems/
Young & Revel
Salisbury, Maryland

Mr. Stickels noted that D & B Products would bring approximately 29 employees to the area; Delmarva Business Center/Young & Revel would bring approximately 25 employees to the area. A discussion centered around the fact that more proposals were not received due to the limited amount of time prospective buyers had to submit a proposal. Mr. Stickels advised that the County is seeking a business that would create more jobs than the number quoted by the two proposals received. Based on this fact, Mr. Stickels recommended that the proposals be rejected and the County continue to solicit a tenant for the former Coastal Stock Tab building. Mr. Stickels emphasized that his recommendation to reject the proposals was not a reflection on the businesses who submitted proposals but was based on the fact that a larger business requiring a greater number of employees is preferred.

M 351 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, that Reject the Sussex County Council reject all proposals regarding the Proposals for Former Coastal Stock Tab Building as recommended by the County Administrator and the Director of Economic Development, and be it further moved that the County Council authorizes the County Administrator to negotiate the sale of the former Coastal Stock Tab building contingent on the approval of the County Council.
Motion Adopted: 5 Yea.

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

M 352 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Authorize authorize an Executive Session to be held in the County Council Executive Chambers on Tuesday, August 8, 1995, regarding land acquisition and sale, prior to the agenda item "Administrative Building Update".
Session

M 352 95 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

FY '96
DAST
Funding

Mr. Stickels, County Administrator, discussed DAST's (Delaware Administration for Specialized Transportation) recommendations for FY '96 funding of the specialized transportation service for the elderly and handicapped in Sussex County, as follows:

Agency	Agency Budget Request	Recom- mended Funding	FY '95 Funding
Laurel Senior Center, Inc.	\$ 54,132	\$ 46,500	\$ 46,500
Sussex County Senior Services, Inc.	368,076	340,820	340,820
Cape Henlopen Senior Center	30,800	29,200	29,200
Indian River Senior Center, Inc.	2,300	2,100	2,100
Lewes Senior Citizens Center, Inc.	19,350	16,100	16,100
Nanticoke Senior Center, Inc.	72,961	21,909	21,909
Easter Seal Rehabilitation Center	46,698	31,992	31,992

Letters will be sent to the different agencies advising them of the amount of funding recommended. Council will act on the proposed FY '96 funding at a later date.

Library
Automa-
tion
Project
Bidding
Process

Mr. Stickels, County Administrator, discussed the process by which the Library Automation Project is recommended to be bid. Mr. Stickels stated, based on the opinion of the County's legal counsel, that the County's competitive sealed bid procedure is neither practicable nor advantageous to the County for this project. Due to the nature of the work to be performed, the items to be purchased, and the services to be provided; it is recommended that competitive sealed proposals be sought.

M 353 95
Authorize
Library
Automa-
tion
Project
Bidding
Process

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the soliciting of competitive sealed proposals in lieu of competitive price bidding for library automated services, as set forth in 29 Delaware Code, § 6922.

Motion Adopted: 5 Yea.

M 353 95
(con't)

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

Adminis-
trator's
Report

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

1. Community Development Block Grant (CDBG) Allocation

Mr. Stickels has received notification from the Delaware State Housing Authority that Sussex County has been awarded \$946,910. The County's CDBG Program will use the funding as follows:

Rural Selbyville Housing Rehabilitation	\$ 35,000
Selbyville Town Limits Housing Rehabilitation	46,000
Coverdale Crossroads Housing Rehabilitation	42,000
West Rehoboth Housing Rehabilitation	24,000
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District	64,000
Belletown Area Housing Rehabilitation	24,000
Sewer Connections	8,000
Scattered Sites, Unincorporated Areas of Sussex County Housing Rehabilitation	174,750
Town of Bridgeville Housing Rehabilitation	144,000
Town of Georgetown Housing Demolition and Relocation	57,055
Infrastructure	91,450
Town of Greenwood Housing Rehabilitation	42,000
Town of Laurel Housing Rehabilitation	75,000
City of Milford Housing Rehabilitation	31,660

Adminis-
trator's
Report
(con't)

The recommendations for funding were made by an independent review panel whose members evaluated each application's potential benefit to low-income persons and cost-benefit of the proposed activity, including the severity of need, impact, cost reasonableness, and feasibility. Finally, the review board evaluated the applicant's management capabilities and experience.

The award of this grant will make it possible to improve over 134 housing units this year in Sussex County. This is Sussex County's highest funding level for CDBG. The Delaware State Housing Authority's award of this grant is a compliment to William Lecates, Director of Sussex County Community Development and Housing, and his staff.

2. Green vs. Sussex County

On Friday, August 4, 1995, Mr. Stickels received a copy of the decision of the State of Delaware Supreme Court regarding William Green, Paul Klinkowski, and Miles Weigold vs. Sussex County, Delaware, and the Town of Bethany Beach. The Supreme Court affirmed the ruling of the lower court regarding the County's ability to bill districts and sub-districts independently. The Supreme Court, in ruling that the County has acted properly, stated it affirmed the lower court's well-reasoned decision of May 1, 1995.

West
Rehoboth
Change
Orders

Mr. Green, Director of Utility Construction, discussed Change Order No. 3-R and Change Order No. 4 for Construction Contract D for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 354 95
Issue
Change
Order
No. 3-R
Contract
D
West
Rehoboth

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. 3-R, 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., in the amount of \$8,317.37, for various conflicts with existing utilities, and the installation of a lateral to serve a recently created parcel, with an un-revised substantial completion date of November 3, 1995, and increasing this contract amount to \$5,788,079.43. Sussex County Council's approval is 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 355 95 Issue Change Order No. 4 Contract D West Rehoboth A Motion was made by Mr. Cole, seconded by Mr. Stevenson, 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 Sewer District, Contract D, Design Areas 14, 15, 16, 17, and 18, to Lisbon Contractors, Inc., in the amount of \$26,257.25, as a result of a redesign allowing the abandonment of an existing sanitary sewer main, and the extension of existing laterals to the new sanitary sewer main, and the payment for well points for sewer main deleted by Sussex County, with an unrevised substantial completion date of November 3, 1995, and increasing this contract amount to \$5,814,336.68. Sussex County Council's approval is 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 356 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Millsboro Auto Mart Softball Team from the Georgetown League for expenses associated with traveling to Burlington, North Carolina for the A.S.A. National Softball Tournament.

Motion Adopted: 5 Yea.

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

M 357 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Georgetown Men's Softball League for expenses associated with traveling to Drifton, Pennsylvania for a national tournament.

Motion Adopted: 5 Yea.

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

M 358 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Sussex Central High School Softball Team for the purchase of championship rings and jackets.

M 358 95 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 359 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Stevenson's Councilmanic Account to
manic the Town of Greenwood for the "Greenwood Day" celebration.
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 360 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Stevenson's Councilmanic Account to
manic the Woodbridge Pop Warner Football League for operating
Grant 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 361 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Stevenson's Councilmanic Account to
manic the Town of Bridgeville for the 4th Annual Apple-Scrapple
Grant Festival.

Motion Adopted: 5 Yea.

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

M 362 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Collins' Councilmanic Account to
manic the Town of Dagsboro for repairs to the fence surrounding
Grant the Saint George Chapel Cemetery and for the relocation of
a historic corn crib.

Motion Adopted: 5 Yea.

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

Recess At 11:15 a.m., Mr. Dukes declared a five minute recess.

Executive Session At 11:30 a.m., Council reconvened for an Executive Session for the purpose of discussing land acquisition and sale. The Executive Session concluded at 11:45 a.m.

Regular Session At 11:46 a.m., Mr. Dukes called Council back into regular session.

Administrative Building Project Update and Sale of Courthouse Update Mr. Stickels, County Administrator, and Mr. DiGiuseppe of the County's Engineering Department reviewed the status of the Administrative Building Project. It was reported that as of the last progress report, the project completion date is scheduled for September 21, 1996. In view of the foregoing, the County will be unable to vacate the Courthouse building as planned and as stipulated in the Agreement for the Sale of Assets (Courthouse and Courthouse Annex) between the County and the State of Delaware. Mr. Stickels advised that negotiations with the State have resulted in a Proposed Amendment to the Agreement for the Sale of Assets with the State allowing County offices to remain in the Courthouse rent-free (with the exception of the Register in Chancery and Register of Wills). Other terms and conditions modified in the Proposed Amendment include the following:

- o The second installment payment will be due within seven days of the execution of the Amendment.
- o Ownership of the building will transfer to the State on January 1, 1996.
- o The third installment payment will be due within fifteen days after the County vacates the building.

M 363 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Authorize authorize the President of the Sussex County Council to sign Amendment an Amendment to the Agreement for the Sale of Assets between to Agree- Sussex County and the State of Delaware.

Motion Adopted: 5 Yea.

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

M 364 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adjourn adjourn at 11:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council