

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 9, 1994

Executive Session An Executive Session of the Sussex County Council was held Tuesday, August 9, 1994, at 9:00 a.m., in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition and land sale. The Executive Session concluded at 9:40 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 9, 1994, 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
William D. Stevenson, Sr.	Member

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

M 337 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated August 2, 1994. Motion Adopted by Voice Vote.

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Proposed Rulemaking and Public Hearing: Amendments to the Comprehensive Plan and Basin Regulations - Water Supply Charges Regarding the Transfer of Certificates of Entitlement.

Mr. Benson, read the following correspondence:

KATHLEEN WALTON, PRESIDENT, TOWN COUNCIL OF ELLENDALE, ELLENDALE, DELAWARE.

RE: Appreciation for \$600.00 Councilmanic Grant to be used for the purchase of a computer.

Certificates of Appreciation Mr. Mulhern, Acting Director of the Delaware Emergency Management Agency, was present to award Certificates of Appreciation to Sussex County employees and departments for their efforts during the Ice Storm in February.

M 338 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Proclamation Adopt the Proclamation entitled "PROCLAIMING AUGUST 10, 1994, AS 'SUSSEX COUNTY SAFE KIDS DAY'."

Motion Adopted: 4 Yea, 1 Absent.

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

Proclamation  
(con't)

Mr. Dukes will present the Proclamation at Farm and Field Day at the University of Delaware, Research and Education Center, on August 10, 1994.

Park  
Trailer  
Mora-  
torium

Mr. Stickels, County Administrator, discussed the moratorium passed by the County Council on August 2, 1994, relating to park trailers. Concerns have been expressed in regards to (1) the legality of the moratorium since it was not an agenda item and (2) the enforcement of the moratorium. Mr. Stickels read into the record a letter of opinion, dated August 8, 1994, written by Mr. Jones, Assistant County Attorney, regarding the park trailer moratorium.

M 339 94  
Rescind  
Park  
Trailer  
Mora-  
torium

A Motion was made by Mr. Collins, seconded by Mr. Benson, to rescind the moratorium prohibiting the placement of park trailers in parks or campgrounds enacted by the County Council on August 2, 1994.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;  
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. Public Workshop - Road Naming Project

There will be a public workshop for the Road Naming Project on Thursday, August 11, 1994, at 7:30 p.m. at the Bethany Beach Fire Department. This meeting will be held to receive public input on the adoption of road names for rural Sussex County in the Bethany Beach Fire District. The public is encouraged to attend this meeting.

It is anticipated that all the roads in the County will be named by March 1995.

2. Sussex County Council Meeting

Mr. Stickels has scheduled a County Council meeting to be held on Tuesday, October 4, 1994, at the Seaford Fire Hall, Arch Street, Seaford, Delaware. A regularly scheduled meeting will take place at 10:00 a.m. The purpose of scheduling the meeting in the First Councilmanic District is to allow the Council to be more publicly accessible. In addition to the regularly placed items on the agenda, there will also be time allotted for additional business. Mr. Stickels believes this procedure will allow the County Council to become more familiar with issues in different regions of the County.

Adminis-  
trator's  
Report  
(con't)

A tentative schedule also includes a meeting to be held in District 2 in January, District 3 in March, District 4 in July, and District 5 in August, 1995. Notice will be given once an exact location has been determined.

Project  
No. 94-11  
Old Post  
Office  
Archaeo-  
logical  
Survey

Mr. Wood, County Engineer, and Mr. Del Sordo of Dames & Moore, discussed Sussex County Project No. 94-11, Old Post Office Archaeological Survey (New County Administration Building). This Project was previously discussed at the County Council meeting on August 2, 1994, at which time Council deferred awarding the bid in order to obtain information regarding the approval of the bid in two parts, Phase I and Phase II.

M 340 94  
Award  
Archaeo-  
logical  
Survey  
Project  
No.  
94-11

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based on the recommendation of the County Engineering Department, that the Sussex County Council authorizes the award of the archaeological survey for the County Administration Building Project to Dames & Moore, which includes a Phase I study and evaluation for \$25,300.00 and a potential Phase II study for an additional \$33,200.00, for a total of \$58,500.00.

Motion Adopted: 4 Yea, 1 Absent.

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

West  
Rehoboth  
Project  
Finan-  
cial  
Status

Mr. Wood, County Engineer, and Mr. Thomas of George, Miles & Buhr, provided Council with an update on the financial status of the West Rehoboth Sewer Project. Mr. Wood advised that six of the nine projects have gone out to bid with \$49,584,625.00 of the \$75,961,000.00 budget having been committed.

West  
Rehoboth  
Project

Mr. Wood, County Engineer, and Mr. Thomas of George, Miles & Buhr, discussed the addition of archaeological studies, for subcontractor purposes, to the Construction Administration Contract for the West Rehoboth Project. Both of the archaeological studies have been previously approved by Council in the form of change orders. These contract modifications would place the control of these studies under George, Miles & Buhr's overall contract. No additional charges nor fee increases will result from these contract modifications.

M 341 94  
Contract  
Modifi-  
cation

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based on the recommendation of the Rural Development Agency and the County Engineering Department, that the Sussex County Council authorizes the Construction Administration portion

M 341 94 of the George, Miles & Buhr Contract to be increased by  
Contract \$138,936.05 to permit Archaeological Phase II and Selected  
Modifi- Phase III Studies to be performed at the 100 acre Wolfe Neck  
cation Treatment Plant site, increasing the total Contract from  
West \$3,921,573.00 to \$4,060,509.05.  
Rehoboth  
(con't) Motion Adopted: 4 Yea.

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

M 342 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Contract based on the recommendation of the Rural Development Agency  
Modifi- and the County Engineering Department, that the Sussex County  
cation Council authorizes the Construction Administration portion of  
West the George, Miles & Buhr Contract to be increased by \$30,506.90  
Rehoboth to permit an archaeological Phase I Study to be performed on  
Construction Contract B, increasing the George, Miles & Buhr  
Contract from \$4,060,509.05 to \$4,091,015.95.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Stevenson introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRI-  
CULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF ANTIQUES,  
COLLECTIBLES, GIFTS, PLANTS AND PRODUCE TO BE LOCATED ON A  
CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK  
HUNDRED, SUSSEX COUNTY, CONTAINING 3.229 ACRES, MORE OR LESS"  
(Conditional Use No. 1089) filed on behalf of Tim Curry.  
The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Collins introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF  
SLUDGE TO FORESTED LAND TO BE LOCATED ON A CERTAIN PARCEL OF  
LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,  
CONTAINING 351.00 ACRES, MORE OR LESS" (Conditional Use No.  
1090) filed on behalf of Townsends, Inc. The Proposed  
Ordinance will be advertised for Public Hearing.

Proposed Mr. Benson introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A C-1  
GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND

Proposed Ordinance (con't) LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 33,184 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1238) filed on behalf of Dr. James Harold Bowen, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 13.08 ACRES, MORE OR LESS" (Change of Zone No. 1239) filed on behalf of Tanger Properties, L.P. The Proposed Ordinance will be advertised for Public Hearing.

M 343 94 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$200.00, \$100.00 from Mr. Stevenson's Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to AJ's/PS Lumber Softball Team to offset expenses involved with attending the Class A National Championship Tournament.

Motion Adopted: 4 Yea, 1 Absent.

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

M 344 94 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 Woodbridge Pop Warner Football League for operating expenses for the upcoming season.

Motion Adopted: 4 Yea, 1 Absent.

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

M 345 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$400.00 from Mr. Benson's Councilmanic Account to Casa San Francisco to help fund the Adult Education Program.

Motion Adopted: 4 Yea, 1 Absent.

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

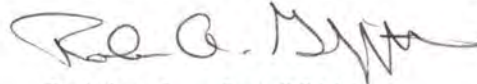
Request for Councilmanic Funds Mr. Stickels, County Administrator, discussed a request received by Mr. Cole from White House Beach Tenants Association. The Association has requested financial assistance for the installation of a dry fire hydrant just inside the entrance of White House Beach. Mr. Stickels advised that

Request  
(con't)

the First State Resource Conservation and Development Council has established the RC & D Fire Hydrant Protection Board. This Board, with the assistance of local volunteer fire companies; DelDOT employees; the State Fire Marshal; and the State of Delaware Legislature, is reviewing potential sites and upon approval, is installing dry fire hydrants. For this reason, funds from Mr. Cole's Councilmanic Account will not be needed.

M 346 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Adjourn adjourn at 11:40 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council