

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 22, 1995

Delaware On Tuesday, August 22, 1995, at 10:00 a.m., in the County  
State Courthouse parking lot, Georgetown, Delaware, a ceremony  
Police took place at which time the Sussex County Council pre-  
Vehicles sented a check to the Delaware State Police in the amount  
Ceremony of \$140,000.00 for the purchase of seven police vehicles.  
The funding of these vehicles is a provision of the  
Memorandum of Understanding between the State of Delaware,  
Department of Public Safety; Delaware State Police; and  
the Sussex County Council.

Call to The regular meeting of the Sussex County Council was held  
Order Tuesday, August 22, 1995, at 10:15 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 376 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Approve approve the minutes of the previous meeting dated August 15,  
Minutes 1995. Motion Adopted by Voice Vote.

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

RANDOLPH J. JOHNSON, DIRECTOR OF BANDS, DELAWARE STATE UNIVER-  
SITY, DOVER, DELAWARE.

RE: Notice that the Delaware State University Marching Band  
will be performing September 3, 1995, at 8:00 p.m. at the  
Rehoboth Beach Bandstand.

DELMARVA WATER TRANSPORT COMMITTEE, SALISBURY, MARYLAND.  
RE: Third quarter newsletter.

CHRIS RADCLIFFE, MILLSBORO, DELAWARE.

RE: Letter in appreciation of Mr. Collins' Councilmanic  
Grant for expenses associated with his upcoming year in  
Germany as an exchange student.

SUSSEX COUNTY 4-H, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Council's grant for costs  
associated with hosting 4-H'ers from Cleveland County,  
Oklahoma.

ADDIE N. BOLDEN, SEAFORD, DELAWARE.

RE: Letter to Mr. Lecates and staff for their assistance  
in renovating her home.

New Deposit Accounts Mr. Baker, Finance Director, discussed a proposal to open two new deposit accounts at Mellon Bank Delaware; one for Mobile Home Placement Fees and one for Utility Billing Escrow Funds.

M 377 95 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 014 95 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D.B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Proposed Ordinance Relating to Utility Billings and Pretreatment Fees Mr. Archut, Director of Planning and Permits, discussed a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO UTILITY BILLINGS AND INDUSTRIAL PRETREATMENT FEES". A summary of the changes included in the Proposed Ordinance were reviewed, as follows:

UTILITY BILLINGS

- o Assigns a fixture unit count for faucets and floor drains.
- o Provides wording changes to address previous amendments.
- o Creates an assessment for theaters.
- o Creates an assessment for car washes.
- o Changes the assessment for campgrounds and travel trailer parks.
- o Provides the legal authority to place a lien on the property for one-time connection charges.
- o Expands the applicability of connection charges.
- o Provides effective dates: West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District - October 15, 1995; and Remaining Sewer and Water Districts - July 1, 1996.

PRETREATMENT FEES

- o Allows for surcharges in accordance with contractual agreements.

- Proposed Ordinance (con't)
- o Creates new fees.
  - o Becomes effective upon adoption of the ordinance.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO UTILITY BILLINGS AND INDUSTRIAL PRETREATMENT FEES". A Public Hearing on the Proposed Ordinance will be scheduled for September 12, 1995, at 11:15 a.m.

All-American Engineering Property Mr. Izzo, Director of Public Works, advised Council that the final Grant Offer on the All-American Engineering Property has been received from the Federal Aviation Administration (FAA). The Grant will provide funding for the purchase of the 24.41 acre property known as the All-American Engineering Property. The purchase of this property will complete the Clear Zone Project and will provide future development potential at the airport. The FAA Grant Offer is for 90% funding (\$203,000). The State has committed to funding 5% (\$11,300), leaving the County's portion at 5% (\$11,300).

M 378 95 Accept Grant Offer from FAA for Purchase of the All-American Engineering Property A Motion was made by Mr. Collins, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council accepts the Grant Offer from the Federal Aviation Administration (FAA) to provide funding for the purchase of a 24.41 acre property, identified upon Sussex County Tax Map as Parcel No. 1-35-20.00-65 and more commonly referred to as the "All-American Engineering Property", and be it further moved that the County commits to fund its five (5) percent share, now estimated at \$11,300.00, to complete the transfer of the aforementioned property.

Motion Adopted: 4 Yea, 1 Abstained.

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

Laurel Water System Update Mr. Izzo, Director of Public Works, provided a status report on the progress of the Laurel Water System. This water system is being installed as a condition of the execution of the Notice of Conciliation which removed the Laurel Landfill site from the Federal Superfund List. Mr. Izzo advised that the well site, located outside the groundwater management zone, has been purchased by Tidewater Utilities, Inc., and the extension of the lines has commenced. It is estimated that the installation of the lines will be completed by the first week of September and that the system will be operational by September 15, 1995.

Agenda Item Canceled The agenda item entitled "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Construction Package B, Change Order No. 6" was canceled.

South Shore Marina Mr. Green, Director of Utility Construction, discussed a Construction Administration, Construction Inspection, and Operations and Maintenance Agreement between Sussex County Council and Papillion Island Trust for wastewater facilities to be constructed in South Shore Marina.

M 379 95 Execute Agreements Relating to South Shore Marina A Motion was made by Mr. Collins, 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 execute a Construction Administration, Construction Inspection, and Operations and Maintenance Agreement between Sussex County Council and Papillion Island Trust for wastewater facilities to be constructed in South Shore Marina, located in the future extension area of the Bethany Beach 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

R & H Filter Company, Inc. Lease Renewal Mr. Stickels, County Administrator, advised that R & H Filter Company, Inc. is exercising their option to renew their lease at the Industrial Park. This renewal will be the first of five five-year options and will terminate on the 15th day of March, 2000. The annual rental for the term of this lease renewal will be \$260.00.

M 380 95 Authorize R & H Filter Company, Inc. Lease Renewal A Motion was made by Mr. Cole, seconded by Mr. Collins, to authorize the five-year lease renewal of R & H Filter Company, Inc. for an annual rental of \$260.00.

Motion Adopted: 5 Yea.

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 reviewed during the August 8, 1995, Council meeting. Mr. Stickels advised that letters were sent to the different agencies advising them of the amount of funding recommended. Comments

FY '96  
DAST  
Funding  
(con't)

were heard from representatives of the Laurel Senior Center and the Nanticoke Senior Center; the primary concern being how the funding ratios are determined. Mr. Stickels recommended approval of the FY '96 funding. It was decided that the County and the agencies involved should start working with the State in determining next year's funding ratio's.

M 381 95  
Approve  
FY '96  
DAST  
Funding

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council approves the distribution of funding for the Delaware Administration for Specialized Transportation (DAST) for FY '96, as follows:

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

Motion Adopted: 5 Yea.

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

Voting  
Proce-  
dures

Mr. Stickels, County Administrator, read in its entirety a memorandum to Mr. Bayard, County Attorney, written by Councilman Cole and dated August 18, 1995, regarding voting procedures. In the memorandum, Mr. Cole requested Mr. Bayard's professional opinion regarding the Council's voting procedure policy and the validity of the vote taken at the August 1, 1995, Council meeting, on the zoning application denominated Change of Zone No. 1261, filed by Tunnell Companies, L.P. Mr. Stickels advised that Mr. Jones, Assistant County Attorney, will be asked to review these issues and report back to Council at a later date.

Proposed  
Ordinance

Mr. Stickels, County Administrator, reviewed a Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY". The following proposed changes were noted as follows:

Making register order for letters and posting.

Old amount: \$2.00  
New amount: \$3.00

For filing Power of Attorney when executor or administrator is non-resident of Delaware.

Old Amount: \$1.00  
New Amount: \$2.00

Proposed  
Ordinance  
(con't)

Short certificate (each).

Old Amount: \$1.00  
New Amount: \$2.00

Filing inventory of seven (7) pages.

Old Amount: \$ 7.00  
New Amount: \$10.00

For recording and indexing accounts.

Old Amount: \$4.00  
New Amount: \$5.00

Filing claim.

Old Amount: \$1.00  
New Amount: \$5.00

Affidavit (small estate).

For first one:

Old Amount: \$1.00  
New Amount: \$5.00

For each additional one:

Old Amount: \$1.00  
New Amount: \$2.00

File affidavit with Register of Wills that no Delaware Inheritance Tax Return is required.

Old Amount: \$ 7.00  
New Amount: \$10.00

Sitting in trial (per day).

Old Amount: \$ 5.00  
New Amount: \$10.00

Introduce Mr. Dukes introduced the Proposed Ordinance entitled "AN Proposed Ordinance ORDINANCE PROVIDING FOR THE FEES FOR THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY". A Public Hearing on the Proposed Ordinance will be scheduled for September 12, 1995, at 11:00 a.m.

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

Adminis-  
trator's  
Report  
(con't)

1. Holiday Schedule

Please be advised that County offices will be closed on Monday, September 4, 1995, in observance of Labor Day. Offices will reopen at 8:30 a.m. on Tuesday, September 5, 1995. As allowed by State law, the County Council will not meet for the normally scheduled meeting on Tuesday, September 5, 1995.

2. Event Log for Hurricane Felix

As a result of recent questions that have been raised regarding emergency preparedness, attached to the County Administrator's Report, for Council's convenience, was an event log for Hurricane Felix. This event log will give the County Council an idea of the activities in which the Emergency Preparedness Office participates in preparation for a natural disaster.

Unfortunately, since the release of information to the media on Friday, August 18, 1995, there have been two serious incidents that were storm-related. On Saturday, August 19, 1995, the first personal injury as a result of the storm was reported, that being the death of an individual attempting to swim in the stormy ocean. A second personal injury was reported on Monday, August 21, 1995; an individual swimming in the ocean has apparently broken their neck, leaving the person paralyzed.

It is unfortunate that these accidents have occurred, but the public safety providers in the County should be complimented on the work that they performed over the weekend. The police, paramedics, and lifeguards were very instrumental in limiting the number of injuries.

Introduce Mr. Benson introduced the Proposed Ordinance entitled "AN Proposed Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO CONDITIONAL USE NO. 687 TO PERMIT THE SALE OF CARRIAGES, SLEIGHS, WAGONS, HORSES AND PONIES, AND TO ESTABLISH A LOCATION TO START AND FINISH TRAIL RIDES AND CARRIAGE PARADES AND DRIVES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.29 ACRES, MORE OR LESS" (Conditional Use No. 1133) filed on behalf of David L. Wilson and Carolyn. The Proposed Ordinance will be advertised for Public Hearing.

Introduce Mr. Dukes introduced the Proposed Ordinance entitled "AN Proposed Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE REPAIR AND AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY,

Proposed Ordinance (con't) CONTAINING 29,998 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1134) filed on behalf of William W. Truitt. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Introduce Mr. Cole introduced a 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.69 ACRES, MORE OR LESS" (Change of Zone No. 1265) filed on behalf of Kevin W. Sagers. The Proposed Ordinance will be advertised for Public Hearing.

M 382 95 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00 from Mr. Dukes' Councilmanic Account to Laurel Pop Warner Football and Cheerleading for operating 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 383 95 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00 from Mr. Collins' Councilmanic Account to the Oak Orchard-Riverdale Civic Association for roadway and street replenishment projects.

Motion Adopted: 5 Yea.

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

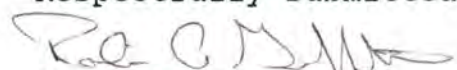
M 384 95 Authorize Executive Session A Motion was made by Mr. Cole, seconded by Mr. Collins, to authorize an Executive Session to be held in the County Council Executive Chambers on Tuesday, August 29, 1995, at 9:00 a.m., regarding land acquisition.

Motion Adopted: 5 Yea.

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

M 385 95 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council