

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 24, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 24, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 445 99 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the Approve Agenda Agenda by changing "1. Request for Executive Session – Pending Litigation" to "1. Request for Executive Session – Pending Litigation and Land Acquisition"; to delete "Agreement with Delaware Department of Transportation" - Ocean View Expansion of the Bethany Beach Sanitary Sewer District"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 446 99 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the Approve Minutes Minutes of the previous meeting, dated August 10, 1999.

Motion Adopted: 5 Yea.

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

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

DEBORAH P. HASKELL, EXECUTIVE DIRECTOR, DELAWARE HERITAGE COMMISSION, WILMINGTON, DELAWARE.

Corre-
spondence
(continued)

RE: Letter in appreciation of Grant enabling Sussex County children to participate in the 1999 Hands On Heritage day camp.

KIM TEPHABOCK, SENIOR PASTOR, DAGSBORO CHURCH OF GOD, DAGSBORO, DELAWARE.

RE: Letter in appreciation of Grant for "Celebration of Our Nation".

RHONDA MCDOWELL, LAUREL, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

CHARLOTTE L. HASTINGS, PRESIDENT, SUSSEX CENTRAL HIGH SCHOOL "GOLDEN KNIGHTS" BAND AND BOOSTERS, GEORGETOWN, DELAWARE.

RE: Letter requesting Councilmanic funding for the band program.

JILL YOUNG, COACH, SUSSEX CENTRAL HIGH SCHOOL FIELD HOCKEY, GEORGETOWN, DELAWARE.

RE: Letter requesting Councilmanic funding for participation in the 1999 USA Field Hockey Tournament in Palm Beach, Florida.

MICHAEL MILLER, SR., CHAIRPERSON, PILGRIMS' MINISTRY OF DELIVERANCE, INC., HARBESON, DELAWARE.

RE: Letter requesting Councilmanic funding for Christian Fellowship Day.

DONALD DYKES, PRESIDENT, THE GOOD SAMARITAN AID ORGANIZATION, INC., LAUREL, DELAWARE.

RE: Letter requesting grant funding.

MARK S. WHITLOCK, ASSISTANT CHIEF, COMMUNICATIONS SECTION, DELAWARE STATE POLICE, DOVER, DELAWARE.

RE: Letter advising the County to remove the Delaware State Police from the County's distribution list of zoning and site map information.

JOSEPH P. LOBB, TOWN MANAGER, TOWN OF OCEAN VIEW, OCEAN VIEW, DELAWARE.

RE: Letter advising Council of "The Village of Bear Trap Dunes" annexation into the Town of Ocean View boundaries.

JOHN LYNSKY, SOUTH BETHANY, DELAWARE.

RE: Letter commending employees of the Engineering Department (Operations and Maintenance) for their quick response and action in correcting a sewer line problem.

DEBBIE BAILEY, MILLSBORO, DELAWARE.

RE: Letter of appreciation for home improvements made possible by Sussex County's Community Development Office.

Corre-
spondence
(continued)

BLADES ECONOMIC DEVELOPMENT CORPORATION, BLADES,
DELAWARE.

RE: Workshop on obtaining grant funding.

M 447 99
Authorize
Executive
Session

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to authorize an Executive Session to be held following the conclusion of regular business on this date for the purpose of discussing pending litigation and land acquisition.

Motion Adopted: 5 Yea.

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

Center
for the
Inland
Bays/
James
Farm

Mr. Bruce Richards and Mr. Jim Alderman, Center for the Inland Bays, were in attendance to provide a progress report on the James Farm Ecological Preserve. Approximately nine months ago, the County deeded the James Farm property to The Center for the Inland Bays. The property was donated to the County by Mary Lighthipe under the condition that it be used to create a park and recreation area that promotes and fosters wildlife habitats and plant life and encourages agricultural and environmental studies. Mr. Alderman reported on the construction taking place at the James Farm and the companies that have donated time and materials to make the construction possible. Construction at the site includes a driveway, parking area, boardwalk, observation platform, amphitheater, and fencing. Mr. Alderman also spoke of the volunteers who have helped with various projects - volunteers from Indian River High School, Cape Henlopen High School, Delaware Technical & Community College, and the Boy Scouts. Mr. Alderman stated that a big part of the program is education and that it is their goal to get as many youngsters to the James Farm as possible.

Adminis-
trator's
Report

Mr. Stickels read into the record the following information in his County Administrator's Report:

1. Troop 4 Status Report – Month of July

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, during the month of July:

Total Hours On Duty	4,501.75
Hours Assisted Other Agencies	47.5
Total Traffic Arrests	1,552
Total DUI Arrests	43

Adminis-
trator's
Report
(continued)

28, 1999, at 9:30 a.m. at the Selbyville Middle School, State of Delaware Route 17, Selbyville, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners or other persons or corporations in any way affected by the establishment of this district or wishing to be included in this district shall be heard.

Bid
Results/
Sussex
County
Project
No. 99-10/
Holts
Landing
Sanitary
Sewer
District/
Collection
and
Conveyance
System

Mr. Izzo, County Engineer, reviewed bid results for Sussex County Project 99-10, Holts Landing Sanitary Sewer District, Collection and Conveyance System, as follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Bunting and Murray Selbyville, DE	\$ 959,223.33
A. P. Croll Georgetown, DE	\$1,054,631.55
George & Lynch New Castle, DE	\$1,161,459.00
David A. Bramble, Inc. Chestertown, MD	\$1,215,609.90
L. A. Merrell Construction Sudlersville, MD	\$1,238,313.42
Teal Construction Dover, DE	\$1,635,397.60

The Engineer's Estimate for the project is \$1,023,768.00. Mr. Izzo advised that the Holts Landing Sanitary Sewer District, Collection and Conveyance System, will provide sanitary sewer service to Bay Colony and Fairway Village. Construction is scheduled to begin in two months with a completion date of October, 2000.

It was noted that the Engineer's Estimate, in the amount of \$1,023,768.00, does not reflect the 5 percent contingency allotment.

M 448 99
Award
Bid/
Sussex
County
Project
No. 99-10

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the Engineering Department, that Sussex County Project No. 99-10, Holts Landing Sanitary Sewer, Collection and Conveyance, be awarded to Bunting and Murray Construction Corporation of Selbyville, Delaware, at the bid amount of \$959,223.33, contingent upon the receipt of approval from the Department of Natural Resources and Environmental Control.

M 448 99
(continued)

Motion Adopted: 5 Yea.

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

Bid
Results/
Sussex
County
Project
No. 99-09/
Ocean
View
Expansion
of the
Bethany
Beach
Sanitary
Sewer
District/
Collection
and
Conveyance
System

Mr. Izzo, County Engineer, reviewed bid results for Sussex County Project No. 99-09, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Collection and Conveyance, as follows:

	<u>BIDDER</u>	<u>BID SCHEDULE A</u>	<u>BID SCHEDULE B</u>
	L. A. Merrell Construction Sudlersville, MD	\$6,946,499.00	\$7,093,699.00
	Bunting and Murray Selbyville, DE	\$7,039,617.10	\$7,248,641.10
	Engineer's Estimate	\$8,052,637.00	\$8,438,987.00

Mr. Izzo advised that the Ocean View Expansion of the Bethany Beach Sanitary District, Sewer Collection and Conveyance System, will provide sanitary sewer service to the Town of Ocean View. Mr. Izzo explained that there are two Bid Schedules considered for the Project: Bid Schedule A includes the entire Town of Ocean View, Bid Schedule B includes the entire Town of Ocean View and upgrading the Town's streets from tar and chip to hot mix (Town maintained streets only). It was noted that the Town would reimburse the County for the difference in cost. Prior to a recommendation of award for this Project, further discussions with the Town of Ocean View are necessary. The completion date for this Project is scheduled for January, 2001.

Public
Hearing/
Proposed
Ordinance
Relating
to the
Sewer
Capitali-
zation Fee

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY TO ADD A PROVISION RELATING TO THE SEWER CAPITALIZATION FEE". This Proposed Ordinance was introduced on July 13, 1999. Mr. Archut explained that the draft ordinance is for "housekeeping" purposes only. When the capitalization fee was amended with respect to Phase III of the West Rehoboth Sewer District, Section 110-142 dealing with the granting of additional EDU's was inadvertently omitted. There were no public comments and the Public Hearing was closed.

M 449 99
Adopt
Ordinance
No. 1337

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1337 entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY TO ADD A PROVISION RELATING TO THE SEWER CAPITALIZATION FEE".

M 449 99
(continued)

Motion Adopted: 5 Yea.

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

MOU/
Delaware
State
Housing
Authority

Mr. Archut, Assistant County Engineer, discussed a Memorandum of Understanding between Sussex County and the Delaware State Housing Authority. The Memorandum of Understanding was developed to accommodate the Delaware State Housing Authority's desire to obtain sanitary sewer service for a project proposed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The Memorandum of Understanding stipulates that the County will provide wastewater treatment capacity for up to 100 equivalent dwelling units. The Memorandum of Understanding is necessary (1) to insure that the Delaware State Housing Authority shall plan, design, and construct the collection and transmission facilities to County specifications and (2) to obligate the Delaware State Housing Authority to pay all sanitary sewer charges in accordance with the Sussex County Code. It was noted that this property is located in the County's Development District. It was further noted that no approvals from the Planning and Zoning Department have been issued; in fact, a site plan has not been submitted to the Planning and Zoning Department for consideration.

Mr. Dukes reminded Council of the concerns expressed in the past that this project should be limited to the construction of single family homes. Mr. Cole expressed concern that a site plan has not been prepared and approved prior to considering the Memorandum of Understanding and for this reason, approval of the Memorandum of Understanding should be delayed. Concern was also expressed that the Memorandum of Understanding contains a clause allowing it to be binding upon respective successors, administrators, and assignees of the property.

Mr. Archut explained that the Memorandum of Understanding is for the sole purpose of requiring the Delaware State Housing Authority to pay all sewer fees and to construct the collection and transmission system to County specifications; it does not approve any zoning or construction plans.

M 450 99
Adopt
MOU/
Delaware
State
Housing
Authority

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Memorandum of Understanding between Sussex County and the Delaware State Housing Authority, with an amendment to strike the second sentence in Paragraph 6. - "This agreement shall be binding upon the parties and their respective successors, administrators, and assignees.

Motion Adopted: 5 Yea.

M 453 99
(continued)

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

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STOCKYARD AND SLAUGHTER HOUSE AND PROCESSING OF LIVESTOCK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 17.70 ACRES, MORE OR LESS" (Conditional Use No. 1311) filed on behalf of S & J Villari Livestock. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PALLET REBUILDING AND GRINDING OF RESIDUE WOOD FOR MULCH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 17.025 ACRES, MORE OR LESS" (Conditional Use No. 1312) filed on behalf of Albert J. Bierman. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Rogers 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 38,490 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1388) filed on behalf of Donald A. Wagner. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Dukes 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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 106.68 ACRES, MORE OR LESS" (Change of Zone No. 1389) filed on behalf of Blenheim Lands, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

M 454 99
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$100.00 from Mr. Phillips' Councilmanic Account to The Christian Storehouse for operating expenses.

Motion Adopted: 5 Yea.

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

M 455 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole's Councilmanic Account to the Town of Selbyville for pool expenses.

Motion Adopted: 5 Yea.

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

M 456 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$650.00 from Mr. Cole's Councilmanic Account to the Cape Henlopen Senior Center to purchase 911 light fixture sockets for participation in a state-wide program that will assist senior citizens in an emergency situation.

Motion Adopted: 5 Yea.

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

M 457 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$200.00, \$100.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Accounts, to God's Property MYG, the youth group of the Mt. Pleasant United Methodist Charge, for the Relay for Life, an event to raise money for the American Cancer Society (check to be made payable to the American Cancer Society).

Motion Adopted: 5 Yea.

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

M 458 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Greater Seaford Chamber of Commerce for the Route 13 beautification project.

M 458 99
(continued)

Motion Adopted: 5 Yea.

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

M 459 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$250.00 from Mr. Jones' Councilmanic Account to the Grandslam Softball Team for participation in the national tournament in Atlanta, Georgia.

Motion Adopted: 5 Yea.

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

M 460 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$750.00 (\$250.00 each from Mr. Cole's, Mr. Phillips' and Mr. Jones' Councilmanic Accounts) to the Sussex Central High School "Golden Knights" Band and Boosters for band program activities.

Motion Adopted: 5 Yea.

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

M 461 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$750.00 (\$250.00 each from Mr. Cole's, Mr. Phillips', and Mr. Jones' Councilmanic Accounts) to the Sussex Central High School Field Hockey Team for participation in the 1999 USA Field Hockey Tournament in Palm Beach, Florida.

Motion Adopted: 5 Yea.

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

M 462 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$450.00 (\$250.00 from Mr. Rogers' Councilmanic Account and \$50.00 each from Mr. Cole's, Mr. Dukes', Mr. Jones', and Mr. Phillips' Councilmanic Accounts) to Pilgrims' Ministry of Deliverance, Inc., for Christian Fellowship Day.

Motion Adopted: 5 Yea.

M 462 99
(continued)

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

M 463 99
Recess

At 11:45 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess and go into Executive Session. Motion Adopted by Voice Vote.

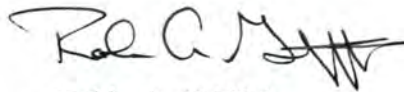
M 464 99
Executive
Session

An Executive Session of the Sussex County Council was held commencing at 11:50 a.m. on August 24, 1999, in the Caucus Room of the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware. The purpose of the Executive Session was to discuss pending litigation and land acquisition. The Executive Session concluded at 12:10 p.m.

M 465 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 12:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council