

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-AUGUST 26, 1997

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, August 26, 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, Jr.	Member
Lynn J. Rogers	Member

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

M 428 97  
Amend  
and  
Approve  
Agenda

A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve the Agenda, with the following amendments:

1. Delete "Russell W. Archut, Assistant County Engineer" and the three items listed thereunder.
2. Delete "Introduction of Proposed Zoning Ordinances".

Motion Adopted: 5 Yea.

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

M 429 97  
Approve  
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the minutes of the previous meeting dated August 19, 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-  
spondence

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

WILLIAM V. ROTH, JR., UNITED STATES SENATOR, WASHINGTON, DC.  
RE: Letter to Robert L. Stickels, County Administrator, regarding dumping of dredged materials from the Delaware River Channel Deepening Project by the U. S. Army Corps of Engineers.

DON POST, SPECIAL EVENTS COORDINATOR, SUSSEX CHAPTER, AMERICAN DIABETES ASSOCIATION, MILTON, DELAWARE.  
RE: Requesting support of the 1997 WALKTOBERFEST, an annual walk-a-thon event to be held on Sunday, October 5, 1997, in both Wilmington and Lewes, Delaware.

Corre-  
spondence  
(cont.)

BILL GLENN, PRESIDENT, LAUREL CHAMBER OF COMMERCE, LAUREL, DELAWARE.

RE: Letter to Councilman Dukes expressing concern over recent actions taken by the Delaware Department of Transportation.

Mr. Dukes advised he received the following correspondence:

GEORGE WRIGHT, JR., EXECUTIVE DIRECTOR, DELAWARE LEAGUE OF LOCAL GOVERNMENTS, DOVER, DELAWARE.

RE: Delaware League of Local Governments Annual Conference on September 28, 1997, at the Sheraton Conference Center in Dover, Delaware, beginning at 2:00 p.m.

Change  
Order

Mr. Stickels, County Administrator, discussed a change order to Sussex County Project No. 97-06, Industrial Park Taxiway Overlay, for additional overlay work at the Sussex County Industrial Airpark.

M 430 97  
Approve  
Change  
Order to  
Sussex  
County  
Project  
No. 97-06

A Motion was made Mr. Jones, seconded by Mr. Collins, that Change Order No. 1 for Sussex County Project No. 97-06, Industrial Park Taxiway Overlay, in the amount of \$19,395.00, be approved for additional overlay on each side of the taxiway leading to the Georgetown Aircraft and PATS hangar facilities at the Sussex County Industrial Airpark, with no additional days of contract time, increasing the contract from \$34,555.00 to \$53,950.00.

Motion Adopted: 5 Yea.

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

Status of  
Ordinances  
Pertinent  
to Land  
Use Plan

Mr. Stickels, County Administrator, reported to Council on the status of ordinances relating to the adoption of the Sussex County Comprehensive Land Use Plan. Information was distributed regarding (1) Ordinances Adopted that Relate to the Comprehensive Land Plan, (2) Ordinances Pending that Relate to the Comprehensive Plan, and (3) Ordinances and Studies Needed to Bring the Zoning Ordinance and Subdivision Ordinance into Compliance with the Comprehensive Plan. Mr. Stickels asked that Council give strong consideration to making a decision on the two pending ordinances regarding C-2 Zoning and Conservation Districts prior to the Planning and Zoning Commission Public Hearing on the Land Use Plan scheduled for October 2, 1997. In addition, there is a need to establish three study committees to address (a) Rural Communities, (b) Agland Preservation, and (c) Transfer of Development Rights. It was the consensus of Council that C. Shane Abbott, Assistant Director of Planning and Zoning, will chair all three

Status of Ordinances Pertinent to Land Use Plan (cont.)

committees, with one representative from each Councilmanic District to be appointed to serve on each of the three committees. Ordinances which still need to be drafted pertain to intergovernmental coordination, recreation and open space, historical preservation, and cluster housing in subdivisions. It was agreed that the pending C-2 Zoning ordinance and Conservation Zone ordinance will be placed on the County Council Agenda for September 9, 1997, for further consideration.

Proposed Ordinance

Mr. Rogers introduced a Proposed Ordinance entitled "AN ORDINANCE ADOPTING A COMPREHENSIVE LAND USE PLAN FOR SUSSEX COUNTY". The Proposed Ordinance will be advertised for a Public Hearing before the Planning and Zoning Commission on October 2, 1997, and the County Council on October 21, 1997.

Sussex County Senior Services (CHEER) Transportation Funding

Mr. Stickels, County Administrator, discussed the transportation budget for Sussex County Senior Services, Inc., (CHEER) which was approved by Council on August 12, 1997, in the amount of \$377,820.00, contingent on the execution of the contract by CHEER. Unallocated funds are included in the budget in the amount of \$70,051.00. Limitations on the unallocated funding were originally established in regards to annual apportionments on salaries and benefits of administrative personnel not to exceed ten percent and overhead not to exceed two percent. These percentages have been negotiated with the Delaware Transit Corporation and are now proposed at 15 percent and 3.036 percent, respectively. However, the total amount of the contract has not changed.

M 431 97 Approve Sussex County Senior Services (CHEER) Transportation Funding As Amended

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Senior Services, Inc., (CHEER) transportation budget approved on August 12, 1997, in the amount of \$377,820.00 be amended to reflect annual apportionments on salaries and benefits of administrative personnel not to exceed 15 percent and overhead not to exceed 3.036 percent of unallocated funds.

Motion Adopted: 5 Yea.

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

Administrator's Report

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

1. Building Code

Senate Bill No. 114, passed by the General Assembly and signed into law by Governor Carper, excludes

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Report  
(cont.)

agricultural structures from the requirement that they comply with local building code provisions for energy conservation. Additionally, Senate Bill No. 114 gives the local government the option to authorize the exclusion of commercial structures of less than 5,000 square feet from the energy code requirements. Unless there is objection from the Council, I have given authorization to the Building Code Department to accept commercial applications of less than 5,000 square feet that do not meet energy code.

2. Sussex County General Obligation Bonds

Mr. David B. Baker, Finance Director, has received notification from Standard & Poor's bond rating service that as part of their ongoing debt rating program, Standard & Poor's has reviewed the latest annual financial report of the County and other relevant data related to Sussex County's \$48,251,000 General Obligation Bonds. As a result of Standard & Poor's review, they have confirmed the rating for the County's General Obligation Bonds to be 'A+'. I believe that this is another indication of the County's strong financial stability.

3. Public Workshop

The Delaware Department of Transportation will be conducting the second in a series of three State Route 1 Improvement Study Public Workshops on Tuesday, August 26, 1997, 4:00 p.m. to 8:00 p.m., at the Lewes Public Library, Adams Street, Lewes, Delaware. The SR1 Improvement Study, a planning process identifying alternative transportation links and connections to improve mobility on State Route 1 between Five Points and Rehoboth Beach, began in June 1997. The study actively seeks participation of all local residents in the development of concepts for a local transportation system addressing all methods of travel in the corridor including auto, bike, pedestrian, and bus.

4. Ribbon Cutting Ceremony

PATS, Inc., Sussex County Industrial Airpark's newest tenant, will be holding a Ribbon Cutting on Tuesday, September 16, 1997, at the Georgetown Industrial Airpark at 10:00 a.m. The public is invited to attend the Ribbon Cutting. Ruth Ann Minner, Delaware's Lieutenant Governor, will detail the economic impact of this development on southern Delaware. Borge Boeskov, President of Boeing Business Jets, will present an overview of the Boeing Business Jets program, its

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current status, and its future outlook. Additionally, Jack Frost, President of PATS, will describe the specific work to be conducted at the new facility and will also provide a briefing on other PATS systems.

5. Troop 4 Status Report - Month of July

The following hours of duty and enforcement were compiled by the uniformed patrol officers of Troop 4, Georgetown, Delaware, during the month of July 1997:

Total Hours on Duty	4,107
Hours Assisted Other Agencies	38
Total Traffic Arrests	908
Total DUI Arrests	20
Accident Reports: Property Damage	60
Personal Injury	14
<b>Total Accident Reports</b>	<b>74</b>
Criminal Arrests: Felony	37
Misdemeanor	158
<b>Total Criminal Arrests</b>	<b>195</b>
Total 10-29 P's (wanted persons)	85
Total Number of Complaints	835

In addition to the patrol hours, uniformed patrol officers of Troop 4 also assisted the Sussex County Fair at the Industrial Airpark from July 3 to July 5, the Camp Barnes Benefit Race at Delmar International Speedway on July 17, and the Delaware State Fair from July 17 to July 26.

6. Extended Hours

The following hours of activity took place on Wednesday, August 13, 1997:

- (a) Utility Division - No activity;
- (b) Clerk of the Peace - 11 wedding licenses issued from 4:30 to 7:30 p.m.;
- (c) Treasury Division - One tax collection from 7:30 to 8:30 a.m., one walk-in inquiry for information and three telephone calls between 4:30 and 7:30 p.m.;
- (d) Building Code/Assessment - No activity from 7:30 to 8:30 a.m., two building permits issued, one

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Report  
(cont.)

building plan submitted, one tax release issued, and one assessment inquiry from 4:30 to 7:30 p.m.;

- (e) Recorder of Deeds - Two public information inquiries from 7:30 to 8:30 a.m., 11 documents recorded from 4:30 to 7:30 p.m.

7. Board of Adjustment Public Hearing

Please be advised that on Monday, September 8, 1997, the Board of Adjustment will hold a Public Hearing on an application request from Delmarva Power & Light (DP&L) Company to construct an asphalt plant. The asphalt plant will be located at the Indian River Power Plant site, Dagsboro Hundred, Sussex County, Delaware. The Public Hearing will be held in Council Chambers starting at 7:00 p.m.

DP&L is working with IA Construction to relocate an existing asphalt plant to the Indian River Power Plant site. DP&L is doing this to enhance its ability to recycle coal ash into the blacktop market. The application submitted by William Gibbons, representative for DP&L, states that DP&L expects to reduce truck traffic, since the stone for the blacktop facility will be received at the Indian River Power Plant by rail shipment. The application also states that moving this asphalt plant closer to the source of ash makes recycling this material an economic reality.

8. Labor Day

Sussex County government offices will be closed Monday, September 1, 1997, in observance of the Labor Day holiday. There will not be a Council meeting the week of September 1. The next regularly scheduled Council meeting will be Tuesday, September 9, 1997.

9. Council Meeting Scheduling

The County Council meeting scheduled for September 16, 1997, will not start until 12:30 p.m. The change in the scheduling of the Council meeting time has been done to allow Council members to participate in the PATS, Inc., Ribbon Cutting Ceremony.

Proposed  
Resolution/  
Bank  
Account

Mr. Baker, Finance Director, discussed a Proposed Resolution relating to the opening of a new bank account at the Baltimore Trust Company to be entitled "Sussex County Council Airport Improvements". The purpose of this account is to deposit and disburse Federal grant funds from the Federal Aviation Administration for the Airport Runway

Proposed  
Resolution/  
Bank  
Account  
(cont.)

Rehabilitation and Lighting Projects. The funds would be automatically deposited through the Treasury ACH System. Grant amounts will be requested via a County PC and modem. This automated process will greatly reduce the time involved in the receipt and disbursement of account funds.

M 432 97  
Adopt  
Resolution  
R 028 97

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 028 97 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. 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. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Sussex  
County  
Parking  
Facility

Mr. McCabe, Project Engineer, discussed granting Substantial Completion to A. P. Croll and Son, Inc., for Sussex County Project No. 96-10, Sussex County Parking Facility No. 2.

M 433 97  
Grant  
Substantial  
Completion/  
Sussex  
County  
Parking  
Facility  
No. 2

A Motion was made by Mr. Cole, seconded by Mr. Jones, based on the recommendation of the Sussex County Engineering Department, effective August 11, 1997, that the Sussex County Council grant "Substantial Completion" to A. P. Croll and Son, Inc., for Sussex County Project No. 96-10, Sussex County Parking Facility No. 2.

Motion Adopted: 5 Yea.

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

Bethany  
Bay

Mr. Green, Director of Utility Construction, discussed granting Beneficial Acceptance for wastewater facilities constructed in Bethany Bay, Phase III "A", Phase III "D", and Phase III, Section 3.3, located in the Proposed Millville/Ocean View Sanitary Sewer District.

M 434 97  
Grant  
Beneficial  
Acceptance/  
Bethany  
Bay

A Motion was made by Mr. Collins, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant "Beneficial Acceptance" for the wastewater facilities constructed in "Bethany Bay, Phase III 'A', Phase III 'D', and Phase III,

M 434 97  
(cont.)

Section 3.3", located in the Proposed Millville/Ocean View Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Highview

Mr. Green, Director of Utility Construction, discussed granting Beneficial Acceptance for wastewater facilities constructed in Highview, located in the Long Neck Sanitary Sewer District.

M 435 97  
Grant  
Beneficial  
Acceptance/  
Highview

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, that the Sussex County Council grant "Beneficial Acceptance" for the wastewater facilities constructed in "Highview", located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Recogni-  
tion

The presence of Mr. Richard C. Cecil, Executive Director of the Delaware Association of Counties, was recognized by Council.

M 436 97  
Council-  
manic  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$200.00 from Mr. Rogers' Councilmanic Account to Pilgrims' Ministry of Deliverance, Inc., to help defray costs associated with the all-denominational Christian Fellowship Day to be held at Eagles Nest Family Campground from 11:00 a.m. to 7:00 p.m. on Saturday, September 13, 1997.

Motion Adopted: 5 Yea.

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

M 437 97  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$400.00 from Mr. Jones' Councilmanic Account to the J. S. Construction Modified Softball Team to help defray expenses of participating in national competition in Florida over the Labor Day weekend.

M 437 97  
(cont.)

Motion Adopted: 5 Yea.

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

M 438 97  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$400.00 from Mr. Jones' Councilmanic Account to the Georgetown Men's Softball League for lodging expenses to represent Delaware in the national tournament being held in Drifton, Pennsylvania, over the Labor Day weekend.

Motion Adopted: 5 Yea.

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

American  
Heart  
Association  
5K Walk

Mr. Dukes invited Council to participate in a 5K Walk being sponsored by the American Heart Association on Saturday, October 11, 1997, at Redden State Forest, with registration beginning at 9:00 a.m.

M 439 97  
Council-  
manic  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to give \$500.00, \$225.00 from Mr. Collins' Councilmanic Account, \$100.00 from Mr. Dukes' Councilmanic Account, \$75.00 from Mr. Jones' Councilmanic Account, and \$100.00 from Mr. Rogers' Councilmanic Account, to the American Diabetes Association to provide a rest stop area for the 1997 WALKTOBERFEST being held on Sunday, October 5, 1997.

Motion Adopted: 5 Yea.

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

M 440 97  
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Jones, to adjourn at 11:34 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb  
Acting Clerk of the County Council