

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-SEPTEMBER 17, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, September 17, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 398 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

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

J. H. W. GEFAELL, MANAGING DIRECTOR, R. W. CORBY & COMPANY, INC., WASHINGTON
RE: A letter to Mr. Dukes thanking him for services in meeting and touring the analysts from Moody's Investors Service through the County.

AMOS EVANS, MAYOR, TOWN OF MILLVILLE, AND MICHAEL J. HARRISON, CHAIRMAN, PLANNING COMMISSION, MILLVILLE
RE: Requesting an extension to the moratorium on zoning changes in Millville until January 1, 1992. The request will be discussed at next week's meeting.

THELMA D. MONROE, MAYOR, TOWN OF MILLSBORO
RE: Mr. Eck, a former German Prisoner of War was held after capture in World War II in Millsboro. He worked in an area factory, under guard, and was paid a small pittance for two years. When he returned to his homeland in East Germany, he lived under complete military dominance and suppression. Now that things have changed, he plans to visit Millsboro for a seven day period and will arrive here on October 15. In his letter he states "the happiest two years of my life were when I was a prisoner of war." Millsboro plans many receptions for Mr. Eck, and requests some acknowledgement from the County Council.

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Corre-
spondence
(Con't.)

DELAWARE ESTUARY PROGRAM, PHILADELPHIA
RE: The newsletter of the local government committee of
the Delaware Estuary program entitled "THE RISING TIDE."

Mr. Dukes had received a packet of information from Mr. James H. Miller, President, ABB Resource Recovery Systems, concerning their selection by the Delaware Solid Waste Authority to negotiate contracts for the design, construction and operation of the Authority's Southern Reclamation Project. Mr. Miller projects that the proposed facility will complement and augment the Authority's existing successful RECYCLE DELAWARE program by utilizing 500 tons per day of municipal solid waste as its primary fuel source. Mr. Wood, County Engineer, was asked to review the information.

Courthouse
Expansion

Mr. Stickels, County Administrator, called upon Mr. Clendaniel, R. Calvin Clendaniel Associates, to discuss the design plans for expansion and renovation of the Sussex County Courthouse. [This was authorized at the regular Council Meeting on March 5, 1991, immediately after authorization to execute a Lease Amendment Agreement between the Sussex County Council and the State of Delaware Department of Administrative Services for renovations and an addition to the Sussex County Courthouse not to exceed 4,000 square feet in gross area and \$1,000,000 in cost.] Mr. Clendaniel explained the basic additions and renovations that are included in the design. Mr. Clendaniel also discussed preliminary meetings, and in some cases final meetings, that have been held with all permitting agencies. In addition, the design has been discussed with the State Administrative Services and the County judges who will be using the courtrooms. It is expected that all permits and approvals will be in place so that construction can begin within the next four to six weeks. To meet the occupancy date of October 1, 1992, as agreed upon in the Lease Amendment, Mr. Clendaniel recommends that construction bids be solicited.

M 399 91
Soliciting
Construc-
tion Bids
for
Courthouse

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council authorize the soliciting of construction bids for the Sussex County Courthouse addition and renovations as presented by R. Calvin Clendaniel Associates. Motion Adopted: 5 Yea.

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

September 17, 1991

Information
Concerning
Recent
Bond
Sale

Mr. Stickels, County Administrator, discussed the sale of 30-year General Obligation Bonds in the amount of \$20,000,000 on Wednesday, September 11, 1991. The bonds were sold to a group of investment bank underwriters led by Kidder, Peabody and Company, Incorporated, of New York. The bonds were based solely on the County's General Obligation pledge of its full faith and credit and taxing power and were sold at a total interest cost to the County of 6.69 percent.

The bonds were issued primarily to finance the construction of a wastewater treatment plant in Long Neck, but the proceeds will also be used for several other capital improvement projects; such as, the construction of new and existing water systems and sewer projects within the County; renovations and expansion of the County Courthouse; and, a community improvements project (road) in Bayview Park.

The projects financed by the Bonds, except for certain new water projects, should be self-sustaining and, therefore, able to repay their individual portions of the debt. Revenues created by the Long Neck wastewater facility should be equal to the amount of debt and interest allocated toward that project from the Bond sale. Under an agreement with the State, the County will be reimbursed for the costs associated with the Courthouse expansion. Current and future residents of Bayview Park will pay for the cost of the road through assessments. The current County general bond tax provides revenues to pay the debt service for the new water districts to be funded by this issue.

Mr. Stickels, County Administrator, discussed the possibility of refinancing previous bond issues to take advantage of the lower interest rate. Should the County refinance any of their existing bonds, the beneficiary in each instance would be the project to which the bond was charged.

LEPC
Recommen-
dations

Mr. Stickels, County Administrator, reviewed recommendations made by Mr. Lynn Bullock, Chairman, Sussex County Local Emergency Planning Committee, for new members. The following persons were recommended for the Committee:

1. Rhonda Tuman - Placing Ms. Tuman on the committee would assist with media relations.
2. Joe Morris - Mr. Morris, an employee of Conrail, would represent the rail industry and replace Mr. William Barringer.
3. Theodore Walius - Mr. Walius would replace Mr. Perry King as a representative of the Sussex County Fire Chiefs' Association.

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M 400 91
LEPC
Appoint-
ments

A Motion was made by Mr. Collins, seconded by Mr. Benson, to appoint Ms. Rhonda Tuman, Mr. Joe Morris, and Mr. Theodore Walius as new members to the Sussex County Local Emergency Planning Committee as recommended by the County Coordinator. Motion Adopted: 5 Yea.

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

Sediment
and Storm-
water
Manage-
ment
Recommen-
dations

Mr. Stickels, County Administrator, reviewed the following recommendation, made by Mr. Cashar Evans, Chairman, Sussex Conservation District, for new members to serve on the Sediment and Stormwater Management Advisory Board:

1. Ronald Gronwald - Representing USDA, Soil Conservation Service;
2. John M. Garcia, Jr. - Representing Sussex Conservation District; and
3. Elizabeth A. Horsey, Representing Sussex Conservation District to serve as Chairperson.

Presently, Ms. Horsey is employed as the Sussex Conservation District Coordinator. If an appeal were made to the Sediment and Stormwater Management Advisory Board, President Dukes questioned the appropriateness of Ms. Horsey's appointment as Chairperson of the Board. Councilman Stevenson requested that no action be taken on this recommendation today. The matter will be placed on the Agenda next week.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation declaring Thursday, September 19, 1991, as a day to honor George W. Chaloupka and his unselfish dedication to promotion, research, and education in the poultry industry. The Proclamation will be presented to Mr. Chaloupka at a retirement dinner in his honor.

M 401 91
Adopt
Proclama-
tion

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAIMING THURSDAY, SEPTEMBER 19, 1991, AS A DAY IN SUSSEX COUNTY TO HONOR GEORGE W. CHALOUPKA." Motion Adopted: 5 Yea.

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

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Adminis-
trator's
Report

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

1. Delaware Association of Counties - The meeting scheduled for Thursday, September 19, 1991, has been changed to Thursday, October 10, 1991, at the Maple Dale Country Club, Dover, starting at 6:00 p.m.
2. Subdivision Approvals - The following subdivisions were approved by the Planning and Zoning Commission on Thursday, September 12, 1991:
 - (a) Bethany Bay - Route 350, Baltimore Hundred, Phase One of Section 2.2, zoned AR-1, RPC was subdivided into five lots. This property will be served by on-site central water and sewer.
 - (b) Country Trails Land Company - subdivided 25.8± acres into 24 GR lots, located on Route 48, Indian River Hundred. This property will be served by individual wells and on-site septic systems.
3. Paramedic Program - During calendar year 1991, Paramedics have answered 2,359 calls. The Georgetown based unit has responded to 2,025 calls, and the Bethany based unit has responded to 334.
4. Road Closing - The law firm of Sergovic & Ellis has petitioned Superior Court to close a portion of Terrace Road, Rehoboth Beach, Sussex County, Delaware.
5. Certificate of Public Convenience and Necessity - The Department of Natural Resources and Environmental Control, Division of Water Resources, has issued a Certificate of Public Convenience to J. H. Wilkerson and Son, Inc. to provide public water service to Blue Heron Estates Subdivision, located on County Road 317.
6. Low Cost Loans for Home Improvements - The Delaware State Housing Authority, in cooperation with Sussex County Division of Community Development and Housing, will host a free public workshop on the Housing Rehabilitation Loan Program (HRLP). The program provides home improvement loans up to \$15,000 per unit at three percent interest for income eligible owner-occupants or landlords renting to income eligible tenants. The statewide program allows homeowners to improve the value of their property by bringing the home up to building and housing codes. The loans can also be used to make a home handicapped accessible. All Delaware homeowners, investors, nonprofit organizations, realtors, and residents are invited to attend the public workshop to be held on Thursday, September 26, 1991, at 6:30 p.m., at the Sussex County Courthouse, Court of Common Pleas, Georgetown.

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Dagsboro-Frankford Sanitary Sewer District

Mr. Archut, Planning and Permits Division Director, reviewed the progress on the Dagsboro-Frankford Sanitary Sewer District. The Engineering Department and George, Miles and Buhr, Construction Management Contractor, agree that work has progressed to the point where it is appropriate to advertise for construction bids.

In accordance with stipulations established by Farmers Home Administration, the County must execute a "USDA-FmHA Loan Resolution" pledging their full faith to raise a portion of the cost of the undertaking by the issuance of its bonds in the principal amount of \$1,362,100 before construction bids can be published.

M 402 91
USDA-FmHA Loan Resolution

A Motion was made by Mr. Benson, seconded by Mr. Collins, that the President of the Sussex County Council be authorized to execute a "USDA-FmHA Loan Resolution" for the amount of \$1,362,100 for the Dagsboro-Frankford Sanitary Sewer District to be submitted to the United States Farmers Home Administration. Motion Adopted: 5 Yea.

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

Dagsboro-Frankford Sanitary Sewer District

Mr. Archut, Planning and Permits Division Director, further advised that Farmers Home Administration and the Department of Natural Resources and Environmental Control have authorized the County to advertise for two separate construction bids for the Dagsboro-Frankford Sanitary Sewer District. One contract would be for the construction of the treatment plant, and the other for the construction of the wastewater and transmission facilities.

To facilitate the construction of the Dagsboro-Frankford Sanitary Sewer District, Council members agreed to advertise for construction bids; however, no bids are to be awarded until all easements are in place.

M 403 91
Advertise for Construction Bids for Dagsboro-Frankford SSD

A Motion was made by Mr. Collins, seconded by Mr. Benson, authorizing the Sussex County Engineering Department to advertise for construction bids for Contract Numbers 1 and 2 for the Dagsboro-Frankford 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

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West
Rehoboth
Expansion
Phase 1A

Mr. Wood, County Engineer, recommended the awarding of the bid for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Phase 1A. Phase 1A of the expansion covers the area from Five Points to Route 24 on both sides of Route 1. All easements are in hand for this phase of the expansion. It is the intention of the Engineering Department to get all construction lines and work finished to meet DelDOT's time frame for road construction along this corridor.

The Engineering Department, George, Miles and Buhr, and the Assistant County Attorney have reviewed all bids for potential problems. It was found that the low bidder, On Shore Construction Company, met all qualifications and specifications outlined in the bid packet. Mr. Schrader, Assistant County Attorney, and Mr. James R. Thomas, Jr., George, Miles and Buhr, were present to confirm their findings and answer questions concerning the bids and bid procedure, including the new licensing provision mandated by Delaware Code.

M 404 91
Award Bid
for West
Rehoboth
Expansion
Phase 1A

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based upon the recommendation of the Consultant Engineer, George, Miles and Buhr, and the Sussex County Engineering Department, that the Sussex County Council President be authorized to enter into a construction agreement for Phase 1A of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project, with the recommended low bidder, On Shore Construction Company, for the total base bid amount of \$2,859,859, contingent upon approval from Delaware Department of Natural Resources and Environmental Control to award this contract. 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
C/U #986

Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MATERIAL AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.84 ACRES, MORE OR LESS" (C/U #986) filed of behalf of Kuhn Family Sussex Partnership. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/U #987

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODEL HOME SALES OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN

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Proposed
Ordinance
(Con't.)

INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/U #987) filed on behalf of Charlotte Nelte. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/U #988

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE OPERATION OF A TIRE SALES AND SERVICE BUSINESS, DEMOLITION AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.79 ACRES, MORE OR LESS" (C/U #988) filed on behalf of John E. and Janet E. Macklin. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/U #989

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXCAVATION OF A HILL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 25.92 ACRES, MORE OR LESS" (C/U #989) filed on behalf of Townsend, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1142

Mr. Collins introduced 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.43 ACRES, MORE OR LESS" (C/Z #1142) filed on behalf of Gordon M. and Sandra D. Mariner. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1143

Mr. Cole introduced 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/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.12 ACRES, MORE OR LESS" (C/Z #1143) filed on behalf of Charles E. Turner, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1144

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 59.05 ACRES, MORE OR LESS" (C/Z #1144) filed on behalf of V & L Partnership. The Proposed Ordinance will be advertised for Public Hearing.

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M 405 91
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$300, from Mr. Cole's Councilmanic Account, to Rehoboth Beach Parent Volunteer Program to purchase mulch for the playground at Rehoboth School. Motion Adopted: 5 Yea.

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

M 406 91
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$800, from Mr. Cole's Councilmanic Account, to Millville Planning Commission for a base map of the town. Motion Adopted: 5 Yea.

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

Stevenson's
Statement

Councilman Stevenson took the opportunity to discuss his absence last week when his nephew was killed instantly while riding on a public bus in Dallas, Texas. He thanked everyone for their prayers, cards, and calls.

M 407 91
Council-
manic
Grant

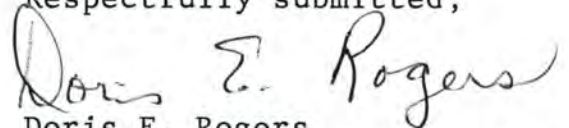
A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$500, \$100 from each of the five Councilmanic Accounts, to Delaware Police Chiefs' Council, Inc., to provide partial reimbursement for their Local Police Coordinator to attend the Committee of Executive Directors at the International Association of Chiefs of Police Annual Conference in Minnesota. Motion Adopted: 5 Yea.

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

M 408 91
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 11:30 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council