

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 4, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 4, 1994, at 10:00 a.m. in the Seaford Municipal Hall, Seaford, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
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 414 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated September 27, 1994. Motion Adopted by Voice Vote.

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

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, UNDERGROUND STORAGE TANK BRANCH, NEW CASTLE, DELAWARE.
RE: Quarterly newsletter entitled "Think Tank".

PATRICIA M. BAKER, MFH LOAN SPECIALIST, UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION, CAMDEN, DELAWARE.
RE: FmHA's review of the County's Housing Preservation Grant (HPG) files for FY 1993; the process the County has established for the FY 1994 Grant; and FmHA's visit to some rehabilitated sites.

DON CORKRAN, B.A.S.S. NATIONAL FEDERATION, MONTGOMERY, ALABAMA.
RE: Appreciation for Council's participation in the 1994 B.A.S.S. Federation Eastern Divisional Championship Tournament.

JANET LEE, SECRETARY, LAUREL CHAMBER OF COMMERCE, LAUREL, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of his Councilmanic Grant for the Dog Days Festival.

SCOTT COULBOURN, DIRECTOR, SEAFORD DEPARTMENT OF PARKS & RECREATION, SEAFORD, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of his Councilmanic Grant for the Seaford Little League Football program.

SUSSEX FAMILY BRANCH YMCA, REHOBOTH BEACH, DELAWARE.
RE: Appreciation for Mr. Cole's and Mr. Benson's Councilmanic Grants.

Corre- CHAD BETTS, MILTON, DELAWARE.
spondence RE: Card to Mr. Stickels thanking him for the Sussex County
(con't) hats, chickens, etc..., that he took with him on his trip to
Australia.

Proposed Mr. Baker, Finance Director, introduced a Proposed Resolution
Resolu- entitled "AUTHORIZING THE WITHDRAWALS FROM COLLATERAL ACCOUNTS,
tion INCLUDING WITHDRAWALS ASSOCIATED WITH COLLATERAL SUBSTITUTIONS".
Colla- The Resolution authorizes David B. Baker, Finance Director;
teral Susan M. Webb, Director of Accounting; and William C. Townsend,
Substi- Internal Auditor, to approve withdrawals from collateral
tutions accounts, including withdrawals associated with collateral
accounts and related funds of the Sussex County Council.

M 415 94 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Adopt Adopt Resolution No. R 025 94 entitled "AUTHORIZING THE WITH-
Resolu- DRAWALS FROM COLLATERAL ACCOUNTS, INCLUDING WITHDRAWALS
tion No. ASSOCIATED WITH COLLATERAL SUBSTITUTIONS".
R 025 94

Colla- Motion Adopted: 4 Yea, 1 Absent.
teral

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

Road Mr. Norwood, Project Coordinator, updated the Council on the
Renaming County's Road Renaming Project. This project is the first step
Project in getting Sussex County to a total readdressing for the 911
Emergency Dispatch Center. There will a public workshop for
the Roads Renaming Project on Thursday, October 6, 1994, at
7:30 p.m. in the Seaford Fire Hall. The purpose of this meeting
is to receive input to the adoption of road names for rural
Sussex County in the Seaford Fire District area.

Fleet Mr. Stevenson, Paramedic Director, reviewed the Sussex County
Plan EMS - Paramedics Fleet Plan.

Review Mr. Stevenson, Paramedic Director, reviewed the bids received
Bids for the rechassis of three Paramedic Response Vehicles, as
Para- follows:
medic

Vehicles Swab Wagon Company \$ 7,442.00
Elizabethville, Pennsylvania

Robinson Ambulances \$ 2,880.00
Windsor, Virginia

Based on a review of the bids, Mr. Stevenson recommended that
the bid be awarded to the low bidder, Robinson Ambulances.

M 416 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Accept to accept the bid of Robinson Ambulances in the amount of
Bid \$2,880.00 for rechassis of three Paramedic Response Vehicles.
Paramedic
Vehicles Motion Adopted: 4 Yea, 1 Absent.

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

Review Mr. Stevenson, Paramedic Director, reviewed the sole bid
Bid received for three extended cab chassis' for rechassis of
Paramedic three Paramedic Vehicles, Medic 103, 105, and 104 units,
Vehicles as follows:

First State Chevrolet	\$ 25,678.00
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Based on a review of the bid, Mr. Stevenson recommended that the bid be awarded to First State Chevrolet.

M 417 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Accept accept the bid of First State Chevrolet in the amount of
Bid \$25,678.00 for three extended cab chassis' for rechassis of
Paramedic three Paramedic Vehicles, Medic 103, 105, and 104 units.
Vehicles

Motion Adopted: 4 Yea, 1 Absent.

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

Salt Mr. Green, Director of Utility Construction, discussed
Pond Conditional Acceptance for the wastewater pumping station
in Salt Pond, which is located in the Bethany Beach Sanitary
Sewer district.

M 418 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Grant that based upon the recommendation of the Inspection Engineer,
Condi- Sussex County Engineering Department, for Sussex County Project
tional No. 81-04, that the Sussex County Council grant Conditional
Accep- Acceptance for the wastewater pumping station in Salt Pond,
tance located in the Bethany Beach Sanitary Sewer District.
Salt
Pond

Motion Adopted: 3 Yea, 1 Abstained, 1 Absent.

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

Change Orders Mr. Green, Director of Utility Construction, reviewed Change Orders 2, 5, 8, and 9 for Contracts 2 and 3 of the West Rehoboth Sewer Project.

M 419 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that Sussex County Council authorizes Change Order No. 2, to Northeast Construction Company, in the amount of \$25,266.71, for the relocation of an existing twelve inch water line on northbound Route 1, near Manhole #266, bringing the revised total contract amount to \$3,512,367.00, and a two day time extension with a revised substantial completion date of November 18, 1994.

Motion Adopted: 4 Yea, 1 Absent.

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

M 420 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that Sussex County Council authorizes Change Order No. 5, to Northeast Construction Company, in the amount of \$37,327.69, for 1,009 linear feet of ten inch PVC Force Main with tracer wire, bringing the revised total contract amount to \$3,549,694.69, and a five (5) day time extension with a revised substantial completion date of November 23, 1994.

Motion Adopted: 4 Yea, 1 Absent.

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

M 421 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that Sussex County Council authorizes Change Order No. 8, to Northeast Construction Company, in the amount of \$5,426.84, for reimbursement for crew down time as a result of conflicts with underground utilities, bringing the revised total contract amount to \$3,555,121.53, and a one day time extension with a revised substantial completion date of November 24, 1994.

Motion Adopted: 4 Yea, 1 Absent.

M 421 94 Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 422 94 A Motion was made by Mr. Cole, seconded by Mr. Collins,
Authorize based on the recommendation of the Consulting Engineer,
Change George, Miles & Buhr, and the Sussex County Engineering
Order Department, that Sussex County Council authorizes Change
West Order No. 9, to Northeast Construction Company, for a
Rehoboth credit in the amount of \$38,670.65, for steel casing pipes
that were installed at the improper grade by the contractor,
bringing the revised total contract amount to \$3,516,450.88,
and a zero day time extension with an unrevised substantial
completion date of November 24, 1994.

Motion Adopted: 4 Yea, 1 Absent.

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

Archaeo- Mr. Archut, Director of Planning and Permits, updated Council
logical on the archaeological survey of the old post office site being
Survey performed by Dames & Moore. It was reported at the August 30th
Old Council meeting that the Delaware State Historical Preservation
Post Office determined that a Phase II Study was necessary. Mr.
Office Archut reported that the Phase II Study has now been completed.
Site Dames & Moore has indicated that no further study of the area is
recommended. This recommendation will be submitted to the County
in the form of a report after which the report will be forwarded
to the Delaware State Historical Preservation Office for their
approval. Costs associated with the Phase I and Phase II Studies
total \$62,900.00; additional costs totalling approximately
\$6,918.00 may be incurred for the recordation of information in
the old post office building.

Proposed Mr. Archut, Director of Planning and Permits, discussed the
South petition to establish a sanitary sewer district in the South
Ocean Ocean View area. The sanitary sewer district would include
View Plantation Park I and II, Plantation Park Marina, George C.
Sanitary Moore, Malcolm's Manor, Starlight Woods, Ocean Air, and Chevy
Sewer Chase Subdivisions. At the May 10, 1994, Council meeting,
District the Sussex County Engineering Department was authorized to
prepare a Tabletop Study establishing the cost of providing
sanitary sewer service to these areas. Mr. Archut advised
that the Tabletop Study has been prepared and estimates are
being reviewed. A date of November 5, 1994, was recommended
for the scheduling of a Public Hearing. It was the consensus
of Council that the Public Hearing be scheduled as recommended.

Suburban Community Improvements Mr. Izzo, Director of Public Works, discussed the acceptance of two subdivisions, Edgewater Acres Subdivision and Conley Chapel Subdivision, into the County's Suburban Community Improvements Program.

M 423 94 Accept Edgewater Acres Subdivision into Suburban Community Improvements Program A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that the Edgewater Acres Subdivision, located in Baltimore Hundred, qualifies as a "Suburban Community" as defined under Title 9, Chapter 5, of the Delaware Code, and further that valid petitions have been received from freeholders representing more than 50% of the street frontage within the community, and that the Edgewater Acres Subdivision be accepted into the Suburban Community Improvements Program and that plans, specifications, and cost estimates be compiled, after which an election shall be held to determine whether the County shall proceed to finance the proposed improvements.

Motion Adopted: 4 Yea, 1 Absent.

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

M 424 94 Accept Conley Chapel Subdivision into Suburban Community Improvements Program A Motion was made by Mr. Cole, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, that the Conley Chapel Subdivision, located in Indian River Hundred, qualifies as a "Suburban Community" as defined under Title 9, Chapter 5, of the Delaware Code, and further that valid petitions have been received from freeholders representing more than 50% of the street frontage within the community, and that the Conley Chapel Village Subdivision be accepted into the Suburban Community Improvements Program and that plans, specifications, and cost estimates be compiled, after which an election shall be held to determine whether the County shall proceed to finance the proposed improvements.

Motion Adopted: 4 Yea, 1 Absent.

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

Archaeological Study West Rehoboth Mr. Wood, County Engineer, advised Council of the results of the Phase I Archaeological Study for Area 9 in Collection Contract Package A for the West Rehoboth Sewer Project. Based on the findings of the Phase I Study, a Phase II Study has been required.

M 425 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Award based on the recommendation of the Consulting Engineer, George, Phase II Miles and Buhr, and the Sussex County Engineering Department, Archaeo- that the Sussex County Council authorizes the award of the logical Phase II Archaeological Study for Area 9 in Collection Contract Study Package A in the amount of \$45,382.63 to MAAR Associates of West Newark, Delaware, bringing their contract total for this Rehoboth package to \$56,786.29 and that this contract amount is also to Contract be added to the George, Miles and Buhr Construction Administration A Contract as a "pass-through", increasing their Contract A total to \$360,178.29 contingent on the approval of the reviewing agencies, Department of Natural Resources and Environmental Control, Environmental Protection Agency, and Farmers Home Administration.

Motion Adopted: 3 Yea, 1 Nay, 1 Absent.

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

Archaeo- Mr. Wood, County Engineer, advised Council that a Phase I logical Archaeological Study has been required by the Delaware State Study Historic Preservation Office for selected portions of Collection Contract D of the West Rehoboth Sewer Project.

M 426 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, based Award on the recommendation of the Consulting Engineer, George, Phase I Miles & Buhr, and the Sussex County Engineering Department, Archaeo- that the Sussex County Council authorizes the award of the logical Phase I Archaeological Study for selected portions of Collection Study Contract D in the amount of \$39,476.25 to MAAR Associates of West Newark, Delaware, and that this contract amount is also to be Rehoboth added to the George, Miles & Buhr Construction Administration Contract Contract as a "pass-through" increasing their Contract D D total to \$270,826.25 contingent on the approval of the reviewing agencies, Department of Natural Resources and Environmental Control, Environmental Protection Agency, and Farmers Home Administration.

Motion Adopted: 4 Yea, 1 Absent.

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

Bid Mr. Wood, County Engineer, discussed the bid results for Results Collection Contract D, for Areas 14, 15, 16, 17, and 18, for Contract the West Rehoboth Sewer Project which were presented to Council D on September 13, 1994.

M 427 94 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, Award based on the recommendation of the Consulting Engineer, Contract George, Miles & Buhr, and the Sussex County Engineering Department, that an award be given to the low bidder, Lisbon Contractors, Inc. of Danboro, Pennsylvania, in the amount of West \$5,437,439.93 for Collection Contract Bid Package D for the Rehoboth West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District contingent on the approval of the reviewing agencies, Department of Natural Resources and Environmental Control, Environmental Protection Agency, and Farmers Home Administration and the confirmation of crew day rates for potential change orders.

Motion Adopted: 4 Yea, 1 Absent.

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

Design Mr. Wood, County Engineer, discussed a change order to the Contract Design Contract with George, Miles & Buhr for the West Rehoboth Change Sewer Project. The change order is due to additional work that Order was not included in the current Contract, i.e. the design of GM&B systems not in the original project, the obtainment of easements, the location of pump stations, and property condemnations.

M 428 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, based Authorize on the recommendation of the County Engineering Department, Design that the Sussex County Council authorizes the County Council Contract President to enter into a Contract with George, Miles & Buhr, Change increasing their current Contract by \$152,900.00 to include Order the unforeseen design and easement requirements, bringing their with revised Contract total to \$5,525,930.00 and extending this GM&B Contract completion date to December 31, 1994, contingent on West the approval of the reviewing agencies, Department of Natural Rehoboth Resources and Environmental Control, Environmental Protection Agency, and Farmers Home Administration.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Stevenson introduced a Proposed Ordinance entitled "AN Ordinance ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.8197 ACRES,

Proposed Ordinance (con't) MORE OR LESS" (Change of Zone No. 1243) filed on behalf of New Process Fiber Co., Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 1019 TO PERMIT AUTOMOTIVE SALES AND MAINTENANCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Conditional Use No. 1093) filed on behalf of Earl and Lillian Holden. The Proposed Ordinance will be advertised for Public Hearing.

Grant Request for Historic Preservation Planner Mr. Stickels, County Administrator, advised Council of a Historic Preservation Planning Grant Request that has been submitted to the State of Delaware, Historic Preservation Office. The purpose of the request is to reestablish the position of Historic Preservation Planner in Sussex County. Funding for the County's portion of the project will be included in the FY 1996 budget proposal. This position will be filled contingent upon approval of the grant request and approval of the County Council.

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

1. Growth and Infrastructure Policy Forum for Sussex County

The Delaware Public Administration Institute of the University of Delaware's College of Urban Affairs and Public Policy is sponsoring a Growth and Infrastructure Policy Forum for Sussex County in cooperation with the Sussex County Association of Towns, the Sussex County Government, and the State of Delaware. This one-day forum will be held on Friday, October 7, 1994, at the Higher Education Building in Georgetown.

The forum will address current and emerging issues facing Sussex County in areas of transportation, economic development, environmental affairs, and agriculture. The program will include presentations by Jeff Bullock, Chief of Staff for Governor Carper; Secretary Anne Canby, Department of Transportation; Secretary Jack Tarburton, Department of Agriculture; and Robert Coy, Delaware Development Office. Representing the Department of Natural Resources and Environmental Control will be Mary McKenzie and David Hugg. Additionally, members from Planning and Zoning and Economic Development and Mr. Stickels will participate in the program.

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Currently, over 100 people are pre-registered to participate in this informative program. Anyone still wishing to register should contact the Delaware Public Administration Institute, College of Urban Affairs and Public Policy, at 831-8971.

2. Open House

Please be advised that on Tuesday, October 25, 1994, the annual Sussex County Government Open House will be held in the Courthouse on The Circle in Georgetown from 6:30 p.m. to 9:00 p.m. Department and division directors, along with key personnel, will be available in their respective departments to give the public an opportunity to be informed of the responsibilities of County government. Any group or organization wishing to have a guided tour should contact the Administration Office at 855-7742 to pre-register.

3. Delaware Campground Association

As directed by the County Council, Mr. Stickels has scheduled a meeting for Wednesday, October 12, 1994, at 9:30 a.m., in the County Council Chambers to meet with representatives of the Delaware Campground Association. The meeting will be open to any non-member of the Campground Association, as well as the general public.

4. Safe Drinking Water Act

The reauthorization of the Safe Drinking Water Act, H.R. 3392, moved a step closer to passage when the United States House of Representatives voted the bill out of committee unanimously under suspension of the rules. The bill changes the process by which EPA chooses drinking water contaminants, requiring risk to be taken into account. This legislation could have a long-term benefit in the monitoring of the County's closed landfills. This legislation also creates a State Revolving Loan Fund for drinking water infrastructure. To date, there is no funding assistance for drinking water.

The bill must now be reconciled with the Senate-passed legislation, S. 2019. Informal discussions are currently underway regarding a possible House-Senate conference, but the outlook is uncertain with the short time remaining before recess.

5. Community Development Block Grant Funding

On Tuesday, September 27, 1994, the U.S. Senate passed FY '95 appropriations increasing Community Development Block Grant

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(CDBG) funding by \$200 Million. This legislation had been passed earlier by the House of Representatives. In addition to the increase in funding for CDBG, the bill also maintains funding for public housing development and raises the appropriation for elderly/disabled housing with a \$400 Million increase. With 7,000 substandard houses in Sussex County, the County will continue to monitor this legislation closely in attempts to broaden its own programs.

6. Christine B. Burton

Former County employee Christine B. Burton passed away on Wednesday, September 28, 1994. Ms. Burton worked for the County from June 1965 until she retired in June 1980. During that time, she was employed at the Emergency Operations Center and also served as County Operator.

M 429 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, that Executive Session the Sussex County Council authorizes an Executive Session to be held in the County Council Chambers on Tuesday, October 11, 1994, at 9:00 a.m., to discuss land acquisition and pending litigation.

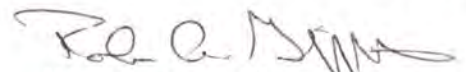
Motion Adopted: 4 Yea, 1 Absent.

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

Distribution Mr. Stickels, County Administrator, distributed copies of "A Guide to County Government".

M 430 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Adjourn to adjourn at 12:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council