

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 25, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 25, 1994, at 10:00 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 |

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

M 446 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated October 18,
Minutes 1994. Motion Adopted by Voice Vote.

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

NEAL J. BOYLE, PRESIDENT, SUSSEX COUNTY STAMP CLUB, LEWES, DELAWARE.

RE: To express appreciation for Council's support of the Club's September Stamp Show-Bourse and Exhibition.

DEPARTMENT OF NATURAL RESOURCES, DIVISION OF AIR AND WASTE MANAGEMENT, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE.

RE: A Public Hearing to be held on November 22, 1994, to consider a revision to Regulation No. 13, Open Burning, and a consequent revision to Regulation 1, Definition and Administrative Principles, of the State of Delaware Regulations Governing the Control of Air Pollution.

ANDREW GRAF, PROJECT ENGINEER, GEO-GRAF, KENNETT SQUARE, PENNSYLVANIA.

RE: Offering a more cost-effective approach to determine the archaeological and environmental impact of sites prior to construction and land acquisitions. (A copy of this letter has been forwarded to Mr. Archut, Director of Planning and Permits).

Presen- Mr. Collins displayed a plaque presented to Council by the
tation of Greater Millsboro Chamber of Commerce for support of the
Plaque Annual Big Thursday event.

Voided Mr. Stickels, County Administrator, advised Council that the
Sub- Planning and Zoning Commission voided the following subdivision
divisions applications at their meeting on October 13, 1994:

1. Subdivision #90-26 - George Adams, Jr., Cedar Creek Hundred, 270 lots, east of Route 42, south of Route 625.

Voided
Sub-
divisions
(con't)

2. Subdivision #90-29 - W. Nelson Hall, Cedar Creek Hundred, 64 lots, west of Route 228, south of Route 30.
3. Subdivision #91-14 - Delaware Pulpwood Company, Cedar Creek Hundred, 12 lots, north of Route 207, east of Route 213.
4. Subdivision #91-25 - Junior Armiger, Broad Creek Hundred, 68 lots, Route 490.
5. Subdivision #92-1 - Henry Dukes, Cedar Creek Hundred, 7 lots, east of Route 225, north of Route 225D.
6. Subdivision #92-4 - Thomas Head, Indian River Hundred, 3 lots, extension to The Willows.
7. Subdivision #92-5 - Alvin Bunting, Lewes and Rehoboth Hundred, 5 lots, Route 266.
8. Subdivision #92-9 - Nanticoke Homes, Inc., Cedar Creek Hundred, 10 lots, Route 39 across from Route 619.
9. Subdivision #92-10 - Land Lords, Inc., Broadkill Hundred, 79 lots, north of Route 233.
10. Subdivision #93-2 - Harry, Jean, and Stephen Seipp, Nanticoke Hundred, 26 lots, Route 483.
11. Subdivision #93-7 - Richard W. Aydelotte, Broadkill Hundred, 38 lots, south of Route 16, east of Route One.

Adminis-
trator's
Report

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

1. Federal Emergency Management Agency (FEMA) Funding

As a result of the 1994 ice storm, the County received a check in the amount of \$16,321 on June 4, 1994, for the ice storm. This funding covered costs incurred by the Paramedic Office, South Coastal Regional Wastewater Facility, and the Emergency Operations Center. The costs were for labor, meals, equipment, phone and administrative costs.

In the County's original request, FEMA had disallowed over-time costs and credit for volunteer man-hours submitted by the fire companies. After further review, the County has received notification that the County will be credited for overtime and volunteer hours in the amount of \$10,771. Of this funding, Gumboro Fire Company will receive \$744 and the Delmar Fire Company will receive \$572.25.

Adminis-
trator's
Report
(con't)

2. Federal Bankruptcy Legislation

Mr. Stickels has been notified by the National Association of Counties that in the final days of Congress, the House and Senate passed a bankruptcy reform bill, H.R. 5116, which would allow counties and cities to collect taxes due on properties involved in bankruptcy proceedings. Under the bill, counties would be able to file a lien for property taxes due before and after the filing of a bankruptcy petition. The lien would have to be satisfied before other creditors are paid off. This legislation was the first major rewrite since adoption of the bankruptcy code in 1978.

This legislation also contains a provision overturning recent court decisions on tax liens where courts have awarded creditors funding before taxes have been satisfied. To date, this has not impacted the County's ability to collect tax liens while properties are filed for bankruptcy; however, the issue has been discussed on several occasions.

West
Rehoboth
Sewer
Project
Change
Order

Mr. Green, Director of Utility Construction, discussed Change Order No. 10 for Contracts 2 and 3 of the West Rehoboth sewer project. Change Order No. 10, in the amount of \$8,947.61, is for sanitary sewer realignment between Manhole 227 and Manhole 228, and the relocation of Manhole 228 outside of an existing stormwater pond at Wilmington Trust on Delaware Route One.

M 447 94
Authorize
Change
Order
No. 10
Contracts
2 and 3
West
Rehoboth
Sewer
Project

A Motion was made by Mr. Collins, seconded by Mr. Benson, 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. 10, to Northeast Construction Company, in the amount of \$8,947.61, for sanitary sewer realignment between Manhole 227 and Manhole 228, and the relocation of Manhole 228, outside of an existing stormwater pond at Wilmington Trust on Delaware Route One, bringing the revised total contract amount to \$3,525,398.49, and a half day time extension with a revised substantial completion date of November 25, 1994 at 12:00 noon, contingent on the approval of the following agencies, Department of Natural Resources and Environmental Control and Farmers Home Administration.

Motion Adopted: 3 Yea, 2 Absent.

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

Agenda
Item

The agenda item entitled "Shady Park - Phase III - Section 2A, Final Acceptance (Agreement 108)" was tabled.

Old Georgetown Post Office Building HABS Documentation

Mr. Archut, Director of Planning and Permits, discussed additional work that is required to be performed on the old Georgetown Post Office building prior to any remodeling being done. As a result of buying this federal building, the County is required to do a HABS (Historic American Building Survey) Documentation of the interior of the building. The HABS Documentation will consist of a photographic and archaeological recordation of the features of the interior of the building. The final report will be submitted to the National Park Service. Mr. Archut proposed that the University of Delaware's Center for Historic Architectural and Engineering Department and Department of Urban Affairs perform this project. The University of Delaware has submitted a cost estimate of approximately \$6,900.00 for this project. To date, the contract has not been finalized.

M 448 94 Councilmanic Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$250.00 from Mr. Collins' Councilmanic Account to the Delmar Pop Warner Football Team for the purchase of equipment.

Motion Adopted: 3 Yea, 2 Absent.

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

M 449 94 Councilmanic Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$150.00 from Mr. Collins' Councilmanic Account to the Delmar Junior-Senior High School for the 2nd Annual Holiday Card Show. The proceeds of the Card Show will go to the school library for the purchase of new books and computers.

Motion Adopted: 3 Yea, 2 Absent.

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

Public Workshop

Mr. Stickels, County Administrator, announced that there will be a Public Workshop at the Georgetown Fire Hall on Wednesday, November 2, 1994, at 7:00 p.m., for the purpose of getting public input on road renaming in the Georgetown Fire District.

Recess

At 10:45 a.m., Mr. Dukes declared a recess until 11:00 a.m.

Reconvene

At 11:03 a.m., Mr. Dukes called Council back into session.

Public Hearing LNSSD

A Public Hearing was held to consider extending the boundary of the Long Neck Sanitary Sewer District to include a certain piece, parcel, or tract of land (identified as part of Lot 1

Public and part of Lot 80 of Steele Land Development Subdivision)
Hearing and lying contiguous to the Long Neck Sanitary Sewer District,
LNSSD situate, lying and being in Indian River Hundred, Sussex County,
(con't) Delaware. The Public Hearing was closed.

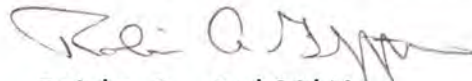
M 450 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to
Adopt Adopt Resolution No. R 026 94 entitled "A RESOLUTION TO EXTEND
Resolu- THE BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT (LNSSD)
tion No. TO INCLUDE A CERTAIN PIECE, PARCEL, OR TRACT OF LAND (IDENTIFIED
R 026 94 AS PART OF LOT 1 AND PART OF LOT 80 OF STEELE LAND DEVELOPMENT
LNSSD SUBDIVISION) AND LYING CONTIGUOUS TO THE LONG NECK SANITARY
Boundary SEWER DISTRICT (LNSSD), SITUATE, LYING AND BEING IN INDIAN
Extension RIVER HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 3 Yea, 2 Absent.

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

M 451 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adjourn adjourn at 11:10 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council