

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 4, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 4, 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	Member
Lynn J. Rogers	Member

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

M 552 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 553 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the meeting held on October 21, 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 554 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the meeting held on October 28, 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- Mr. Bayard, County Attorney, read the following correspondence: spondence

MAYOR AND COUNCIL, TOWN OF MILLSBORO, MILLSBORO, DELAWARE.
RE: Letter requesting the County to make application, on behalf of the town, for the Community Development Block Grant.

JOHN MCDOWELL, MAYOR, TOWN OF DELMAR, DELMAR, DELAWARE.
RE: Letter announcing the ground breaking of a new Water Treatment Plant.

ELDRED CRESS, MANAGER, DELAWARE VIPERS, GEORGETOWN, DELAWARE.
RE: Letter requesting financial support.

RONNIE ROGERS, WALK CHAIRPERSON, AMERICAN HEART WALK, AMERICAN HEART ASSOCIATION, SUSSEX COUNTY, DELAWARE.

Corre-
spondence
(con't)

RE: Letter in appreciation of Mr. Dukes' participation in the Walk on October 11, 1997, and invitation to attend the Awards Ceremony on November 6, 1997.

DR. G. TIMOTHY KAVEL, CAMPUS DIRECTOR; H. TERRY JOHNSON, ASSISTANT DEAN OF STUDENT SERVICES; AND CURTIS BROCK, ATHLETIC DIRECTOR; DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

RE: Letter requesting a donation for the Roadrunner's 1998 season.

GEORGE M. ANDERSON, PRESIDENT, BETHEL HISTORICAL SOCIETY, BETHEL, DELAWARE.

RE: Letter to Mr. Dukes in appreciation of Councilmanic Grant.

THE JANOSIK FAMILY, THOMASVILLE HOME FURNISHINGS, LAUREL, DELAWARE.

RE: Invitation to attend the grand opening and ribbon cutting ceremonies on Friday, November 7, 1997.

TIFFANY A. HENSON AND PAUL S. COX, SUSSEX COUNTY THANKSGIVING COORDINATORS, CHURCH OF GOD AND SAINTS OF CHRIST, BRIDGEVILLE, DELAWARE.

RE: Letter requesting Council's support of the Sussex County Thanksgiving Dinner by providing all of the turkeys for the meal.

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, DOVER, DELAWARE.

RE: Letter informing Council that the County's Agricultural Preservation District was approved as eligible; the application will be forwarded to the Agricultural Preservation Advisory Board and the Sussex County Planning and Zoning Commission.

Payment
in Lieu
of
Taxes/
Town of
George-
town

Mr. Baird, Town Manager; Mr. Tonge, Vice Mayor; and Mr. Wyatt, Councilman, of the Town of Georgetown were present to accept from Council a check in the amount of \$5,000 representing payment in lieu of taxes. Mr. Stickels, County Administrator, advised that expansion needs have resulted in the County purchasing properties in the Town of Georgetown, i.e. the parking lot property located on Race Street, the West Complex property, and two lots on which the new Administrative Building is located. These purchases have resulted in a loss of revenue to the Town of Georgetown. As part of a cooperative effort between the County Council and the Town of Georgetown, Council has agreed to payment in lieu of taxes.

Grant/
Town of
George-
town

Mr. Baird, Town Manager; Mr. Tonge, Vice Mayor; and Mr. Wyatt, Councilman, of the Town of Georgetown were also present to accept from Council a check in the amount of \$1,218.96 made payable to the Georgetown Chamber of Commerce for electrical improvements made at the Sussex County Airpark for the 1997 Sussex County fair.

Town of Georgetown/
Rodent Control Problem

Mr. Stickels, County Administrator, discussed a request from the Town of Georgetown for assistance in addressing a growing rodent problem within the Town limits. The County has funding that is made available each year through the Department of Public Health to help with rodent control; in the past, the County has assisted several unincorporated areas, primarily Coverdale Crossroads and West Rehoboth.

M 555 97 Award Funding/
Town of Georgetown/
Rodent Control

A Motion was made by Mr. Jones, seconded by Mr. Collins, to award to the Town of Georgetown \$3,000 in public health funding for rodent control efforts.

Motion Adopted: 5 Yea.

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

1998 Holiday Schedule

Mr. Stickels, County Administrator, reviewed the Proposed 1998 Sussex County Holiday Schedule and the proposed dates that Council meetings will not be held, as follows:

HOLIDAY	COUNTY OBSERVANCE
New Year's Day	January 1, 1998
Martin Luther King, Jr.'s Birthday	January 19, 1998
Presidents' Day	February 16, 1998
Good Friday	April 10, 1998
Memorial Day	May 25, 1998
Independence Day	July 3, 1998
Labor Day	September 7, 1998
Columbus Day	October 12, 1998
Election Day	November 3, 1998
Return Day	November 5, 1998
Veterans' Day	November 11, 1998
Thanksgiving Day	November 26, 1998
Day After Thanksgiving	November 27, 1998
Christmas Eve	December 24, 1998
Christmas Day	December 25, 1998

NO COUNCIL MEETING

National Association of Counties Conference	March 3, 1998
Easter Week	April 14, 1998
Memorial Day Week	May 26, 1998
Independence Day Week	July 7, 1998
Labor Day Week	September 8, 1998
Election Day	November 3, 1998
Thanksgiving Day Week	November 24, 1998
Christmas Week	December 29, 1998

M 556 97 Adopt 1998 Holiday Schedule A Motion was made by Mr. Rogers, seconded by Mr. Jones, authorizing the adoption of the 1998 Sussex County Holiday Schedule, and the dates that Council meetings will not be held, as presented by the County Administrator.

Motion Adopted: 5 Yea.

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

Fiscal 1998 Human Service Grants Mr. Stickels, County Administrator, discussed the listing of recommendations for the Fiscal 1998 Human Service Grants. Mr. Stickels recommended the following addition to the listing; \$700.00 to the Church of God and Saints of Christ for turkeys for the Sussex County Thanksgiving Dinner.

M 557 97 Authorize 1998 Human Service Grants Distribution A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council authorizes the distribution of \$95,700 in Fiscal 1998 Human Service Grants, as follows:

AHEDD	\$	500.00
American Diabetes Association		1,000.00
American Heart Association		1,000.00
American Red Cross		2,500.00
ANKH, Inc.		500.00
Arthritis Foundation, Delaware Chapter		1,000.00
Big Brothers/Big Sisters of Delaware, Inc.		1,000.00
Boys & Girls Club of Delaware (Seaford, Laurel, Bridgeville)		1,500.00
Boys & Girls Club of Delaware (Milford)		750.00
Boy Scouts of America - Delmarva Council, Inc.		1,000.00
Casa San Francisco		2,000.00
CHEER Centers		
Georgetown		500.00
Greenwood		500.00
Huling Cove (Lewes)		500.00
Nanticoke Indian Elder		500.00
Oak Orchard		500.00
Ocean View		500.00
Roxana		500.00
Slaughter Neck		500.00

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M 557 97 (con't)	Children & Families First	1,000.00
	Church of God and Saints of Christ	1,700.00
	Colonel David Hall	500.00
	Community Legal Aid Society, Inc.	1,000.00
	Contact Delaware	1,000.00
	Delaware Agricultural Museum and Village	1,000.00
	Delaware Association for Children of Alcoholics	500.00
	Delaware Association for Home & Community Care	500.00
	Delaware Crime Stoppers	500.00
	Delaware Hospice	2,000.00
	Delaware Music School	500.00
	Delaware Nature Society	1,000.00
	Delaware Police Chiefs' Council	2,750.00
	Delaware Society for the Prevention of Cruelty to Animals (SPCA)	1,000.00
	Dry Dock, Inc.	1,000.00
	Easter Seal Rehabilitation Center	1,000.00
	Families in Crisis	1,000.00
	Good Samaritan Aid Organization	1,000.00
	Home of the Brave	1,000.00
	Homebound Elderly Rehabilitation Opportunities, Inc. (HERO)	1,000.00
	Interfaith Mission of Sussex County	500.00
	Junior Achievement of Delaware	1,000.00
	Kent-Sussex Industries, Inc.	1,000.00
	Kiwanis Foundation of Rehoboth Beach, DE, Inc.	1,000.00
	Laurel Historical Society	1,000.00

M 557 97
(con't)

Laurel Lions Club	1,000.00
Laurel Youth Sports	750.00
Storybook House (Jack Lewis)	500.00
Mammography of Delaware	1,000.00
Martin Luther King, Jr. Celebration Committee	1,500.00
Meals on Wheels of Lewes & Rehoboth, Inc.	6,000.00
Mt. Pleasant United Methodist Church	500.00
National Multiple Sclerosis Society	1,000.00
New Hope Recreation and Development Center, Inc.	1,000.00
People's Place II, Inc.	2,500.00
Pioneer Club of Sussex County/Visually Impaired	250.00
Possum Point Players	500.00
Prison Arts Program	1,000.00
Pyle Child Development Center	500.00
Read-Aloud Delaware	1,000.00
Rehoboth Art League, Inc.	500.00
Rehoboth Day-Care Center, Inc.	1,000.00
Seaford Historical Society, Inc.	1,000.00
Second Street Players	500.00
Sussex County Senior Centers	
Bridgeville	3,000.00
Cape Henlopen	3,000.00
Indian River	3,000.00
Laurel	3,000.00
Lewes	3,000.00
Milford	3,000.00
Nanticoke	3,000.00
Slaughter Neck Community Action	2,500.00
Sussex Community Crisis Housing Services, Inc.	1,500.00
Sussex Community Swim Team AKA Sussex County Swim Team	500.00

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M 557 97
(con't)

Sussex County Arts Council	1,000.00
Sussex Pregnancy Care Center	1,000.00
United Cerebral Palsy	1,000.00
West Side Beginnings, Inc.	1,000.00
Women in Transition Program	500.00
Sussex Family YMCA - Campaign for Kids	500.00
YMCA of Delaware	<u>1,000.00</u>
TOTAL	\$95,700.00

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Veterans' Day

Sussex County offices will be closed Tuesday, November 11, 1997, to allow the employees to observe Veterans' Day. There will not be a County Council meeting on Tuesday, November 11, 1997. County offices will reopen Wednesday, November 12, 1997, at 7:30 a.m. The next regularly scheduled Council meeting will be Tuesday, November 18, 1997.

2. Extended Hours

The following hours of activity took place on Wednesday, October 24, 1997:

- (a) Assessment/Planning and Zoning - No activity from 7:30 to 8:30 a.m., one building permit issued from 4:30 to 7:30 p.m.
- (b) Clerk of the Peace - Two wedding licenses issued and four weddings performed from 4:30 to 7:30 p.m.
- (c) Utility Division - No activity.
- (d) Recorder of Deeds - No activity from 7:30 to 8:30 a.m., three public information inquiries, one telephone inquiry, and two recordings from 4:30 to 7:30 p.m.

Adminis-
trator's
Report
(con't)

(e) Treasury Division - No activity.

3. Airport Meeting

The Sussex County Airport Committee will be meeting on Wednesday, November 5, 1997. The meeting will take place at the Sussex County Offices West Complex, DuPont Highway, First Floor Conference Room, starting at 9:00 a.m. All airport meetings are open to the general public.

4. Senior Citizens Government Day

The Sussex County Council will host representatives from the Sussex County senior centers on Wednesday, November 5, 1997. Activities for the day include an overview of County government, a mock County Council session, and a tour of our new facility.

5. Harvey F. Donovan, Sr.

Mr. Donovan passed away Tuesday morning, October 28, 1997, at his home after a short illness. Mr. Donovan owned Donovan's Salvage Yard in Georgetown. Mr. Donovan served the residents of Sussex County as Register in Chancery for five terms, from January 2, 1973, to January 4, 1993. He was an active Democrat and was named Democrat of the Year in 1994. In 1996, he was honored by the Greater Georgetown Chamber of Commerce by naming their Living Memorial Scholarship in his name. In June 1996, Mr. Donovan received the Recycler of the Year Award from the Reynolds Aluminum Company for his contributions to the environment. In September 1996, he received the Care Award from the Historic Georgetown Association for his contributions to Georgetown.

6. R. James Mariner

Mr. R. James Mariner passed away on November 2, 1997. Mr. Mariner was a member of the Sussex County Council from January 6, 1987, to January 2, 1991. In addition to serving as a County Council member, he served 14 years on the County's Board of Adjustment. Mr. Mariner retired from the du Pont Company in Seaford, Delaware, where he was employed as a nylon operator. He also worked for the State of Delaware Division of Revenue as a collector and served as a commissioner of Parks and Recreation. Mr. Mariner was a veteran of World War II; a member of American Legion Post No. 19, Laurel, member of the Odd Fellows Lodge, Laurel; served on the Delmarva Advisory Council; past president of the Delaware Association of Counties; and a committeeman for the Republican Party.

Adminis-
trator's
Report
(con't)

Services for Mr. Mariner will be at the Short Funeral Home in Laurel on Thursday, November 6, 1997. There will be a viewing from 12:00 to 2:00 p.m., and the funeral will be at 2:00 p.m.

Antenna
Site
License
Agree-
ment

Mr. Torbert, Paramedic Director, discussed an Antenna Site License Agreement between Sussex County and Metrocall, Inc., for the placement of a paging transmitter on the West Complex tower for a term of five years. The license fee will be \$200.00 per month; the monthly rent will be increased by three percent for each successive year. In addition to the \$200.00 monthly fee, the County's Paramedic Department will receive service for sixty pagers at no cost.

M 558 97
Approve
Antenna
Site
License
Agree-
ment/
Metro-
call,
Inc.

A Motion was made by Mr. Jones, seconded by Mr. Collins, to approve an Antenna Site License Agreement between Sussex County and Metrocall, Inc., contingent on final approval of the County's Attorney and Finance Director.

Motion Adopted: 5 Yea.

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

Nanti-
coke
Estates
SLD

Mr. Izzo, County Engineer, was in attendance to discuss the Nanticoke Estates Streetlighting District. Mr. Izzo advised that a referendum had been held; the referendum results certify that the Nanticoke Estates Streetlighting District was approved by a majority vote in a referendum held on October 14, 1997.

M 559 97
Adopt
Resolu-
tion No.
R 037 97

A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Resolution No. R 037 97 entitled "A RESOLUTION ESTABLISHING THE NANTICOKE ESTATES STREETLIGHTING DISTRICT".

Motion Adopted: 5 Yea.

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

Report/
Proposed
Holts
Landing
Sanitary
Sewer
District

Mr. Archut, Assistant County Engineer, was in attendance to discuss the Proposed Holts Landing Sanitary Sewer District. A Public Hearing was held on this matter on October 11, 1997; the purpose of the hearing was to discuss the proposed boundaries of the sanitary sewer district and to explain the estimated user charges associated with the project. Mr. Archut noted that the proposed boundaries included Bay Colony and Fairway Villas, areas currently served by Utility System, Inc.'s wastewater treatment system. The proposed boundaries, as shown on the public notice, did not include the clubhouse and other golf course facilities that are connected to Utility System, Inc.'s wastewater treatment system. Mr. Archut further

Report
(con't)

noted that, although the legal description included the townhouses of Fairway Villas, the map did not clearly show them being included. Mr. Archut confirmed that all units currently served by Utility Systems, Inc.'s wastewater system are to be included in the new sanitary sewer district. The County's legal counsel has been consulted regarding the need to adjust the boundaries to include the townhouses and golf course facilities. Legal counsel has recommended that new petitions be circulated that show revised boundaries, after which another public hearing will be held and a referendum scheduled. Mr. Cole expressed concern that houses located on Iron Lane should be included in the revised boundaries.

M 560 97
Approve
Preparation and
Circulation of
Petitions/
Proposed
Holts
Landing
SSD

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council approves the preparation and circulation of petitions to submit the question of organizing the Holts Landing Sanitary Sewer District to include Bay Colony, Fairway Villas, Iron Lane and the Cripple Creek Golf Course to a vote of electors in that district.

Motion Adopted: 5 Yea.

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

Proposed
Holts
Landing
SSD/
Work
Schedule

Mr. Archut, Assistant County Engineer, advised that due to the interest in this project by the affected property owners, the Sussex County Engineering Department recommends that work on the Proposed Holts Landing Sanitary Sewer District begin prior to the referendum being held. This course of action would keep the project on schedule.

Inland
Bays
Access
Road

Mr. Sapp, Project Engineer, discussed Change Order No. 1, a balancing change order, to Sussex County Project No. 96-12, Inland Bays Access Road. The reason for the change order is quantity underruns for crusher run and top soil.

M 561 97
Approve
Change
Order/
Inland
Bays
Access
Road

A Motion was made by Mr. Cole, seconded by Mr. Jones, based on the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the balancing change order for Sussex County Project No. 96-12, Inland Bays Access Road, reducing the original contract price from \$103,878.50 to the final invoice amount of \$100,320.84, for a credit of \$3,557.66.

Motion Adopted: 5 Yea.

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

M 562 97 Grant Substantial Completion/ Inland Bays Access Road A Motion was made by Mr. Jones, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion to A. P. Croll & Sons, Inc., for Sussex County Project No. 96-12, Inland Bays Access Road, effective November 4, 1997.

Motion Adopted: 5 Yea.

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

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 EXPANSION TO CONDITIONAL USE NO. 1117, EXPANSION OF EXISTING MODEL HOME SALES AND DISPLAY LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.05 ACRES, MORE OR LESS" (Conditional Use No. 1218) filed on behalf of Angola Community Partners, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.25 ACRES, MORE OR LESS" (Change of Zone No. 1326) filed on behalf of Willie M. Taylor and Patricia L. Taylor. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.80 ACRES, MORE OR LESS" (Change of Zone No. 1327) filed on behalf of B & M Builders, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 563 97 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Milton Youth Soccer Program for operating expenses.

Motion Adopted: 5 Yea.

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

M 564 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$250.00 from Mr. Jones' Councilmanic Account to the
manic Milford Pop Warner Organization for expenses incurred when
Grant participating in football and cheerleading competitions.

Motion Adopted: 5 Yea.

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

M 565 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, to
Executive authorize an Executive Session to be held in the County
Session Council Chambers on Tuesday, November 18, 1997, at 9:30
a.m. for the purpose of discussing personnel.

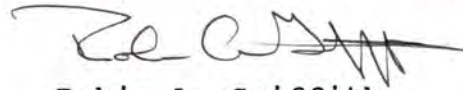
Motion Adopted: 5 Yea.

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

Citizen's Mr. Wolfgang von Baumgart addressed Council on the matters of
Concerns pfiesteria and aquatic dinoflagellate/algal biocontamination.

M 566 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 11:27 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council