

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-NOVEMBER 5, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, November 5, 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
William D. Stevenson, Sr.	Member
George B. Cole	Member
George J. Collins	Member

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

M 463 91
Approval
of Minutes

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

Expression
of Thanks/
Courthouse
"Open House"

President Dukes expressed his thanks to County employees for their assistance in making the first Sussex County Courthouse "Open House", which was held the evening of October 29, 1991, such a success.

Corre-
spondence

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

LINDA EBY, GENERAL MANAGER, SHERATON INN, DOVER, DELAWARE
RE: Opposing an increase in the Delaware lodging tax.

MARION BAU, DIRECTOR, CASA SAN FRANCISCO, MILTON, DELAWARE
RE: Invitation to attend their 10th Anniversary Open House on Thursday, November 7, 1991, from 10:00 a.m. to 2:00 p.m.

JACK OWENS, CAMPUS DIRECTOR, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE
RE: Letter of appreciation for Council's recognition of their Adult Literacy Program.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA
RE: Public Notice requesting comments and recommendations regarding the issuance of a permit for the placement of 12,000 cubic yards of quarry stone riprap adjacent to 5,275 feet of existing wooden bulkhead at a White House Beach Property located on Long Neck Road on the north shore of Indian River Bay.

KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE
RE: Submitting the October 1991 issue of "KSI News".

November 5, 1991

Corre-
spondence
(Cont.)

ELIZABETH BAXTER, PRESIDENT, FRIENDS OF THE SOUTH COASTAL LIBRARY, BETHANY BEACH, DELAWARE
RE: Requesting an additional \$150,000 in funding for the construction of a 10,000 square foot library.

Councilman Cole questioned whether the County would be able to comply with this request for additional funding. Mr. Stickels explained to Council that the original Agreement of June 30, 1988, between the County and the Friends of the South Coastal Public Library, was amended on March 21, 1990 to expand the square footage of the library from 3,000 square feet to 10,000 square feet. The Agreement was contingent on the "Friends" successfully completing fundraising efforts by June 30, 1991. Mr. Stickels reported that the "Friends" had not met this fundraising time-table, and that the County was not in the financial position to provide additional monies for this project. Mr. Stickels was directed to respond to the letter from the Friends of the South Coastal Library.

Memorandum
of Agreement/
Division of
Soil & Water
Conservation/
Inland Bays

Mr. John Hughes, Director of the State's Division of Soil and Water Conservation, was in attendance to review with Council the proposed Memorandum of Agreement between the Sussex County Council and the Division of Water Resources and Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control. This agreement provides funding from the United States Environmental Protection Agency, as part of the Inlands Bays Estuary Program, which would allow the County to examine current land use policies and practices as they relate to the health of the Inland Bays. Also included with the Agreement, as "Attachment A", was an Inland Bays Estuary Program Land Use Initiative Work Plan. Mr. Stickels informed Council that Dennis L. Schrader, Assistant County Attorney, had reviewed both the Memorandum of Agreement and the Agreement between the County and Natural Lands Trust and that Mr. Schrader had approved them both as to form.

M 464 91
Authorize
Agreement
with Division
of Soil and
Water
Conservation/
Natural Lands
Trust

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the Council President to execute an agreement between the Division of Water Resources and Division of Soil and Water Conservation to provide funding for services to be provided by Natural Lands Trust, as outlined in Exhibit A of the Memorandum of Agreement. Motion Adopted: 5 Yea.

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

November 5, 1991

Courthouse
Addition
and Renova-
tions

Mr. Robert Clendaniel, of R. Calvin Clendaniel Associates, reviewed with Council the bids that were received on October 22, 1991 for the Sussex County Courthouse addition and renovations. Mr. Clendaniel reported to Council that Conventional Builders, Inc. was found to be the lowest responsible bidder and that Alternates No. 1 (\$16,639), No. 2 (\$10,299), and No. 6 (\$17,002) were to be added with the base bid tabulation of \$665,695.

M 465 91
Authorize
Bid Award/
Courthouse
Addition
and Renova-
tions

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that the Sussex County Council authorizes the renovation and Courthouse expansion construction to Conventional Builders, Inc., of Houston, Delaware, the lowest responsible bidder, in an amount not to exceed \$709,635, based on the recommendation of R. Calvin Clendaniel and Associates, Designing Architect. Motion Adopted: 5 Yea.

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

Committee
Appointments

Mr. Stickels, County Administrator, informed Council that committee appointments were needed to be made to the First State Resource Conservation and Development Council, the Local Emergency Planning Committee, and the Sussex County Paramedic Advisory Committee. Letters were received from each organization stating their recommendation for a person to serve on their committee.

M 466 91
Committee
Appointments/
First State
Resource
Conservation
& Develop-
ment Council;
LEPC;
Paramedic
Advisory
Committee

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council authorizes the appointment of Robert Davis to the First State Resource Conservation and Development Council; Janet L. Massey to the Local Emergency Planning Committee to replace Ann Marvel; and Michael Vincent to the Sussex County Paramedic Advisory Committee to replace Walton Johnson, Jr. Motion Adopted: 5 Yea.

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

Proposed
Ordinance/
Federal
Wetlands

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXV, OF THE CODE OF SUSSEX COUNTY, PROVIDING FOR A BUILDING SETBACK LINE AT FEDERAL WETLANDS". This Proposed Ordinance will be advertised for a Public Hearing.

November 5, 1991

Land Use
Ordinances

Discussion by Council ensued regarding the feasibility of Council establishing a policy that would require land use ordinances relating to Chapter 115 of the Code of Sussex County to be prepared only upon the request of the Council President and with the approval of the County Council.

M 467 91
Establish
Policy for
Land Use
Ordinances

A Motion was made by Mr. Benson, seconded by Mr. Collins, that the County Council, having met in public session, establishes the policy that all land use ordinances shall be prepared by County staff upon the request of the Council President, with the consent of the County Council. Motion Adopted: 4 Yea; 1 Nay.

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

Public
Hearing/
Absentee
Balloting

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY TO PROVIDE FOR ABSENTEE BALLOTING IN SUSSEX COUNTY SANITARY SEWER AND WATER DISTRICT ELECTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF". Present to discuss this proposed Ordinance with Council were Richard Berl, Esquire, and Russell Archut, Planning and Permits Division Director. Public comments were received and concern was expressed over the fact that the proposed Ordinance was too restrictive in who would be allowed to vote by absentee ballot, and that geographical restrictions were not taken into consideration. Mr. Bayard, Mr. Berl, and Mr. Archut will review the Proposed Ordinance and report back to Council.

M 468 91
Proposed
Ordinance/
Absentee
Balloting
(Deferred
Action)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY TO PROVIDE FOR ABSENTEE BALLOTING IN SUSSEX COUNTY SANITARY SEWER AND WATER DISTRICT ELECTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF". Motion Adopted: 5 Yea.

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

County
Administra-
tor's Report

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

1. Interagency Council on Adult Literacy - Mr. Stickels has been appointed to the Interagency Council on Adult Literacy by Governor Michael N. Castle. Mr. Stickels'

November 5, 1991

Administra-
tor's Report
(Cont.)

appointment will expire on October 31, 1994. The Interagency Council on Adult Literacy will be responsible to work closely with various educational organizations and groups which provide basic education and/or literacy skills to students and adults.

2. Recyclers of the Month - Charles H. Brodie of Blades, Delaware, and Herb Stouffer of Seaford, Delaware, will each receive a \$50 U. S. Savings Bond for participating in the County's Recycling Program during the month of October. Nine hundred ninety-seven people participated in the program during the month of October. This compares to 882 for the month of September.
3. Community Development Block Grant Housing Rehabilitation - Due to the increased cost of labor and material items for housing rehabilitation under the Community Development Block Grant, the County was forced to raise the limit on funds to be spent on an individual home. The County will continue to have a target amount of \$10,000 per home; however, these funds may exceed \$10,000 to bring the house up to standards. The County's policy will now be that there will be an average of \$10,000 per home as part of the rehabilitation manual standards. The adjustment in the average price per home meets with the approval of the Delaware State Housing Authority.
4. Inspection Services for Single-Family Residential and Additions - Seven responses were received from the advertisement for Single-Family Residential and Additions Inspection Services. Proposals will be reviewed and a recommendation will be made to the Council on or before Tuesday, November 26, 1991. The firms interested in supplying this service to the County are:
 - (a) Peter E. Loewenstein and Associates, Inc., Frankford, Delaware;
 - (b) Middle Department Inspection Agency, Inc., Easton, Maryland;
 - (c) Land Design, Inc., Ocean View, Delaware;
 - (d) Andrews, Miller and Associates, Inc., Cambridge, Maryland;
 - (e) Frederick Ward Associates, Inc., Bel Air, Maryland;
 - (f) Gardner/Fox Associates, Inc., Bryn Mawr, Pennsylvania;
 - (g) First State Inspection Agency, Inc., Georgetown, Delaware.

November 5, 1991

Proposed Ordinance (C/U #991)

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE MANUFACTURE AND SALE OF CRAFTS, GIFTS, AND ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.003 ACRES, MORE OR LESS" (C/U #991) filed on behalf of James R. and Barbara C. DeBastiani. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed Ordinance (C/U #992)

Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.12 ACRES, MORE OR LESS" (C/U #992) filed on behalf of The Department of Transportation. This Proposed Ordinance will be advertised for a Public Hearing.

Staff Luncheon

Mr. Stickels, County Administrator, reminded Council of the first monthly Staff Luncheon to be held this date at 12:00 noon at the Sussex Pines Country Club.

M 469 91
Rehoboth
Downtown
Business
Association/
Council-
manic Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to grant \$200 (from Mr. Cole's Councilmanic Account) to the Rehoboth Beach Downtown Business Association to be used toward expenses incurred for their Second Annual Jazz Festival. Motion Adopted: 5 Yea.

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

M 470 91
Rehoboth
Art League/
Council-
manic Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to grant \$300 (from Mr. Cole's Councilmanic Account) to the Rehoboth Art League, Inc. to be used for its 19th Members' Fine Craft Exhibition to be held in June of 1992. Motion Adopted: 5 Yea.

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

M 471 91
Laurel Odd
Fellows
Lodge/
Council-
manic Grant

A Motion was made by Mr. Collins, seconded by Mr. Dukes, to grant \$500 (\$250 from Mr. Collins' and Mr. Dukes' Councilmanic Accounts) to the Laurel Odd Fellows Lodge to be used for the purchase of hospital and sick room equipment. Motion Adopted: 5 Yea.

November 5, 1991

M 471 91
(Cont.)

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

M 472 91
Adjournment

At 11:36 a.m., a Motion was made by Mr. Cole, seconded
by Mr. Collins, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Acting Clerk of the County Council