

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 28, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 28, 1995, 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
George B. Cole	Member

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

M 515 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated November 14, Minutes 1995. Motion Adopted by Voice Vote.

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing regarding applications for approval, none of which are located in Sussex County.

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE.
RE: Notice of two Public Hearings to be held on a new regulation "Emission Banking and Trading Program" that the Department plans to propose for adoption.

KAY WOOD BAILEY, PRISON ARTS PROGRAM, WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

HOPE Z. SCHLADEN, DIRECTOR, DELAWARE AGRICULTURAL MUSEUM AND VILLAGE, DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

MARY L. MALLOCH, C.A.C., ADMINISTRATOR, ANKH, INC., GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

ROGER B. CLARK, DIRECTOR OF DEVELOPMENT AND PUBLIC RELATIONS, DELAWARE HOSPICE, DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

MARION BAU, DIRECTOR, CASA SAN FRANCISCO, MILTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

Corre-
spondence
(con't)

JACK LEWIS, VOLUNTARY INSTRUCTOR, STORYBOOK HOUSE, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

NORMA J. LEWIS, OAK ORCHARD CHEER CENTER, MILLSBORO, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

DOROTHY N. STANT, SUSSEX COUNTY SECRETARY, READ-ALoud DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

ROBERT P. HALL, EXECUTIVE DIRECTOR, DELAWAREANS UNITED TO PREVENT CHILD ABUSE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

W. MICHAEL MCCABE, REGIONAL ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, PHILADELPHIA, PENNSYLVANIA.

RE: Letter in response to Mr. Stickels' letter dated November 6, 1995, regarding additional costs incurred by the Environmental Protection Agency related to the Sussex County Landfill No. 5 Superfund site.

MICHAEL N. CASTLE, HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES, WASHINGTON, D.C.

RE: Letter in response to Mr. Stickels' letter regarding the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

MR. S. LEE FRANKEL, JR., COUNCIL ON TRANSPORTATION, STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Letter in response to Mr. Stickels' comments at the capital improvement public participation meeting and subsequent letter regarding Route 26.

Town of
Henlopen
Acres
Request

Mr. Stickels, County Administrator, advised Council of a request from the Town Manger of the Town of Henlopen Acres that Sussex County enforce Single Family Building Code requirements within the town limits of the Town of Henlopen Acres.

M 516 95
Approve
Request
from
Town of
Henlopen
Acres
for
Building
Code
Enforce-
ment

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council approves the request of the Town Manager of the Town of Henlopen Acres to authorize the Sussex County Building Code Department to enforce Single Family Building Code requirements within the town limits of the Town of Henlopen Acres, effective January 1, 1996.

Motion Adopted: 4 Yea, 1 Absent.

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

CDBG
Appli-
cations

Mr. Stickels, County Administrator, reported to Council concerning State of Delaware Community Development Block Grant applications. In the past, the County has assisted communities in procuring grants for the purpose of keeping administrative costs down. Mr. Stickels requested permission from Council to continue this service.

M 517 95
Assist
Local
Sussex
County
Govern-
ments
with
CDBG
Appli-
cations

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council authorizes the Sussex County Community Development Division to assist local Sussex County governments in the preparation and administration of Community Development Block Grant applications.

Motion Adopted: 4 Yea, 1 Absent.

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

M 518 95
Authorize
Executive
Council
Chambers
on Tuesday,
December 5,
1995, at 9:00
a.m.,
Session

A Motion was made by Mr. Collins, seconded by Mr. Benson, to authorize an Executive Session to be held in the County Council Chambers on Tuesday, December 5, 1995, at 9:00 a.m., for the purpose of discussing pending litigation.

Motion Adopted: 4 Yea, 1 Absent.

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

Adminis-
trator's
Report

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

1. Milton Library - Sunday Opening

The Milton Library will be open from 12:00 noon to 4:00 p.m. on Sunday, December 3, 1995, for the Milton Main Street Open House. Friends of the Milton Library will participate in the Open House with a book signing and the serving of light refreshments.

2. Mildred King Luncheon

A reminder that County offices will be closed next Tuesday, December 5, 1995, from 11:45 a.m. until 1:15 p.m. in order to allow County employees to attend the annual Mildred King Memorial Luncheon. The luncheon will take place at the Wesley United Methodist Church Hall, East Laurel Street, Georgetown, Delaware.

3. Thanksgiving Assistance

Mr. Stickels complimented the Paramedic Department, particularly Muriel Larson and Frank Shade, for

Adminis-
trator's
Report
(con't)

assisting 25 needy families in Sussex County. WZBH in Georgetown solicited assistance in helping Sussex County families. Donations from K-mart on Route 1 and Food Lion on Route 1 allowed the Paramedic Department to deliver 25 meals consisting of a 12 to 14 pound turkey, potatoes, bread, cranberry sauce, and a pumpkin pie. In addition to Frank and Muriel's coordination, they were assisted by Mr. Chip Larson in the delivery.

West
Rehoboth
Waste-
water
Revenue
Bonds/
Bond
Re-
financing
Status

Mr. Baker, Finance Director, updated the Council on the refinancing of the West Rehoboth Wastewater Revenue Bonds, Series 1994, as authorized by Ordinance No. 1042. The refinancing of these Bonds was recommended by Mr. Losty of Wheat First Butcher Singer and Mr. Gefaell of Corby North Bridge Securities, the County's Financial Advisor, for the purpose of achieving significant savings. Mr. Baker advised that on November 16, 1995, the West Rehoboth Wastewater Revenue Refunding Bonds, in the amount of \$20,825,000.00, were priced by the underwriter, Wheat First Butcher Singer, of Philadelphia, Pennsylvania. The refinancing will result in a total estimated \$565,000.00 present value savings; the total estimated savings over the next five years will be \$647,000.00. Fifty percent of the savings can be deposited in the depreciation reserve fund to benefit the West Rehoboth Sewer Project; funds can be used in the future for major maintenance within the District. The remaining fifty percent of the funds can be used for the repayment of loans, especially to the State Revolving Fund (SRF) for this project. Early SRF loan repayment will result in lower costs and more stable rates in the future. This savings allocation has been approved by the State of Delaware. Bond closing is scheduled for December 20, 1995.

Proposed
Ordinance

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE, ASSESSMENT, AND CONNECTION CHARGES FOR THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT". The Proposed Ordinance will be advertised for Public Hearing.

West
Rehoboth
Project

Mr. Green, Director of Utility Construction, discussed Substantial Completion for Construction Package A for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project.

M 519 95
Grant
Sub-
stantial
Comple-
tion/
West
Rehoboth

A Motion was made by Mr. Cole, 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 grant Substantial Completion, effective October 30, 1995, for Construction Package A, to Teal Construction, Inc., for the wastewater facilities constructed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 519 95 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

West Mr. Green, Director of Utility Construction, discussed
Rehoboth Change Order No. 1R to Contract C of the West Rehoboth
Project Expansion of the Dewey Beach Sanitary Sewer District
project.

M 520 95 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Approve based on the recommendation of the Inspection Engineer,
Change George, Miles & Buhr, and the Sussex County Engineering
Order Department, that the Sussex County Council authorizes the
No. 1R/ President of the Sussex County Council to issue Change Order
Contract No. 1R, for the West Rehoboth Expansion of the Dewey Beach
C/ Sanitary Sewer District, Contract C, Design Areas 5 and 19,
West to Lisbon Contractors, Inc., in the amount of \$17,500.00,
Rehoboth to satisfy property owner conditions of Pump Site acquisition,
Project with an unrevised substantial completion date of December 29,
1995, and increasing this contract amount to \$3,017,505.12.
Sussex County Council's approval is contingent on the approval
of the following agencies; Rural Economic and Community
Development and Department of Natural Resources and Environ-
mental Control.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Cole introduced a Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDI-
TIONAL USE NO. 8 TO PERMIT RESTAURANT TO BE LOCATED ON
A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE
HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRES, MORE OR
LESS" (Conditional Use No. 1140) filed on behalf of William
R. and Lenore J. Hickman. The Proposed Ordinance will be
advertised for Public Hearing.

Proposed Mr. Benson introduced a Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEETING PLACE FOR
THE FRATERNAL ORDER OF POLICE TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED,
SUSSEX COUNTY, CONTAINING 40,500 SQUARE FEET, MORE OR
LESS" (Conditional Use No. 1141) filed on behalf of the
Fraternal Order of Police, Sussex County Lodge No. 2, Inc.
The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL/BUSINESS STORAGE AND RENTAL WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 36,030 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1142) filed on behalf of Richard E. Tucker. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS" (Change of Zone No. 1270) filed on behalf of Luis F. and Lucille Tiro. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced a 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.50 ACRES, MORE OR LESS" (Change of Zone No. 1271) filed on behalf of New Development Corp. The Proposed Ordinance will be advertised for Public Hearing.

M 521 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$1,000.00 from Mr. Cole's Councilmanic Account to the Lower Sussex Little League, Inc. for improvements to the Little League complex.

Motion Adopted: 4 Yea, 1 Absent.

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

M 522 95 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00, \$100.00 from each Councilmanic Account, to the Skateworld Artistic Parents Club for the 1996 Skateworld Winter Invitational.

Motion Adopted: 4 Yea, 1 Absent.

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

Recess At 10:53 a.m., Mr. Dukes declared a recess until 11:00 a.m.

Reconvene Mr. Dukes called Council back into session at 11:00 a.m.

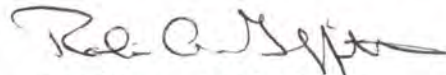
Absence Mr. Cole was absent for the remainder of the meeting.

Public Hearing/Extend Boundary of Blades SSD At 11:00 a.m., a Public Hearing was held to hear and consider any objections to the proposed boundary extension of the Blades Sanitary Sewer District to encompass a certain piece, parcel, or tract of land owned by David E. Webb, Jr., Mark S. Hardesty, and Norman E. Hastings. The Public Hearing was closed.

M 523 95 Adopt Resolution No. R 019 95 to Extend Boundary of Blades SSD A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Resolution No. R 019 95 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BLADES SANITARY SEWER DISTRICT (BLSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND OWNED BY DAVID E. WEBB, JR., MARK S. HARDESTY, AND NORMAN E. HASTINGS, LYING CONTIGUOUS TO THE BLSSD, SITUATE, LYING AND BEING IN BROAD CREEK 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 524 95 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 11:17 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council