

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-DECEMBER 10, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, December 10, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George B. Cole	Member
George J. Collins	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 515 91  
Approval  
of Minutes

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

Corre-  
spondence

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

JOHN J. SHWED, DISTRICT 22-D GOVERNOR, INTERNATIONAL ASSOCIATION OF LIONS CLUBS, LAUREL, DELAWARE  
RE: Thanking Council for issuing the Proclamation in support of Lions Candy Days on October 18 and 19, 1991, and for Council's generous donation of \$200.00.

DENNARD R. HILL AND SUE WILE, 1991 SEAFORD CHRISTMAS PARADE COCHAIRPERSONS, DOWNTOWN SEAFORD ASSOCIATION, INC., SEAFORD, DELAWARE  
RE: Thanking Council for contributing to Seaford's 1991 Christmas Parade ("A Storybook Christmas") to be held on Saturday, December 14, 1991, at 10:00 a.m.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY  
RE: Public Notice of 17 project review applications received, only one of which pertains to Sussex County - Clifton Canning Company (project located north of the Town of Milton, Sussex County, Delaware).

DELAWARE NATURE SOCIETY, HOCKESSIN, DELAWARE  
RE: Delaware Nature Society News, Fall 1991.

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON, DELAWARE  
RE: HANDi Network News publication, Fall 1991.

AMOS EVANS, MAYOR, TOWN OF MILLVILLE, MILLVILLE, DELAWARE  
RE: Requesting that the zoning moratorium for the Town of Millville be extended through March 31, 1992, at which time the Town of Millville's Zoning Ordinance is expected to be ready for implementation.

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Millville  
Zoning  
Moratorium

Mr. Stickels, County Administrator, briefly reviewed the extensions which have been granted the Town of Millville since the original moratorium on zoning changes was imposed on April 23, 1991. Millville's request will be placed on the agenda next week for Council action.

National  
Multiple  
Sclerosis  
Society  
Request

Mr. Stickels, County Administrator, informed Council that a request from the National Multiple Sclerosis Society, Delaware Chapter, has been received in the amount of \$2,000 for home health aid to Sussex County residents with multiple sclerosis. Due to a change in management, a Human Service Grant application was inadvertently not submitted prior to the County's deadline for filing grant requests of September 6, 1991. A southern Delaware satellite office has opened in Lewes on the grounds of the Beebe Medical Center as a result of the growing need for services in Sussex County.

M 516 91  
Authorize  
Grant to  
National  
Multiple  
Sclerosis  
Society

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that the Sussex County Council authorizes the distribution of \$1,000 from the Human Service Grant Account to the National Multiple Sclerosis Society, Delaware Chapter, to provide continuous efforts to aid Sussex County residents. 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

Natural  
Lands  
Trust  
Time  
Extension  
Request

Mr. Stickels, County Administrator, reported that Natural Lands Trust has requested time extensions on the Contract for Professional Services with Sussex County which was authorized by Council on November 5, 1991. Funding has been secured from the United States Environmental Protection Agency for three specific tasks to be performed by Natural Lands Trust under the Inland Bays Estuary Program Land Use Initiative Work Plan. The United States Environmental Protection Agency and the Delaware Department of Natural Resources and Environmental Control have both indicated they have no problem with the time extensions requested.

M 517 91  
Amend  
Agreement  
with  
Natural  
Lands  
Trust

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the amendment of the agreement between the Sussex County Council and Natural Lands Trust to allow for time extensions as presented by Mr. Stickels, County Administrator. 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

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Literacy  
Program  
Grant  
Application

Mr. Stickels, County Administrator, advised Council that for the past two years Sussex County has been the recipient of a grant in the amount of \$35,000 from the United States Department of Education through the Library Service Construction Act. The grant has been used to fund Project READS, a one-on-one reading tutorial program which is made available to the general public both within and outside of the work place. The program is administered by the Sussex County Department of Libraries and has been very successful, with 119 people participating last year. Literacy grant applications must be submitted to the United States Department of Education this week and the County will be informed in May 1992 if funding has been awarded. If so, the program will take place October 1, 1992, through September 30, 1993.

M 518 91  
Authorize  
Execution  
of Grant  
Documents  
with U.S.  
Department  
of Education  
for Literacy  
Program  
Funding

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the County Administrator to execute grant documents with the United States Department of Education in the amount of \$35,000 to provide funding to assist in a Literacy Program through the Sussex County Department of Libraries. 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

County  
Adminis-  
trator's  
Report

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

1. Litigation - The Honorable William B. Chandler III, Vice-Chancellor of the Court of Chancery, has executed a Stipulation of Dismissal for the suit filed by Chris-Tec Associates, Inc., a New Jersey Corporation, against the Sussex County Council. Chris-Tec Associates, Inc. had asked the courts to bar the County from awarding Contract 1-A of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The Court of Chancery ruled that the plaintiff did not have sufficient reason to prohibit the County from awarding the bid to the lowest responsible bidder. The suit was dismissed with prejudice.
2. Courthouse Expansion - Ray W. Webb, Supervisor of Buildings and Grounds, informed Mr. Stickels that the Sussex County Courthouse Expansion Project began on Monday, December 9, 1991, with the moving of materials and equipment into the Courthouse parking lot. Actual construction will begin the week of December 16, 1991,

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County  
Adminis-  
trator's  
Report  
(Continued)

and is expected to be ongoing for approximately one year. County employees are urged to use caution when entering and exiting the Courthouse through the south parking lot entrance. A fence has been installed approximately five feet from the building to prevent access to the construction area. For safety purposes, County employees and the public should stay within the walkway provided.

Due to the nature of the construction, noise levels throughout the Courthouse may be quite high at times. Everyone's patience and cooperation during the construction period will be greatly appreciated.

3. Publication - American Demographics/December 1991 - Included with Mr. Stickels' report was a copy of an article that appeared in the December 1991 issue of American Demographics. The article reports that in the United States there are 130 nonmetropolitan counties that have total personal incomes which exceed \$1 billion. The article ranks the income growth leaders on that list and profiles county economies in the west, south, northeast, and midwest. It states that businesses which sell exclusively in metropolitan areas are overlooking dozens of significant consumer markets. Nearly 20 percent of the counties in the United States have residents whose total personal incomes exceed \$1 billion. Counting people is the most common way to determine the size of a market, but adding up their total personal income may be a more useful way to go. Of the 130 nonmetropolitan counties with personal incomes that exceed \$1 billion, Sussex County is ranked fifteenth in the nation.

Measuring  
Equipment  
for Septage  
Receiving  
Program/  
South  
Coastal  
Regional  
Wastewater  
Treatment  
Facility

Mr. Wood, County Engineer, appeared before Council regarding the Septage Receiving Program at the South Coastal Regional Wastewater Treatment Facility. Council approved the acceptance of septage at the South Coastal Plant, but start-up of the program has been delayed until instrumentation is in place for testing the toxicity of the septage before it is pumped into the system. Bids on the measuring equipment were opened on November 12, 1991, and it is the recommendation of the County Engineering Department that the Microtox Toxicity Test System be purchased in an amount not to exceed \$22,850. Microtox is a computerized means of testing the toxicity of septage which may be brought to the South Coastal Regional Wastewater Treatment Facility from septic tanks throughout the County. Waste haulers will be charged a fee for bringing septage to the plant. Higher levels of toxicity will differentiate holding tank waste versus septic tank waste, for which separate fees will be charged.

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M 519 91  
Authorize  
Purchase  
of Microtox  
Toxicity  
Test  
System

A Motion was made by Mr. Cole, seconded by Mr. Collins, that based on the recommendation of the County Engineering Department, the County Council authorizes the award of the purchase of the Microtox Toxicity Test System and related equipment to Microbics Corporation of Carlsbad, California, for the Septage Receiving Program at the South Coastal Regional Wastewater Treatment Facility, not to exceed bid amounts of \$22,850. 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

Consulting  
Services/  
Laurel  
Landfill  
RI/FS

Mr. Wood, County Engineer, reported on the Remedial Investigation/Feasibility Study (RI/FS) for Sussex County Landfill No. 5, Laurel, Delaware. Roy F. Weston, Inc. is providing consulting services for performing this study due to the Laurel Landfill being placed on the United States Environmental Protection Agency (EPA) Superfund List. Negotiations are underway with the insurance companies which had insured Landfill No. 5 during the period of time it was used as a landfill to help finance the legal and technical work that is involved in satisfying the RI/FS required by EPA. Because of additional insurance related legal expenses, an increase of \$50,000 is being requested in the overall contract with Roy F. Weston, Inc.

It was agreed that an Executive Session will be scheduled with the attorneys involved after January 1, 1992, to discuss the progress of the Remedial Investigation/Feasibility Study for Landfill No. 5, Laurel, Delaware.

M 520 91  
Increase  
Consulting  
Services  
Contract/  
Laurel  
Landfill  
RI/FS

A Motion was made by Mr. Cole, seconded by Mr. Collins, that based on the recommendation of the County Engineering Department, the overall contract amount with Roy F. Weston, Inc. for consulting services for performing the Remedial Investigation/Feasibility Study phase for Sussex County Landfill No. 5, located in Laurel, Delaware, be increased by \$50,000 to accommodate additional insurance related legal expenses, bringing the new total contract budget amount to \$254,500. 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

Recess

At 10:54 a.m., President Dukes declared a recess until 11:00 a.m.

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Reconvene

President Dukes called the Council back into session at 11:00 a.m.

Bid  
Opening/  
Operation  
and Main-  
tenance  
of Transfer  
Station  
No. 6  
(Omar)

A Bid Opening was held on Sussex County Contract No. TR6-92, Operation and Maintenance of Sussex County Transfer Station No. 6, near Omar, Delaware. The following bids were received:

Eastern Waste Industries, Inc. Salisbury, Maryland	\$46,488
Browning-Ferris, Inc. Salisbury, Maryland	\$47,191
White Line, Inc. Georgetown, Delaware	\$46,000

The bids will be reviewed and a recommendation presented to Council next week.

Bid  
Openings/  
Project  
Nos. 91-14  
and 91-15  
(Program-  
mable  
Encoders  
and Remote  
Siren  
Controllers)

Bid Openings were held on Sussex County Project No. 91-14, (2) Programmable Encoders, and Sussex County Project No. 91-15, (23) Remote Siren Controllers, for the Integrated Home Alarm/Siren Encoder Project to enhance radio communications at the Sussex County Emergency Operations Center. The following bids were received:

**Sussex County Project No. 91-14**

Dispatch Communications of the Mid-Atlantic, Inc. Salisbury, Maryland	\$9,995
Caldabaugh Communications, Inc. Salisbury, Maryland	\$9,960
Communications Electronics, Inc. Timonium, Maryland	\$8,995

**Sussex County Project No. 91-15**

Dispatch Communications of the Mid-Atlantic, Inc. Salisbury, Maryland	\$36,800
Caldabaugh Communications, Inc. Salisbury, Maryland	\$42,090
Federal Signal Corporation University Park, Illinois	\$36,455

Mr. Carey, Director of Emergency Preparedness, will review the bids and present a recommendation to Council next week.

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Industrial  
Revenue  
Bond/  
Perdue  
Farms,  
Incorporated

Mr. Masten, Director of Economic Development, appeared before Council regarding the application for an Industrial Revenue Bond from Perdue Farms, Incorporated, in the amount of \$9,000,000. The project consists of the purchase of approximately 62± acres of land and replacement of the existing feed mill, allowing the company to expand its growing and processing operations. The proposed project site is west of U. S. Route 13 near Bridgeville, Delaware. Present in support of the application were Mr. Bill Hetherington, Manager, Banking and Finance, Perdue Farms, Incorporated; Mr. Jim Dennis, Roaster Complex Manager, Northeast Division, Perdue Farms, Incorporated; and Ms. Dorothy Sbriglia, Senior Developer, Delaware Development Office. Perdue currently employs 34 full-time employees at its Bridgeville location and will be expanding its work force with six to ten additional full-time employees upon completion of the project. In addition, approximately 100 construction workers will benefit from employment opportunities derived from the project.

Action on the Resolution of Intention for Perdue Farms, Incorporated, was deferred because of questions raised by Councilman Cole regarding legal fees associated with the Industrial Revenue Bond to be paid to the County Attorney. Mr. Bayard, County Attorney, stated he will be happy to meet with the bond counsel for Perdue Farms, Incorporated, determine the scope of work and liability factors involved, and submit an estimated legal fee for Council's review next week.

Proposed  
Ordinance  
C/Z #1148

Mr. Dukes introduced 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.769 ACRES, MORE OR LESS" (C/Z #1148) filed on behalf of Norris L. Niblett, Donald Ralph, and Schwan's Sales Enterprises, Inc. The Proposed Ordinance will be advertised for a Public Hearing.

New Road  
Property  
in Lewes

Mr. Stickels, County Administrator, stated that Mrs. Ruth Bunting, 208 New Road, Lewes, Delaware, requested permission to address Council regarding the possible location of a sewage treatment plant for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District on New Road in Lewes. Mrs. Bunting submitted to Council a "Petition Opposing the Location of the Sewage Treatment Plant on New Road in Lewes" containing over 450 signatures of area residents and expressed her opposition to the County's use of this site for a treatment plant. Mr. Christopher Valenti presented a statement on behalf of the Preserve Our Wetlands Committee regarding the effects of discharge

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New Road  
Property  
in Lewes  
(Continued)

into the Great Marsh in Lewes. Others in attendance to express their concerns were Mr. George Warren, Mr. Bill Wyatt, Mr. Duncan Monroe, and Mr. Alvin Bunting. Mr. Stickels stressed that, at this point in time, the County has only acquired an option to purchase the property in question and is investigating the alternatives available for utilization of the land.

M 521 91  
Recess

At 12:06 p.m., a Motion was made by Mr. Collins, seconded by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

President Dukes called the Council back into session at 1:30 p.m.

Public  
Hearing  
C/Z #1145  
(Action  
Deferred)

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 475.22 ACRES, MORE OR LESS" (C/Z #1145) filed on behalf of Delmarva Properties, Inc. The Public Hearing was closed and action deferred. The record will remain open for a period of two weeks for the following purposes:

1. Allow written comment from the Seaford School District;
2. Allow written comment from the Laurel School District;
3. Obtain information on the proposed wastewater system;
4. Obtain clarification of the Greenway Program as it applies to the property in question;
5. Allow Council review of the Planning and Zoning Commission Technical Advisory Committee report.

Recess

President Dukes declared a five minute recess at 4:11 p.m.

Reconvene

President Dukes called the Council back into session at 4:21 p.m.

Public  
Hearing/  
Conservation  
Zones

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV RELATING TO CONSERVATION ZONES". Action was deferred and the record left open to

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Public  
Hearing/  
Conservation  
Zones  
(Continued)

give the Planning and Zoning Commission an opportunity to review comments received this date from Edwin H. Clark II, Secretary, Delaware Department of Natural Resources and Environmental Control, following which Mr. Lank, Director of Planning and Zoning, will report back to Council.

M 522 91  
Adjournment

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adjourn at 5:04 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb  
Acting Clerk of the County Council