

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE, DECEMBER 17, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, December 17, 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
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.

Intro-
duction

Mr. Stickels, County Administrator, introduced Robin A. Griffith who is assuming the position of Clerk of the County Council.

M 523 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, 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:

SUE H. BARLOW, CAROLLING ON THE CIRCLE COORDINATOR, TOWN COUNCIL OF GEORGETOWN

RE: Expressing appreciation for Council members participation in Carolling on the Circle and for helping with the costs associated with putting on the event.

KENT-SUSSEX INDUSTRIES, INC., 301 REHOBOTH BOULEVARD, MILFORD
RE: December newsletter.

MICHAEL N. CASTLE, GOVERNOR, STATE OF DELAWARE

RE: Six-point plan to put Delawareans back to work, to support new and current small and minority businesses and to help attract relocating businesses to Delaware.

COUNCILMAN GEORGE J. COLLINS AND MARLENE, LAUREL

RE: Thank you note for flowers sent for death in family.

Comments

Mr. Stevenson had a Certificate of Appreciation from Sussex Central Pop Warner Football for the County Council's support during the past year and shared comments of appreciation from Woodbridge Pop Warner Football Organization for the County Council's support of their program.

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Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation honoring the Laurel High School Football Team, the "Bulldogs", and proclaiming the week of December 15 through December 21, 1991, as a week in Sussex County to honor the Laurel Bulldogs. The Laurel Bulldogs captured the Division II State Championship Football Crown on Saturday, December 7, 1991. Those present representing the Laurel High School Football team were George Purpur, President of School Board; Keith F. Duda, Principal; Keith W. O'Neal, Coach; and Paul Kmetz, Assistant Chief Coach.

M 524 91
Adopt
Proclama-
tion

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAMATION PROCLAIMING THE WEEK OF DECEMBER 15 THROUGH DECEMBER 21, 1991, AS A WEEK IN SUSSEX COUNTY TO HONOR THE LAUREL HIGH SCHOOL FOOTBALL TEAM, THE 'BULLDOGS.'" Motion Adopted: 5 Yea.

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

Industrial
Revenue
Bond
Applica-
tion

Mr. Stickels, County Administrator, discussed the application for an Industrial Revenue Bond from Perdue Farms, Incorporated. A letter from William B. Chandler, Jr., Secretary of Agriculture, endorsing the project as proposed by Perdue Farms was read. A letter from Dennis Schrader, Assistant County Attorney, concerning the attorney's fees that may be charged the County as a result of the issuance of the proposed Industrial Revenue Bond was also read. The letter indicated that the estimated fee would be no greater than \$15,000. Mr. Schrader, Assistant County Attorney, discussed the fee issue in more detail.

Public
Hearing
Report
for IRB
Applica-
tion

Mr. Masten, Economic Development Director, discussed the Public Hearing held on December 6, 1991, by Sussex County Council Industrial Revenue Bond Committee and reviewed the Bond Review Committee Report. At the close of the Public Hearing concerning the issuance by the County of Economic Development Revenue Bonds in a principal amount not to exceed \$9,000,000 to assist Perdue Farms, Inc., the Chairman of the Committee was directed to transmit the application to the County Administrator, together with a copy of the record of the proceeding and a recommendation that a Resolution of Intention be submitted for Council's consideration.

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M 525 91
Adopt
Resolution
R 027 91
IRB
(Perdue)

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Resolution No. R 027 91 entitled "RESOLUTION OF INTENTION TO ISSUE \$9,000,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (PERDUE FARMS INCORPORATED PROJECT) for the purpose of issuing Industrial Revenue Bond to Perdue Farms Incorporated; this application meets the criteria in terms of capital investment, retention of Sussex County jobs and job creation. Motion Adopted: 5 Yea.

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

1991
Bond
Volume
Cap
Allocation

Mr. Stickels, County Administrator, reported that, in a related issue, a letter has been received from the Secretary of Finance, State of Delaware, regarding Reassignment of Remaining 1991 Volume Cap Allocation. In order to maximize usage of its Private Activity Bond Volume Cap for 1991, the State is suggesting that any portion of the Volume Cap assigned to Sussex County which will not be allocated either to a qualified project prior to year-end or identified as eligible for carryforward be reassigned to the Delaware State Housing Authority for the purpose of issuing single family mortgage bonds at a future date. The State assigned \$15,000,000 to Sussex County for Industrial Revenue Bonds in 1991.

M 526 91
Reassign-
ment of
Unused
1991 Bond
Volume Cap

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that the Sussex County Council authorize the reassignment of the unused Private Activity Bond Volume Cap for 1991 in the amount of \$6 million to the Delaware State Housing Authority for the purpose of issuing single family mortgage bonds, as presented by Mr. Stickels, County Administrator. Motion Adopted: 5 Yea.

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

TR 6-92
Bids

The bids opened on Sussex County Contract No. TR6-92, Operation and Maintenance of Sussex County Transfer Station No. 6, near Omar, Delaware, have been reviewed and found to be in order.

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M 527 91
Award
TR6-92
Contract
(Omar)

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council award Contract TR6-92 for the Operation and Maintenance of Sussex County Transfer Station No. 6, near Omar, to White Line, Inc., Georgetown, Delaware, for a period not to exceed three years, at a rate of \$46,000 per year. Motion Adopted: 5 Yea.

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

Twin
Cedars
Septic
Request
and
Discussion

Mr. Stickels, County Administrator, informed Council that the on-site septic system for Twin Cedars Apartments, located in the proposed Johnson Crossroads Sanitary Sewer District, has failed.

Mr. Esposito, Director of the Division of Water Resources, DNREC, presented a request from his department that the owner/developer be allowed to negotiate an agreement with the County for the service of wastewater treatment for the existing 47 units. The alternative options available to the owner/developer and outlined by Mr. Esposito include: using holding tanks, [not recommended by DNREC]; and, closing the apartment complex.

A letter from the Delaware State Housing Authority was read in its entirety by Mr. Stickels, County Administrator, concerning placement for the occupants of the 47 sites at Twin Cedars should the project be closed. They could offer no assistance at this time.

A film was also shown depicting the problem for Council's review.

Mr. Mills, owner/developer of Twin Cedars, was present for the discussion. It was the consensus of Council that Mr. Stickels, County Administrator, negotiate an agreement with Mr. Mills, owner/developer of Twin Cedars, for the service of wastewater treatment for the existing units. Upon completion of the negotiations, the Agreement will be presented to Council for their consideration.

Millville
Zoning
Moratorium

Mr. Stickels, County Administrator, reviewed the request from the Mayor and Town Council of the Town of Millville for a third extension on a rezoning moratorium until March 31, 1992. The original moratorium was imposed on April 23, 1991. The Mayor of Millville, Amos Evans, was present and advised Council of the reasons for the request.

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M 528 91
Extend
Millville
Zoning
Moratorium
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorize the extension of a rezoning moratorium for the Town of Millville until March 31, 1992, as requested by the Mayor and Town Council of the Town of Millville. Motion Denied: 3 Nay, 2 Yea.

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

M 529 91
Extend
Millville
Zoning
Moratorium

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorize the extension of a rezoning moratorium for the Town of Millville until February 15, 1992. Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Sussex County Volunteer Fireman's Association Monthly Meeting

The Sussex County Volunteer Firemen's Association monthly meeting, normally held on the fourth Tuesday of every month, will not be scheduled for the month of December.

2. Sussex County Council Meeting

Next week's meeting will be held on Monday, December 23, 1991, at 10:00 a.m. in the Council Chambers. At that time, a recommendation will be made on the awarding of the Single Family and Additions Building Code Inspection Services.

3. Sussex County Association of Towns Meeting

The Sussex County Association of Towns meeting, normally held the first Wednesday of every month, has been rescheduled in January to be held on Monday, January 27, 1992. The meeting will be held at the Millsboro Senior Center and will be the annual legislative meeting. Every representative in the General Assembly from Sussex County will be invited to address issues for the upcoming legislative session.

December 17, 1991

Public
Hearing
Water &
Sewer
Extensions

A Public Hearing was held on Proposed Ordinance entitled "ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO EXTENSION OF PUBLIC WATER AND/OR SEWER SYSTEMS". The Public Hearing was closed and action was deferred for further review by Mr. Schrader, Assistant County Attorney, and for review by Black & Veatch.

M 530 91
Defer
Proposed
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Collins, to defer action on Proposed Ordinance entitled "ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO EXTENSION OF PUBLIC WATER AND/OR SEWER SYSTEMS".
Motion Adopted: 5 Yea.

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

M 531 91
Conditional
Acceptance
Contract
No. 4
Long Neck
Sanitary
Sewer
District

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., for Sussex County Project No. 88-12, that the Sussex County Council grant "Conditional Acceptance" for Contract No. 4 of the wastewater facilities constructed in the Long Neck Sanitary Sewer District. Motion Adopted:
5 Yea.

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

M 532 91
Contract
No. 6
Long Neck
Sanitary
Sewer
District
Change
Order

A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering Department, that the Sussex County Council President be authorized to issue Change Order No. 13 for the Long Neck Sanitary Sewer District, Contract No. 6, to L.A. Merrell Construction Company, Inc., for the modification of the spray rig per DNREC comments, resulting in a 77 day time extension, and a cost increase of \$46,647.87, increasing this contract amount to \$5,243,765.25. Motion Adopted:
5 Yea.

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

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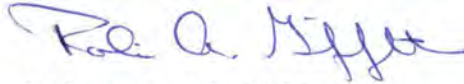
Proposed
Ordinance
C/Z #1194

Mr. Cole introduced 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,729 SQUARE FEET, MORE OR LESS" (C/Z #1149) filed on behalf of Atlantic Community Thrift Shop, Inc. The Proposed Ordinance will be advertised for Public Hearing.

M 533 91
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 11:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council