

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 19, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 19, 1995, at 10:00 a.m. in Superior Courtroom No. 1, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
(Mr. Benson arrived at 11:00 a.m.)	
George B. Cole	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 549 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve approve the minutes of the previous meeting dated December 12, Minutes 1995. Motion Adopted by Voice Vote.

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

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit. (Applicant: VFW Post 7234. Waterway: Beach Cove.)

CPT RONAL W. SMITH, STANDARDIZATION & EVALUATION OFFICER, CIVIL AIR PATROL DELAWARE WING, CAMDEN, DELAWARE.
RE: Letter in appreciation of the use of the Emergency Operations Center Building for the semi-annual flight clinic.

TIM COLLINS, SOUTHERN EXPOSURE, AND PEGGY J. BAUNCHALK, MAYOR, TOWN OF FENWICK ISLAND, FENWICK ISLAND, DELAWARE.
RE: Letter to Mr. Cole in appreciation of his Councilmanic Grant for the "Holiday Lights for Fenwick Island Project".

Certifi- Mr. Dukes presented to Alice M. Justice a Certificate of cate of Appreciation for "devotion, loyalty and excellence in Appreciation serving Sussex County from November 16, 1987 to November 16, 1995".

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

1. Troop 4 Status Reports - Months of October and November

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, during the months of October and November:

Adminis-
trator's
Report
(con't)

October

Total Hours on Duty	3,298.5
Hours Assisted Other Agencies	40.5
Total Traffic Arrests	758
Total DUI Arrests	29
Accident Reports:	
Property Damage	70
Personal Injury	<u>16</u>
Total Accident Reports	86
Criminal Arrests:	
Felony	23
Misdemeanor	<u>95</u>
Total Criminal Arrests	118
Total 10-29 P's (wanted persons)	56
Total Number of Complaints	682

November

Total Hours on Duty	3,333.0
Hours Assisted Other Agencies	57.5
Total Traffic Arrests	856
Total DUI Arrests	22
Accident Reports:	
Property Damage	65
Personal Injury	<u>17</u>
Total Accident Reports	82
Criminal Arrests:	
Felony	14
Misdemeanor	<u>62</u>
Total Criminal Arrests	76
Total 10-29 P's (wanted persons)	39
Total Number of Complaints	603

Officers at Troop 4 made 194 criminal arrests during a two-month period.

2. County Council Holiday Schedule

Sussex County offices will be closed Monday, December 25, and Tuesday, December 26, to allow for County employees' observance of Christmas. The Sussex County Council will not have a Council meeting the week of December 24.

County offices will also be closed Monday, New Year's Day, January 1, 1996. There will be a Council meeting Tuesday, January 2, 1996.

Adminis-
trator's
Report
(con't)

3. Carolling on The Circle

Included with this report is a listing of the individuals and businesses who assisted in Carolling on The Circle this year. Their efforts resulted in the County collecting 5,678 items of food. These items were distributed among four agencies in Sussex County to help those who are less fortunate than ourselves.

Sussex Central Senior High School contributed 1,545 items of food for the most items donated by a senior high school, Lewes Middle School contributed 618 items for the most for a middle school, and Georgetown Elementary contributed 1,210 for the most for an elementary school. The Sussex County Council will recognize representatives from these schools at a January meeting.

West
Rehoboth

Mr. Green, Director of Utility Construction, discussed "Substantial Completion" of Contract B for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 550 95
Grant
Sub-
stantial
Com-
pletion/
Contract
B/
West
Rehoboth

A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, for Sussex County Project No. 89-15, that Sussex County Council grant "Substantial Completion" for Construction Package B, to R.E. Pierson Construction Company, for the Wastewater Facilities constructed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, contingent on the approval of the following agencies: Rural Economic and Community Development and Department of Natural Resources and Environmental Control.

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

West
Rehoboth

Mr. Green, Director of Utility Construction, discussed "Substantial Completion" of Contracts C, D, E and F for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 551 95
Grant
Sub-
stantial
Com-
pletion/
Contracts
C,D,E,F/
West
Rehoboth

A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, for Sussex County Project No. 89-15, that Sussex County Council authorize Robert L. Stickels, County Administrator, to grant "Substantial Completion" for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contracts C, D, E, and F, to Lisbon Contractors, Inc. and Teal Construction, Inc., for the wastewater facilities constructed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, contin-

M 551 95 gent on the approval of the following agencies: Rural Economic
(con't) and Community Development, Department of Natural Resources
 and Environmental Control, and Sussex County Department of Law.

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

West Mr. Wood, County Engineer, discussed the Wolfe Neck Waste-
Rehoboth water Treatment & Spray Facility for the West Rehoboth
Treatment Expansion of the Dewey Beach Sanitary Sewer District.
& Spray Following a brief overview of the treatment process, Mr.
Facility Wood requested permission to grant "Substantial Completion"
 for the facility.

M 552 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, based
Grant on the recommendation of the Consulting Engineers, George,
Sub- Miles & Buhr and the Sussex County Engineering Department,
stantial that the County Council grant "Substantial Completion" for
Com- the Wolfe Neck Wastewater Treatment and Spray Facility
pletion/
West Construction Contract with George and Lynch, Inc., effective
 December 19, 1995.

Rehoboth Motion Adopted: 4 Yea, 1 Absent.
Treatment
& Spray
Facility

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

Library Ms. Fitzgerald, Director of County Libraries, reported on
Automa- the library automation proposals received. Proposals were
tion received from the following three vendors:
Proposals
Received

Ameritech Library Services
Provo, Utah
(Dynix System)

Innovative Interfaces, Inc.
Emeryville, California
(Innopac System)

GEAC Computers, Inc.
Newtonville, Maine
(GEAC Plus System)

The library directors of all the libraries have discussed the three systems and ranked them, as follows: Ameritech Library Services, Innovative Interfaces, Inc., and GEAC Computers, Inc. The library directors recommend that the consultant, Information Systems Consultants, Inc., be instructed to proceed with contract negotiations.

M 553 95 A Motion was made by Mr. Collins, seconded by Mr. Cole,
Proceed that the Sussex County Council authorizes the County
with Librarian to contact Information Systems Consultants, Inc.,
Contract with instructions to proceed with contract negotiations
Negotia- for library automation.
tions

for Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Baker, Finance Director, discussed a Proposed Resolution
Resolu- entitled "RATIFYING AND CONFIRMING ACTION TAKEN BY COUNTY
tion/ ADMINISTRATOR IN CONNECTION WITH \$20,825,000 WASTEWATER
West REVENUE REFUNDING BONDS (WEST REHOBOTH EXPANSION SEWER
Rehoboth PROJECT) SERIES 1995". On July 18, 1995, the County Council
Refunding Adopted Ordinance No. 1042 authorizing the issuance of Sussex
Bonds County Wastewater Bonds for the purpose of refunding all or a
portion of the 1994 Bonds. Pursuant to the Ordinance, the
County Administrator was authorized to negotiate the sale of
the aforesaid obligations. To this end, the County Adminis-
trator has negotiated the sale of \$20,825,000 of the County's
Wastewater Revenue Refunding Bonds (West Rehoboth Expansion
Sewer Project) Series 1995. The gross savings in the annual
debt service payments resulting from the refunding has been
determined to be \$646,029 and the present value of such
savings, discounted at the yield on the Bonds, has been
determined to be \$565,368.

M 554 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Adopt Resolution No. R 023 95 entitled "RATIFYING AND CON-
Resolu- FIRMING ACTION TAKEN BY COUNTY ADMINISTRATOR IN CONNECTION
tion WITH \$20,825,000 WASTEWATER REVENUE REFUNDING BONDS (WEST
No. REHOBOTH EXPANSION SEWER PROJECT) SERIES 1995".

R 023 95 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

RECD Mr. Baker, Finance Director, provided Council with an update
Loan on the RECD Loan for the West Rehoboth Sewer Project. The
Update/ loan, in the maximum amount of \$39,223,000, is for a 40 year
West term with an interest rate of 4.5%. To date, there have
Rehoboth been four drawdowns on the loan, with the fifth drawdown
Sewer scheduled for Friday, December 22, 1995. The fifth draw-
Project down will bring the total to \$29,224,000. The savings
from this loan have resulted in the reduction in the cap-
italization fees by 75%; from \$2,000 to \$500.

New
Bank
Accounts

Mr. Baker, Finance Director, proposed that four new accounts be opened; three accounts with Wilmington Trust Company and one account with Mellon Bank Delaware. The opening of the new accounts is necessary to accommodate funds related to the operation of the West Rehoboth Expansion Sewer Project.

M 555 95
Adopt
Resolu-
tion No.

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the following Resolutions:

R 020 95
R 021 95
R 022 95

Resolution No. R 020 95 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Resolution No. R 021 95 entitled "CASH MANAGEMENT ACCOUNT RESOLUTION".

Resolution No. R 022 95 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

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

M 556 95
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$200.00 from Mr. Cole's Councilmanic Account to the City of Rehoboth Beach to defray the cost of advertising the availability of the Rehoboth Beach Convention Center.

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

Proposed
Ordinance

Mr. Cole 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.864 ACRES, MORE OR LESS" (Change of Zone No. 1274) filed on behalf of Danny and Ellen Magee. The Proposed Ordinance will be advertised for Public Hearing.

Recess At 10:45 a.m., Mr. Dukes declared a recess until 11:00 a.m.

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

Mr. Benson was present for the remainder of the meeting.

Attorney Present Mr. Schrader, Assistant County Attorney, was the Attorney present to conduct the 11:00 a.m. Public Hearing.

Public Hearing/West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District A Public Hearing was held at 11:00 a.m. to hear and consider any objections that may be made to the Assessment Rolls for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Mr. Schrader, Assistant County Attorney, read into the record a letter, dated December 15, 1995, from Mr. Larry Peart of Black & Veatch reporting on the County staff's development of Annual Service, Assessment, and Connection charges for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Mr. Peart's letter states that "we find that the proposed charges for the new West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District are fair and reasonable and are consistent with the rate practices and structures of the County's formerly established sewer districts". Mr. Bozick of George, Miles & Buhr briefly reported on the history of the project. County staff gave presentations on issues including, but not limited to, operations and maintenance budget (David Baker, Finance Director), review of EDU and front footage assessments (Russell Archut, Director of Planning and Permits), and user charge comparisons (Leon Collins, Director of Utility Division). Gerard Esposito of the Department of Natural Resources and Environmental Control read a prepared statement addressing the Department's support of the Project. The Public was advised that everything possible has been done to keep the costs reasonable; bond refundings have been executed and low interest loans have been obtained, consequently decreasing the capitalization fee by 75% since the time they were first developed. Mr. Stickels, County Administrator, informed the Public that two programs exist to help them pay for connection charges: 1) funds through the County's Community Development Program and 2) payments can be deferred with a lien placed on the home by the County.

Following the aforementioned presentations, public comments were heard. Objections were made to the proposed rates. Reasons for the objections included the following:

1. Proposed user rates are unnecessarily high.
2. There should be a more equitable distribution of costs; uniform rates.

Public
Hearing
(con't)

3. Front footage assessment is an outdated method of determining costs.
4. Residents with lots of an unusual size will have to pay too much.
5. The method of payment should be to pay for what you use; meters should be installed.
6. Alternatives to the new system were not considered.
7. There are inequities between fees charged to businesses and multi-family developments and fees charged to single-family houses.

The Public Hearing was closed. The Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE, ASSESSMENT, AND CONNECTION CHARGES FOR THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT" was read for Council's consideration, as follows:

BE IT ORDAINED BY THE COUNTY OF SUSSEX:

Section 1. The annual service, annual assessment and connection charges for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$202.00 per EDU.
- B. For collection an assessment rate per billable front foot: \$2.48.
- C. For transmission and treatment an assessment rate per billable front foot: \$2.83.
- D. For a connection charge per equivalent dwelling unit; \$2,808.00.

Section 2. The annual service charge, annual assessment, charges and connection charge shall be effective for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District from December 29, 1995 until June 30, 1996.

Section 3. The annual service charge shall be prorated from the date of connection until June 30, 1996.

Section 4. The collection assessment and transmission treatment assessment, per billable front foot, shall be prorated from the effective date hereof until June 30, 1996.

Section 5. This Ordinance shall become effective on December 29, 1995 upon its adoption by a majority vote of all members of the County Council of Sussex County, Delaware.

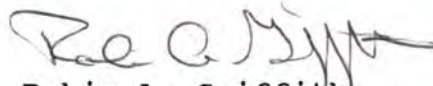
M 557 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 1068 entitled "AN ORDINANCE ESTABLISH-
Ordinance ING ANNUAL SERVICE, ASSESSMENT, AND CONNECTION CHARGES FOR
No. 1068 THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER
DISTRICT".

Motion Adopted: 5 Yea.

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

M 558 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adjourn adjourn at 1:14 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council