

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 9, 1993

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, March 9, 1993, 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
William D. Stevenson, Sr.	Member

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

M 092 93      A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve Minutes      approve the minutes of the previous meeting dated March 4, 1993. Motion Adopted by Voice Vote.

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

WILLIAM E. GORDY, CHAIRMAN, SUSSEX COUNTY PARAMEDIC ADVISORY COMMITTEE, GEORGETOWN.  
RE: The need for a community college based Paramedic Training Program in Sussex County.

JUNE W. BOSTICK, GREENWOOD.  
RE: Retirement as director of the Greenwood Public Library on April 30, 1993.

Position Paper on Superfund Amendment      Mr. Stickels, County Administrator, reviewed a "Position Paper on Superfund Amendment Concerning Local Government Liability". This document was prepared by Mr. Weiner of McCutchen, Doyle, Brown & Enersen, Mr. Stickels, and Mr. Izzo, Public Works Division Director. Mr. Stickels discussed the following:

- o History of the Legislation (formally known as the Comprehensive Environmental Response, Compensation and Liability Act)
- o Superfund Enforcement Program
- o National Priorities List
- o Superfund's Impact on Local Government Owners/Operators
- o Limited Efforts to Deal With Local Government Impacts
- o Developing Factions on Local Government Relief
- o Legislative Recommendations

Position Paper (con't) The "Position Paper on Superfund Amendment Concerning Local Government Liability" was distributed and discussed at the NACo (National Association of Counties) Legislative Conference held in Washington, D.C., February 26 - March 2, 1993.

NACo's List of Legislative Priorities Mr. Stickels, County Administrator, reviewed NACo's full list of legislative priorities for 1993, including the following:

- o Full Funding of Federal Mandates
- o Economic Investment Legislation
- o National Health Systems Reform
- o Children's Legislation
- o 1993 Tax Legislation
- o Fair Labor Standards Act Amendments
- o Payments-in-Lieu-of-Taxes (PILT)
- o Resource Conservation and Recovery Act (RCRA)

ASOS System Mr. Stickels, County Administrator, advised that a new weather observation network, Automated Surface Observing System (ASOS), has been installed at the Georgetown Airport. The ASOS System provides automated aviation weather observations twenty-four hours a day. The system works non-stop, updating observations every minute, continuously reporting significant weather changes as they occur. Persons can dial 856-2927 and receive current weather forecasting. An airplane frequency will be assigned in the near future enabling pilots to receive correct forecasts miles away from Georgetown. This project is fully funded by the Federal Aviation Administration. The only cost to the County will be the cost of the electric to operate the system.

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

1. State Fire Marshal's Bungee Regulations

The public hearing on bungee regulations has been scheduled for Thursday, March 18, 1993, at 1:00 p.m. at the Delaware State Fire School, Road 158, Dover, Delaware. Representatives of the Planning and Zoning Commission and Building Code Department will attend the public hearing.

Adminis-  
trator's  
Report  
(con't)

2. Emergency Planning

Mr. Glenn Gillespie, Acting Director of Emergency Operations, and Mr. Frank Calio, Director of the Georgetown Airport, met with officials of the Delaware National Guard and Delaware Emergency Planning and Operations regarding the possibility of using the Sussex County Airport as a mobilization center in the event of a disaster similar to the hurricanes which have hit the Florida and Carolina coastal areas over the past few years. The purpose of the meeting was to identify buildings that could be used for warehousing and the capabilities of the Georgetown Airport.

3. Community Development Block Grant (CDBG) Increase

The Delaware State Housing Authority has increased the CDBG for the Big Mill Run housing project located in Laurel, Delaware, by \$45,000. The additional funding will be used to help relocate the final three families from substandard housing conditions. Sixty families will have been relocated with standard housing when the project is complete in approximately two months. The Delaware State Housing Authority, Town of Laurel, and Sussex County Community Development Office, have been working diligently to make the Wexford Village project a success. Once the project has been completed, Council will be provided with a complete report of the entire project.

4. L. A. Merrell v. Sussex County - C.A. No. 91C-03-016 - Superior Court - Kent County

On February 25, 1993, Judge Myron T. Steele of the Superior Court - Kent County entered judgment in favor of Sussex County on L. A. Merrell's claim for additional compensation to provide borrow material on the Long Neck project. Merrell had claimed that it was entitled to \$775,000 from the county as an extra for its construction of the wastewater treatment facility on Long Neck. The Court found that Merrell failed to comply with the procedures stated in the contract to assert a claim that the unambiguous language of the contract provided that no additional compensation was to be paid for off-site borrow material.

It is unknown whether or not Merrell will appeal this decision to the Supreme Court.

Bid  
Results

Mr. Perez, Civil Engineer, reviewed bid results for Sussex County Project No. 91-08, West Ocean Farms Suburban Community Improvements, as follows:

Bid Results Project No.	<u>BIDDER</u>	<u>BID AMOUNT</u>
91-08	Bunting and Murray Construction Company, Inc.	\$106,720.46
	Ralph Cahall and Son Paving, Inc.	80,178.85
	A. P. Croll and Son, Inc.	87,276.10
	George and Lynch, Inc.	145,280.60
	IA Construction Company, Inc.	107,780.60
	Melvin L. Joseph Construction Company, Inc.	98,900.78
	Kaye Construction Company, Inc.	92,079.30

The bids will be reviewed for a recommendation.

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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.91 ACRES, MORE OR LESS" (C/Z #1192) filed on behalf of Melvin L. Joseph. The Proposed Ordinance will be advertised for public hearing.

Public Hearing Expansion of Fenwick Island SSD At 11:00 a.m., a Public Hearing was held on the Proposed Expansion to the Fenwick Island Sanitary Sewer District. The expansion would extend the boundary of the Fenwick Island Sanitary Sewer District to encompass a certain piece, parcel or tract of land lying contiguous to the Fenwick Island Sanitary Sewer District, approximately 916 feet east of the centerline of the entrance-way to Keenwick Sound, Phase 1, on River Run Road. No parties appeared in opposition. The Public Hearing was closed.

M 093 93 Adopt Resolution No. R 007 93 Expansion of Fenwick Island SSD A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 007 93 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT TO ENCOMPASS A CONTIGUOUS AREA OF .98 ACRES MORE OR LESS, APPROXIMATELY 916 FEET EAST OF THE CENTERLINE OF RIVER RUN ROAD, THE ENTRANCE-WAY TO KEENWICK SOUND, PHASE I."

Motion Adopted: 5 Yea.

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

M 094 93 Council-  
manic  
Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 from Mr. Cole's Councilmanic Account to the Lord Baltimore Parent Teachers Association for the Environmental Learning Center project.

Motion Adopted: 5 Yea.

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

M 095 93 Council-  
manic  
Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and \$150.00 from Mr. Dukes' Councilmanic Account, to Laurel High School, Business Professionals of America, for students' attendance at the national convention in San Antonio, Texas.

Motion Adopted: 5 Yea.

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

M 096 93 Council-  
manic  
Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$250.00 from Mr. Collins' Councilmanic Account to V.F.W. Post #10638 to continue their building renovation.

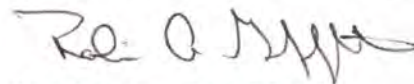
Motion Adopted: 5 Yea.

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

Grass/  
Trash A discussion was held regarding the existence and enforcement of ordinances and state laws relating to grass cutting and trash.

M 097 93 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 11:21 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council