

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 23, 1992

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, June 23, 1992, 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.

M 274 92      A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Approve      approve the minutes of the previous meeting dated June 16, 1992.  
Minutes      Motion Adopted by Voice Vote.

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

DAVID D. TIDWELL, PRESIDENT, SUSSEX COUNTY COMMERCE SEMI-PRO  
BASEBALL, GEORGETOWN  
RE: Request for a \$1,000 donation to help defray costs.

M 275 92      A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to  
Council-      give \$1,000, \$250 from each Councilmanic Account, excluding Mr.  
manic      Cole's, to Sussex County Commerce Semi-Pro Baseball.  
Grant

Motion Adopted: 5 Yea.

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

Letters      MARK A MCNULTY, ACTING SECRETARY, DEPARTMENT OF TRANSPORTATION,  
(con't)      DOVER  
RE: Council's concerns regarding the partial roadway closure of  
S 213 at its intersection with US 113.

JIM KING, CHIEF, GEORGETOWN FIRE DEPARTMENT, GEORGETOWN  
RE: Fire, rescue, and emergency medical services drill held at  
the Sussex County Industrial Air Park on Tuesday, June 2, 1992.

Request      Mr. Stickels, County Administrator, discussed the request made  
Long      at the June 16, 1992, meeting that Long Neck be recognized as an  
Neck      unincorporated community of Sussex County. Mr. Paul Hewett,  
Chairman of the Long Neck Residents Committee, has asked Council  
to permit the withdrawal of the petitions to allow more time to  
inform the public that the Committee has no intentions of trying  
to incorporate the Long Neck area. It was the consensus of Council  
to permit the withdrawal of the petitions.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, RELATING TO AMUSEMENT PLACES IN B-1 NEIGHBORHOOD BUSINESS DISTRICTS AND C-1 GENERAL COMMERCIAL DISTRICTS AS CONDITIONAL USES". The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY RELATING TO ZONING AND SITE PLAN REVIEWS FOR AMUSEMENT PLACES". The Proposed Ordinance will be advertised for Public Hearing.

DSWA Trash Transfer Station Mr. Stickels, County Administrator, showed a video of a trash transfer station in New Castle County operated by the Delaware Solid Waste Authority. A written report will be provided by the Delaware Solid Waste Authority in the near future. The report will address the costs involved in constructing and operating a similar transfer station in Sussex County and will include their opinion and recommendation regarding the transfer stations currently in operation in Sussex County and the equity of keeping them open.

Georgetown Post Office Mr. Stickels, County Administrator, read a letter from the United States Postal Service announcing that the main post office building located at 2 The Circle, Georgetown, Delaware, is available for purchase.

M 276 92 Investigate Purchase Georgetown Post Office A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council authorizes the Sussex County Administrator to investigate the acquisition of the main post office building located at 2 The Circle, Georgetown, Delaware.  
Motion Adopted: 5 Yea.  
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Courthouse Mr. Stickels, County Administrator, reviewed Change Order No. 5, for the Courthouse Expansion and Renovation Project.

M 277 92 Courthouse Expansion Change Order #5 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Council President to execute Change Order No. 5 for the Courthouse Renovation and Expansion Project in an amount not to exceed \$6,016.89, as recommended by R. Calvin Clendaniel, designing architect.

Motion Adopted: 5 Yea.

M 277 92 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

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

1. Federal Legislation

The United States House of Representatives Energy and Commerce Committee began a mark-up last week of the Resource Conservation and Recovery Act reauthorization bill, H.R. 3865, better known as the Superfund Program. One of the amendments offered by Representative Donald Kostmayer (D-PA) would impose a moratorium on the permitting and/or construction of waste-to-energy facilities. Also, Representative Markey (D-MA) is expected to propose a national beverage container deposit amendment.

Representative Wyden (D-OR) is working with the National Governors Association on an amendment to give the states more authority over the interstate transport of solid waste in the following ways: permit states to collect a \$3.00 differential on out-of-state waste; require that facilities satisfy the waste disposal needs of the district as identified in the state plan, or else the governor could veto the project; limit receipt of out-of-state waste to a three-to-one ratio (three tons of in-state waste would have to be disposed for every ton of out-of-state waste).

Legislation will also be offered in an amendment to require the largest newspapers meet a 35 percent minimum recycled content standard by 1995 and fifty percent by 2002.

2. Dog Control

On Friday, June 19, 1992, the state's Joint Finance Committee voted to keep the state in the dog control business. The Committee voted seven to five to maintain the program as a state responsibility. Governor Michael N. Castle had proposed to shift half of the \$481,000 cost of the program to the three counties and the City of Wilmington. As proposed, the program would have cost Sussex County \$72,000 in FY '93. The entire program costs approximately \$152,000 to operate in Sussex County and generates revenues of less than \$15,000 under the current license and fee program.

On May 14, 1992, legislation was introduced by Representatives Ewing and Schroeder and Senator Cordrey to increase the

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trator's  
Report  
(con't)

penalties for violations of dog statutes, specifically for failure to license dogs, dogs running at large, female dogs at large in heat, and stealing of dogs. Included in the report was a copy of this legislation. This bill passed the House of Representatives last week and has been sent to the Senate for consideration.

3. Senate Joint Resolution No. 18

Senate Joint Resolution No. 18 establishes a Delaware Water and Wastewater Infrastructure Committee to define and describe the needs of the State's water supply and wastewater facilities. The Resolution states that the Committee shall review and address:

- (a) gaps and inconsistencies in state, county, and local planning for water supply and wastewater management;
- (b) methods to encourage cooperation and coordination among state, county, and local jurisdictions with respect to planning, design, and construction of water supply and wastewater facilities;
- (c) methods for assisting the economically disadvantaged to afford adequate water supply and wastewater services;
- (d) methods to overcome resistance to paying for proper planning and funding of new, expanded, or upgraded facilities;
- (e) the financial needs for water supply and wastewater facilities and methods to assure equitable funding for those services;
- (f) the institutional framework to administer the Committee's recommendations;
- (g) any needed legislation to implement the Committee's recommendations.

The Committee shall consist of the following individuals:

- (a) Grace Pierce-Beck, Audubon Society;
- (b) William G. Turner, City of Wilmington;
- (c) Stephan Lehm, Consulting Engineers Council;
- (d) Joseph J. Corrado, Delaware Contractors Association;
- (e) John J. Casey, Jr., Delaware Development Office;

Adminis-  
trator's  
Report  
(con't)

- (f) James McGinnis, Delaware Public Policy Institute;
- (g) Debra Chambliss von Kock, Department of Finance;
- (h) Gerard L. Esposito, Department of Natural Resources and Environmental Control;
- (i) G. Wallace Caulk, Jr., Farm Bureau;
- (j) Lee J. Beetschen, investor owned wastewater utilities;
- (k) Peter N. Johnson, investor owned water supply utilities;
- (l) Robert S. McLeod, Kent County Administrator;
- (m) Dr. John Adams, League of Local Governments;
- (n) John C. Carney, Administrative Assistant, New Castle County;
- (o) Robert L. Stickels, Sussex County Administrator;
- (p) John E. Messick, Attorney, Sussex County Association of Towns.

The legislation would require a two-thirds vote of members of the Committee for any action or recommendation the Committee may address. The Committee will be required to meet by August 1, 1992, and shall make a full report to the Delaware General Assembly on or before January 15, 1993.

Proposed Fenwick Island Water District Public Hearing Mr. Archut, Planning and Permits Division Director, discussed the proposed Fenwick Island Water District. At the June 9, 1992, Council meeting, a Motion was Adopted that a Public Hearing, on the question of organizing a water district for the Fenwick Island area, will be held on Saturday, July 11, 1992. Mr. Archut advised Council that there is a conflict with the date selected for the Public Hearing, as the Fenwick Island Town Fair is scheduled for the same day.

M 278 92 Proposed Fenwick Island Water District Public Hearing A Motion was made by Mr. Cole, seconded by Mr. Collins, that a Public Hearing, on the question of organizing a water district for the Fenwick Island area, will be held on Saturday, July 18, 1992, rather than July 11, 1992. All interested persons, officials, residents, voters, taxpayers, property owners or other persons or corporations in any way affected by the granting of the petition shall be heard on any question dealing with the location of the boundaries of the district.

Motion Adopted: 5 Yea.

M 278 92 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Agreement Mr. Green, Utility Construction Division Director, reviewed an  
Maplewood agreement between Sussex County Council and Maplewood Industries,  
Indus- Inc. for construction administration and construction inspection  
tries services for wastewater facilities in Maplewood, Section II, in the  
DBSSD West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 279 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, that the  
Agreement President of the Sussex County Council execute an agreement  
Maplewood between Sussex County Council and Maplewood Industries, Inc., for  
Indus- construction administration and construction inspection services  
tries for wastewater facilities in Maplewood, Section II, in the West  
DBSSD 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

Public A Public Hearing was held on Proposed Ordinance entitled  
Hearing "AN ORDINANCE OF THE COUNTY COUNCIL OF SUSSEX COUNTY TO SUPPLEMENT  
Bond AND AMEND ORDINANCE NO. 20, PASSED BY THE COUNTY COUNCIL OF SUSSEX  
Ordinance COUNTY ON AUGUST 12, 1975, AS AMENDED BY ORDINANCE NO. 35, PASSED  
BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON JUNE 26, 1979, FOR THE  
PURPOSE OF REALLOCATING CERTAIN PROCEEDS OF THE COUNTY'S \$9,600,000  
WATER AND SEWER BONDS - 1975, DATED AS OF SEPTEMBER 1, 1975, AMONG  
WATER AND SANITARY SEWER DISTRICTS". The Public Hearing was  
closed.

M 280 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt  
Adopt Ordinance No. 832 entitled "AN ORDINANCE OF THE COUNTY COUNCIL OF  
Ordinance SUSSEX COUNTY TO SUPPLEMENT AND AMEND ORDINANCE NO. 20, PASSED BY  
No. 832 THE COUNTY COUNCIL OF SUSSEX COUNTY ON AUGUST 12, 1975, AS AMENDED  
BY ORDINANCE NO. 35, PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY  
ON JUNE 26, 1979, FOR THE PURPOSE OF REALLOCATING CERTAIN PROCEEDS  
OF THE COUNTY'S \$9,600,000 WATER AND SEWER BONDS - 1975, DATED AS  
OF SEPTEMBER 1, 1975, AMONG WATER AND SANITARY SEWER DISTRICTS".

Motion Adopted: 5 Yea.

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

Purchase Mr. Izzo, Assistant County Engineer, updated the Council on the  
Property status of the purchase of property for the application of sludge  
SCRWF from the South Coastal Regional Wastewater Facilities. A public

Purchase  
Property  
SCRWF

meeting was held on June 22, 1992, for the residents of the Williamsville area at which time concerns were expressed, including negative impact on tourism, impact on groundwater, odors, and property values. Mr. Izzo expressed concern that settlement on the property is contingent on a permit from DNREC and, due to the language in the contract, the delay in waiting for this permit could result in the owner farming the property, which would cause problems in applying sludge in the fall. Mr. Bayard, Mr. Schrader, and Mr. Izzo will review the contract regarding this issue.

M 281 92  
Appoint  
Finley  
Jones to  
Building  
Code  
Appeal  
Board

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to appoint Finley B. Jones, Jr., of Greenwood, Delaware, to a four year term on the Sussex County Building Code Appeal Board representing the Sussex County Firemen's Association.

Motion Adopted: 5 Yea.

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

M 282 92  
Council-  
manic  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$200 from Mr. Collins' Councilmanic Account to the Laurel School District to support the 1992 Laurel Community Summer Recreation Program.

Motion Adopted: 5 Yea.

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

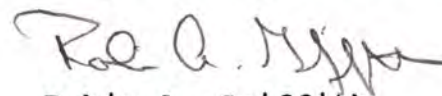
Citizen  
Request

Ms. Patricia Wien appeared before Council to request assistance in resolving the water problem at her residence in Bay City. Ms. Wien claims that the problem originated during the installation of pipes for the Long Neck Sanitary Sewer District. Ms. Wien believes that the Contractor, R. E. Pierson Construction Company, should provide her property with a water supply. The County Council directed Robert L. Stickels, County Administrator, to write to R. E. Pierson Construction Company on Ms. Wien's behalf.

M 283 92  
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 11:52 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council