

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 17, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, September 17, 1996, 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
William D. Stevenson, Sr.	Member

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

M 391 96 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Agenda Adopt the Agenda. Motion Adopted by Voice Vote.

M 392 96 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Approve approve the minutes of the previous meeting dated September 10,
Minutes 1996.

Motion Adopted: 3 Yea, 2 Absent.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence:
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CHAMBER OF COMMERCE OF GREATER MILFORD, MILFORD, DELAWARE.
RE: News Release regarding Seventh Annual Milford Fall Fling.

KAY ESKRIDGE, RON'S MOBILE HOME SALES, HARRINGTON, DELAWARE.
RE: Letter commending the Planning and Zoning Office and especially Bud Rickard.

LINDA C. FENTON, BALTIMORE, MARYLAND.
RE: Letter commending Barry Pryor and George Blake, employees of the County's Engineering Department.

PAMELA F. TRIMBLE, REAL ESTATE TAX ESCROW ADMINISTRATOR,
WILMINGTON TRUST COMPANY, WILMINGTON, DELAWARE.
RE: Letter commending Angela Townsend of the County's Treasury Department.

EPA Mr. George Weiner of McCutchen, Doyle, Brown & Enersen, Legal
Over- Counsel for Sussex County, and Mr. Izzo, Acting County Engineer,
sight appeared before Council to discuss invoices received from the
Costs/ United States Environmental Protection Agency (EPA) for costs
Laurel resulting from oversight activities that the EPA performed while
Landfill the County conducted a Remedial Investigation/Feasibility Study
 (RI/FS) at the Laurel Landfill site.

EPA
Over-
sight
Costs/
Laurel
Landfill
(con't)

Mr. Weiner advised that a Consent Order was executed by the County Council in March, 1991, which called for the EPA to do a RI/FS study at the Laurel Landfill. Under the terms of the Consent Order, the County is obligated to reimburse the EPA for costs the Agency incurred in overseeing the County's conduct of that study.

The County was first notified of a \$344,121.61 oversight cost claim in a statement issued by the EPA on June 29, 1995. In early 1996, the County was notified by the EPA that the Agency had incurred additional costs of \$460,114.16. Mr. Stickels, County Administrator, responded to both claims by contacting the EPA and Delaware's congressional delegation advising them of the County's concern about the excessive costs; this resulted in negotiations with the EPA as to the amounts of the claims.

Mr. Weiner advised that, as to the oversight cost claim, the County was able to get the EPA to reduce the original invoice from \$344,121.61 to \$335,524.00. As to the additional costs, the County was able to get the EPA to reduce the original invoice from \$460,114.16 to \$46,011.42. The EPA has also agreed to waive the interest on these amounts that accrued while negotiations have taken place.

Mr. Weiner asked for Council's approval of the adjusted invoice amounts. The EPA is asking that Council adopt this settlement in another Administrative Consent Order. Mr. Weiner advised that the document has been reviewed and is acceptable.

Mr. Stickels advised that the two EPA claims cover costs through October, 1994; additional claims will be forthcoming.

M 393 96
Approve
EPA
Over-
sight
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Laurel
Landfill

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Administrator be authorized to execute the Administrative Consent Order with the United States Environmental Protection Agency, Region III, for the recovery of past response costs associated with the Laurel Landfill site.

Motion Adopted: 3 Yea, 2 Absent.

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

Adminis-
trator's
Report

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

1. Sussex Conservation District

The Sussex County Council has been invited to meet with the Sussex Conservation District Board of Supervisors on

Adminis-
trator's
Report
(con't)

Wednesday, September 25, 1996, at 9:00 a.m. at the Cashar W. Evans Conservation Center on Shortly Road, Georgetown, Delaware. The purpose of the meeting will be a tour to educate and inform the Council about the plan review and construction process as it pertains to storm-water management. This trip will also allow Board members to see what development is occurring in Sussex County, including strip development.

2. Milton Library Scheduled Changes

Milton Library will change its schedule on the following dates:

Saturday, September 21, 1996 - Governor's Day
Library will extend hours until 4:00 p.m. for Friends' Art Show; regular hours are 10:00 a.m. to 2:00 p.m.

Thursday, October 31, 1996 - Halloween
Library will close at 6:00 p.m. instead of 8:00 p.m.; this has been regular practice for the past several years.

Wednesday, December 4, 1996 - Milton Christmas Parade
Library will close at 6:00 p.m. instead of 8:00 p.m.; this has been regular practice.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES AND PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30,950 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1172) filed on behalf of Charles G. Wagner and Patricia A. Wagner. The Proposed Ordinance will be advertised for Public Hearing.

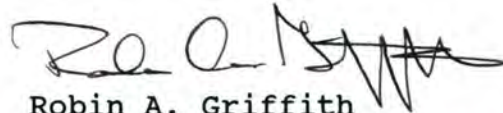
Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR THIRTEEN MULTI-FAMILY UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Conditional Use No. 1173) filed on behalf of RAAB/Ford Partnership. The Proposed Ordinance will be advertised for Public Hearing.

M 394 96 Council-
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Grant A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$250.00 from Mr. Cole's Councilmanic Account to Rehoboth Beach Main Street to support them in their endeavor to involve more of the local communities in their program.

Motion Adopted: 3 Yea, 2 Absent.

- M 394 96 (con't) Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
Mr. Collins, Absent; Mr. Stevenson, Yea;
Mr. Dukes, Yea
- M 395 96 Adjourn A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 10:40 a.m. Motion Adopted by Voice Vote.
- Luncheon At 12:00 noon, Council members attended a luncheon at the Seahorse Restaurant with representatives of Butcher & Singer.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council