

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 17, 2013**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 17, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

|                              |                             |
|------------------------------|-----------------------------|
| <b>Michael H. Vincent</b>    | <b>President</b>            |
| <b>Samuel R. Wilson, Jr.</b> | <b>Vice President</b>       |
| <b>George B. Cole</b>        | <b>Councilman</b>           |
| <b>Joan R. Deaver</b>        | <b>Councilwoman</b>         |
| <b>Vance Phillips</b>        | <b>Councilman</b>           |
| <b>Todd F. Lawson</b>        | <b>County Administrator</b> |
| <b>Gina A. Jennings</b>      | <b>Finance Director</b>     |
| <b>J. Everett Moore, Jr.</b> | <b>County Attorney</b>      |

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 424 13  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by deleting "Approval of Minutes"; and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Corre-  
spondence**

Mr. Moore read the following correspondence:

**DELMARVA TEEN CHALLENGE, SEAFORD, DELAWARE.**

**RE: Letter in appreciation of the Council's sponsorship of the Fifth Annual Crab Feast and Watermelon Extravaganza.**

**DNREC  
Presentation**

Frank Piorko, Division Director, DNREC Division of Watershed Stewardship, was in attendance to share revisions to Delaware Sediment & Stormwater Regulations. The following overview was presented to Council.

- **History of Regulation Revisions**
  - **Governor's Task Force – April 2005**
  - **RAC first meeting – October 2007**
  - **First Public Hearing – March 1, 2012**
  - **Second Public Hearing – April 23, 2013**
  - **Regulations Issued – July 18, 2013**
  - **Effective Date – January 1, 2014**

**DNREC  
Presentation  
(continued)**

- **Outreach**
  - **Regulatory Advisory Committee Meetings: 9**
  - **Subcommittee Meetings: 37**  
(Technical Subcommittee: 20 meetings)
  - **Interested Parties: 235**
- **Comments – Prior to first Public Notice Period:**
  - **700+ comments received and considered**
  - **Tracked in a database**
  - **Responses provided**
- **Comments – Following first Public Notice Period:**
  - **200+ comments on regulation language received & considered**
  - **300+ comments on Technical Document received & considered**
- **Scope of Regulation Revisions**
  - **5,000 sf disturbance threshold – unchanged**
  - **No new groups to be regulated**
  - **Modified compliance requirements**
    - **Post construction stormwater management**
- **Grandfathering**
  - **Plans in Review**
    - **18 months to gain approval**
    - **Approved by July 1, 2015**
  - **Approved Projects**
    - **6 years to commence construction**
    - **Construction start no later than January 1, 2020**
- **Commencement of Construction**
  - **Utilities**
  - **Roadways**
  - **Stormwater management facilities**
  - **General earthmoving alone does not qualify**
- **Extensions to Expired Plans**
  - **Construction or not**
  - **Owner may resubmit plan for re-approval prior to January 1, 2014**
  - **Sussex Conservation District notifying owners and consultants**
- **Compliance Criteria – New Development**
  - **Current Regulations**
    - **4 Regulatory Storm Events**
      - **Water Quality (2" rainfall)**
      - **2-year**
      - **10-year**
      - **100-year**
  - **Revised Regulations**
    - **3 Regulatory Storm Events**
      - **Resource Protection Event**  
- 1 year
      - **Conveyance Event**  
- 10 year
      - **Flooding Event**

**DNREC  
Presentation  
(continued)**

**- 100 year**

- **Stormwater Quality Management**
  - **1-year Storm event (~2.7” rainfall)**
  - **Optimize for runoff reduction**
  - **10-year, 100-year (State-wide)**
  - **Analyze post condition only**
  - **Optimize for “no adverse impact”**
- **Offset Process**
  - **Plan Review Process Indicates Site May Qualify for Offset**
    - **Stormwater Assessment Report (SAR) contains multiple “Significant” ratings**
    - **Analysis indicates on-site compliance may be an inferior solution**
    - **Preliminary Sediment & Stormwater Plan (H&H study) indicates on-site compliance costs may exceed Maximum Extent Practicable (MEP)**
- **SB 64 – Floodplain and Drainage Advisory Committee**
  - **Adopted July 2011**
  - **Governor signed into law August 2011**
  - **Committee began meeting September 2011**
  - **7 Committee Meetings**
  - **Report to the General Assembly**
  - **Several rounds of local government outreach**
- **SB 64 Process**

**Mr. Piorko stated that what is critically important in respect to local government is how this information is going to be utilized. Converging with the culmination of this report is also some new Federal requirements from FEMA as a result of a state wide mapping update that FEMA is going to require local governments to review their Ordinance/Code language and make some modifications. In anticipation, DNREC has been working with County technical staff as well as FEMA staff on what effect this will have at the local level and what level of assistance can be provided. DNREC will be meeting with every municipality in the State over the next 12 months to discuss their specific Ordinance/Code language and what mandatory changes will be necessary from FEMA’s standpoint and what recommended improvements DNREC would like to see at a local level.**

**Mr. Phillips asked if there is a technical document in regards to stormwater management available for review; where can the technical document be found; and has it been registered with the Register of Regulations.**

**Mr. Piorko responded that there is a companion document to the regulations which is a technical document that encompasses erosion and sediment control standards and specifications as well as the stormwater technical standard and specifications to accompany the regulations. The technical document can be found on the DNREC website and it has not been registered with the Register of Regulations as it is not part of the regulations that was promulgated.**

**DNREC  
Presentation  
(continued)**

There was further discussion by Council and Mr. Piorko on whether the County or State could monitor construction in subdivisions to ensure that developers follow the approved drainage plans which could alleviate some drainage issues in the future.

**Adminis-  
trator's  
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Sussex County Emergency Operations Center Call Statistics – August 2013

Attached please find the call statistics for the Fire and Ambulance Callboard for August 2013. There were 10,873 total calls handled in the month of August. Of those 9-1-1 calls in August, 79 percent were made from wireless phones.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Hopkins-Pettyjohn Subdivision (aka Red Mill Pond North) – Phase 2 reached Substantial Completion effective September 11, 2013.

3. Delaware Department of Transportation – US 113 Millsboro-South Area Public Hearings

The Delaware Department of Transportation will hold public hearings this week for the US 113 North/South Study for the Millsboro-South Area. This section of the project encompasses more than 14 miles of US 113 and includes the towns of Millsboro, Dagsboro, Frankford, and Selbyville.

On Wednesday, September 18<sup>th</sup> the first hearing will be held at the Millsboro Civic Center, and on Thursday, September 19<sup>th</sup> the second hearing will be held at the Selbyville Fire Hall. Each event will be held in two parts, beginning at 4:00 PM. From 4:00 – 6:00 PM, the public can review maps of the alternative routes, interact with DelDOT officials, and provide private testimony to a stenographer. From 6:00 – 8:00 PM, the public will be permitted to provide testimony for those who wish to speak.

All comments are due to DelDOT on the proposals by Friday, October 4, 2013.

[Attachments to the Administrator's Report are not attachments to the minutes.]

**Easter  
Annexation/  
Extension of  
the MCSSD/  
Request to  
P&P Notices**

John Ashman, Director of Utility Planning Division, requested permission to prepare and post public hearing notices for the extension of the Miller Creek Sanitary Sewer District (Easter Annexation). The parcel requesting annexation is located on the north side of County Road 363 in Baltimore Hundred. The expansion is based on a written request from the land owners citing a failing on-site system as their reason for the request. The

**Easter Annexation (continued)** property is able to gain sewer service by extending sewer lines from a connection point in Malcom's Manor through an easement from the adjacent property owner. The parcel consists of approximately 1.46 acres more or less. The property owners will be subject to system connection charges of \$5,248.00 per EDU based on July 1, 2013-June 30, 2014 rate.

**M 425 13 Authorize Notices/MCSSD Extension/Easter Annexation** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Miller Creek Sanitary Sewer District to include parcel 134-19.00-75.03 lands of Thomas and Megan R. Easter, as presented on September 17, 2013.

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Homestead B&B Annexation/ Extension of the MCSSD/ Request to Prepare and Post Notices** John Ashman, Director of Utility Planning Division, requested permission to prepare and post public hearing notices for the extension of the West Rehoboth Sanitary Sewer District (Homestead B&B Annexation). The parcel requesting annexation is located at the corner of Warrington Road and Old Landing Road being operated as Homestead Bed & Breakfast. The expansion is based on a written request from the land owners stating they have recently found out that their current cesspool is operating as a non-conforming system per DNREC and the parcel cannot be sold as is. The property is able to gain sewer service by connecting to an existing sewer lateral previously placed at the property's right-of-way. The parcel consists of approximately 2.00 acres more or less. The property owners will be subject to system connection charges of \$4,822.00 per EDU based on July 1, 2013 – June 30, 2013 rate.

**M 426 13 Authorize Notices/WRSSD Extension/Homestead B&B Annexation** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the West Rehoboth Sanitary Sewer District to include parcel 334-12.00-121.01 lands of Judith K. Hedrick and Mary J. Ford, as presented on September 17, 2013.

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Air Methods Inc.-LifeNet/ Lease Agreement** Jim Hickin, Airport Manager, presented a request for approval of a three year extension of the LifeNet lease under the parent company Air Methods, Inc. The LifeNet operation provides 15-20 jobs, pays reasonable rent and provides good paying jobs in the County.

**M 427 13**      **A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approve the second extension to the lease agreement with Air Methods Corporation for Lot A2 at the Sussex County Airport, dated September 5, 2007.**

**Approve Lease Agreement/ Air Methods Inc.- LifeNet**      **Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

**Airport Concrete Apron Repairs/ Substantial Completion**      **Bob Jones, Project Engineer, requested that Substantial Completion be granted for the project known as the Sussex County Airport, Concrete Apron Repairs, Phase 1 (Contract No. 12-28). Mr. Jones stated that the Balancing Change Order addressed the final quantities of the contract. The original contract was awarded for \$69,750.00 and this Change Order decreases the amount by \$10,052.05 for a final cost of \$59,697.95.**

**M 428 13**      **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Sussex County Contract No. 12-28, Concrete Apron Repairs, Phase 1, with Mitten Construction Company, be approved, which decreases the contract by the amount of \$10,052.05 for a new contract total of \$59,697.95; that Substantial Completion is granted effective August 12, 2013; and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**

**Grant Substantial Completion and Approve Balancing Change Order/ Concrete Apron Repairs**      **Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

**Grant Requests**      **Mrs. Jennings presented grant requests for the Council's consideration.**

**M 429 13**      **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$2,500.00 from the Countywide Youth Activities Grant to the Georgetown Little League for Delaware District III Girls' Softball Big League World Series Champion rings and jackets.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

**M 430 13**      **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,500.00 (\$500.00 each from Mr. Vincent's, Mr. Phillips' and Mr. Wilson's Councilmanic Grant Accounts) to the Apple-Scrapple Festival for festival**

**Councilmanic**

**M 430 13** expenses.

**Grant**

**(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Additional  
Business**

**Under Additional Business, Dan Kramer commented on the presentation given by Frank Piorko, DNREC Division of Watershed Stewardship, regarding Sediment & Stormwater Regulations.**

**Mr. Cole asked if there is any way the County could flag subdivisions with a known history of drainage problems and direct concerns to Soil Conservation to ensure approved drainage plans are implemented. Mr. Vincent requested that Mr. Lawson further discuss this issue with Engineering, Planning & Zoning and Soil Conservation District and report back to Council at a later date.**

**M 431 13  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 11:03 a.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Respectively submitted**

**Kelly A. Collins  
Administrative Secretary**