



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 1, 2006

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 1, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Hal Godwin	Assistant to the County Administrator
Vincent Robertson	Assistant County Attorney

M 515 06 Approve Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve the Agenda, as distributed.

Motion Adopted: 4 Yea, 1 Absent.

**Vote by Roll Call: Mr. Cole, Absent; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

Public Hearing- C/U No. 1663

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.4422 ACRES, MORE OR LESS" (Conditional Use No. 1663) filed on behalf of Toe Tapper, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on July 13, 2006 at which time they deferred action. On July 27, 2006, the Commission recommended that the application be approved, with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission

dated July 13 and 27, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission's recommendation of approval.)

**Public
Hearing-
C/U
No. 1663
(continued)**

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

Mr. Lank referenced the Engineering Department's comments against exceeding 4.0 EDUs per acre and against approving an office of more than 9,760 square feet on the 2.44 acre project.

Heidi Balliett, Attorney, was present on behalf of Toe Tapper, LLC. Robert Boyd and Earl Jackson of Regional Builders, Inc. were also present. Ms. Balliett stated that the Applicants are proposing professional offices; that the type of use they are planning is medical offices, however, there may be some professional uses; that there will not be any retail sales from the site; that there should be minimal traffic impact to the area; that the use is consistent with other businesses in the area; that the adjacent site is a Royal Farms store; that this project would share an entrance with Royal Farms, as proposed by DelDOT; that the entrance would be required to be located across from a project entrance across Route 24; that on-site septic is proposed until central sewer is available; and that the project would provide medical and professional businesses to support the community.

Ms. Balliett referred to the conditions recommended by the Commission. She stated that they would prefer that no mention be made in the conditions regarding limiting the size of the building and that the condition simply state that the building size would have to comply with Sussex County's ordinances and would have to be approved by all required agencies. She stated that they are making this request since the size of the building has to be determined based on whether they have sewer or septic. In addition, Ms. Balliett stated that the proposal was for a larger building (22,000 square feet of building space). She stated that seven suites are proposed, two of which are rather large, including a storage area and a rehabilitation area.

Robert Boyd stated that their Project Engineer has had discussions with Rob Davis of the Sussex County Engineering Department on the County's criteria for square footage calculations. They were told that the basic maximum "rule of thumb" for an EDU is 1,000 square feet or a 300 gallon per day use per EDU. Mr. Boyd stated that they have done an EDU calculation of the project, as follows: based on the 9.76 EDU capacity, there would be a daily average of 29.28 gallons per day for the site; that there would be seven suites with 18 patients and employees per suite with office hours from 8:00 a.m. to 6:00 p.m.; and that by using the Engineering Department's calculation of 20 gallons per day per person, the projected daily usage would be 25.20 and there would be an extra capacity of 408

gallons per day. Mr. Boyd told the Council that Royal Farms bought a large tract of property and they propose small building, which could free up some of their EDU usage to be picked up and utilized by this project. He noted that the Applicant is committed to tying into the County's sewer system when it becomes available.

**Public
Hearing-
C/U**

**No. 1663
(continued)**

Mr. Cole stated that he would like the County Engineering Department to comment on the sewer calculations presented by the Applicant.

In response to questions raised by the Assistant County Attorney, Ms. Balliett stated that the project is currently considered strictly medical. She stated, however, that they would like for the application to remain the same, that is, for "professional office space". She clarified that the intent is that the tenants be medical offices; however, if the application is approved and limited to a smaller area and they cannot do the medical offices, they may have to do professional offices.

There were no public comments and the Public Hearing was closed.

**M 516 06
Defer
Action
on C/U
No. 1663**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on Conditional Use No. 1663 filed on behalf of Toe Tapper, L.L.C. for additional comments from the County Engineering Department.

Motion Adopted: 3 Yea, 2 Nay.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Nay;
Mr. Dukes, Nay; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Public
Hearing-
C/U
No. 1692**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.636 ACRES, MORE OR LESS" (Conditional Use No. 1692) filed on behalf of Millville Vol. Fire Co., Inc.

The Planning and Zoning Commission held a Public Hearing on this application on July 13, 2006 at which time they recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 13, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission's recommendation of approval.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

Public
Hearing-
C/U
No. 1692
(continued)

The Council found that Greg Temple, Chief of the Millville Fire Company, was present. He stated that the Millville Fire Company has been providing emergency services to the area since 1936; that there has been a lot of growth in their district; that to meet their growth needs, they have purchased property on Route 54 (Omar Road) which would give approximately 30 of their members a fire house to respond to which is closer than going to the main station on Atlantic Avenue; that it would improve response times; that the members would have access to apparatus for response in any direction; that they chose this site because that is where future growth is going to occur; that this location would allow quick access to Route 17 and Millville by the Sea; that they would meet all State Fire Marshal criteria for the substation; that the site has been cleaned up; that there would be no public events held on-site, it would strictly be for the storage of apparatus and response, except that the only possibility would be one car show a year to raise money for their building fund; that training events for the firemen may be held there; that they plan to utilize the existing building, a 3,000 square foot metal combine shed; that in two to three years they may build a new building; and that he does not foresee needing a siren at the site in the immediate future unless it is required by FEMA or DEMA for public notification purposes.

It was noted that the Director of Planning and Zoning can authorize three three-day events per year upon receipt of a request in writing.

There were no public comments and the Public Hearing was closed.

M 517 06
Adopt
Ordinance
No. 1866
(C/U
No. 1692)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1866 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.636 ACRES, MORE OR LESS” (Conditional Use No. 1692) filed on behalf of Millville Vol. Fire Co., Inc.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

Public
Hearing-
C/Z
No. 1599

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2828 ACRES, MORE OR LESS” (Change of Zone No. 1599) filed on behalf of Joseph B. Hicks

and Barbara Griswold.

The Planning and Zoning Commission held a Public Hearing on this application on July 13, 2006 at which time they recommended that the application be approved.

**Public
Hearing-
C/Z
No. 1599
(continued)**

(See the minutes of the meeting of the Planning and Zoning Commission dated July 13, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission and the Commission's recommendation of approval.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

The Council found that Joseph Hicks and Barbara Griswold were present. In response to questions from the Council, Mr. Hicks stated that the business has been operating for approximately 1 1/2 years; that they did not received a violation notice, they applied for the zoning change so that they would be in compliance; that he is a certified clinical mental health counselor, licensed by the State; and that other licensed therapists work with him in the building.

There were no public comments and the Public Hearing was closed.

**M 518 06
Adopt
Ordinance
No. 1867
(C/Z
No. 1599)**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1867 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.2828 ACRES, MORE OR LESS" (Change of Zone No. 1599) filed on behalf of Joseph B. Hicks and Barbara Griswold.

Motion Adopted: 4 Yea, 1 Abstention.

**Vote by Roll Call: Mr. Cole, Abstained; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**M 519 06
Approve
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the minutes of June 20, 2006.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

Correspondence

Mr. Robertson read the following correspondence:

LAUREL LIONS CLUB, LAUREL, DELAWARE.

RE: Letter to Mr. Dukes and Mr. Phillips in appreciation of their donation to the Vision Days Project.

Administrator's Report

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

1. The Treasury Department has begun mailing out 2006 tax bills.

140,000 tax bills will be mailed totaling \$87.7 million. Eighty-five percent (85) of the total taxes collected will be disbursed among the eight school districts by the Delaware Office of the State Treasurer. Property owners have until the close of business on September 30, to pay their taxes in full.

Wastewater Agreement

Mr. Godwin presented a wastewater agreement for the Council's consideration.

**M 520 06
Approve
Wastewater
Agreement/
Heritage
Village**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 602, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Thompson Heritage, LLC, for wastewater facilities to be constructed in Heritage Village, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Location of
County
Engineering
Building**

Mr. Godwin stated that, at the Council's direction, he prepared a report on properties that may be available for the potential location of a new Administrative Annex (Engineering) Building. Mr. Godwin presented information on the sites available:

- one parcel located out of town - 10.65 acres - \$550,000**
- one parcel located in the Town's annexation area – 2.6 acres - \$535,000**
- one parcel located near Walmart and Hardees– 12.3 acres/6.3 buildable - \$3,690,000**
- another parcel located near Walmart and Hardees– 12.3 acres/7.4 buildable - \$3,690,000**
- one parcel located on Route 113 with access to Ennis Road – 9.83 acres - \$3,450,000**

- **one parcel located on an open farm field on Route 113 near shopping center**
- **one parcel which is the site of the old Southern States building (near Western Complex)**
- **one parcel (Sapp property) south of town – property for the accommodation of the County Airport’s runway extension**

**Location of
County
Engineering
Building
(continued)**

Mr. Godwin stated that one parcel he did not list was a 7 acre parcel located behind Delaware Tech.

It was noted that all prices listed are advertised (MLS) prices.

Mr. Dukes stated that he believes the Council should discuss whether the in-town location is best or whether we should look elsewhere. He stated that he favors purchasing property on the highway where there is room for expansion and adequate parking.

Mr. Cole stated that, 10 years ago, the Council made the commitment to remain in the Town of Georgetown and that he favors maintaining a presence in Georgetown.

Mr. Stickels stated that the construction of an Administrative Annex Building was approved in the Fiscal 2007 Budget. In addition, the Council has acquired additional land for parking lots.

Mr. Phillips stated that his concern is parking and he questioned if anyone has performed a parking study. He stated that this is one of the biggest complaints he hears – people cannot find parking spaces when they need to visit the County Administrative Office Building.

Mr. Jones stated that he would like the Engineering Department to be placed within walking distance of the County Administrative Office Building.

Mr. Cole and Mr. Phillips requested that the County's in-town properties and parking be inventoried. Mr. Stickels stated that a report would be given to the Council in two weeks.

Requests

Mr. Baker presented grant requests for the Council's consideration.

M 521 06
Community
Investment
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$5,000.00 from Mr. Phillips' Community Investment Grant Account to the Millsboro Public Library for adult programming and increased energy costs.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 522 06 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delmarva Christian High School for CPR classes and related equipment.**

Motion Adopted: 5 Yea.

M 522 06 (continued) **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 523 06 Defer Action on Grant Request **A Motion was made by Mr. Jones, seconded by Mr. Cole, to defer action on the funding request from Sussex County Habitat for Humanity.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 524 06 Youth Activity Grant **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 from Mr. Dukes' Youth Activity Grant Account to the City of Seaford Department of Parks and Recreation for football program expenses.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 525 06 Youth Activity Grant **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$250.00 each from Mr. Dukes' and Mr. Phillips' Youth Activity Grant Accounts) to the Laurel Little League for tournament expenses.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 526 06 Youth Activity Grant **A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$750.00 from Mr. Dukes' Youth Activity Grant Account to the Blades Police Department for the National Night Out community event.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 527 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$7,000.00**
Community **from Mr. Jones' Community Investment Grant Account to the Historic**
Investment **Georgetown Association for train station maintenance and activities and**
Grant **services provided to the community.**

M 527 06 **Motion Adopted: 5 Yea.**
(continued)

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

Action **Mr. Robertson asked that the Council defer action on the funding request**
Deferred **from Williams Chapel Church.**

M 528 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00**
Community **from Mr. Jones' Community Investment Grant Account to the River of Life**
Investment **Christian Center for the Nutrition Assistance Program (feeding the hungry**
Grant **of Sussex County).**

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

M 529 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$250.00**
Council- **(\$50.00 from each Councilmanic Grant Account) to IAABO Board #129**
manic **(International Association of Approved Basketball Officials) for a golf**
Grant **tournament fundraiser to benefit the youth in Sussex County.**

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Yea; Mr. Jones, Yea;
 Mr. Rogers, Yea

Additional **Mr. Kramer questioned why Sussex County does not have a provision to**
Business **allow someone to make payments on their tax bills. Mr. Baker responded**
 that the County accepts partial payments. (It was noted that there is a
 penalty applied to any outstanding balances.) Mr. Stickels advised that the
 County is always willing to work with people.

M 530 06 **At 2:59 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes,**
Go Into **to go into Executive Session for the purpose of discussing personnel issues.**
Executive

Session **Motion Adopted: 5 Yea.**

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

**Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

Executive Session **An Executive Session of the Sussex County Council was held at 3:00 p.m. in the Caucus Room of the Council Chambers for the purpose of discussing personnel issues.**

M 531 06 Reconvene Regular Session **At 3:13 p.m., a Motion was made by Mr. Jones, seconded by Mr. Cole, to conclude the Executive Session and reconvene the Regular Session.**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

Statement of County Administrator Robert Stickels **Mr. Stickels read the following prepared statement:**

“Recently I announced my retirement as Sussex County Administrator and since then, I have been blessed with a number of job opportunities that were all attractive to me and my wife Janice.

I also know that there has been speculation about my future, but I do not think I will be offered the job of Commission of Baseball, but I have been given the chance to work with one of the premier engineering firms in the region as its Director of External Affairs. This position will allow me to continue working in the area and in fields where I have experience. That is, working with local governments developing public works projects and in the private sector protecting the environment and natural resources here on Delmarva.

Before accepting this position I asked for and received from the Delaware Public Integrity Commission an advisory opinion clarifying my post-County employment activities. As you know, there is a two year restriction on my activities with Sussex County and I do not want to create any problems for the County or my new employer.

Thus, I have been offered and have accepted employment with George, Miles & Buhr beginning in November.

I have enjoyed working with all the County’s employees over the last 18 and one-half years and I will miss the daily contacts with my friends that I have here. I also look forward to this new opportunity and the challenges this employment will bring me. Thank you.”

Appoint-ments **Mr. Rogers reminded the Council that there are Committee and Board appointments that need to be made.**

M 532 06 Adjourn **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 3:17 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith
Clerk of the Council