



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 24, 2006**

#### **Call to Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 24, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Lynn J. Rogers</b>	<b>President</b>
<b>Dale R. Dukes</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Member</b>
<b>Finley B. Jones, Jr.</b>	<b>Member</b>
<b>Vance Phillips</b>	<b>Member</b>
<b>Robert L. Stickels</b>	<b>County Administrator</b>
<b>David Baker</b>	<b>Finance Director</b>
<b>James D. Griffin</b>	<b>County Attorney</b>

#### **M 712 06 Approve Agenda**

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

**Motion Adopted: 5 Yeas.**

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

#### **M 713 06 Approve Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the minutes of September 26, 2006.

**Motion Adopted: 5 Yeas.**

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

#### **Recogni- tion of County Adminis- trator**

Mr. Baker announced that this would be the last meeting for County Administrator Robert Stickels. In recognition of his service to the County and the people of Sussex County, Mr. Baker read the following Proclamation:

**Robert  
Stickels**

**“PROCLAIMING TUESDAY, OCTOBER 24, 2006 AS A DAY TO  
HONOR ROBERT L. STICKELS, COUNTY ADMINISTRATOR”**

**WHEREAS, Robert L. Stickels has served the Sussex County Council  
and the people of Sussex County for 18 years, from January 1988 until  
November 2006; and**

**Recogni-  
tion  
(continued)**

**WHEREAS, Robert L. Stickels first began his tenure as Assistant  
County Administrator, advancing six months later to the position of County  
Administrator; and**

**WHEREAS, Robert L. Stickels has guided Sussex County government  
through a time of intense cultural and economic change within the County,  
as thousands of people moved to Sussex County to recreate, retire or take  
up residency; and**

**WHEREAS, Robert L. Stickels was champion for bettering the quality  
of life for the citizens of Sussex County, native and new alike, through a  
variety of programs, projects and progressive measures that included, but  
are not limited to:**

- ❖ **Overseeing approximately \$250 million in wastewater infrastructure improvements, from upgrades to new construction, all of which worked to eliminate thousands of failing septic systems and add protection to critical natural resources like the Inland Bays;**
- ❖ **Creating a countywide, around-the-clock paramedic program that continues to expand today, serving a growing and aging population now calling Sussex County home;**
- ❖ **Negotiating a contract with the Delaware State Police to provide enhanced patrols and increased manpower for the citizens of Sussex County;**
- ❖ **Overseeing the preparation of annual balanced budgets, which, for the 16th consecutive year, continue to hold the property tax rate in check while still funding major capital improvements such as construction of a County Administrative Offices Building in 1996 and a new 911 Center, due for completion in 2007;**
- ❖ **Improving the level of funding for the County’s Employee Pension Fund;**
- ❖ **Steering the County through the process of adopting its first countywide Land Use Plan and shepherding subsequent updates to that Plan;**
- ❖ **Advocating an Open Space Program to preserve Sussex County’s natural beauty.**

**NOW, THEREFORE, BE IT RESOLVED that the Sussex County  
Council proclaims Tuesday, October 24th, 2006 as a day for all Sussex  
Countians to honor Robert L. Stickels; and**

**BE IT FURTHER RESOLVED** that this Proclamation shall serve as a public “thank you” on behalf of the Sussex County Council and the citizenry of Sussex County for Robert Stickels’ eighteen years of service, dedication and professionalism to the County of Sussex.

**M 714 06**  
**Procla-**  
**mation**  
**M 714 06**  
**Adopt**  
**Procla-**  
**mation**  
**(continued)**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proclamation entitled “**PROCLAIMING TUESDAY, OCTOBER 24, 2006 AS A DAY TO HONOR ROBERT L. STICKELS, COUNTY ADMINISTRATOR**”.

**Motion Adopted: 5 Yeas.**

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

**DTCC**  
**Aviation**  
**Program**

Mr. Baker announced that, recently, Mr. Stickels and he met with Dr. Ileana Smith, Vice President and Campus Director and Stephanie Smith, Dean of Instruction, of Delaware Technical & Community College (DTCC) (Owens Campus) regarding a proposal to establish an Associates Degree Program for aircraft airframes mechanics at the Sussex County Airport.

Dr. Ileana Smith explained that the college has been working with PATS Aircraft LLC to look at the development of an Associates Degree program to train airframe mechanics. Dr. Smith stated that PATS has informed her that there is a real labor market need in this area; that PATS presently has 45 or more positions open in the area; and that they project to have 16-20 openings annually for the long-term. Dr. Smith advised that the College is prepared to develop the program, which would include FAA approval. In addition, the College is prepared to provide the instructor for such a program. She stated that a location (airplane hangar) is still needed for the instructional lab and that that the County has been invited to join the partnership by providing a facility at the Airport.

Mr. Baker announced that the County is working to obtain a hangar site for the program.

Mark Ryan of PATS was present. He stated that PATS is ready to support the program 100 percent. He noted that they have offered to provide hangar space in the interim as well as equipment, people and other resources that may be needed. Mr. Ryan explained their struggle with finding qualified people to hire

**Weekly**  
**Report**  
**to**  
**Council**

Mr. Baker read the following information in his Weekly Report to Council:

**1. Bay Ball Classic Invitational – December 27 - December 30, 2006**

A press conference was held at 9:00 a.m. in the County Council Chambers announcing the Bay Ball Classic Invitational that will be

held this December at Cape Henlopen High School. Players from nine states and the District of Columbia will compete. Additional information is available at their website at [www.bayballclassic.org](http://www.bayballclassic.org).

2. **Third Annual Wings & Wheels Program**

The third annual Wings & Wheels event was held on October 14, 2006, at the Sussex County Airport. Over 60 airplanes and 40 cars were on display. An estimated several thousand people came out to the airport for this successful event.

Weekly  
Report  
to  
Council  
(continued)

3. **Beneficial Acceptance**

The Engineering Department granted Beneficial Acceptance on October 20, 2006, to Colonial East Park, Agreement No. 538. The developer is Colonial East, Ltd., and the project is located on Route 1 and Brian Drive in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of three commercial buildings. Included with this report is a fact sheet on the project.

Local Law  
Enforce-  
ment  
Grant  
Program

Mr. Godwin, Assistant to the County Administrator, presented a request for funding through the Revenue Sharing for Local Law Enforcement Grant Program:

Laurel	\$25,000.00	Patrol Vehicle
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M 715 06  
Approve  
Local Law  
Enforce-  
ment  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to approve the Local Law Enforcement Grant to the Town of Laurel (\$25,000.00).

Motion Adopted: 5 Yeas.

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

Request to  
Terminate  
Lease/  
Patrick  
Power  
Products

Steve Masten, Director of Economic Development, reported that, as the Industrial Park grows, it will be necessary to expand the water treatment plant and, for this reason, the County needs to take back the adjacent land. Mr. Masten reported that the parcel is currently vacant and Patrick Power Products, Inc. has agreed to release the property. Mr. Masten asked for the Council's approval to terminate the lease.

M 716 06  
Terminate  
Lease/  
Patrick  
Power  
Products

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council terminates its lease with Patrick Power Products, Inc., Lot 25, consisting of approximately 2.6617 acres at the Sussex County Industrial Park.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Paramedic Student Program Graduates EMS Program**

Glenn Luedtke, Director of EMS, introduced five recent graduates of the Delaware Technical & Community College Paramedic Program: Rebecca Ferracci, Doug Kindt, Richard A. Lacey, Theresa Mitchell, and Teresa Tharp.

Mr. Luedtke stated that the Department has had no better supporter than Robert Stickels; that the result is an outstanding EMS Department; and that Mr. Stickels deserves a huge amount of credit for the quality of the EMS coverage in Sussex County.

**Dagsboro-Frankford SSD/  
Village of Pepper Creek  
Extension**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the expansion of the Dagsboro Frankford Sanitary Sewer District for the Village on Pepper Creek, which consists of 87 single family dwellings. Mr. Ashman advised that the property owners submitted a request to be included in the District. Mr. Ashman reported that the area requesting annexation is contiguous to the existing district with part of the parcel already in the District.

**M 717 06  
Authorize  
Notices for  
the  
Extension  
of the  
Dagsboro  
Frankford  
SSD**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District boundary to include the remainder of the parcel owned by Dagsboro Properties, LLC, to be known as Village on Pepper Creek.

**Motion Adopted:** 5 Yeas.

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

**Public  
Hearing  
West  
Rehoboth  
Expansion  
of the  
DBSSD/  
Old  
Landing  
Road**

A Public Hearing was held to consider extending the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRX) to include a single parcel of land near Route 1 on Old Landing Road (Lands of 274 Associates).

Rob Davis, Planning Technician, discussed the proposal and presented pertinent facts related thereto. He noted that the parcel adjoins the existing West Rehoboth Sanitary Sewer District.

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

**M 718 06  
Adopt  
R 032 06/  
Old  
Landing**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 032 06 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (WRX) TO INCLUDE A PARCEL OF LAND ALONG THE WEST SIDE OF COUNTY ROAD

**Road  
Expansion  
of the  
West  
Rehoboth  
Expansion  
of the  
DBSSD  
North  
Coastal  
Area  
Planning  
Study**

**274 BEING IN LEWES - REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

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

**Michael Izzo, County Engineer, presented the final draft of the results of the North Coastal Area Planning Study.**

**Mr. Izzo explained that they looked at the entire Planning Area, which is bounded by Route 113 on the west, the Inland Bays to the south, the Delaware Bay to the east, and Kent County to the north. He noted, however; that they concentrated on the Inland Bays Planning Area, an area just north of the Inland Bays extending from Millsboro along the Route 24 Corridor to West Rehoboth. He also noted that the Town of Ellendale was one of the special work items that were also reviewed and that, as part of this process, they will be making recommendations for the Town.**

**Thor Young of Stearns & Wheler, LLC and Dennis Hasson and Laurie Terry of Whitman, Requardt & Associates participated in the presentation.**

**Ms. Terry gave an overview of what the scope of work was for the North Coastal Area Planning Study:**

- ❖ Coordinate with the municipalities and other areas (i.e. Milton, Millsboro, Broadkill Beach) to understand their wastewater needs and their growth plans.**
- ❖ Examine Environmentally Sensitive Developing Area (ESDA) called the Inland Bays Planning Area (IBPA)**
- ❖ Determine service area build-out in the IBPA.**
- ❖ Develop growth projections.**
- ❖ Examine existing collection, conveyance, treatment and disposal systems.**
- ❖ Develop build-out collection, conveyance, treatment, and disposal plan.**

**Ms. Terry stated that the IBPA basically has three existing sanitary sewer districts: West Rehoboth Expansion (WRE) (estimated build-out of 37,000 EDUs), Long Neck (estimated build-out of 15,000 EDUs), and Oak Orchard (estimated build-out of 1,700 EDUs). She pointed out that the Inland Bays also has five future study areas that have been identified: the Northern West Rehoboth Expansion (1,800 EDUs), Goslee Creek (9,100 EDUs), Angola Neck (15,400 EDUs), Herring Creek (5,800 EDUs), and the Oak Orchard Expansion (10,200 EDUs). It was noted that the number of EDUs are the maximum number of EDUs based on current zoning.**

**Ms. Terry reviewed projected wastewater flows to the Wolfe Neck Regional**

North  
Coastal  
Area  
Planning  
Study  
(continued)

Wastewater Facility by the Year 2025 (8.3 MGD) and to the Inland Bays Regional Wastewater Facility (6.2 MGD). The combined total for the Planning Area is 14.5 MGD by the Year 2025. The two plants currently have a capacity of 4.5 MGD, reflecting a difference of 10 MGD for treatment that will be needed by the Year 2025.

Mr. Young reported that the current capacity of the Wolfe Neck Regional Wastewater Facility is 3.1 MGD is projected to be exceeded in the Year 2010; therefore, new facilities in that area will need to be on-line at that time. He also reported that Delaware State Parks owns two areas of agricultural fields nearby that have been identified as potential spray areas. They have indicated verbally, but have not formally committed to, allowing the County to expand spray on these two parcels; this would allow for additional disposal capacity (1 MGD). If the State agrees, a Rental Agreement would be proposed with Delaware State Parks to permit the spray of treated effluent on their land, which would remain as agricultural fields. Mr. Young advised that the County only owns the site where the treatment facility is located; the surrounding lands are owned by Delaware State Parks. Therefore, since the County does not currently own any lands for the expansion of the treatment facilities, one concept would be to obtain the Truitt parcel or a portion of the parcel, which is also owned by Delaware State Parks. Mr. Thor noted that there is no other land available in the area for spray or treatment facilities. Mr. Thor also noted that Delaware State Parks has advised that, in order to spray on their parcels, a treatment upgrade would be required. Another upgrade and expansion option would be to join Rehoboth Beach in constructing an ocean outfall.

Mr. Young reported that the Inland Bays also needs additional treatment capacity. In the Inland Bays area, the County has purchased 2,100 acres in and around the existing treatment plant. He noted that there are spray fields available for additional capacity for the two proposed expansion areas. This would add a total of 3.8 MGD to the existing 1.5 MGD, a significant amount of available capacity. Mr. Young stated that the expansion is proposed in a four-phase approach.

Mr. Archut, Assistant County Engineer, discussed the funding for the proposed expansions. He advised that, at this point, they are still finalizing the project schedules. He noted that they would be looking at some of their standard funding mechanisms – State and Federal loans and grants. As new projects develop in the area, developer funded infrastructure improvements will be pursued through escrow agreements. Also, user rates and impact fees will help finance the expansion. He noted that, at this point, they are not proposing any rate increases.

Mr. Archut reported that they have met with representatives of Broadkill Beach, Prime Hook Beach, and Slaughter Beach. He noted that a negative response was received due to the potential cost and resulting growth.

The County has received a lot of interest in sewer service from Angola By

the Bay, Bay Ridge Woods and Woods on Herring Creek. The County is currently collecting petitions for the Woods on Herring Creek and a referendum is anticipated in 2007.

Mr. Archut reported that they have met with all of the incorporated communities in the planning area to discuss their wastewater needs. He noted that the Comprehensive Land Use Plans of the County and the municipalities need to be considered. Of particular interest is the municipalities of Lewes and Ellendale:

North  
Coastal  
Area  
Planning  
Study  
(continued)

- ❖ The City of Lewes' expansion plans need to be taken into consideration.
- ❖ The long term wastewater needs of the Town of Ellendale need to be addressed. The Town of Georgetown does not have additional capacity and they have their own growing problems. The County will start looking at sites for a stand-alone facility outside the Town of Ellendale. Another option would be to initiate bids from private providers. Both of these options are being considered. Mr. Archut stated that they anticipate a report being finalized within the next two months.

Mr. Archut advised that another part of the study is the Oak Orchard Expansion 1 Area. The District came on line recently and the County is already receiving interest to expand the District. New districts cannot be expanded until 50 property owners have been connected and that has already occurred. He noted that an Expansion Area 2 has also been identified; however, there is currently no proposal for that expansion.

M 719 06  
Adopt  
North  
Coastal  
Planning  
Area  
Study

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the North Coastal Planning Area Study.

Motion Adopted: 4 Yeas, 1 Nay.

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

Grant  
Requests

Susan Webb, Director of Accounting, presented grant requests for the Council's consideration.

M 720 06  
Community  
Investment  
Grant  
Account

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$1,500.00 (\$1,200 from Mr. Jones' Community Investment Grant Account and \$300.00 from Mr. Phillips' Community Investment Grant Account) to the Lower Delaware Autism Foundation to sponsor the Fall Fling Art Show fundraiser.

Motion Adopted: 5 Yeas.

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



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

<b>M 721 06 Council- manic Grant</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to Sussex Smiles Dental Care, Inc. for costs associated with providing dental services to low income adults.</b>
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**M 721 06      Motion Adopted:      5 Yeas.**  
**(continued)**

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

**M 722 06**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give**  
**Council-**      **\$600.00 from Mr. Dukes' Councilmanic Grant Account to the Downtown**  
**manic**        **Seaford Association for the Seaford Christmas Parade.**

**Motion Adopted: 5 Yeas.**

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

Introduction of Proposed Ordinance	Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 28.75 ACRES, MORE OR LESS” (Change of Zone No. 1614) filed on behalf of Carillon Square Homes, LLC. The Proposed Ordinance will be advertised for Public Hearing.
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**Additional Business** Under *Additional Business*, Dr. David Ring, Superintendent of the Delmar School District, and several Members of the Board of Education of the Delmar School District were present. Dr. Ring stated that, on October 16, 2006, he met with Jeff Clark of Land Tech and Dr. Dane Brandenberger (hired by Land Tech to conduct a study in relation to the Delmar School District) in regards to the Blackwater Creek Development. Following the October 16th meeting, he faxed a letter to Sussex County Council President Lynn Rogers. On October 17th, he received a letter from Lawrence Lank, Director of Planning and Zoning, with respect to concerns and issues that he raised and wherein, he was asked to respond on or before October 23rd. Dr. Ring read the letter that he faxed to President Lynn Rogers.

**Mr. Griffin stated that, since this matter was not on the Council's Posted Agenda for this date, the Council could not engage in an open discussion on**

the issue. Mr. Griffin advised that the letters would be entered into the record of the Blackwater proceedings, since the record remains open.

**M 723 06**  
**Go Into**  
**Executive**  
**Session**      **At 12:03 p.m., a Motion was made by Mr. Cole, seconded by Mr. Jones, to go into Executive Session for the purpose of discussing pending litigation, land acquisition, and personnel.**

**M 723 06**  
**(continued)**      **Motion Adopted:      5 Yeas.**  
  
**Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Mr. Rogers, Yea**

**Executive**  
**Session**      **At 12:05 p.m. an Executive Session of the Sussex County Council was held in the Office of the County Administrator to discuss pending litigation, land acquisition and personnel. The following were present: Lynn J. Rogers, Dale R. Dukes, George B. Cole, Finley B. Jones, Jr., Vance Phillips, Robert Stickels, David Baker, and Jim Griffin. The Executive Session concluded at 12:37 p.m.**

**M 724 06**  
**Reconvene**  
**Regular**  
**Session**      **At 12:39 p.m., a Motion was made by Mr. Jones, seconded by Mr. Phillips, to come out of Executive Session and reconvene the Regular Session.**  
  
**Motion Adopted:      4 Yeas, 1 Absent.**  
  
**Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
**Mr. Dukes, Yea; Mr. Jones, Yea;**  
**Mr. Rogers, Absent**

**M 725 06**  
**Adjourn**      **A Motion was made by Mr. Phillips, seconded by Mr. Jones, to adjourn at 12:40 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

**Robin A. Griffith**  
**Clerk of the Council**