



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 6, 2007

**Call to
Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 6, 2007 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Assistant to the County Administrator
James D. Griffin	County Attorney

**M 658 07
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

**M 659 07
Approve
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of October 23, 2007.

Motion Adopted: 5 Yeas.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

SUSSEX COUNTY ORDER OF LINKS.
Letter in appreciate of grant for 4-H Youth Programs.

BEACON MIDDLE SCHOOL.

Letter stating that they had delivered 1583 canned goods for this year's Caroling on the Circle.

BABS S. JESSEN.

Letter thanking Ira Hitchens for his time and effort in getting the property adjacent to hers cleaned up.

**Corre-
spondence
(continued)**

SENATOR GEORGE H. BUNTING, JR.

Letter thanking the Council for funding additional State Troopers.

LAUREL INTERMEDIATE SCHOOL.

Letter thanking Mr. Dukes for his donation to fund their "Reading Across Delaware" program.

NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE AT COLUMBIA UNIVERSITY.

Letter thanking the Council for issuing a proclamation designating the fourth Monday in September as "Family Day – A Day to Eat Dinner with Your Children".

BETHEL HISTORICAL SOCIETY.

Letter thanking the Council for grant for Bethel Maritime Festival.

DELAWARE DIVISION OF PUBLIC HEALTH.

Letter giving information regarding MRSA (methicillin-resistant staphylococcus aureus) staph infection.

**United
Way
Update**

Sandra Ware, Member of the Board of Directors, and John Moore, Regional Resource Development Manager for Kent and Sussex Counties, were present on behalf of the United Way of Delaware. Mr. Moore stated that, for several years, the United Way has been a fund-raising organization helping agencies in the State such as the Boys and Girls Club, YMCA, and others. He stated that following a two-year assessment, the United Way determined that there were five focus areas that needed the attention of the community. He stated that programs have been developed by the United Way to assist in these focus areas:

- Success by Six (for children entering kindergarten)**
- Strong Families – Strong Children**
- Healthy and Independent Communities**
- Basic Needs and Self-Sufficiency**
- Strong Neighborhoods**

Mr. Moore spoke about the "Success by Six" program, which partners with a program called "Partnering with Families Initiative", that trains childcare workers in strengthening relationships they have with the parents of children in their care.

Mr. Moore stated that Sussex County's participation in 2006 was only 4% and he requested 25% employee participation this year.

Mr. Baker reported that the County currently has a volunteer payroll deduction for employees and stated that United Way representatives will be available on November 9, 2007 in the Council Chambers to meet with interested employees who are not currently enrolled in the program.

M 660 07
Adopt
Procla-
mation/
Milford
Housing
Authority

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Tribute congratulating the Milford Housing Development Corporation on the occasion of their 30th Anniversary Celebration.

Motion Adopted: 5 Yeas.

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

Present
Procla-
mation

Councilman Jones and Bill Lecates, Director of Community Development, presented the Proclamation to David Moore, Milford Housing Development Corporation.

Prescription
Drug Card
Program
Update

Mr. Baker reported that the Prescription Drug Discount Cards are now available. He stated that the cards will be distributed to the County office buildings, the fourteen County libraries, the Bookmobile, Senior Centers, the Cheer Center, and other areas upon request.

Mr. Baker stated that there is an average savings of 20% on prescriptions not covered by insurance; that it is accepted by most pharmacies in the County; that there is no cost to the user; that there is no application form to be completed; that there is no limit on how many times the card may be used; that anyone may use the card; and that there are cards available in Spanish.

At the suggestion of Mr. Phillips and Mr. Jones, the cards may also be made available in physicians' offices throughout the County and in the Department of Social Services.

Mr. Baker acknowledged Kathy Roth in the Accounting Department, for her efforts in organizing the Prescription Drug Discount Program, and Councilman Jones, who presented the idea to the Council, following his attendance at the National Association of Counties (NACo) Conference in July.

Adminis-
trator's
Report

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

1. **Storm Report – November 3, 2007**

Only minor beach erosion and minor flooding were the results of the remnants of Hurricane Noel that skirted Sussex County November 2 and November 3, 2007. The County's Emergency Operations Mobile

Command Post was located at Punkin Chunkin during the weekend monitoring winds in the area, as well as supporting the fire and EMS units on-scene. No major storm-related events occurred during the weekend.

Adminis-
trator's
Report
(continued)

2. Community Development and Housing Public Hearing and Meeting Dates

Attached is a copy of a schedule of Community Development Block Grant public hearings regarding proposed funding of the \$2 Million for Community Development Block Grant funds. These monies would be used for needed housing renovations for individuals who qualify on an income basis.

3. Caroling on The Circle

Attached is a press release regarding Caroling on The Circle scheduled for December 3, 2007, at The Circle in Georgetown. This will be the 24th celebration of this event, with an emphasis on a food drive to provide food for the hungry and needy of Sussex County. The event will begin at 7:00 p.m. outside the Sussex County Courthouse. We encourage everyone's support to raise food for the needy.

4. Veterans' Day Holiday – November 12, 2007

County offices will be closed on November 12, 2007, in honor of our veterans. Offices will open on November 13, 2007, at 8:30 a.m. The

County Council meeting for November 13 will occur at 6:30 p.m. as normally scheduled.

5. South Coastal Library Status

The South Coastal Library reopened on Monday, November 5, 2007, at the new temporary location on Route 26 in the shopping center near the Food Lion. Attached is a schedule for the library. Regular hours will begin on November 7, 2007.

6. Library Personal Computer Grants

We are pleased to announce that the Greenwood and Milton libraries are eligible for grants for 11 personal computers from the Bill and Melinda Gates Foundation. The County would be responsible for a match in Fiscal 2009 and Fiscal 2010. The County match would be 12.5 percent of the PC cost in Fiscal 2009 and 25 percent of the PC cost in Fiscal 2010.

**Angola
Neck
SSD**

Mrs. Webb presented Draft Ordinances relating to sewer service in the Woods on Herring Creek – Angola Neck Sanitary Sewer District, as follows:

**Woods on
Herring
Creek –
Angola
Neck
SSD**

“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR TRANSMISSION AND/OR TREATMENT AND SEPTIC INSTALLATION CHARGES FOR ANGOLA NECK SANITARY SEWER DISTRICT – WOODS ON HERRING CREEK”,

(continued)

This Draft Ordinance establishes the sewer rates for the Woods on Herring Creek Subdivision within the Angola Neck Sanitary Sewer District.

“AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2008 TO INCORPORATE PROJECTED REVENUES AND EXPENDITURES FROM THE ANGOLA NECK SANITARY SEWER DISTRICT – WOODS ON HERRING CREEK”,

This Draft Ordinance amends the Statement of Sewer and Water District revenues and expenditures for the Fiscal Year ending June 30, 2008.

Russell Archut, Assistant County Engineer, stated that the Woods on Herring Creek has an existing collection system. Mr. Archut stated that the current drain field is failing and excess water must be pumped off and hauled to the Inland Bays Wastewater Treatment Facility. He stated that the County would take over operations and maintenance of the present system beginning January 1, 2008, which is currently being operated and maintained by The Woods on Herring Creek Homeowners’ Association. Mr. Archut reported that the County would continue to pump the septic tanks every three years; that the County would continue to operate the existing drain fields; that the County would continue to pump and haul the excess to the Inland Bays Wastewater Treatment Facility; and that the County would make interim improvements to the existing two pumping stations that are located in the community.

Mr. Archut stated that the Engineering Department is considering the possibility of entering into an agreement with one of the three nearby private treatment facilities as an interim alternative to the wastewater treatment until final connection to the Inland Bays Wastewater Treatment Facility occurs, in approximately three years. He stated that a Request For Proposals from the three facilities would be solicited in the Spring of 2008 and if a contract is awarded, the current proposed rates would be adjusted accordingly.

Mr. Dukes questioned why it would take until the Spring for the RFP’s to go out. Mr. Izzo reported that, in order to make the current system safe and operational as quickly as possible, improvements must be made to the

Woods on
Herring
Creek –
Angola
Neck
SSD
(continued)

existing pump stations, which are in a complete state of disrepair. He advised that this work would be completed by January 2008. Mr. Izzo stated that he is currently working on the RFP and he will attempt to have it ready before the Spring of 2008. Mr. Archut reported that there are three different types of treatment systems to be taken into consideration, each of which is a different distance from The Woods on Herring Creek; therefore, each of these systems must be thoroughly evaluated before the RFP's go out.

Mrs. Webb reviewed the proposed rates for the Woods on Herring Creek's annexation to the Angola Neck Sanitary Sewer District for the six months ending June 30, 2008.

- Annual Service Charge - \$898.78 per EDU/Yr - (\$449.39 – January 2008 through June 2008)
This will pay for the ongoing operation and maintenance costs.
- Transmission Fee - \$2.21 per front foot/billed quarterly
This will pay for the capital needs to get The Woods on Herring Creek operational and brought up to the County's standards, specifically with SCADA and emergency communications. This will be repaid to the County over the next three years.
- One-time Septic Installation Fee - \$475.00 per vacant lot after January 1, 2008, where septic tank installations are needed.

Mrs. Webb stated that a system connection fee will not be proposed until the Angola Neck Sanitary Sewer District is operational. She reported that the residents of The Woods on Herring Creek are paying \$1,072.00 to keep the current system operational. The proposed new rate will be \$1,119.78 for an average 100 feet of front footage, which is an annual increase of \$47.78.

Introduction
of Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR TRANSMISSION AND/OR TREATMENT AND SEPTIC INSTALLATION CHARGES FOR ANGOLA NECK SANITARY SEWER DISTRICT – WOODS ON HERRING CREEK". A Public Hearing for the Proposed Ordinance is scheduled for December 4, 2007.

Introduction
of Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2008 TO INCORPORATE PROJECTED REVENUES AND EXPENDITURES FROM THE ANGOLA NECK SANITARY SEWER DISTRICT – WOODS ON HERRING CREEK". A Public Hearing for the Proposed Ordinance is scheduled for December 4, 2007.

Public Hearings on the Rates, Assessment Rolls, and the Budget will be advertised for December 4, 2007.

Wastewater Agreement **Mr. Godwin presented a Wastewater Agreement for the Council's consideration.**

M 661 07 **A Motion was made by Mr. Cole, seconded by Mr. Rogers, based on the**
Execute **recommendation of the Sussex County Engineering Department, for Sussex**
Wastewater **County Project No. 81-04, Agreement No. 539-3 that the Sussex County**
Agreement/ **Council execute a Construction Administration and Construction**
Ashley **Inspection Agreement between Sussex County Council and "Beazer Homes**
Manor- **Corporation" for wastewater facilities to be constructed in "Ashley Manor-**
Phase 3 **Phase 3", located in the Fenwick Island Sanitary Sewer District.**

Motion Adopted: 5 Yeas.

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

T-Hangar **Jim Hickin, Director of Airport Operations & Industrial Park, reported**
Lease **that Larry Davis, one of the County's T-Hangar tenants, no longer has his**
Termination **aircraft and is requesting termination of his lease.**

M 662 07 **A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the**
Approve **termination of the Lease Agreement with Lawrence Davis for T-Hanger 4**
Termination **(21385 Rudder Lane) at the Sussex County Airport.**
of T-Hangar

Lease **Motion Adopted: 5 Yeas.**

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

Public **A Public Hearing was held on the Proposed Ordinance entitled "AN**
Hearing **ORDINANCE TO AMEND CHAPTER 72, HOUSING UNITS,**
Relating to **MODERATELY PRICED.**
Moderately

Priced **Mr. Griffin reviewed the Proposed Ordinance which amends Chapter 72 of**
Housing **an Ordinance which was previously introduced relating to Moderately**
Ordinance **Priced Housing Units (Ordinance No. 1821).**

Mr. Griffin explained that many of the changes in the amended Ordinance
now authorize the County Administrator to approve certain items that the
original Ordinance required the Council to approve.

Mr. Griffin briefly outlined some of the proposed changes in the Ordinance:

Public
Hearing
Relating to
Moderately
Priced
Housing
Ordinance
(continued)

- **§72-4. G** – To be deleted and replaced with new Paragraph G.
- **§72-7. B** - Removes the original Paragraph 2 relating to fee waivers and replaces it with a new Paragraph 2, which reads as follows: “The project entering the MPHU Program with the execution of an MPHU agreement will be allowed to utilize the density permitted by the zoning district in which the property is located, provided that the total density, including MPHU incentives, shall not exceed 12 units per acre.”
- **§72-8. Paragraph J** – Requires that the MPHU units “shall not be substantially different in appearance from non-MPHU units. When the MPHU units are a part of a phased development a proportionate number or percentage of said units shall be placed within each phase and/or constructed within each housing type appearing in the development”.
- **§72-8. Paragraph K** - Proposed amendment allows an applicant who is approved to not only have a first mortgage lien but to have a second mortgage lien if the second lien is approved by the first mortgage lender, and if the proceeds of the second mortgage lien are used solely to pay the down payment and/or a portion of the settlement charges.
- **§72.5 Definitions - QUALIFYING LAND – All land:**
Add “or land that is designated on a town’s comprehensive plan as lying within the town’s growth and future annexation area;

Public comments were heard.

Dan Kramer stated that the Ordinance was not properly written or properly introduced, as State law requirements were not followed. He advised that State law requires that anything to be eliminated is to be enclosed in brackets and any additions are to be underlined. Mr. Kramer pointed out that, although the additions made in the Ordinance were underlined, the items to be eliminated were not enclosed in brackets.

Mr. Phillips asked if the issues raised by Mr. Kramer would have any bearing on the County’s ability to adopt the Proposed Ordinance.

Mr. Griffin recommended that the Council complete the Public Hearing and defer action. Mr. Griffin will then review the Proposed Ordinance and it will be placed back on the Agenda at a later date for consideration.

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

M 663 07
Defer
Action

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 72, HOUSING UNITS, MODERATELY PRICED” in order to

**on MPHU
Proposed
Ordinance** **allow Mr. Griffin time to review the legality of the Ordinance.**
Motion Adopted: 5 Yeas.

**M 663 07
(continued)** **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Rogers, Yea; Mr. Jones, Yea;
 Mr. Dukes, Yea**

**Historic
Preservation
Planner** **Mr. Archut introduced Dan Parsons, the County’s new Historic Planner, who began employment with the County on July 9, 2007. Mr. Parsons has prior experience in radio broadcasting, the last five years being a producer/announcer for Public Radio Delmarva, and since 2006 has been working for the Ward Museum as the Folk and Traditional Arts Director. Mr. Archut stated that Mr. Parsons will be working on the Records Management Program, preparing to relocate records to a more suitable location and that he will also be working on a long-term management plan for the records. In addition, Mr. Parsons will be working on Engineering projects requiring archeological and historical reviews; he will also be devoting some time to public outreach, responding to public questions and requests for information.**

Dan Parsons stated that, as a folklorist for Maryland’s Eastern Shore, he was in charge of documenting, promoting, and educating people about the heritage and customs of the region. As the County’s Historic Preservation Planner, Mr. Parsons stated he would like to apply his skills to a project he wishes to begin entitled “Sussex Century Farmers”. He stated that through oral histories from 13 Sussex Century farmers in the region, historical research, surveys by the University of Delaware, and photography, he will develop a publication that will encompass the history of agriculture in Sussex County, in an effort to promote the heritage of this region. Mr. Parsons stated that he has been in contact with the Department of Agriculture, the University of Delaware, the Sussex County Land Trust, and Delaware Technical & Community College, who will be assisting him with the surveying, documentation, and photography for a publication which encompasses the history of agriculture in Sussex County.

**Public
Hearing/
Prince
Georges
Acres
Annexation/
DFSSD** **A Public Hearing was held to consider extending the Dagsboro-Frankford Sanitary Sewer District (DFSSD) to include the balance of the subdivision known as Prince Georges Acres. John Ashman, Director of Public Works, reported that a property owner submitted an annexation request for seven additional lots in the Prince Georges community. Mr. Ashman stated that the northwestern part of the community is in the Dagsboro-Frankford Sanitary Sewer District and that the entire community has now been annexed into the Town of Dagsboro. He reported that at the time of the initial construction of the District in the Town of Dagsboro, there were additional remaining funds, which allowed extension to as many properties as possible. Mr. Ashman stated that properties on the west side of the**

Public
Hearing/
Prince
Georges
Acres
Annexation/
DFSSD
(continued)

community are part of the sewer district; however, they are not currently being served. In January 2007 a Public Workshop was held with a total cost estimate at that time of \$800,000 and a system connection charge of \$5,517.00. The annual estimated cost for the average home was estimated to be \$1,050.00 with an annual service charge of \$250.00. The residents expressed concern that the impact fee and the front footage charges were considerably higher than expected, as the community that is currently being served as a part of the Dagsboro-Frankford Sanitary Sewer District did not pay impact fees and their front footage fee is \$1.15. Mr. Ashman pointed out that service for the original District began in 1993.

Mr. Ashman stated that the Sussex County Engineering Department submitted a Preliminary Engineering Report and Environmental Assessment to USDA Rural Development for funding along with a grant request. As a result of that effort, the County was granted a low-interest loan in the amount of \$500,000 at 4.5% for 40 years and a grant for \$500,000 from USDA Rural Development. In September 2007, the Engineering Department held a public meeting to advise the Prince Georges community that, because of the funding and the grant, impact fees would be waived for existing homes in the proposed annexed area. Vacant lots would be required to pay the system connection charge before a building permit would be issued. In addition, the original front footage charge of \$9.50 would be reduced to \$5.77. Mr. Ashman stated that due to estimated inflation, the annual service charge would increase slightly from \$250.00 to \$265.00, and system connection charge for vacant lots would increase to \$5,860.00 from \$5,517.00. The annual estimated cost would be reduced from \$1,057.50 to \$755.00 per residence.

Mr. Ashman stated that letters were sent to all property owners in October 2007 outlining the revised costs, along with a form asking homeowners if they wished to be included in the sewer district. Responses received to date indicate that 45 property owners wish to be included, as well as the 7 that had previously requested to be annexed. Two property owners do not wish to be included. Ten property owners did not respond.

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

M 664 07
Adopt
R 029 07
Extend
DFSSD
to Include
Prince
Georges
Acres

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Resolution No. R 029 07 entitled “RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED SOUTHWEST OF COUNTY ROUTE 382, ARMORY ROAD, WEST OF THE INDIAN RIVER HIGH SCHOOL, AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 4 Yeas, 1 Absent.

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

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

Mr. Rogers was out of the room during the vote.

**North
Coastal
Sewer
Planning
Area/
Treatment
& Disposal
Alternatives**

Mike Izzo, County Engineer, reported that the North Coastal Sewer Planning Area Study has been completed. The Study Area encompasses the Town of Millsboro, north along Route 24, Oak Orchard, Herring Creek Area, Angola Neck Area, Goslee Creek, and the existing West Rehoboth Sanitary Sewer District. The purpose of the Study was to determine wastewater disposal and treatment options available for the North Coastal Sewer Plant Area. He stated that a Study performed in 1999 indicated that the West Rehoboth Treatment Plant would eventually need to be expanded. At that time, DNREC officials requested that the County meet with the City of Rehoboth to consider the availability of joint wastewater options, which would be more cost-effective. Those potential options have been included in the North Coastal Sewer Planning Area Study.

Mr. Izzo introduced Dennis Hasson, of Whitman, Requardt & Associates, who performed the Study, and Thor Young of Stearns & Wheeler, who performed the design of the plan expansion of the South Coastal Regional Wastewater Facility. Mr. Izzo also acknowledged Sam Cooper, Mayor of the City of Rehoboth; Greg Ferese, Town Manager of the City of Rehoboth; Kevin Donnelly of DNREC, Division of Water Resources; and Greg Pope of DNREC, Division of Water Resources.

Mr. Hasson explained that the study area is bounded by Route 24 and the Atlantic Ocean. It contains existing sanitary sewer districts, as well as future planning areas. He stated that consideration is being given to the immediate needs, as well as to future wastewater treatment and disposal needs for the planning area. Mr. Hasson stated that the entire planning area is currently served with three wastewater treatment facilities – the Wolfe Neck Facility, which treats the West Rehoboth area; the City of Rehoboth's Wastewater Treatment Plant, which serves Dewey Beach, Henlopen Acres, and the City of Rehoboth; and the Inland Bays Facility.

Mr. Hasson reviewed the current treatment and disposal capacity and wastewater flow for each wastewater treatment facility. He also reviewed the Phase Planning Program for future expansion of those capacities, as outlined in the handouts of the Study, which were distributed to the Council.

Mr. Hasson presented the following two alternatives:

- **Alternative 1**

Pump Goslee Creek and West Rehoboth, (the areas north of Angola Neck) to the Wolfe Neck Facility; pump Henlopen Acres, Rehoboth

Beach, and Dewey Beach, which are currently being served by the Rehoboth Beach Wastewater Treatment Plant, into a common Ocean Outfall for treatment and disposal; Oak Orchard, Long Neck, Herring Creek (areas south of Angola Neck) would be served by the Inland Bays Facility.

North
Coastal
Sewer
Planning
Area/
Treatment
& Disposal
Alternatives
(continued)

- Alternative 2

Areas that are currently being served by the existing City of Rehoboth Treatment Plant continue; areas currently served by Wolfe Neck would be pumped south to the Inland Bays Facility for treatment and disposal.

Mr. Hasson stated that the estimated costs are made up of four separate programs:

1. Rehoboth Beach WWTP Improvements and Ocean Outfall
2. Phase I Expansion of the WNRWF
3. Phase I Expansion of the IBRWF
4. Phase II Expansion of the IBRWF

Mr. Hasson reported estimated total costs as listed below:

- Alternative 1 - \$ 127.5 million

County	\$ 113.4 million
City of Rehoboth	14.1 million

- Alternative 2 - \$ 132.7 million

County	\$ 102.8 million
City of Rehoboth	29.9 million

Mr. Hasson stated the preferred alternative is Alternative 2 for Sussex County at \$102.8 million and \$14.1 million for the City of Rehoboth, with an unfunded portion of \$10.6 million to be funded jointly by the City of Rehoboth and the State of Delaware. Mr. Hasson stated that this is a capital improvement plan which is phased in over many years with additional studies, design work for the phase expansions of Wolfe Neck and the Inland Bays, and construction from 2009 to 2013.

Mr. Cole asked how much had been spent for the acquisition of additional lands purchased for the Inland Bays. Mr. Izzo stated that 2,100 acres was purchased for \$28 million and approximately 700 acres will be used for additional capacity over the next 25 years, as outlined in the Study. Mr. Cole asked who was paying for the \$28 million and he was advised by Mr. Baker that the cost is transferred to the users through the West Rehoboth District, the Long Neck and Oak Orchard Districts, and Realty Transfer Tax.

Mr. Baker stated that a major concern is the \$10.6 million difference for the County between Alternative 1 and Alternative 2. He stated that a

**North
Coastal
Sewer
Planning
Area/
Treatment
& Disposal
Alternatives
(continued)**

consideration was to acquire additional funding from the City of Rehoboth or the State in order that the County's portion would be the same for either Outfall or spray irrigation. He reported that a possible USDA grant could decrease the cost to the County by \$5 million; however, the City of Rehoboth would not be eligible for USDA funding. Mr. Baker stated that the State has not granted funding for wastewater for two years; however, if the State does begin funding again with \$1 million per year, shared evenly between the City of Rehoboth and the County, Rehoboth's net cost would be \$22.2 million and the net cost to the County would be \$95.3 million. Mr. Baker stated that, depending on the growth rate of the County, some parts of the projects could possibly be delayed for several years.

Mr. Izzo stated that as a result of meetings with DNREC, Farmers Home, the City of Rehoboth, and the City of Lewes, a joint solution was promoted. Mr. Dukes asked if additional land would be necessary for spray irrigation. Mr. Izzo stated that more land would be needed at Wolfe Neck for spray irrigation, which is the reason for consideration of the Ocean Outfall; however, another option would be to pump to the Inland Bays where there is sufficient land for spray irrigation. Mr. Cole asked how soon the Wolfe Neck Regional Wastewater Facility would reach capacity; he was advised by Mr. Izzo that the maximum capacity would be reached in approximately 2015.

Mr. Izzo stated that, if the County chooses the Ocean Outfall option, a higher level of treatment must be provided. If the wastewater is pumped to the Inland Bays Wastewater Facility, the existing treatment technology can be used; however, the cost would be offset by the pumping distance. Mr. Baker stated that the option of joining with the City of Rehoboth on an Ocean Outfall would cost the County an additional \$10 million versus spray irrigation.

Public comments were heard.

Sonny Vuono, a Lincoln resident, asked if there would be a tax increase to the residents of Lincoln to help fund this project and he was informed that the residents Lincoln would not be affected, as they are not in the sewer district.

Sam Cooper, Mayor of the City of Rehoboth, stated that the City is willing to negotiate with the County and that the Outfall has tremendous capacity for the future; however, he felt that Dewey Beach should also be required to pay for the additional costs of an Ocean Outfall.

Councilman Cole stated that a more regional approach to include other municipalities in the Outfall project should be taken in order to decrease the cost to the County and the City of Rehoboth.

Kevin Donnelly stated that the process of obtaining the necessary State and Federal permits by the County to construct the Ocean Outfall will be

challenging. Mr. Donnelly acknowledged the efforts of Mr. Baker and Mr. Izzo on behalf of the needs of Sussex County and encouraged the County to keep its options open at this point.

**Millville
Expansion
of the
BBSSD/
Contract
Change
Order**

Mike Izzo stated that the original proposal for the expansion of the Bethany Beach SSD was for one contract, referred to as the SR26 contract. A map of the New Proposed Phasing Plan (Phase 1) was distributed to Council members. The original plan was to install the sewer from the existing pump station, down Old Mill Road, and continue on SR26. However, business owners from the Town of Millville that would be affected by the construction asked if the time frame could be compressed so as not to affect their businesses. Consideration was then given to beginning construction in December 2007; however, due to time constraints, it was not possible to get an SR26 contract out in time for construction to begin in December. The second option was to remove the section on Old Mill Road from the SR 26 contract, which extends northwest of Route 26, and put it into an existing contract with Teal Construction, known as the Millville B Contract. Teal Construction quoted a bid of \$73,900 to construct this section on Old Mill Road. Mr. Izzo stated that Vince Robertson, Assistant County Attorney, was consulted regarding whether or not the construction on Old Mill Road would have to be put out on bid and Mr. Robertson said it would not be necessary.

**M 665 07
Approve
Contract
Change
Order/
Millville
Expansion
of the
BBSSD**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department and its Consultant, Whitman, Requardt, and Associates, LLP, that Change Order No. 1 for Sussex County Contract No. 05-06 B, Banks Harbor, Mill Run, and Miscellaneous Southern Extensions be approved, which increases the Contact by the amount of \$73,971.00 for a new contract total of \$3,000,910.03, contingent upon receipt of approval from the Financial Assistance Branch of the Department of Natural Resources and Environmental Control.

Motion Adopted: 5 Yeas.

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

**Grant
Request**

Susan Webb presented the following grant request for the Council's consideration:

**M 666 07
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to Rehoboth Elementary School for their Theatrical Arts Program.

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO DELETE AND/OR MODIFY THE CONDITIONS IMPOSED IN ORDINANCE NO. 1455 FOR CONDITIONAL USE NO. 1379 (Conditional Use No. 1774) filed on behalf of Robino Sea Chase, LLC.

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.708 ACRES, MORE OR LESS” (Change of Zone No. 1633) filed on behalf of Hertrich Properties V., Inc.

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11,033 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1634) filed on behalf of Rehoboth Beach Film Society.

The Proposed Ordinances will be advertised for Public Hearing.

**M 667 07
Authorize
Executive
Session** At 12:00 p.m., a Motion was made by Mr. Cole, seconded by Mr. Jones, to authorize the Council to go into Executive Session for the purpose of discussing pending and potential litigation.

Motion Adopted: 5 Yeas.

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

Executive Session At 12:01 p.m., an Executive Session of the Sussex County Council was held in the Office of the County Administrator for the purpose of discussing pending and potential litigation. The Executive Session concluded at 12:15 p.m.

**M 668 07
Return to
Regular** At 12:16 p.m., a Motion was made by Mr. Cole, seconded by Mr. Jones, to come out of Executive Session and to adjourn the Regular Session of the Sussex County Council. Motion Adopted by Voice Vote.

**Session/
Adjourn**

Respectfully submitted,

**Gaye King
Administrative Secretary**