

**SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JANUARY 11, 2005**

**Call to Order**            The regular meeting of the Sussex County Council was held Tuesday, January 11, 2005, at 6:30 p.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

**The Invocation and Pledge of Allegiance were led by Mr. Jones.**

**M 035 05**            A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the  
**Amend**            Agenda by deleting under Robert L. Stickels, County Administrator, "2. North  
**and**                Coastal Planning Area – Boundary Amendment Request," and to approve the  
**Approve**           Agenda, as amended.

**Motion Adopted:      5 Yea.**

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

**M 036 05**            A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the  
**Approve**            minutes of December 14, 2004.  
**Minutes**

**Motion Adopted:      5 Yea.**

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

**M 037 05**            A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the  
**Approve**            minutes of January 4, 2005.  
**Minutes**

**Motion Adopted:      5 Yea.**

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

**Corre-  
spondence**

Mr. Griffin read the following correspondence:

**EARL B. TULL, PRESIDENT, SEAFORD HISTORICAL SOCIETY, INC.,  
SEAFORD, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**GAIL D. OLSEN, TREASURER, THE PIONEER CLUB OF SUSSEX  
COUNTY/VISUALLY IMPAIRED, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of Human Service Grant.**

**M 038 05  
Adopt  
Tribute**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt the Tribute commending Francis Bonkowski III for achieving the rank of Eagle Scout.

**Motion Adopted: 5 Yea.**

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

**Proposed  
Ordinance  
Relating to  
Building  
Code**

Mr. Stickels presented to Council a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY IN ORDER TO BRING BUILDING CONSTRUCTION STANDARDS IN CONFORMITY WITH THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE."

Mr. Stickels explained that the International Building Code and International Residential Code will replace the existing Southern Standard Building Code that is no longer in print. The Proposed Ordinance will bring building standards in conformity with international standards.

Mr. Milligan, Chief of Building Code Inspectors, advised that two two-day workshops have been held with contractors, inspectors, building officials, and Building Code staff to review the new codes. The International Building Code will be used for the commercial section of inspections, and the International Residential Code will be used for the residential portion of inspections. Mr. Milligan stated that the new codes are supported by the fire service, and adoption of the Proposed Ordinance will bring building standards in all three counties in the State of Delaware into uniformity. Municipalities in Sussex County doing their own inspections have also indicated they will follow the new codes. The goal for implementation of the International Building Code and International Residential Code is March 1, 2005.

**Introduction  
of Proposed  
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY IN ORDER TO BRING BUILDING CONSTRUCTION STANDARDS IN

**Introduction of Proposed Ordinance (continued)**      **CONFORMITY WITH THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE.”** The Proposed Ordinance will be advertised for a Public Hearing to be held on Tuesday, February 8, 2005, at 7:30 p.m.

**Tsunami Disaster Relief**      Mr. Stickels stated that as a result of the devastating tsunami that ravaged parts of south Asia, including Thailand, Indonesia, and Sri Lanka, on December 26, 2004, consideration of a financial contribution for relief efforts has been placed on the agenda at the request of Council. Mr. Stickels advised that Brian Page, Historic Preservation Planner, has requested an opportunity to address Council, with having been in the region and having friends in the area.

Mr. Page quoted President Bush as stating that it was a disaster beyond comprehension. The kind of human loss experienced in south Asia is tragic and personally so for Mr. Page due to the loss of a dear friend, Pao Thanon of Thailand, who was missing for approximately two weeks and is now presumed dead. Mr. Page also recognized the bravery of another friend, Wirasak Suphab, who was indirectly affected by the tsunami in that his family lost all of their businesses, as he was personally responsible for saving the lives of dozens of Americans in the area after being recruited to assist in the relief effort because of his excellent English-speaking skills. Mr. Page expressed his heartfelt thanks to Council for any donation toward relief efforts and encouraged everyone on Delmarva to make a contribution.

Mr. Stickels distributed information obtained from The White House website stating that President Bush has announced the United States will be committing \$350 Million for the tsunami disaster relief effort. Mr. Stickels also reported that he has been in contact with Congressman Castle’s Office as to where donations should be directed and was advised that contributions can be made to any humanitarian organization conducting relief operations with which Council is comfortable in assuring that the funding will be used for direct services.

Daniel Valle, Chief Operating Officer, American Red Cross of the Delmarva Peninsula, and Jim Purcell, Manager, Development, Southern Delaware Office, were introduced by Mr. Stickels to provide an update on the tsunami disaster relief effort. Mr. Valle assured Council that any contribution made would follow the Red Cross stewardship guidelines and go specifically to the disaster area. Red Cross operations in the region include areas of focus such as water and sanitary needs, tents and hygiene kits for thousands of people, a \$25 Million effort for food aid in cooperation with the World Food Program, some psycho-social programs for the psychological impact to victims, as well as working in cooperation with other agencies and government efforts to make certain that services are not being duplicated. Mr. Purcell added that the

**Tsunami  
Disaster  
Relief  
(continued)**

American Red Cross has pledged \$400 Million toward the relief effort, with \$160 Million being raised across the country to date, so there is definitely still a need. Mr. Purcell also noted the incredible outpouring of support throughout Sussex County from civic associations, businesses, and schools for the tsunami relief effort.

**M 039 05  
County  
Council  
Grant to  
American  
Red Cross  
of the  
Delmarva  
Peninsula**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$10,000 from County Council Grants to the American Red Cross of the Delmarva Peninsula for the tsunami disaster relief effort in south Asia.

**Motion Adopted: 5 Yea.**

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

**Adminis-  
trator's  
Report**

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

**1. Public Workshop**

The Delaware Department of Transportation will be conducting a Public Workshop on Thursday, February 3, 2005, for developing a transportation plan to improve the transportation system within the Town of Dagsboro. The public is invited to attend any time between 4:00 and 7:00 p.m.

The workshop is being held to solicit public comment regarding preliminary recommendations of the Dagsboro Transportation Plan. The meeting will take place at The Bethel Center, 109 Clayton Street, Dagsboro, Delaware.

**2. Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities**

The next meeting of the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will take place on Monday, January 24, 2005, at 10:00 a.m. at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware. The general public as well as the media is welcome to attend. Committee meeting minutes are available on the County's website at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

**3. Holiday Schedule**

Sussex County government offices will be closed on Monday, January 17,

**Admin.  
Report  
(continued)**

2005, in observance of the Martin Luther King, Jr., holiday. Offices will reopen at 8:30 a.m. on Tuesday, January 18, 2005, and the Sussex County Council will hold a regularly scheduled meeting at 10:00 a.m.

**Public  
Hearing/  
CDBG  
Program**

A Public Hearing was held to give all citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant (CDBG) Program for a grant under the provisions of the Community Development Act of 1977. The primary objective of the Community Development Program is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. It is also a primary objective to alleviate physical and economic distress through the stimulation of private investment and community revitalization in areas of population out-migration or a stagnating or declining tax base.

The Community Development Block Grant is a federal grant from the Department of HUD to the Delaware State Housing Authority. Kent and Sussex Counties compete for the funding by making application to the Delaware State Housing Authority. Historically, 70 percent of the funding is for housing rehab, demolition, or code enforcement, and 30 percent for infrastructure projects (streets, sidewalks, water and sewer projects, and hook-ups). There is a matching funds requirement for infrastructure projects.

Mr. Lecates, Director of Community Development and Housing, reviewed the income and program guidelines which applicants must meet to be eligible to receive funding under the CDBG Program.

Mr. Lecates advised that \$2 million is available for Kent and Sussex Counties. Sussex County's application will consist of projects in the County and in the municipalities.

A brief status report for 2004 was given by Mr. Lecates on the activities of the Sussex County Community Development and Housing Division.

A Proposed Resolution entitled "ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS" was presented to Council for consideration. The Proposed Resolution lists the following projects to be submitted to the Delaware State Housing Authority for funding:

Public  
Hearing/  
CDBG  
Program  
(continued)

**Application No. 1**

Sussex County:

Scatter Site	\$ 475,000
Coverdale Crossroads	150,000
Ellendale Sewer District	304,000
Scatter Site	25,000
Administration	<u>146,000</u>

Housing Rehabilitation  
Housing Rehabilitation  
Housing Rehabilitation  
Hook-Ups

**TOTAL \$1,100,000**

**Application No. 2**

Blades \$ 40,000

Storm Drainage Study

**Application No. 3**

Bridgeville \$ 300,000

Housing Rehabilitation

**Application No. 4**

Ellendale \$ 20,000

Code Enforcement

**Application No. 5**

Georgetown \$ 300,000

Housing Rehabilitation

**Application No. 6**

Greenwood \$ 150,000

Housing Rehabilitation

**Application No. 7**

Laurel	\$ 100,000
	\$ 75,000

Infrastructure  
Housing Rehabilitation

**Application No. 8**

Milford \$ 300,000

Housing Rehabilitation

**Application No. 9**

Milton	\$ 150,000
	\$ 75,000

Housing Rehabilitation  
Infrastructure

<b>Public Hearing/ CDBG Program (continued)</b>	<b><u>Application No. 10</u></b>		
	Ocean View	\$ 300,000	Housing Rehabilitation
	<b><u>Application No. 11</u></b>		
	Selbyville	\$ 300,000	Housing Rehabilitation

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

**M 040 05**      A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt  
**Adopt**      Resolution No. R 008 05 entitled "FAIR HOUSING FOR THE CITIZENS OF  
**Resolution**      SUSSEX COUNTY."

**No.**  
**R 008 05**      Motion Adopted:      5 Yea.

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

**M 041 05**      A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt  
**Adopt**      Resolution No. R 009 05 entitled "ENDORING PROJECTS TO BE  
**Resolution**      SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR  
**No.**      FUNDING FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN  
**R 009 05**      DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY  
                                 ADMINISTRATOR, TO SUBMIT APPLICATIONS."

Motion Adopted:      5 Yea.

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

**C/Z**      The County Council discussed the Proposed Ordinance entitled, "AN  
**No. 1559**      ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF  
                                 SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL  
                                 DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-  
                                 RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF  
                                 LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED,  
                                 SUSSEX COUNTY, CONTAINING 16.49 ACRES, MORE OR LESS"  
                                 (Change of Zone No. 1559) filed on behalf of Greg Ivanoff.

The Planning and Zoning Commission held a Public Hearing on this application on November 18, 2004, at which time they deferred action. On

**C/Z  
No. 1559  
(continued)**

January 6, 2005, the Commission discussed the application under Old Business and recommended that it be approved with conditions.

Mr. Lank advised that additional correspondence has been received from the Delaware Department of Transportation (DelDOT), dated January 5, 2005, stating that the Department supports the proposed relocation of Road 283 (Cedar Grove Road).

**M 042 05  
Adopt  
Ordinance  
No. 1744  
(C/Z  
No. 1559)**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1744 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 16.49 ACRES, MORE OR LESS" (Change of Zone No. 1559) filed on behalf of Greg Ivanoff, with the following conditions:

1. The maximum number of residential lots shall not exceed 49.
2. Site plan review shall be subject to the approval of the Planning and Zoning Commission.
3. All entrance, intersection, interconnection, roadway, and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, including the Memorandum of Understanding dated April 8, 2004, or any further modifications required by DelDOT.
4. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
5. The development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
6. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with State and County requirements. The final site plan shall provide details about the transfer of stormwater from the project to the stormwater pond shared with DelDOT.
7. The interior street design shall comply with or exceed Sussex County street design requirements and/or specifications. The street design shall include sidewalks on both sides of the streets and street lighting.
8. The applicant shall submit as a part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
9. Construction, site work, grading, and deliveries of construction materials, landscaping materials, and fill on, off, or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.



**M 042 05  
(continued)**

10. The applicant shall cause to be formed a homeowners association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities, and other common areas. The developer shall be responsible for this maintenance until such an association is formed.
11. A fence and tree buffer shall be installed along the westerly property line of the project to separate the project from the adjacent dog kennel.
12. There shall be a deed reference in all lots within the project to reflect that a dog kennel exists along the westerly boundary and that there may be noise and odors associated with the kennel.
13. Addressing and street naming shall be reviewed and approved by the Sussex County Mapping and Addressing Division.

**Motion Adopted: 5 Yea.**

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

**Millville  
Expansion  
of the  
BBSSD**

Mr. Archut, Assistant County Engineer, discussed a proposed agreement with Whitman, Requardt & Associates in regard to the Millville Expansion of the Bethany Beach Sanitary Sewer District. The proposal is for Whitman, Requardt & Associates to perform the contract administration and resident project representation for the construction of a new regional pump station and the associated force main and gravity pipeline. Pump Station No. 270 will be constructed off of Route 26, with a 24-inch gravity pipeline along County Road 349A that will tie into the existing Ocean View project. Council approved an escrow agreement on January 13, 2004, for Whitman, Requardt & Associates to complete the design of the pumping station and all of the pipelines. The project will be fully funded by the developer(s) through an escrow account to be established per a revised escrow agreement.

**M 043 05  
Authorize  
Amendment  
to Contract  
with  
Whitman,  
Requardt &  
Associates/  
Pump  
Station  
No. 270**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute an amendment to its contract with Whitman, Requardt & Associates, LLP, for construction administration and resident project representation for Pump Station No. 270 and force main, and County Road 349A gravity sewer, subject to the receipt of the required funds from the developer(s) and approval of the revised escrow agreement by the Assistant County Attorney.

**Motion Adopted: 5 Yea.**

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

- Fenwick Island SSD/ Annexation Request**      **Mr. Archut, Assistant County Engineer, discussed a request by five property owners to be annexed into the Fenwick Island Sanitary Sewer District. All five lots currently have homes on them and are located in the Mill Creek Acres subdivision on Old Mill Bridge Road.**
- M 044 05 Prepare and Post Notices/ Extension of Fenwick Island SSD**      **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Engineering Department be authorized to prepare and post notices for the extension of the Fenwick Island Sanitary Sewer District boundary to include lots on Old Mill Bridge Road, as presented on January 11, 2005.**
- Motion Adopted:      5 Yea.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
                                 **Mr. Dukes, Yea; Mr. Rogers, Yea;**  
                                 **Mr. Jones, Yea**
- Requests**      **Mr. Stickels presented requests for funding for Council's consideration.**
- M 045 05 Councilmanic Grant**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$250.00 from Mr. Jones' Councilmanic Account to Bridgeville Community Action Agency for Christmas baskets for needy families.**
- Motion Adopted:      5 Yea.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
                                 **Mr. Dukes, Yea; Mr. Rogers, Yea;**  
                                 **Mr. Jones, Yea**
- M 046 05 Grant (withdrawn)**      **A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$2,000.00 from Mr. Jones' Councilmanic Account to the Town of Bridgeville toward sponsorship of a reception presenting works of renowned American landscape impressionist Edward W. Redfield, a native of Bridgeville. Motion Withdrawn.**
- M 047 05 Councilmanic Grant**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$200.00 from Mr. Jones' Councilmanic Account to the Town of Bridgeville toward sponsorship of a reception presenting works of renowned American landscape impressionist Edward W. Redfield, a native of Bridgeville.**
- Motion Adopted:      5 Yea.**
- Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
                                 **Mr. Dukes, Yea; Mr. Rogers, Yea;**  
                                 **Mr. Jones, Yea**

**M 048 05  
Youth  
Activity  
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 from Mr. Jones' Youth Activity Account to Woodbridge Pop Warner for travel expenses for the Midget and Pee Wee Spirit Squads competition.

**Motion Adopted: 5 Yea.**

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

**Building  
Code  
Clarifi-  
cation**

Mr. Dukes requested clarification regarding the specific regulations to be followed if someone obtained a building permit for example one day prior to the effective date of the International Building Code and International Residential Code. Mr. Stickels stated that any plans presented to the Building Code Office prior to the implementation date will follow the provisions of the prior code. Mr. Griffin suggested that the effective date be established when the ordinance is adopted and that Mr. Milligan provide Council with a recommendation.

**Public  
Comment**

Dan Kramer inquired if Sussex County is prepared to handle a disaster of the magnitude that recently devastated parts of south Asia. Mr. Kramer was advised that Sussex County does have evacuation and emergency plans ready to be implemented should the need arise.

**M 049 05  
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 7:45 p.m. Motion Adopted by Voice Vote.

**Respectfully submitted,**

**Susan W. Webb  
Acting Clerk of the Council**