



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 15, 2004

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, June 15, 2004, 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
Lynn J. Rogers	Member
George B. Cole	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Alix Robinson	Assistant County Attorney

M 359 04 Approve Agenda

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

Motion Adopted: 5 Yea.

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

M 360 04 Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of May 25, 2004.

Motion Adopted: 5 Yea.

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

M 361 04 Adopt Tribute

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Tribute commending STGCS Donald Keith Stevenson, a Sussex County native, for 20 years of service in the United States Navy.

Motion Adopted: 5 Yea.

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

M 362 04 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to reappoint J. Bruce Mears and James F. Walls to the Building Code Appeal Board for a term of four years.

M 362 04 Motion Adopted: 5 Yea.

Approve
Appoint-
ments
(continued)

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

M 363 04 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 367, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bayview Ventures I, Inc., for wastewater facilities to be constructed in Bayview Landing, Phase III, located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Delaware
First
Healthy
Choices/
Project
Proposal

James Rasa, President of Delaware First Healthy Choices, was present along with Carol Everhart, President of the Rehoboth Beach – Dewey Beach Chamber of Commerce and Dan Sullivan, local businessman and insurance agent. Mr. Rasa reported that Delaware First Healthy Choices is a pending 501C(3) organization that is sponsored by the Rehoboth Beach – Dewey Beach Chamber of Commerce with the cooperation of all of the Chambers of Commerce in Sussex County. He emphasized that First Healthy Choices is a Sussex County initiative. The mission of First Healthy Choices is to insure affordable, predictable and comprehensive health coverage as provided to small businesses, their employees and the self-employed.

Mr. Rasa requested funding from the County Council in the amount of \$34,000 to conduct an actuarial study. This study would take known data and demographics and compare the information with the Delaware First Healthy Choices model, providing an unbiased base rate. Mr. Rasa advised that they are trying to raise a total of \$100,000 to establish an office and administrative staff.

The County Council decided to take the funding request under advisement, for consideration during the Public Hearing for the FY 2005 Budget on June 22, 2004.

**Adminis-
trator's
Report**

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

1. William C. Henry

It is with sorrow that I inform the Council of the passing of William C. Henry on June 7, 2004. Mr. Henry served as Sussex County Engineer from August 1, 1970, until February 28, 1977. Since that time he had served as Kent County Levy Court County Engineer, was employed in the private sector, and at his time of death was employed by the Delaware Department of Natural Resources.

**Adminis-
trator's
Report
(continued)**

2. Beneficial Acceptance

The Sussex County Engineering Department gave Beneficial Acceptance on June 3, 2004, to Bayville Shore, Phase V. This project consists of nine townhouses with 69 units located on Route 54 in the Fenwick Island Sanitary Sewer District. Included with this report is a fact sheet on the project.

3. FY 2005 Budget Public Hearings

The County Council will be holding public hearings on the water, sanitary sewer, and general fund budget ordinances on Tuesday, June 22, 2004, starting at 10:15 a.m. All members of the general public are welcome to speak at that time. Anyone wishing to review the budget prior to the public hearings should contact a member of the Budget Committee. The Budget Committee consists of Robert L. Stickels, County Administrator; David B. Baker, Finance Director; and Susan M. Webb, Director of Accounting.

**Draft
Ordinance/
Subdivision
of Land**

Mr. Kautz, Land Use Planner, and Mr. Lank, Director of Planning and Zoning, presented a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND" TO ALLOW FOR THE STAFF APPROVAL OF MAJOR SUBDIVISIONS CONTAINING 50 OR FEWER LOTS AND FOR THE REVISION OF THE FEE SCHEDULE". This ordinance would allow, under certain conditions, the Planning Director for Sussex County to approve for recordation subdivisions of 50 or fewer lots. The ordinance further defines those conditions while still allowing minor subdivisions and the division of agricultural land. It was noted that the ordinance would reduce the number of public hearings held by the Planning and Zoning Commission.

**Introduction
of Proposed
Ordinance**

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND" TO ALLOW FOR THE STAFF APPROVAL OF MAJOR SUBDIVISIONS CONTAINING 50 OR FEWER LOTS AND FOR THE REVISION OF THE FEE

SCHEDULE”. The Proposed Ordinance will be advertised for Public Hearing.

Draft Ordinance

Mr. Kautz, Land Use Planner, and Mr. Lank, Director of Planning and Zoning, presented a draft ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO AMEND THE PROVISIONS RELATING TO RESIDENTIAL USES IN NEWLY ZONED B-1 AND C-1 COMMERCIAL ZONING DISTRICTS BY LIMITING SUCH USES TO 4DWELLING UNITS PER ACRE, TO REQUIRE A PUBLIC HEARING FOR THE EXPANSION OF LARGE SCALE USES, AND TO MAKE OTHER TECHNICAL CHANGES TO ARTICLE X, B-1 NEIGHBORHOOD BUSINESS DISTRICT AND ARTICLE XI, C-1 GENERAL COMMERCIAL DISTRICT”. This amendment limits residential uses in new B-1 and C-1 Commercial Zoning Districts to 4 dwelling units per acre, provides for a public hearing when an existing non-residential large-scale use expands by more than 25% of total floor area and makes other technical changes to Articles X and XI.

Draft Ordinance Relating to B-1 and C-1 Zones (continued)

It was noted that a similar version of this draft ordinance was previously considered; however, this draft ordinance contains a grandfather clause by incorporating the words “newly zoned”.

Introduction of Proposed Zoning Ordinances

Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO AMEND THE PROVISIONS RELATING TO RESIDENTIAL USES IN NEWLY ZONED B-1 AND C-1 COMMERCIAL ZONING DISTRICTS BY LIMITING SUCH USES TO 4DWELLING UNITS PER ACRE, TO REQUIRE A PUBLIC HEARING FOR THE EXPANSION OF LARGE SCALE USES, AND TO MAKE OTHER TECHNICAL CHANGES TO ARTICLE X, B-1 NEIGHBORHOOD BUSINESS DISTRICT AND ARTICLE XI, C-1 GENERAL COMMERCIAL DISTRICT”. The Proposed Ordinance will be advertised for Public Hearing.

Bay View and Sea Country Estates

Mr. Izzo, County Engineer, reported on the bid results for Sussex County Project No. 03-04, Bay View and Sea Country Estates Sanitary Sewer Districts, Collection and Conveyance Systems:

SSD/ Collection and Conveyance Systems/ Bid Results

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate Bid</u>
Ed McGinn Contracting West Chester, Pennsylvania	\$3,560,160.00	\$3,696,860.00
Teal Construction Dover, Delaware	\$4,076,143.00	\$4,069,953.00
Engineer’s Estimate	\$3,028,000.00	\$3,119,760.00

Mr. Izzo noted that the base bid allows for the construction of the sanitary sewer system and the alternate bid would allow the existing tar and chip

roads to be upgraded to hot-mix.

Bay View
and Sea
Country
Estates
SSD/
Collection
and
Conveyance
Systems/
Bid Results
(continued)

Mr. Baker discussed the affordability of the project and how it will affect the homeowners. Mr. Baker stated that an analysis was performed on each project using the McGinn Base Bid. The analysis indicated that, based on the funding the County has approved so far and some possible additional loan funding during the next Fiscal Year, the calculations stayed within the referendum rate amounts. The referendum rate for Bay View Estates was \$799.00 per front foot and \$1,299.00 per front foot for Sea Country Estates. In the Fiscal Year 2005 and previous budgets, \$428,000 was allocated for these projects. The State has approved a 1 1/2% 20-year loan for the projects for a lesser amount, so the County will be working on additional loan funding.

Joan Wright, member of the Board of Directors of the Bay View Estates Homeowners Association, spoke in support of the construction of the sanitary sewer district. She advised Councilmembers that the failure of the sewer systems in their subdivision is not the problem and that the problem is the type of system that they have, which is holding tanks.

Mr. Izzo advised that the contractor has stated that they expect to start construction on November 15, 2004.

M 364 04
Award
Bid/
Bay View
Estates
and Sea
Country
Estates
SSD/
Collection
and
Conveyance
Systems

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Engineering Consultants, Whitman, Requardt & Associates, LLP and the Sussex County Engineering Department, that Sussex County Project No. 03-04, Bay View and Sea Country Estates Sanitary Sewer Districts, Collection and Conveyance System, be awarded to Ed McGinn, General Contractor, of West Chester, Pennsylvania, at the base bid amount of \$3,560,160.00, contingent upon the receipt of approval from the Delaware Department of Natural Resources and Environmental Control and/or the Rural Utility Service.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Cole was out of the room during the vote.)

Dagsboro/
Frankford
SSD
Extension
Request

Mr. Archut, Assistant County Engineer, reported on a request for the expansion of the Dagsboro – Frankford Sanitary Sewer District to include two parcels on the north side of Honolulu Road, which are adjacent to the Town of Frankford but not within the town limits. The two parcels, known as the Shaw and Syphengpheth parcels, are contiguous to the existing sanitary sewer district boundaries. The owners plan to put a single family home on each lot.

- M 365 04**
Authorize
Posting
Notices/
DFSSD
Extension
- A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District to include the Shaw & Syphengpheth parcels.
- Motion Adopted: 5 Yea.
- M 365 04**
(continued)
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea
- SCADA**
System
Improve-
ments-
Phase III/
Bid Award
- Mr. Hudson, Director of Maintenance, Engineering Department, reported on Sussex County Project 04-05, SCADA System Improvements, Phase III. Mr. Hudson reported that currently, there are 237 sites connected to the SCADA System and 34 sites are under-design. Mr. Hudson reported that the software that operates this system is taxed out and to continue adding to the system, it must be updated. Mr. Hudson reported further that research has been performed and a new software package has been selected, which is the Iconics 32 System. Mr. Hudson noted that TRIJAY Systems, Inc. has successfully completed the first two phases of this project. A price has been negotiated with TRIJAY in the amount of \$111,000.00 for the software and the integration of the software.
- Whitman, Requardt & Associates, LLP has evaluated the Price Proposal provided by TRIJAY Systems, Inc. for the Phase III improvements. They have determined that the proposed price of \$111,000.00 represents a fair market value for providing the materials and labor required for this project.
- M 366 04**
Award
Contract/
SCADA
System
Improve-
ments-
Phase III
- A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council award the Construction Contract for Sussex County Project No. 04-05, SCADA System Improvements, Phase III, for the amount of \$111,000.00 to TRIJAY Systems, Inc.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Rogers, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea
- Proposed**
Ordinance
- Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE WASTEWATER TREATMENT AND DISPOSAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.66 ACRES, MORE OR LESS” (Conditional Use No. 1587) filed on behalf of West Bay Park. The Proposed Ordinance will be advertised for Public

Hearing.

Proposed Ordinance	Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 43,101 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1588) filed on behalf of Leroy and Jo Ann Marvel. The Proposed Ordinance will be advertised for Public Hearing.
Proposed Ordinance (continued)	
Proposed Ordinance	Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO AN EXISTING MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22,285 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1589) filed on behalf of Delmar Homes, Inc. The Proposed Ordinance will be advertised for Public Hearing.
Proposed Ordinance	Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.6716 ACRES, MORE OR LESS” (Conditional Use No. 1590) filed on behalf of Peninsula Oil Co., Inc. The Proposed Ordinance will be advertised for Public Hearing.
Proposed Ordinance	Mr. Jones 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.6409 ACRES, MORE OR LESS” (Change of Zone No. 1564) filed on behalf of Julio Marcos. The Proposed Ordinance will be advertised for Public Hearing.
Additional Business/ Public Comments	Mr. George Truitt, organizer and coordinator of Neighborhood Watch, told the County Council that there is a big problem with traffic in the County; that he represents individual homeowners and small business owners; that an extension of the north-south corridor expressway is needed but it is a band-aid solution to the traffic problems in the County; that it does not help the people of Sussex County; and that east-west corridors need to be addressed as well. Mr. Phillips read a letter he received from Bob Ricker, President, Bakers Hardware, Millsboro, dated June 12, 2004. The letter refers to the proposed Route 113 North/South limited access highway and his support of

the concept; however, he notes in his letter that “DelDOT’s proposal of closing entrances to businesses and residences on Route 113 and virtually rendering them inaccessible to the west side of Millsboro and devaluing their property is totally unacceptable”. Mr. Ricker advised that meetings will be scheduled with the Millsboro Chamber of Commerce, the Town Council and all the businesses and residents to develop a plan of action.

**M 367 04
Adjourn**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to adjourn at 11:25 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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