



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 21, 2005**

**Call to Order** The regular meeting of the Sussex County Council was held Tuesday, June 21, 2005 at 10:00 a.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 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 340 05** A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve  
**Approve** the Agenda, as presented.  
**Agenda**

**Motion Adopted:** 5 Yea.

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

**M 341 05** A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve  
**Approve** the minutes of June 14, 2005.  
**Minutes**

**Motion Adopted:** 5 Yea.

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

**Corre-**  
**spondence** Mr. Griffin read the following correspondence:

**JIM ORTH, DEWEY BEACH, DELAWARE.**  
**RE:** Letter commending Clarence Fisher and Robert Eldreth, employees at

the Dewey Beach water tower.

**M 342 05** Adopt Tribute A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt the Tribute commanding Colonel Edward Smith for “his exceptionally meritorious service in the military and for his assistance to Sussex County during his tenure as Director of Military Support, Delaware National Guard” and to direct this Tribute to be presented at a reception in his honor on the 24th day of June 2005.

**M 342 05** (continued) Motion Adopted: 5 Yea.

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

**M 343 05** Adopt Tribute A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Tribute commanding Simmie Knox for his accomplishments as a professional portrait artist and direct this Tribute to be presented at the “Simmie Knox: The Milford Portraits” Exhibit sponsored by the Mispillion Art League and the Milford Public Library on the 24th day of June 2005.

Motion Adopted: 5 Yea.

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

**Board Vacancies** Mr. Stickels advised that the Library Advisory Board terms of Lester Beachy and Jancie Tranberg will expire on June 30, 2005.

**M 344 05** Reappoint- ment to Library Advisory Board A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to reappoint Lester Beachy to the Library Advisory Board for three years.

Motion Adopted: 5 Yea.

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

**M 345 05** Reappoint- ment to Library Advisory Board A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to reappoint Janice Tranberg to the Library Advisory Board for a term of three years.

Motion Adopted: 5 Yea.

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

**Interfaith** Debbie Schiffer, Executive Director of Interfaith Mission of Sussex County,

**Mission of Sussex County/Grant Presentation** Inc., accepted a check in the amount of \$50,000 from the Council. She reported that the funding will be used for the Adams Street Housing Project, which has been completed. The Project, which is located in Georgetown, is a duplex serving single adult, working males. Ms. Schiffer thanked the Council for the grant and noted that the project would not have been economically feasible without the \$50,000 grant.

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

**Administrator's Report (continued)** 1. **Residuals Management Award**  
I am pleased to advise Council that Anthony Dellacamera has been selected to receive an award for Residuals Management by the Water and Wastewater Operators Association (WWOA) of Maryland, Delaware, and D.C. Mr. Dellacamera began his employment with Sussex County on July 16, 2001, and in June of 2004 he passed his Level IV Wastewater Operator license exam with the highest score to date.

Anthony manages the New Solids handling process at the South Coastal Regional Wastewater Facility. Sussex County's lime product (South Coastal Blend) is processed at the South Coastal Regional Wastewater Facility in Frankford, Delaware. South Coastal Blend is a dewatered local municipal sludge mixed with calcium oxide (quick lime). Using the EnVessel Pasteurization process, the blended mixture of organic biosolids and lime is raised to a temperature of 158 degrees Fahrenheit or higher for a period of 30 minutes. As these two materials are blended, the heat generated kills pathogens (disease-causing bacteria) in the sludge.

Mr. Dellacamera will receive the Residuals Management Award at the WWOA Conference on Thursday, July 7, 2005, at 6:00 p.m. at the Fontainebleau Hotel in Ocean City, Maryland.

2. **Department of Natural Resources and Environmental Control Workshop**

The Department of Natural Resources and Environmental Control (DNREC) will be conducting workshops for the Sediment and Stormwater Program. The workshops are regarding proposed amendments to the State of Delaware Special Conditions for Stormwater Discharges Associated with Construction Activities.

The Sussex County workshop will take place on July 14, 2005, from 6:00 to 7:00 p.m. at Delaware Technical & Community College, Jack F. Owens Campus, Room 540E-H, Georgetown, Delaware. Prior to the workshop, interested parties can obtain electronic or hard copy versions of the amended regulations at DNREC's Dover Office located at 89 Kings Highway or download a copy from the website

**Administrator's  
Report  
(continued)**

**3. Conditional Closeout for Sussex County Community Development Block Grant (CDBG) Contract No. 03-03**

I am pleased to inform the Council that the Delaware State Housing Authority has completed their review of the Conditional Closeout Agreement for Sussex County's CDBG Contract No. 03-03 and all items were in compliance. Mr. William Lecates, Director of the Sussex County Community Development and Housing Division, and staff should be complimented for their fine work.

**4. Beneficial Acceptance**

The Engineering Department gave Beneficial Acceptance on June 6, 2005, for Paynters Mill Phases 5, 6, 7, and 8, Agreement No. 237-2. The developer is Ocean Atlantic Associates V, L.L.C., and the project is located at the southwest intersection of Road 88 and Route 1 in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, consisting of 28 duplexes and 81 single-family homes. A fact sheet on the project is included with this report.

**Park  
Avenue  
Relocation  
Feasibility  
Study**

Michael Izzo, County Engineer; Sue Winslow of Delta Airport Consultants; and John Maddox of Whitman, Requardt & Associates were present to discuss the Park Avenue Relocation Feasibility Study. The results of the study were discussed, including the various realignment alternatives. A full study was presented to the Council at their meeting on May 24th. At that time, the Council decided to defer action to allow more time to obtain updated cost estimates for land acquisition and to allow for further deliberation.

The three Options presented at the May 24th meeting are as follows:

**Option #1 – Park Avenue would operate in its existing configuration.**

**Option #2 – Realign park Avenue with Arrow Safety Road**

**Option #3 – Realign Park Avenue with South Bedford Street and Zoar Road (the Marker's Deli intersection).**

Mr. Izzo reported that DelDOT feels that Options No. 2 and No. 3 are feasible and practical; however, Option No. 2 is their preferred alternative. The Town of Georgetown and Representative Joseph Booth prefer Option No. 3. The Sussex County Engineering Department is recommending Option No. 2 since it is the most easily constructible, the most cost effective and the least amount of properties would be disturbed.

Mr. Izzo reported that the Federal Aviation Administration supports Option No. 2. The FAA funds airport related projects up to 95 percent.

[www.dnrec.state.de.us](http://www.dnrec.state.de.us).

**They have indicated that they would fund 95 percent of the costs associated with Options No. 1 and No. 2 and that they would not fund the additional \$1.3 million associated with Option No. 3 since they consider that option as more of a road project than an airport project.**

**It was noted that the Town of Georgetown and Representative Booth have not offered any funding for Option No. 3.**

**Park  
Avenue  
Relocation  
Feasibility  
Study  
(continued)**

**It was also noted that the Option No. 3 realignment would result in several needed traffic improvements, including a light at the Arrow Safety/US 113 intersection to accommodate the 10,000-plus cars projected to utilize Truck Route 9 by 2030, according to the Feasibility Study.**

**Mr. Izzo reported that DelDOT has committed \$500,000 to the project, no matter which option is selected.**

**A fact sheet was distributed outlining the comparison of alternatives, which included updated land acquisition costs.**

**Mr. Dukes and Mr. Rogers stated that Options No. 2 and No. 3 need to be done; however, the County cannot afford to do both. They suggested that the State be encouraged to address the problems at the Markers Deli intersection and that the County should recommend that this improvement be included in DelDOT's 5-Year Capital Traffic Improvement Program.**

**M 346 05  
Select  
Option 2/  
Park  
Avenue  
Relocation  
Feasibility  
Study**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council supports the recommendation of Delta Airport Consultants; Whitman, Requardt and Associates, and the Sussex County Engineering Department, in regards to the Park Avenue Relocation Feasibility Study, to select Option No. 2 which calls for the realignment of Park Avenue with Arrow Safety Road.**

**Motion Adopted: 5 Yea.**

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

**Park  
Avenue  
Relocation  
(continued)**

**Mr. Izzo announced that the County Engineering Department will notify the affected property owners.**

**Mr. Izzo was directed to notify the Town of Georgetown that the County Council will help them pursue improvements to the Markers Deli intersection (Option No. 3).**

**SCRWF  
Expansion  
No. 2/**

**Mr. Stewart, Project Engineer, presented Amendment No. 7 to the original contract with Stearns & Wheler, LLC, dated December 7, 2001 relating to consulting engineering services for the South Coastal Regional Wastewater**

<b>Amend Stearns &amp; Wheler Agreement</b>	<b>Facilities, Expansion No. 2.</b> The Amendment is for an increase in fees for additional construction phase engineering services for the Sludge Handling Upgrade in the amount of \$21,946.45. Mr. Stewart reported that the fee increase is due to the fact that the contractor did not receive substantial completion by the date required in the agreement between the Contractor and the County. Mr. Stewart reported that the Contractor, Bearing Construction, has agreed to reimburse the County for the cost of the additional engineering services.
<b>M 347 05 Approve Amendment to Agreement with Stearns &amp; Wheler/ SCRWF Expansion No. 2</b>	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department, that Amendment No. 7 to the Agreement with Stearns & Wheler, LLC be approved in the amount of \$21,946.45 to provide additional construction phase engineering services for the South Coastal Regional Wastewater Facilities Expansion No. 2 – Sludge Handling Upgrade.
	<b>Motion Adopted:</b> 5 Yea.
	<b>Vote by Roll Call:</b> Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
<b>Introduction of Proposed Ordinance</b>	Mr. Dukes introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CONDITION NO. 12 OF ORDINANCE NO. 1122 TO INCREASE THE DENSITY FROM 332 UNITS TO 342 UNITS (10 ADDITIONAL UNITS) IN THE BAYVILLE SHORE HR-2/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 91.88 ACRES, MORE OR LESS” (Change of Zone No. 1585) filed on behalf of Bayville Shore Assoc. I, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.
<b>Introduction of Proposed Ordinance</b>	Mr. Dukes 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.002 ACRES, MORE OR LESS” (Change of Zone No. 1586) filed on behalf of Eugene D. Bookhammer. The Proposed Ordinance will be advertised for Public Hearing.
<b>Stake Signs in New Developments</b>	Mr. Cole expressed concern about all the stake signs found in new developments all around the County. He noted that the signs are being placed in the right-of-way and that some intersections have as many as 10-20 signs. He suggested that the County address this problem through the ordinance process or by ordinance in conjunction with the State. Mr. Cole was advised that the signs are not permitted in the right-of-way; that the

**right-of-way is the State's responsibility; and that the State does periodically pick up signs in violation of the sign laws.**

**Public Hearing/  
NMX of the  
BBSSD**

**A Public Hearing was held to consider extending the North Millville Expansion of the Bethany Beach Sanitary Sewer District (NMX) to include lands lying south and west of the Town of Millville, known as the Beaver Dam Expansion Area.**

**Public Hearing/  
North  
Millville  
Expansion  
of the  
BBSSD/  
Beaver  
Dam  
Expansion  
Area**

**Mr. Archut reviewed the map of the proposed annexation area, which includes four projects. He noted that the projects meet the planning density requirements and that sewer capacity is in accordance with the South Coastal Area Planning Study.**

**Mr. Griffin read a letter dated June 1, 2005 received from Eugene Bayard, Attorney, representing the Estate of Elizabeth Chandler Bennett in which Mr. Bayard states that the estate supports the immediate creation of the Beaver Dam Extension Area.**

**Mr. Archut stated that, pending the Council's approval, an Escrow Agreement would need to be executed whereby the developers will front the money for the design of all the facilities, including the design of pipelines in Route 26, and a contract would need to be executed with Whitman, Requardt & Associates to do the final design. He noted that the cost of the contract with Whitman, Requardt & Associates would be \$674,350.00, which will be totally funded by the developers of the four projects. In addition, the developers would be required to pay for the construction of the regional pump station, force mains, etc.**

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

**M 348 05  
Adopt  
Resolution  
No.  
R 017 05**

**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 017 05 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE NORTH MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (NMX) TO ENCOMPASS A CERTAIN PIECE, PARCEL OR TRACT OF LAND THAT IS CONTIGUOUS TO THE NMX, SITUATE SOUTH OF THE TOWNS OF MILLVILLE AND OCEAN VIEW AND ENCOMPASSES THE BEAVER DAM EXPANSION AREA, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 4 Yea, 1 Nay.**

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

**Public Hearing/**

**A Public Hearing was held to consider extending the Miller Creek Sanitary Sewer District (MCSSD) to include the proposed Forest Landing**

**Miller Creek SSD/ Forest Landing Subdivision** subdivision, being situate south of the Town of Ocean View. This would be the first annexation to the MCSSD, which was approved by referendum in 2001. Currently, the County serves 22 homes in Plantation Park; the rest of the system is under design. Due to the fact that State Law requires 50 property owners to be hooked up to a Sewer District before it can be extended, the developer of Forest Landing subdivision agreed to pay for Ocean Air Park to hook up. Ocean Air Park has 38 existing homes. As a result, the subdivision would be served at no expense to the County or the residents of Ocean Air Park, and the 50-unit requirement would be met. There were no public comments and the Public Hearing was closed.

**(continued)**

**M 349 05** **Adopt Resolution No.** **R 018 05** A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 018 05 entitled “A RESOLUTION TO EXTEND THE ORDINARY OF THE MILLER CREEK SANITARY SEWER DISTRICT (MCSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS FOREST LANDING, THAT IS CONTIGUOUS TO THE MCSSD, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND WEST OF SOUTH BETHANY AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.

**Motion Adopted:** 5 Yea.

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

**M 350 05** **Execute Escrow Agreement/ Engineering Services/ Beaver Dam Expansion/ Millville Expansion of the BBSSD** A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Council President is hereby authorized to execute an Escrow Agreement with Beazer Homes, Caldera Properties – Indian River VII, LLC, Caldera Properties – Baltimore IV, LLC, Centex Homes, and Millville Town Center, LLC to make deposits to cover the cost of the engineering design for the regional pump station and certain transmission lines for the Beaver Dam Planning Area together with pipelines and other facilities for the Millville Expansion of the Bethany Beach Sanitary Sewer District, as presented on June 21, 2005.

**Motion Adopted:** 5 Yea.

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

**M 351 05** **Execute Amendment to WR&A Contract/ Beaver Dam Expansion/** A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the County Engineering Department, that the Sussex County Council President is hereby authorized to execute Amendment No. 27, dated December 20, 2004, to its contract with Whitman, Requardt and Associates, LLP, for the final design for the Beaver Dam Regional Pumping Station No. 1, Force Mains, and Gravity Sewers and the Millville Expansion of the Bethany Beach Sanitary Sewer

**Millville Expansion of the BBSSD**      **District Pumping Station No. 6 and Force Main, Delaware State Route 26 Gravity Sewer and connecting sewers, at a cost not to exceed \$674,350, as presented on June 21, 2005.**

**Motion Adopted:**      **5 Yea.**

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

**IBC/Hurricane Velocity Zone/Window Requirements**      **Mr. Dukes referred to the International Building Code, which the Council adopted several years ago. He stated that the windows for the Hurricane Velocity Zone were not supposed to be much more expensive; however, he has been told that the price is double. Mr. Phillips commented that if similar comments are heard, that the Council should revisit the issue. He stated that during the discussions on the Code, it was noted that if things came up during the implementation process that concerned the Council, the issue(s) could be readdressed.**

**M 352 05 Recess**      **At 11:40 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

**Reconvene**      **Mr. Jones called the Council back into session at 1:30 p.m.**

**Workshop/Draft Ordinances**      **A Workshop was held to discuss draft ordinances relating to Open Space in new developments; relating to establishing a CR-1 Commercial Residential District; and relating to Addressing and Street Naming. No action was taken at the Workshop; the purpose of the workshop was for the Council to give staff direction on the draft ordinances.**

**Richard Kautz, Sussex County Land Use Planner, and Tom Shafer, the County's Land Use Plan Consultant, summarized the draft ordinances and comments received.**

**Public comments were allowed and were heard from Kevin Burdette, Frank Kee, Preston Dyer, and Daniel Kramer.**

**Draft Ordinance relating to Open Space in new developments.**

**The discussion on the definition of Open Space included comments on stormwater management ponds; gross density versus dwelling units per acre; schools, fire departments and other public bodies; subdivisions; utilities; passive versus active uses; wetlands; minimum number of lots; recreational uses; quality versus quantity, “aside” lands, etc.**

**The Council directed Mr. Kautz to meet with Mr. Burdette, Mr. Kee, and Mr. Dyer to review their comments on Open Space and to prepare a revised draft ordinance for the Council's consideration.**

**Draft Ordinance relating to CR-1 Commercial Residential District.**

**The discussion on the establishment of the CR-1 Commercial Residential District and the closing of the existing C-1 Commercial District included comments on multi-family dwellings, towers, capping density, setbacks, etc.**

**The Council directed Mr. Kautz to prepare a revised draft ordinance by eliminating any reference to density and by allowing multi-family units as a conditional use in the CR-1 District (and B-1 District); and by changing the setbacks on major roads in the B-1 District from 40 feet to 60 feet.**

**Workshop/  
Draft  
Ordinances  
(continued)**

**Draft Ordinance relating to Addressing and Street Naming.**

**Matthew Laick, Supervisor of Mapping and Addressing reviewed the draft ordinance. He reported that the Mapping and Addressing Project in Sussex County is slated for completion this calendar year. He advised the Council that a problem exists because many residents are not placing their numbers on their houses/property.**

**The purpose of the draft ordinance is to provide emergency service agencies with a complete set of accurate addresses, so that emergency victims can be located with the greatest efficiency and the least confusion. Mr. Laick stated that this means addressing standards and penalties for non-compliance need to be established.**

**The discussion on the Draft Ordinance pertained to the existing problems with non-compliance and the lack of road signs; duplication of road names; placing an addressing stipulation on applications for Certificate of Occupancy; enforcement; education; private drives; the designation of a contact person/department for non-compliance, height of numbers/letters, etc.**

**Public comments were permitted and Daniel Kramer spoke to the subject of who is responsible for road signs. Mr. Kramer was advised that DelDOT has this responsibility.**

**The Council directed Mr. Laick to make the following amendments to the draft ordinance:**

- Add a requirement that 911 addresses are to be displayed using reflective numbers.
- Add a section to address the enforcement issue.

**The Council agreed that the revised draft ordinance would be placed on the July 19th Agenda.**

**M 353 05  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 3:38 p.m.**

**Respectfully submitted,**

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