



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 20, 2005**

#### **Call to Order**

The regular meeting of the Sussex County Council was held Tuesday, September 20, 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>Dale R. Dukes</b>	<b>Member</b>
<b>Lynn J. Rogers</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 502 05 Amend and Approve Agenda**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to amend the Agenda by deleting "Clarification of Conditions – Marine Farm, L.L.C., Change of Zone No. 1554", and to approve the Agenda, as amended.

**Motion Adopted: 5 Yea.**

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

#### **M 503 05 Approve Minutes**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of September 13, 2005.

**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:

**OPERATION WARM, KENNETT SQUARE, PENNSYLVANIA.**

**RE: Letter in appreciation of grant.**

**LEWES HISTORICAL SOCIETY, LEWES, DELAWARE.**

**RE: Letter thanking Councilman Rogers for attending the Your Town Workshop sponsored by The Lewes Historical Society and funded by the National Endowment for the Arts and the National Trust for Historic Preservation.**

**Proposed  
Western  
Sussex  
Regional  
Sewer  
Plan**

**Mr. Stickels noted that when the County Council adopted the Fiscal Year 2006 Budget in June 2005, \$2 Million was targeted for County projects. At that time, it was the consensus of the Council that one of the projects should be to look at the feasibility of developing a regional sewer plan that would incorporate the needs of Western Sussex County.**

**Mr. Archut, Assistant County Engineer, reported that the original Western Sussex Water and Sewer Plan, which was completed in 1998, focused on the water and wastewater needs of the existing towns and cities along the Route 13 corridor in Western Sussex County. These areas included the Towns of Greenwood, Bridgeville, Laurel and Delmar and the City of Seaford. In addition, the Town of Bethel and the Blades Sanitary Sewer District were also examined. Mr. Archut noted that, at that time, there was not a lot of interest in a regional facility on behalf of the municipalities. However, growth continues in Western Sussex County and the environmental sensitivity of the Nanticoke River and the Chesapeake Bay has become a greater concern.**

**Mr. Archut explained that the proposed project would look at the needs of the area and determine the feasibility of creating a regional treatment and disposal system for Western Sussex County. The scope of work for the study would be as follows:**

- Meet with all incorporated municipalities (Delmar, Laurel, Bethel, Blades, Seaford, Bridgeville, and Greenwood) to determine if they are interested.**
- Review unincorporated areas and identify potential for inclusion in regional plan.**
- Project wastewater treatment and disposal needs and determine a treatment plant size.**
- Survey Western Sussex area for potential treatment and disposal sites/options.**
- Propose a regional treatment site and disposal alternative, and estimate construction cost.**

**Mr. Dennis Hasson, a Senior Associate with Whitman, Requardt & Associates (WR&A), was in attendance to answer questions about the study. WR&A are sub-consultants to Stearns & Wheler, who were selected as the primary consultant for the Dagsboro-Frankford/Western Sussex Plan.**

**Mr. Archut reported that WR&A has come up with a rough estimate of not**

to exceed \$500,000 for the study. He noted that if the Council decides to proceed with a Western Sussex Treatment Facility, the overall potential cost estimate is \$82 million:

- Planning Study \$500,000
- Hydrogeological and Soil Evaluation \$300,000
- Land acquisition (≈Acres) \$31 million
- Pumping and Conveyance Systems \$20 million
- Treatment and Disposal System \$30 million

**Proposed  
Western  
Sussex  
Regional  
Sewer  
Plan  
(continued)**

Mr. Archut stated that if the planning study is favorable, there would be a regional implementation procedure: a feasibility report would be prepared, detailed soil evaluations and site selection would be performed, land acquisitions would take place, the facilities would be designed, the County would enter into inter-jurisdictional agreements with the municipalities, and construction would take place. The proposed schedule for the project is approximately 7 – 10 years. Based on current available information and assumptions, there is a potential for a 3 million gallon a day plant that would serve Blades, Bridgeville, Greenwood and Seaford. Based on the number of towns that want to be included, which may include Laurel and Delmar, it will be determined whether or not one regional plant will be sufficient.

Mr. Cole suggested that, prior to the County spending \$500,000 on a study, the interest of the municipalities should be determined. Mr. Stickels stated that discussions have been held with the mayors and they have expressed their interest in the proposal. Mr. Cole stated that the County should meet with the Town Councils since they are the deciding body.

Mr. Archut noted that a meeting with the municipalities would be premature since there would be many unanswerable questions at this stage of the process.

**M 504 05  
Approve  
Western  
Sussex  
Regional  
Waste-  
water  
Facility  
Proposal**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council hereby approves the Western Sussex Regional Wastewater Facility proposal for inclusion in the Proposed Scope of Work for the Western Sussex Planning Study.

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

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

**Grant  
Requests/  
Housing  
Assistance**

Mr. Stickels noted that when the County Council adopted the Fiscal Year 2006 Budget in June 2005, \$100,000 was appropriated for housing assistance. To date, the Council has approved \$21,000 for West Rehoboth and \$28,000 to the Milford Housing Division for Ellendale. Mr. Stickels reported that the County has received two additional requests, one from

**NCALL Research and one from Habitat Home.**

**Grant  
Request/  
NCALL  
Research**

Mr. Joe Myer, Executive Director of NCALL Research, Inc., was present to request a grant in the amount of \$30,000 in support of NCALL's homeownership programs and their new Sussex County Office. Mr. Stickels noted that this year, NCALL has helped 58 first-time homebuyers in Sussex County.

**M 505 05  
Grant to  
NCALL  
Research**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council, having met in public session, authorizes the granting of \$20,000 to NCALL Research, Inc.

**Motion Adopted: 5 Yea.**

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

**Grant  
Request/  
Habitat  
for  
Humanity**

Richard Faull and Ted Fisher were present from Sussex County Habitat for Humanity. Mr. Faull provided an update on Habitat's current projects: they will be completing a home in Milton within the next two months and they are working on three homes in Ellendale which should be done in the Spring. Mr. Fisher reported on the Concord Village Project in Seaford which will consist of 17-19 affordable home sites. This will be their largest project they have undertaken. He noted that the first stage of the project is the infrastructure (roads, stormwater management, etc.) The funds granted by the Council will be used to support this project. Matching funds are available under the CRA Act and from banks and other organizations.

**M 506 05  
Grant to  
Habitat  
for  
Humanity**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council, having met in public session, authorizes the granting of \$19,000 to Sussex County Habitat for Humanity.

**Motion Adopted: 5 Yea.**

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

**Capital  
Transportation  
Improvement  
Program  
Report**

Mr. Stickels presented the Sussex County Council Capital Transportation Improvement Program Request that was presented to DelDOT on September 8, 2005. Mr. Stickels presented a list of projects that have been approved but not funded. He also presented a list of projects that have been approved and funded, which are scheduled to be completed by the Year 2008; he noted that there are only three projects on this list for Sussex County: Rehoboth Avenue Improvements, Route One Beach Area Improvements, and US 13, Ross Industrial Park Access. Mr. Stickels referred to local road concerns and commented on the disrepair of Trap Pond Road Bridge. DelDOT has stated that as they receive additional funding, they will look at other projects.

Mr. Stickels distributed a report on the US 113 North/South Study. He noted that there is funding to complete the report, but there is no funding for the construction of the project. Mr. Stickels distributed information on the Working Group, Open House, and Public Workshop schedule of meetings which will be held on this project.

Mr. Stickels presented the proposed 2006 Holiday Schedule, the proposed dates that the County Council would not meet in 2006, and the proposed 2006 night meeting schedule.

**2006  
Holiday  
Schedule**

**M 507 05  
Adopt  
2006  
Schedules**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council, having met in public session, adopts the 2006 Holiday Schedule, the 2006 No Council Meeting Schedule and the 2006 Night Meeting Schedule, as follows:

**2006 Holiday Schedule**

<b>Holiday</b>	<b>State Observance</b>	<b>County Observance</b>
New Year's Day	January 2 (Monday)	January 2 (Monday)
Martin Luther King Day	January 16 (Monday)	January 16 (Monday)
Presidents' Day	February 20 (Monday)	February 20 (Monday)
Good Friday	April 14 (Friday)	April 14 (Friday)
Memorial Day	May 29 (Monday)	May 29 (Monday)
Independence Day	July 4 (Tuesday)	July 4 (Tuesday)
Labor Day	September 4 (Monday)	September 4 (Monday)
Columbus Day	October 9 (Monday)	October 9 (Monday)
Election Day	November 7 (Tuesday)	November 7 (Tuesday)
Return Day	November 9 (Thursday)	November 9 (Thursday)
Veterans' Day	November 10 (Friday)	November 10 (Friday)
Thanksgiving Day	November 23 (Thursday)	November 23 (Thursday)
Day After Thanksgiving	November 24 (Friday)	November 24 (Friday)
Christmas Day	December 25 (Monday)	December 25 (Monday)
Day After Christmas		December 26 (Tuesday)

**2006 – No Council Meetings**

<b>February 21, 2006</b>	<b>-</b>	<b>Winter Holiday</b>
<b>March 7, 2006</b>	<b>-</b>	<b>NACo Conference</b>
<b>April 18, 2006</b>	<b>-</b>	<b>Easter Holiday</b>
<b>May 30, 2006</b>	<b>-</b>	<b>Memorial Day Holiday</b>
<b>July 4, 2006</b>	<b>-</b>	<b>Independence Day Holiday</b>
<b>July 11, 2006</b>	<b>-</b>	<b>Summer Holiday</b>
<b>August 29, 2006</b>	<b>-</b>	<b>Summer Holiday</b>
<b>September 5, 2006</b>	<b>-</b>	<b>Labor Day Holiday</b>
<b>November 7, 2006</b>	<b>-</b>	<b>Election Day</b>
<b>November 21, 2006</b>	<b>-</b>	<b>Thanksgiving Holiday</b>

December 19, 2006 - Christmas Holiday  
December 26, 2006 - Christmas Holiday

**2006 Night Meeting Schedule**

M 507 05  
(continued)

January 10, 2006  
February 14, 2006  
March 14, 2006  
April 11, 2006  
May 9, 2006  
June 13, 2006  
July 18, 2006  
August 8, 2006  
September 12, 2006  
October 10, 2006  
November 14, 2006  
December 12, 2006

Motion Adopted: 5 Yea.

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

Mr. Stickels submitted the following Administrator's Report:

Adminis-  
trator's  
Report

1. **Beneficial Acceptance**

The Sussex County Engineering Department granted Beneficial Acceptance on September 8, 2005, for South Inlet Mobile Home Park, Agreement No. 208. The project is located on the south side of the Indian River Inlet, west of Route 1, in the Bethany Beach Sanitary Sewer District, consisting of 24 lots. Included with this report is a fact sheet on the project.

2. **Tax Bills**

A reminder that Sussex County property taxes are due in full at the close of business on Friday, September 30, 2005. Taxpayers who make their payment after that date will be penalized one-and-a-half percent a month on the unpaid balance. The Tax Office will remain open on Thursday, September 29, 2005, until 7:30 p.m. Payment can also be made on the Internet by going to [www.sussexcountymd.gov/e-gov/propertytaxes](http://www.sussexcountymd.gov/e-gov/propertytaxes) and select "Make Payment" on the left side of the website.

Anyone having questions regarding their property taxes prior to September 30 should call 855-7760.

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

The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will be meeting on Monday, September 26, 2005, at 10:00 a.m. at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware. I have included a copy of the agenda with this report.

Adminis-  
trator's  
Report  
(continued)

4. **Airport Committee Meeting**

The next regularly scheduled meeting of the Sussex County Airport Committee will be held on Wednesday, October 5, 2005, at the Sussex County West Administrative Complex, North DuPont Highway, Georgetown, Delaware, starting at 10:00 a.m. The media as well as the general public is welcome to attend the meeting.

5. **Sussex County 911 Emergency Operations Center**

I am pleased to inform the Council that the Sussex County 911 Emergency Operations Center recently won re-accreditation status from the National Academies of Emergency Dispatch, a nonprofit group that sets standards for and evaluates compliance with accepted medical, fire, and police dispatching practices. The Center had to complete a battery of tests and evaluations to win the award, as well as submit an application with necessary documentation.

The Sussex County 911 Center took more than 84,300 calls in calendar 2004, with more than 22,100 of those for fire and EMS emergencies. On an average, dispatchers can process a call and alert the necessary rescue personnel within 45 to 75 seconds.

I would like to compliment Joseph L. Thomas, Director of Emergency Operations; Debbie Jones, Quality Assurance Supervisor; and the entire Sussex County Emergency Operations staff for this recognition.

6. **Finley B. Jones IV**

I am delighted to inform Council of the birth of Finley B. Jones IV on September 16, 2005, at 9:55 a.m. According to medical reports, a Republican baby boy weighing 7 pounds and 15.3 ounces, 21½ inches long, was born to parents Finley B. Jones III and Amy Argo Jones.

Bay  
Colony &  
Fairway

Mr. Izzo, County Engineer, presented the bid results on Sussex County Project No. 05-03, Bay Colony and Fairway Villas Pumping Stations 251 and 252 Improvements Project, as follows:

<b>Villas/ Pump Station Improve- ments/ Bid Results</b>	<b><u>Bidder</u></b>	<b><u>Part A</u></b>	<b><u>Part B</u></b>	<b><u>Total</u></b>
	<b>Johnston Construction, Inc. Dover, PA</b>	<b>\$216,684.00</b>	<b>\$870.00</b>	<b>\$217,554.00</b>
	<b>Harry Caswell, Inc. Long Neck, DE</b>	<b>\$252,358.00</b>	<b>\$870.00</b>	<b>\$253,228.00</b>
	<b><u>Bidder</u></b>	<b><u>Part A</u></b>	<b><u>Part B</u></b>	<b><u>Total</u></b>
<b>Bay Colony &amp; Fairway Villas/ Pump Station Improve- ments/ Bid Results (continued)</b>	<b>JJID, Inc. Bear, DE</b>	<b>\$268,000.00</b>	<b>\$870.00</b>	<b>\$268,870.00</b>
	<b>Hopkins Construction, Inc. Bridgeville, DE</b>	<b>\$317,500.00</b>	<b>\$870.00</b>	<b>\$318,370.00</b>
	<b>C.O. Falter Construction Corp. Syracuse, NY</b>	<b>\$446,231.00</b>	<b>\$870.00</b>	<b>\$447,101.00</b>
	<b>The Engineer's Estimate for the project was \$241,870.00.</b>			

Mr. Izzo explained that the County took over the maintenance and operation of the collection and transmission system in Bay Colony and Fairway Villas. A regional pump station has been constructed by the County and one pumping station has already been rebuilt. The proposed project is for improvements to two additional pump stations that are in disrepair.

**M 508 05**  
**Award Bid/**  
**Bay**  
**Colony &**  
**Fairway**  
**Villas/**  
**Pump**  
**Station**  
**Improve-  
ments**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Engineering Department, that Sussex County Project No. 05-03, Pump Station #251 and #252 Improvements, be awarded to Johnston Construction Co., Inc. of Dover, PA, at the bid amount of \$217,554.00, contingent upon the receipt of approval from the Delaware Department of Natural Resources and Environmental Control.

**Motion Adopted: 5 Yea.**

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

**Public  
Hearing/  
Building  
Code  
Review  
and  
Inspection  
Fees**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I, §52-24 RELATING TO BUILDING CODE REVIEW AND INSPECTION FEES".

The County Council discussed the proposed fee increases. It was noted that review and inspection fees charged by the County have not been increased since 1996.



Public comments were heard. Mr. Dan Kramer stated that the Proposed Ordinance does not include an effective date. Mr. Kramer stated that First State Inspection Agency receives 70 percent of the fees collected by the County for inspections and he questioned why the County doesn't have their own inspectors instead of contracting out the work to First State Inspection Agency.

Hearing  
(continued)

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

M 509 05  
Adopt  
Ordinance  
No. 1791

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Ordinance No. 1791 entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I, §52-24 RELATING TO BUILDING CODE REVIEW AND INSPECTION FEES", to be effective January 1, 2006.

Motion Adopted: 5 Yea.

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

Inspection  
of Ocean  
Outfall/  
Bid  
Results

Heather Sheridan, Director of Operations – Engineering, presented the bid results for Sussex County Project No. 03-01, Inspection of Ocean Outfall, as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid</u>
TNJ Marine, Inc. Oceanport, NJ	\$65,850.00	\$89,350.00
Substructure, Inc. Portsmouth, NH	Bid Received After Deadline	

Ms. Sheridan noted that the South Coastal Regional Wastewater Facilities discharges effluent into the Ocean Outfall. She explained that the inspection would be an underwater inspection utilizing cameras. The scope of work would include determining manhole depths, testing hatch openings, and taking velocity measurements.

The Alternate Bid is for the videotaping of the entire pipeline.

M 510 05  
Award  
Bid/  
Inspection  
of Ocean  
Outfall

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 03-01, Inspection of Ocean Outfall, be awarded to TNJ Marine Incorporated at a cost of \$65,850.00.

Motion Adopted: 5 Yea.

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

**Mr. Stickels presented grant requests for the Council's consideration.**

**Requests**

**M 511 05**  
**Community**  
**Investment**  
**Grant**  
A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$5,000.00 from Mr. Cole's Community Investment Grant Account to the West Rehoboth Community Land Trust for building renovations.

**Motion Adopted:** 5 Yea.

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

**M 512 05**  
**Youth**  
**Activity**  
**Grant**  
A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$250.00 (\$50.00 from each Youth Activity Grant Account) to the Delaware Blue Hawks for tournament expenses.

**Motion Adopted:** 5 Yea.

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

**M 513 05**  
**Council-**  
**manic**  
**Grant**  
A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500.00 (\$250.00 each from Mr. Dukes' and Mr. Jones' Councilmanic Accounts) to the Coverdale Crossroads Community Council for playground equipment for the playground at Nat Turner Street.

**Motion Adopted:** 5 Yea.

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

**M 514 05**  
**Council-**  
**manic**  
**Grant**  
A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Police Chiefs' Council for conference expenses.

**Motion Adopted:** 5 Yea.

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

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give

**M 515 05**      **\$1,900.00 from Mr. Dukes' Community Investment Grant Account to the**  
**Community**      **Blades Economic Development Corporation for Nanticoke River Marine**  
**Investment**      **Park projects.**  
**Grant**

**Motion Adopted:      5 Yea.**

**M 515 05**      **Vote by Roll Call:      Mr. Phillips, Yea; Mr. Cole, Yea;**  
**(continued)**      **Mr. Rogers, Yea; Mr. Jones, Yea;**  
      **Mr. Dukes, Yea**

**M 516 05**      **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$300.00**  
**Council-**      **(\$100.00 each from Mr. Jones', Mr. Phillips' and Mr. Cole's Councilmanic**  
**manic**      **Accounts) to the Sussex Central Soccer Boosters for equipment and other**  
**Grant**      **expenses.**

**Motion Adopted:      5 Yea.**

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

**M 517 05**      **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$250.00**  
**Youth**      **from Mr. Cole's Youth Activity Grant Account to the Ocean View Girl**  
**Activity**      **Scouts for scouting programs.**  
**Grant**

**Motion Adopted:      5 Yea.**

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

**M 518 05**      **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give**  
**Youth**      **\$200.00 (\$100.00 from Mr. Phillips' and \$50.00 each from Mr. Dukes' and**  
**Activity**      **Mr. Jones' Youth Activity Grant Accounts) to Coasters, Inc. for Sussex**  
**Grant**      **County's All-Star Cheerleaders' participation in the Pro-Bowl in Hawaii.**

**Motion Adopted:      5 Yea.**

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

**M 519 05**      **At 11:20 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips,**  
**Recess**      **to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

**Mr. Jones called the Council back into session at 1:35 p.m.**

**Reconvene**

**A Public Hearing was held on the Proposed Ordinance entitled "AN**

**Public  
Hearing/  
(C/U  
No. 1619)**

**ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19,723 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1619) filed on behalf of Helena R. Dove.**

**Public  
Hearing/  
(C/U  
No. 1619)  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2005 at which time they deferred action.**

**(See the minutes of the Planning and Zoning Commission dated August 25, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)**

**Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as part of the County Council’s record.**

**The Council found that Helena Dove was present with Tim Willard, Attorney. They stated in their presentation that the proposal is for five townhouses on the 19,723 square foot parcel located east of Route One; that a two-story farmhouse currently exists on the site; that this area calls for and is appropriate for mixed use; that the application is consistent with mixed use; that there is high density activity in the area; that they propose three parking spaces per unit and that one of the spaces will be within a garage for each townhouse; that DelDOT did not recommend a Traffic Impact Study; and that there should be no significant impact on the neighborhood.**

**Public comments were heard. Teresa Rowe, Hope Lichtenwalner and Faye Marsh spoke in opposition to the application. They stated that the proposal is for three-story townhouse units next to single family homes; that there will be water and run-off problems; that the property is too small for five units; that the additional traffic the project would create is a concern; that the road is narrow and heavily traveled; that there are no sidewalks or bike paths; that they question whether the applicant is proposing to sell or rent the units; and that there is concern that this property, along with several others in the area, will be sold to a developer.**

**The Public Hearing was closed.**

**M 520 05  
Defer  
Action on  
C/U  
No. 1619**

**A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to defer action on Conditional Use No. 1619 filed on behalf of Helena Dove.**

**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**

**Public  
Hearing  
(C/U  
No. 1620)**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 67.39 ACRES, MORE OR LESS” (Conditional Use No. 1620) filed on behalf of P.G.S. Properties, LLC.**

**Public  
Hearing  
(C/U  
No. 1620)  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2005 at which time the recommended that the application be approved with fifteen conditions.**

**(See the minutes of the Planning and Zoning Commission dated August 25, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)**

**Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and recommendation of approval. The summary was admitted as part of the County Council’s record.**

**Mr. Lank distributed a packet of information on the project, which was provided by the Applicant.**

**The Council found that Preston Dyer and Gary McCrea, principals of PGS Properties and Mark Davidson of the DC Group were present on behalf of the application. They stated that they are proposing two pits; that the site is wooded; that the pits will be designed as future ponds with Pond A totaling 1.83 acres and Pond B totaling 3.65 acres; that there is a connector road and entrance; that 7.5 acres will be the total disturbance area; that they meet the requirements of Section 115-172B of the Sussex County Code; that they have planned special protections for the neighboring properties in regards to the hours of operation and duration of the borrow operation; that they propose a 50 foot wide landscaped buffer next to Pond A, a 295 foot setback from the existing homes to Pond B and approximately 600 feet from the roadway that connects Ponds A and B to the existing homes; that they have a submitted a Reclamation Plan to Planning and Zoning; that they propose a 72-lot subdivision once borrow pit activities have ended; that the entrance will meet DelDOT’s specifications as well as the requirements for sediment, erosion control and stormwater management; that the site entrance will be gated; that a stormwater analysis was performed; that the wetlands delineation was approved by the Army Corps of Engineers; that PLUS was adamant in their comments that the Applicant should remove as few trees as possible; that the operation will not negatively impact the surrounding properties; that some of the borrow material will be sold to third parties and some will be used on affiliated projects; and that the Applicant agrees to the conditions recommended by the Planning and Zoning Commission.**

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

**M 521 05  
Adopt  
Ordinance  
No. 1792**

**M 521 05  
Adopt  
Ordinance  
No. 1792  
(C/U  
No. 1620)  
(continued)**

**A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1792 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 67.39 ACRES, MORE OR LESS” (Conditional Use No. 1620) filed on behalf of P.G.S. Properties, LLC., with the following conditions:**

- (1) No materials shall be brought from off the site for processing, mixing or similar purpose.**
- (2) Water or a water truck shall be available to control dust from road traffic when conditions require.**
- (3) Any entrance improvements required by DelDOT shall be completed by the applicant. All entrances shall be gated and secured when the borrow pit is not in operation.**
- (4) The hours of operation for the business on this site shall only occur between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. until 11:00 a.m. on Saturdays. There shall not be any borrow pit activity on Sundays.**
- (5) No fuel shall be stored on-site for borrow pit operations.**
- (6) No stumps, branches, debris or similar items shall be buried on the site of the borrow pit.**
- (7) The borrow pit shall have 3:1 slopes and the slopes shall be seeded and planted to control erosion.**
- (8) A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance.**
- (9) The applicants shall comply with all State and County erosion and sediment control regulations.**
- (10) Markers and signs shall be placed at appropriate locations to designate pit areas.**
- (11) The borrow pit shall be surrounded by a densely landscaped unexcavated buffer strip or the existing mature trees on the site a minimum distance of 100 feet from any street lines, 100 feet from**

**proposed single family lots, 50 feet from all other property lines and 25 feet from all Federal wetlands. In addition, the borrow pit shall be at least 200 feet from any dwelling on property of other ownership.**

**M 521 05  
Adopt  
Ordinance  
No. 1792  
(C/U  
No. 1620)  
(continued)**

- (12) The applicant shall also comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.**
- (13) It is recommended that County Council require performance guarantees to assure completion of an approved reclamation plan, pursuant to Section 115-172B (6)(e).**
- (14) Only 30 truck loads per day shall be hauled during each day of operation.**
- (15) The borrow pit shall only be in operation for a period of 4 years from the date of Final Site Plan approval.**

**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**

**M 522 05  
Adjourn**

**A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adjourn at 2:20 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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