



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 25, 2005**

**Call to Order**                      The regular meeting of the Sussex County Council was held Tuesday, October 25, 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>David Hackett</b>	<b>Assistant County Attorney</b>

**M 579 05**                      A Motion was made by Mr. Dukes, seconded by Mr. Cole, to amend the  
**Approve**                      Agenda by deleting "Industrial Revenue Bond Committee Recommendation  
**Agenda**                      – Cadbury at Lewes Project" 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 580 05**                      A Motion was made by Mr. Rogers, seconded by Mr. Cole, to approve the  
**Approve**                      minutes of October 11, 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**

**Delaware**                      Mr. Martin Donovan, District Coordinator, Delaware District III Little  
**District III/**                      League, was present to report on the 2005 Senior League Softball World  
**Senior**                      Series Tournament that was held in Roxana August 7th - August 13th.  
**League**                      Mr. Donovan submitted and reviewed a financial report and thanked the

**Softball  
World  
Series**      **Council for their donations which helped to offset the expenses associated with this event. Mr. Donovan reported that players, family members, and spectators came from all over the Country and the world. The estimated attendance was 12,000 – 15,000 people.**

**Habitat for  
Humanity**      **The County Council presented a check in the amount of \$19,000.00 to Sussex County Habitat for Humanity to assist with infrastructure in the Concord Village Subdivision Project. Concord Village will house up to 19 Sussex County families in need of affordable housing.**

**Mobile  
Home  
Demolition  
Program/  
FSMHA  
Check  
Presenta-  
tion**      **Ruth Briggs-King and Andy Strine of First State Manufactured Housing Association (FSMHA) presented a check in the amount of \$4,000.00 to the County for the on-going Mobile Home Demolition Program. In March 2001, the County entered into a cooperative agreement with FSMHA to establish this Program. The Program was implemented for the purpose of recycling abandoned and derelict mobile homes in Sussex County. FSMHA's funds will be matched by the County. Ira Hitchens, County Constable's Office, reported that, to date, 105 mobile homes and properties have been cleared up since the inception of this Program. Mr. Hitchens stated that he is currently working on five additional mobile homes to be demolished and the properties cleared.**

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

**1.      Library Closings**

**Please be advised that County libraries will be closed as follows:**

**Halloween – Milton Library will close at 6:00 p.m. on Monday, October 31.**

**Thanksgiving – County libraries will close at 5:00 p.m. on Wednesday, November 23, and remain closed through Saturday, November 26.**

**Milton Christmas Parade – Milton Library will close at 6:00 p.m. on Wednesday, December 7.**

**Christmas Eve – County libraries will be closed on Saturday, December 24.**

**These closings only affect the three libraries operated by the County. Local libraries may have similar closings, but individuals should check with their town library before assuming they would be closed the same dates. In addition to these closings, all libraries (County and independent) will be closed on Thursday, October 27, for the Staff Development Day that will take place at Delaware Technical & Community College.**

**2.      Emergency Operations Center Bid Results**

The Engineering Department opened bids on Wednesday, October 19, 2005, in the Council Chambers for the Emergency Operations Center. The apparent low bidder is Willow Construction of Easton, Maryland, at \$6,949,000. However, Richard Y. Johnson & Son, Inc., of Lincoln, Delaware, has filed a formal letter of protest. Richard Y. Johnson & Son, Inc., does not believe Willow Construction has met the specifications for the roof.

Adminis-  
trator's  
Report  
(continued)

The Engineering Department will be meeting with the architect to review the concerns. The County has 30 days from the opening of the bids to award the contract.

Included with this report was a copy of the four bids that were received.

Old  
Business/  
C/U  
No. 1576

The County Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR STORAGE OF CLAM SHELLS FOR RECYCLING IN EXISTING BORROW PIT SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 40 ACRES, MORE OR LESS" (Conditional Use No. 1576) filed on behalf of Swain Pit, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on December 16, 2004 at which time they deferred action. On January 6, 2005, the Commission recommended that the application be denied for the following reasons:

- The area is not well suited for the Applicant's proposed use and the odors that would be associated with it.
- The application is not consistent with the character of the surrounding property.
- The Applicant obtained a Conditional Use in 1978 for a borrow pit on the site. Since then, a junkyard has been created on the site, which is not permitted under the prior Conditional Use or the Zoning Ordinance.
- The information submitted by the Application does not comply with the requirements contained in the Zoning Ordinance.

Councilmembers questioned what the course of action would be if the application were denied by Council. Mr. Lank, Director of Planning and Zoning, responded that the property owner would be issued a Violation Notice and would have to clean up the site.

M 581 05  
Adopt

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A

**Proposed Ordinance (C/U No. 1576)**      **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR STORAGE OF CLAM SHELLS FOR RECYCLING IN EXISTING BORROW PIT SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 40 ACRES, MORE OR LESS” (Conditional Use No. 1576) filed on behalf of Swain Pit, Inc.**

**M 581 05 (continued)**      **Motion Denied:      5 Nay.**  
**Vote by Roll Call:      Mr. Phillips, Nay; Mr. Cole, Nay;**  
**Mr. Dukes, Nay; Mr. Rogers, Nay;**  
**Mr. Jones, Nay**

**Reasons for Denial**      **The Council denied the application based on the same reasons stated by the Planning and Zoning Commission.**

**Old Business/ C/U No. 1607**      **The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PAINTING CONTRACTOR’S BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20,322 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1607) filed on behalf of Myra Mitchell and Cliff Burris.**

**The Planning and Zoning Commission held a Public Hearing on this application on April 21, 2005 at which time they deferred action. On May 12, 2005, the Commission recommended that the application be approved with the following conditions:**

- 1. There shall be no more than two employees working on the site.**
- 2. The activities shall be limited to painting of trim and shutters.**
- 3. The approval is for the use of the existing storage building only.**
- 4. One ground sign, not exceeding 32 square feet per side or facing, may be permitted.**
- 5. All security lighting shall be directed into the site so as not to impact neighboring properties.**
- 6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.**

**The Council reviewed and discussed amendments to the proposed conditions.**

**M 582 05 Adopt Ordinance No. 1798 (C/U No. 1607)**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1798 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PAINTING CONTRACTOR’S BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20,322**

**SQUARE FEET, MORE OR LESS” (Conditional Use No. 1607) filed on behalf of Myra Mitchell and Cliff Burris, with the following conditions:**

- M 582 05  
(continued)**
- 1. There shall be no more than two employees working on the site.**
  - 2. The activities shall be limited to painting of trim and shutters inside the building.**
  - 3. This approval is for the use of the existing storage building only.**
  - 4. One ground sign, not exceeding 32 square feet per side or facing, may be permitted.**
  - 5. All security lighting shall be directed into the site so as not to impact neighboring properties.**
  - 6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.**
  - 7. The applicant shall obtain an entrance permit from DelDOT.**
  - 8. There shall be no outside storage of materials.**

**Motion Adopted: 5 Yea.**

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

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

**M 583 05  
Community  
Investment  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$1,000.00 from Mr. Phillips’ Community Investment Grant Account to the Greater Millsboro Chamber of Commerce for the Annual Christmas Parade.**

**Motion Adopted: 5 Yea.**

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

**M 584 05  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$1,000.00 (\$200.00 from each Councilmanic Account) to the VFW DEPT. OF DE OPERATION UP-LINK for “OPERATION UP-LINK”, a program which provides free phone cards to hospitalized veterans and active-duty military personnel and their families.**

**Motion Adopted: 5 Yea.**

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

**Recess At 10:35 a.m., President Jones declared a recess until 11:00 a.m.**

<b>Reconvene</b>	<b>Mr. Jones called the Council back into session at 11:05 a.m.</b>
<b>Public Hearing/ Proposed Ordinance/ Addressing and Street Naming Public Hearing/ Proposed Ordinance/ Addressing and Street Naming (continued)</b>	<p><b>A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 73 OF THE CODE OF SUSSEX COUNTY RELATING TO ADDRESSING AND STREET NAMING”.</b></p> <p><b>Mr. Laick, Supervisor of Mapping and Addressing, briefly reviewed the Proposed Ordinance.</b></p> <p><b>Public comments in support of the Proposed Ordinance were heard from Jeff Lynch, Chief of the Roxana Fire Company and member of the Sussex County Chiefs Association; Terry Whitham, E911 Administrator for the State of Delaware and Facilitator for the E911 Board; Daniel Magee, member of the State Fire Prevention Commission; Ricky Short, Assistant Dispatcher, Sussex County; Robert Stuart, Deputy Director, Sussex County EMS; and Richard Toulson, President of the Sussex County Firemen’s Association:</b></p> <ul style="list-style-type: none"><li><b>• The fire and emergency medical officials urged the Council to adopt the ordinance, as written, to improve public safety.</b></li><li><b>• The Proposed Ordinance would improve emergency response in Sussex County since it would ensure that 911 addresses are prominently displayed so emergency workers can do their jobs. The delivery of emergency services is extremely time sensitive - seconds are of the up-most importance in emergencies. Lives can be saved if numbers are installed on houses or mailboxes as soon as possible.</b></li><li><b>• There is currently a problem with residents failing to post numbers.</b></li><li><b>• The Proposed Ordinance would enhance and assist 911 dispatchers and responders. It would provide a system of mapping, pinpointing, and locating people in emergency situations with greater efficiency.</b></li><li><b>• The next step will be the installation of a mobile project. The project will include the pinpointing of cell phones. This is especially important since some homeowners rely solely on cell phones. Newer cell phones contain the technology enabling their location to be identified.</b></li><li><b>• Responders rely heavily on reflective numbers since they often have trouble locating houses and businesses, especially at night and on back roads.</b></li><li><b>• The Proposed Ordinance would make Sussex County a leader in the State; Sussex County would be the first county to adopt requirements with penalties for non-compliance.</b></li><li><b>• Residents should view the proposal as an act of ensuring public safety, and not as one of imposing fines. “Getting to people is key. If you can’t find them, you can’t help them.”</b></li></ul> <p><b>Daniel Kramer, resident of Greenwood, complained that many people have already purchased and posted 3-inch numbers and this Proposed Ordinance, if approved, would require 4-inch numbers. Mr. Kramer also</b></p>

questioned (1) how the “grandfather” clause would work and (2) the amount of the fines that are proposed.

Mr. Laick responded that the grandfather clause refers only to subdivisions that already have an addressing system that meets the County’s requirements.

Mr. Laick pointed out that industrial and commercial structures would be required to display address numbers of not less than ten inches in height; when possible, the number is to be displayed beside or over the main entrance of the structure.

Public  
Hearing/  
Proposed  
Ordinance/  
Addressing  
and Street  
Naming  
(continued)

It was noted that, although the County has assigned a number to almost every house in the unincorporated areas of the County, thousands of residents have not posted those numbers on their properties. The Proposed Ordinance is a result of several years of trying, for the most part unsuccessfully, to get property owners to display their number. The Proposed Ordinance enables the County to levy fines against those who fail to do so.

Mr. Laick reported that the addressing project is expected to be completed in early 2006 and that only a small portion of the County remains to be readdressed.

Mr. Laick reviewed the proposed fine schedule: the alleged violator shall be notified, in writing, by certified mail; if the violation is not resolved within fifteen (15) calendar days following receipt of the notice, the violator shall be assessed a fine in the amount of \$50.00; and if the violator has not complied within two calendar weeks from the date of the letter, an additional fine of \$100.00 per day shall be assessed

The Public Hearing was closed.

Councilman Rogers stated that widespread compliance would probably not occur without a public education campaign and that lower income communities would need public funding to meet the requirement of the proposed ordinance.

President Jones suggested that the fire service could assist with a public education campaign.

Councilman Dukes expressed concern that the height requirement for numbers on mailboxes and the fine for non-compliance were excessive. Mr. Dukes suggested that the amount of the fine be modified to \$25.00 per day and that the height requirement of street address numbers on mailboxes be reduced to three (3) inches.

Councilman Phillips agreed that the 4-inch height requirement may be too large for mailboxes and he stated that he would also support a modification

**in the fine amount to \$25.00 per day.**

**M 585 05**  
**Amend**  
**Proposed**  
**Ordinance**  
**A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to amend the Proposed Ordinance relating to Addressing and Street Naming by reducing the amount of the fine for non-compliance from \$100.00 a day to \$25.00 a day.**

**Motion Denied: 3 Nay, 2 Yea.**

**M 585 05**  
**(continued)**  
**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Nay;**  
**Mr. Dukes, Yea; Mr. Rogers, Nay;**  
**Mr. Jones, Nay**

**M 586 05**  
**Amend**  
**Proposed**  
**Ordinance**  
**A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to amend the Proposed Ordinance relating to Addressing and Street Naming by reducing the height requirement of street address numbers on mailboxes from four (4) inches to three (3) inches and that the height requirement of street address numbers on anything else (posts, structures, etc.) would remain the same (four (4) inches).**

**Motion Adopted: 3 Yea, 2 Nay.**

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

**M 587 05**  
**Adopt**  
**Ordinance**  
**No. 1799**  
**A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1799 entitled “AN ORDINANCE TO ADOPT CHAPTER 73 OF THE CODE OF SUSSEX COUNTY RELATING TO ADDRESSING AND STREET NAMING”, 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 588 05**  
**Adjourn**  
**A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:57 a.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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