

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 8, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 8, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Susan M. Webb	Finance Director
Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 001 13
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by deleting “Job Applicants’ Qualifications”, “Pending/Potential Litigation”, and “Land Acquisition” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 002 13
Nominate
President**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to nominate Michael Vincent to serve as President of the Sussex County Council.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 003 13
Nominate
Vice
President**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to nominate Samuel Wilson to serve as Vice President of the Sussex County Council.

Motion Adopted: 5 Yeas.

Mr. Lawson noted that the proposed changes reflect current practice.

Rules (continued)	The proposed amendments are: (1) to amend Section 1.1 on Page 1 by moving “Invocation” and “Pledge of Allegiance” before “Call to Order” and (2) to amend the first sentence of Section 17.6.A on Page 10 to read “Each speaker shall place their name and address on a sign-up sheet”.
M 006 13 Adopt Rules of Procedure With Amend- ments	A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adopt the Rules of Procedure (2013) with the amendments, as proposed. Motion Adopted: 5 Yeas. Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Minutes	The minutes of December 4 and 11, 2012 were approved by consent.
Corre- spondence	Mr. Moore read the following correspondence: GOOD SAMARITAN AID. RE: Letter in appreciation of grant. CHEER Senior Foundation. RE: Letter in appreciation of grant. OPEN ARMS FOOD MINISTRY. RE: Letter in appreciation of grant. BRIDGEVILLE SENIOR CENTER. RE: Letter in appreciation of grant. CHILDREN & FAMILIES FIRST. RE: Letter in appreciation of grant. SUSSEX COUNTY HABITAT FOR HUMANITY. RE: Letter in appreciation of grant.
Employee of the Year	The Council recognized the Employee of the Year for 2012, Rodney T. Marvel, Jr. Mr. Marvel began his employment at the County in 1993 at the South Coastal Wastewater Facility and is currently the Assistant Director of Environmental Services.
Building Code Appeal Board Appoint- ments	Mr. Lawson announced that, under consideration on this date, is the reappointment of the following members of the Building and Housing Code Appeal Board: Mr. Vincent’s reappointment of Arthur B. Marvel, Mr. Cole’s reappointment of Bruce Mears, and Mrs. Deaver’s appointment of Jim Clark. If approved, each member will serve a term of 4 years.
M 007 13	A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the appointments of Arthur Marvel, Jim Clark, and

M 007 13
Approve
Appoint-
ments
(continued)

Bruce Mears to the Sussex County Building and Housing Code Appeal Board, effective January 1, 2013 for a term of 4 years.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Request
to
Withdraw/
Castaway's
Bethany

Mr. Lawson reported that, on December 21, 2012, a letter was received from James A. Fuqua, Jr., Attorney for Castaway's Bethany, L.L.C., the applicant for Change of Zone No. 1719, Change of Zone No. 1720 and Conditional Use No. 1944. In his letter, Mr. Fuqua is requesting that these pending applications be withdrawn.

M 008 13
Approve
Withdraw/
Castaway's
Bethany

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, that the Sussex County Council approves the request of Castaway's Bethany, L.L.C. to withdraw Change of Zone No. 1719, Change of Zone No. 1720 and Conditional Use No. 1944.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Adminis-
trator's
Report

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

1. Sussex County Emergency Operations Center Call Statistics – December 2012 and Year-End Totals

Attached please find the call statistics for the Fire and Ambulance Callboard for the month of December and 2012 overall. There were 13,300 total calls handled in the month of December. Of those 9-1-1 calls in December, 74 percent were made from wireless phones.

In 2012, there was an increase in the number of 9-1-1 calls handled, as well as in the number of incidents dispatched. 9-1-1 calls increased from 105,356 in 2011 to 107,388 in 2012, and the number of cellular generated 9-1-1 calls increased from 78,168 in 2011 to 81,211 in 2012.

Total incidents dispatched increased from 28,070 in 2011 to 29,350 in 2012. Of the 29,350 incidents dispatched, 5,015 were fire incidents and 24,334 were EMS incidents.

2. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for November

**Administrator's
Report
(continued)**

2012, there were 3,606 total traffic arrests and 1,089 total criminal arrests. Of that 1,089, 341 were felony and 748 misdemeanor criminal arrests. Of the total hours on duty spent, 36 percent were spent on criminal investigations.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Americana Bayside Phase 6 – Partial, reached Substantial Completion effective December 26, 2012.

[Attachments to the Administrator's Report are not attachments to the minutes.]

**Bank
Account
Resolutions**

Mrs. Webb announced that, since there was no change in the leadership of the Council, the bank account resolutions will remain the same and no action is necessary.

**Oak
Orchard
SSD/
Contract
09-10**

Michael Izzo, County Engineer, presented a Balancing Change Order for the Oak Orchard Sanitary Sewer District. Mr. Izzo stated that the Balancing Change Order, in the credit amount of \$348,638.83, is for Contract No. 09-10, which includes Pump Stations 326 and 327, with Underground Utilities Corporation. The Change Order balances the quantities for the contract.

**M 009 12
Approve
Balancing
Change
Order/
Oak
Orchard
SSD**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Balancing Change Order for Sussex County Project No. 09-10, Oak Orchard Expansion Area No. 1, Pump Station 326 and Pump Station 327, with Underground Utilities Corporation, in the credit amount of \$348,638.83, thereby decreasing the contract amount from \$6,229,500.00 to \$5,880,861.17 and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents, pending the approval of the funding agency.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Bid
Results/
Annex
Building**

Brad Hawkes, Director of Utility Engineering, reported that, on November 13, 2012, he reviewed with the Council a project for building renovations at the West Complex Building. Since that time, the project was bid, seven bids were received, and the bids were evaluated. Mr. Hawkes recommended that the bid be awarded to John L. Briggs & Co.

M 010 12 Award Bid/Annex Building **A Motion was made by Mr. Phillips, seconded by Mr. Cole, based upon the recommendation of the architects, Davis, Bowen & Friedel, Inc., and the Engineering Department, that Sussex County Project 12-20, Renovations to Sussex County Annex Building, be awarded to John L. Briggs & Co. of Georgetown, in the alternate bid amount of \$75,230.00, which includes the base bid and with the inclusion of the bid alternates 1, 3, 6, and 7**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Draft Ordinance/ Sewer and Water Pipe Connections **Gary Tonge, Director of Utility Permits, presented a Draft Ordinance proposing a change to Chapter 110 of the Sussex County Code relating to applications for permits under the interim code for building sewer and water service pipe connections. Currently, the Code requires a plumber to come in person into the County building to apply for a water or sewer connection or disconnection permit. The Draft Ordinance would allow the County to accept applications in a manner other than in person, i.e. electronically, by mail). It was noted that the County is currently unable to consider these requests electronically; however, this ordinance would enable the County to do so.**

Introduction of Proposed Ordinance **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO APPLICATIONS FOR PERMITS UNDER THE INTERIM CODE FOR BUILDING SEWER AND WATER SERVICE PIPE CONNECTIONS”.**

The Proposed Ordinance will be advertised for Public Hearing.

Grant Requests **Mrs. Webb presented grant requests for the Council’s consideration.**

M 011 13 Human Service Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$500.00 from Human Service Grants to the Pinetown Civic Association for internet service for the After School Enrichment Program.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 012 13 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$3,500.00 (\$2,500.00 from Mr. Vincent’s and \$1,000.00 from Mr. Phillips’ Councilmanic Grant Accounts) to the Laurel Little League for operating expenses.**

**M 012 13
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 013 13
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$700.00 from Mrs. Deaver's Councilmanic Grant Account to the Mt. Joy Civic Association for a community event for youth.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 014 13
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account to Clear Space Theatre Company for programming and development.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 015 13
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$700.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$100.00 each from Mr. Phillips' and Mrs. Deaver's Councilmanic Grant Accounts) to Eastern Shore AFRAM Festival Committee for the Western Sussex M.L.K. Prayer Breakfast.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 016 13
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Delaware Envirothon for education program expenses.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Introduction of Proposed Ordinances **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR AND SERVICE AS EXTENSION TO AN APPROVED TOWING SERVICE AND LANDSCAPING BUSINESS (CONDITIONAL USE NO. 1933) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.374 ACRES, MORE OR LESS” (Conditional Use No. 1956) filed on behalf of Mark A. Giblin.**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RENTAL AND PERSONAL STORAGE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.148 ACRES, MORE OR LESS” (Conditional Use No. 1957) filed on behalf of George R. and Sandra L. Van Fleet.

The Proposed Ordinances will be advertised for Public Hearing.

**Corre-
spondence** **Mr. Moore read additional correspondence:**

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

**MILFORD SENIOR CENTER.
RE: Letter in appreciation of grant.**

**LA RED HEALTH CENTER.
RE: Letter in appreciation of grant.**

**LAUREL COMMUNITY FOUNDATION.
RE: Letter in appreciation of grant.**

**CANCER SUPPORT COMMUNITY OF DELAWARE.
RE: Letter in appreciation of grant.**

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

**DELAWARE LIONS FOUNDATION.
RE: Letter in appreciation of grant.**

**KENT-SUSSEX INDUSTRIES.
RE: Letter in appreciation of grant.**

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

**Corre-
spondence
(continued)**

SUSSEX FAMILY YMCA.

RE: Letter in appreciation of grant.

SUSSEX PREGNANCY CARE CENTER.

RE: Letter in appreciation of grant.

YWCA DELAWARE

RE: Letter in appreciation of grant.

EL CENTRO CULTURAL.

RE: Letter in appreciation of grant.

BIG BROTHERS BIG SISTERS OF DELAWARE.

RE: Letter in appreciation of grant.

BOYS & GIRLS CLUB OF DELAWARE.

RE: Letter in appreciation of grant.

REHOBOTH BEACH BOYS & GIRLS CLUB.

RE: Letter in appreciation of grant.

DAGSBORO BOYS & GIRLS CLUB.

RE: Letter in appreciation of grant.

CATHOLIC CHARITIES.

RE: Letter in appreciation of grant.

CAPE HENLOPEN FOOD BASKET.

RE: Letter in appreciation of grant.

INDIAN RIVER SENIOR CENTER.

RE: Letter in appreciation of grant.

DELAWARE LIONS FOUNDATION.

RE: Letter in appreciation of grant.

SUSSEX COMMUNITY CRISIS HOUSING SERVICE.

RE: Letter in appreciation of grant.

JUNIOR ACHIEVEMENT OF DELAWARE.

RE: Letter in appreciation of grant.

SUSSEX COUNTY FOSTER PARENT ASSOCIATION.

RE: Letter in appreciation of grant.

NEW HOPE CENTER.

RE: Letter in appreciation of grant.

FAMILIES IN CRISIS CONFERENCE.

**Corre-
spondence
(continued)**

RE: Letter in appreciation of grant.

OCEAN VIEW HISTORICAL SOCIETY.

RE: Letter in appreciation of grant, notification that the house located at 39 Central Avenue has been accepted to be on the National Register of Historic Places, and notification that they have acquired the first free-standing post office in Ocean View, which they hope to restore.

There was no additional business.

**M 017 13
Recess
and Go
Into
Executive
Session**

At 10:43 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 10:46 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers to discuss personnel issues. The Executive Session concluded at 11:00 a.m.

**M 018 13
Reconvene
Regular
Session**

At 11:03 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Mr. Moore announced that no action was required on Executive Session items.

**Public
Hearing/
Draft
Ordinance/
Architect
and/or
Engineer
Seal**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER”.

Synopsis: In order to be in compliance with the Delaware Code, this Ordinance amends Chapter 52, Sections 52-18C. and E. to require that, among other things, prior to the issuance of a building permit, all drawings, specifications and accompanying data shall be sealed by an architect and/or engineer who is in compliance with the registration provisions of 24 Del. C., Chapter 3, or licensing requirement of 24 Del. C., Chapter 28, as the case may be.

**Public
Hearing/
Draft
Ordinance/
Architect
and/or
Engineer
Seal
(continued)**

Mr. Moore stated that there have been ongoing discussions with the Attorney General's Office and that this matter came to the Council from the Attorney General's Office, the Architects Board, and the Engineers Board. Mr. Moore also stated that, as a result of his conversations with the Attorney General's Office, he has been informed that the Proposed Legislation does not change anything that the County is currently doing in its Building Code office, except in cases where there is a requirement for an architect's plan or an engineer's plan, it must be a sealed plan by a Delaware licensed architect or engineer.

Public comments were heard.

Charles McAllister, President of the Delaware Association of Professional Engineers, stated that the proposed statutory amendment is not requiring anything new as to what needs to be filed with Sussex County. If an engineering drawing is not required or submitted, the proposed statutory amendment does not make any changes to the way matters are handled in Sussex County. If an engineering drawing is required or submitted to Sussex County, it has to be signed by a licensed Delaware engineer. Mr. McAllister stated that the proposed statutory amendment makes this clear.

Pat Ryan, Architect, spoke in support of the Proposed Ordinance. He stated that the statute governing architecture has several exemptions: single family residences of any size, duplexes of any size, and farm buildings and therefore; you can construct new, renovate, or add on to those buildings without having an architect involved. Mr. Ryan stated that the language the Board of Architects and Board of Engineers have adopted comes from national language that was required by the State legislature in the sunset process. Further, it is not something made up just for Delaware or Sussex County, it is national model language and this ordinance would bring Sussex County in compliance with those requirements.

In response to questions raised, Mr. Ryan stated that Landscape Architects are a separate profession and cannot sign plans per this ordinance. He also stated that there is no State statute referencing 5,000 square feet.

It was noted that the reference to 5,000 square feet is in the County's Code. Andy Wright, Chief of Building Code, stated that in accordance with the County Code, if a single family home is constructed and exceeds 5,000 square feet, an architect's or engineer's seal is required. Mr. Wright noted that some houses with less than 5,000 square feet can be very complicated and cut up and really should require a seal; in these cases, the Building Code Department can make a requirement that more structural examination needs to take place. It was noted that the 5,000 square foot requirement is derived from the Southern Building Code.

Mr. Moore clarified that the draft ordinance only affects drawings, specifications, etc. that already requires a seal in accordance with County ordinance; this draft ordinance will require that the drawings,

**Public
Hearing/
Draft
Ordinance/
Architect
and/or
Engineer
Seal
(continued)**

specifications, etc. be sealed by a Delaware architect and/or engineer.

Dan Kramer of Greenwood stated that the draft ordinance has to do with commercial buildings, 5,000 square feet or less, and he commented that buildings of this size have not fallen down even though no architect was involved. Mr. Kramer stated that the draft ordinance puts more regulations on and creates a burden for small businesses. Mr. Kramer expressed his opposition to the Attorney General's opinion on this matter.

Howard Fortunato, Executive Vice President of the Home Builders Association, stated that he opposes the Proposed Ordinance as written as it applies to residential and he asked that it be clarified for the record that it does not apply to: (1) both the architecture requirement and engineering requirement and (2) all homes, decks, sheds, and everything that needs a building permit.

Mr. Fortunato submitted his written comments into the record and he noted that attached to his comments is a copy of a letter, dated January 4, 2012, from State Representative Stephanie Bolden to the Attorney General stating that "I cannot see how Sussex County Code Section 52-18 can be found to be, legally or practically, in violation of the provisions of the Delaware Code as it relates to the construction of a structure that is 5,000 square feet or less".

Mr. Ryan clarified and stated that "if an engineering drawing is required and submitted to Sussex County, it has to be signed by a licensed Delaware engineer" and that the proposed ordinance only applies if a seal is already required by the County.

Mr. Wright stated that, as the ordinance is currently written, for any home that is 5,000 square feet or larger, the County would require a structural analysis; however, there may be other instances where the County's inspectors cannot review something (determined on a case by case basis), then an architect or an engineer's seal would be required, and in accordance with the Proposed Ordinance, the seal would have to be from a licensed architect or engineer.

Mr. Wilson questioned the Building Code Department's ability to require, on a case by case basis, an architect's or engineer's seal and the County's potential liability for actions of the Department.

Mr. Wright responded that decisions are made based on the County Code, not on his opinion.

Mark Grahne of Atlantic Homes stated that he is still confused about the Proposed Ordinance since it eliminates Section E of 52-18 that specifically says that "Nothing in this section is to be construed as a requirement that an architect or engineer is required to develop drawings and/or specifications of less than five thousand (5,000) square feet in area." Mr.

**Public
Hearing/
Draft
Ordinance/
Architect
and/or
Engineer
Seal
(continued)**

Grahne questioned that if the exemption is eliminated, how does the exemption still exist for residential? Mr. Grahne stated that he has no opposition to the Proposed Ordinance from an engineering standpoint or a commercial standpoint. He stated that his concern is what is in the Code that will permit the submittal of plans to Mr. Wright's Department without a seal on them if this Proposed Ordinance is adopted. Mr. Grahne stated that would like to see some clarification in the Code that will still allow the residential exemption.

Mr. Moore suggested that the Council leave the record open on the Proposed Ordinance so that issues such as the one raised by Mr. Grahne can be addressed.

Mrs. Deaver stated that she would like to see a list of the changes (in layman's language) that would occur as a result of adopting the Proposed Ordinance.

Wayne Erickson, Licensed Professional Mechanical Engineer, commented on the confusion surrounding the 5,000 square feet and he referenced the State statute and language defining the practice of architects and engineers. He noted that the statute for architects exempts the use of architects for residential construction and that the Delaware Professional Engineers Act strictly applies to public and private buildings entered by the public.

Kathy Kelly, a homeowner in Breakwater in Lewes, told the Council about problems she has had with trusses and lateral bracings on her single family home. Ms. Kelly commented on sealed drawings and inspections by the County. She commented that many other houses, possibly in 10 communities, could have the same problem that she has; that there is nothing in the County's inspection record that the trusses failed; that County inspectors need to do their job; that the County needs more inspectors; and that this matter is a public interest and public safety matter.

Michael and Josephine Hyland stated that their home has building code violations and that they have "gone through four years of rotten unmitigated behavior by this builder". Mr. Hyland discussed the building code violations and the lack of action by the County's Building Code Department.

Mr. Wright responded for the record that this issue does not pertain to the Proposed Ordinance and Public Hearing, and that this is not a Building Code issue.

Mr. Moore also stated that the Hyland's comments do not pertain to the Proposed Ordinance and Public Hearing.

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

**M 019 13
Defer
Action on
Proposed
Ordinance/
Architect
and/or
Engineer
Seal**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action and to leave the record open for two weeks, until the close of business on January 27, 2013 for written comments on the Proposed Ordinance.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Mr. Cole commented on the home inspections issue and he asked that this issue be placed on a future agenda for discussion and possible action.

**M 020 13
Adjourn**

At 11:56 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to adjourn.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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

