

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 21, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 21, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 037 14  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the Agenda by deleting “Juel Gibbons, Project Engineer: Sussex County Administrative Offices Atrium Infill Project, Contract 13-08, Change Order No. 1”; and to approve the Agenda, as amended.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Minutes**

**The minutes of January 14, 2014 were approved by consent.**

**Mrs. Deaver joined the meeting.**

**Delaware  
Agricultural  
Lands  
Preser-  
vation  
Program**

**Austin Short, Deputy Secretary of Agriculture, presented an overview of the Delaware Agricultural Lands Preservation Program. He reported that the program was established in 1991 and has a Board of Trustees appointed by the Governor. The voluntary program, initially funded in 1995, is administered by the Department of Agriculture. Mr. Short reported that the State of Delaware ranks as one of the top states in farmland preservation per capita and funding spent per capita on farmland preservation.**

**Mr. Short outlined criteria to get into the program and restrictions once in the program.**

**Delaware  
Agricultural  
Lands  
Preser-  
vation  
Program  
(continued)**

**Mr. Short explained the selection process, i.e. who gets approved for an easement. He stated that it is based solely on discount; properties are appraised for market value and agricultural value and the difference between the two numbers is the value of the development rights. Thereafter, the Department's attorney meets with the landowners whose property has been appraised to discuss the sale of development rights and the price. During each "Round", all of the properties are arranged from the highest discount rate percentage to the lowest; funding is allocated based on the ranking of each property and the amount of funding available. There is typically one round each year for ag land preservation easements; this year is Round 18.**

**Mr. Short stated that there are currently over 172,000 acres in ag districts, of which almost 66,000 are in Sussex County. There are 754 easements statewide totaling 111,000 acres and a total purchase price of just under \$200 million. In Sussex County, there are 284 easements (38,000+ acres totaling about \$76 million).**

**Mr. Short reported that the bulk of the funding for the program comes from: (1) the State (\$139 million), (2) the Federal USDA Farm and Ranch Land Protection Program (\$46 million), (3) funds from all three counties, including about \$3 million from Sussex County in past years, and (4) other funding, i.e. private funds (\$1.4 million).**

**It was reported that Kent County has the most land preserved to date; however, more properties in Sussex County have been coming into the program (3 of those over 200 acres). In response to questions raised about the effects on the program of the economic downturn/decrease in development, Mr. Short stated that the Department is now seeing as many properties enrolling, particularly in Sussex, as they have in years. Mr. Short stated that a possible reason is that attempts to develop may have failed and property owners are looking to farmland preservation to get some money out of their land (although the land can be sold but not developed).**

**Mr. Jones stated that the goal of the program is to preserve farmland for the future**

**Mr. Phillips questioned if there is an opportunity for funds donated by the County to generate more funding, i.e. for every dollar the County contributes, would the State and Federal governments provide a match? Mr. Short responded that, if and when the County contributes money, a 3 to 1 match could be provided (State and Federal money). Further, the money would be used for properties in Sussex County. For example, \$250,000 in County funding would generate \$750,000 total from State and Federal funding; a total of \$1,000,000 for the program in Sussex County.**

**Mr. Phillips stated that the County has accounts that are designated for farmland preservation and that it would probably require an act of the**

**Delaware  
Agricultural  
Lands  
Preser-  
vation  
Program  
(continued)**

County Council to modify how the money can be spent; however, over the years, the Council has supported farmland preservation and has set up programs with the Sussex County Land Trust, which also has farmland preservation as a mission. Mr. Phillips stated that he is hopeful that the Council can see the wisdom in the program.

Council members raised questions and concerns: that the original goal to establish a core of protected farmland has not happened; that the program may create an imbalance in the marketplace; that the program enables participants to buy more land; and that there have been developers who have participated and used the money not to develop the farm that is in the program, but to develop the next farm that comes up to auction;

In response to questions, Mr. Short stated that the County can pick and choose farms from a listing in a certain Round (current Round is 18). For example, \$100,000 was received from Kent County this year and the Levy Court used their own scoring system to select the properties that they wanted to provide money to.

Mr. Short noted that New Castle County has participated with an amount of \$500,000 over the last three years; however, they probably will not be participating this year (Round 18) since they are looking at doing a couple of larger properties next year.

The Council permitted public comments. Glen Jones of Laurel, Charles (Chip) West of Gumboro, Charles West of Gumboro, and William Vanderwende of Greenwood spoke in support of the Delaware Agricultural Lands Preservation Program. They stated that one of Sussex County's largest businesses is farming and that it should be protected; that when you preserve farmland, that land is not going to need services or infrastructure; that there are a lot of things that farmland provides society for free which is taken for granted - food, jobs, groundwater recharge, water filtration, etc.; that the program is a good investment in the future; that there are already enough developments in Sussex County already; that the program helps farmers pay off debt and purchase other properties for an efficient farming operation; and that the program has been beneficial to a lot of people and to Sussex County. Dan Kramer of Greenwood also spoke; he did not speak in opposition to the program; however, he commented that farmers say that they cannot afford to farm when there is development nearby and that this is not true.

**Adminis-  
trator's  
Report**

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

1. **Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet January 27 at 10:00 a.m. at the Sussex County West Administrative Complex, 22215 North

Adminis-  
trator's  
Report  
(continued)

DuPont Boulevard, in Georgetown. A copy of the agenda is attached. Robert P. Corsa, representing the Delaware Commission of Veterans Affairs and Brain Injury Association of Delaware, will be speaking on "*TBI/ABI – The Silent Epidemic.*"

2. Delaware Solid Waste Authority Reports

There were 38,077 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of October, November, and December 2013. Attached are reports received for each month. The total amount of recyclable goods received at the West Complex site during 2013 was 139,134 pounds.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Americana Bayside – Phase 1 – Revision 3 received Substantial Completion effective January 15, 2014.

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

Announce-  
ment

Mrs. Deaver announced that an *Aging in Place* forum is scheduled on Thursday, January 23<sup>rd</sup>, at 5:15 p.m. at Cape Henlopen High School.

2013  
Private  
Activity  
Bond  
Volume  
Cap  
Reassign-  
ment

Mrs. Jennings reported that the County has received correspondence from the State Department of Finance requesting that the unused portion of the County's annual Private Activity Bond Volume Cap be reassigned to the State. The State plans to allocate it to the State Housing Authority. Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low cost financing for private projects that serve a public purpose. Federal tax law imposes a number of restrictions and requirements on the issuance of PABs. These bonds are for other entitled and have no impact on Sussex County government. IRS requires state and local governments to serve as conduits for these tax-exempt bonds so they will be regulated properly. Mrs. Jennings reported that, typically, every year at this time, the County reassigns its unused portion to the State and she recommended that the Council reassign the County's 2013 unused Private Activity Bond volume cap of \$29,190,000 to the State of Delaware. Mrs. Jennings noted that Sussex County's 2014 allocation is estimated to be \$29,600,000.

M 038 13  
Reassign  
2013  
Private  
Activity  
Bond  
Volume  
Cap

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council reassigns the County's 2013 unused Private Activity Bond Volume Cap for \$29,190,000 to the State of Delaware.

Motion Adopted: 5 Yeas.

**M 038 13  
(continued)**

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

**Annual  
Financial  
Report  
for Fiscal  
Year End  
6/30/13**

**Mrs. Jennings presented the Sussex County Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2013.**

**Mrs. Jennings introduced Keith Hammond of BDO USA, LLP, the County's auditing firm. Mr. Hammond gave an overview of their audit; the firm performed two audits for Sussex County – the financial statements and the Schedule of Expenditures of Federal Awards, as required by the U.S. Office of Management and Budget Circular A-133.**

**Mr. Hammond gave a status of the audits' results and communications that are required to be disclosed to the County in accordance with Accounting Standards. He stated that the objective of the financial statement audit was to obtain reasonable but not absolute assurance as to whether the financial statements were free from material misstatement. The objective of the single audit (federal funds) is to ensure that the County complied with all material respects with compliance requirements stipulated in OMB Circular A-133 for each of its major programs.**

**Mr. Hammond reported that they issued two opinions; one was an unmodified or clean opinion on financial statements and one was a clean opinion on compliance.**

**Mr. Hammond reviewed the results of the audit: from a practices and polices standpoint, the County is consistent with what they expect of municipal governments, not overly conservative, not overly aggressive; that the estimates that the County has chosen to use (accounts receivable allowances, assumptions for pension and OPEB costs, the reporting and classification of fund balances and net position, and liability estimates). Mr. Hammond stated that overall the quality of the County's financial reporting was excellent. There were no material weaknesses in either financial reporting or internal controls.**

**Mr. Hammond stated that their firm is independent with respect to the County and members of management.**

**Mrs. Jennings noted that the financial report is an expansive report and that there are four sections to the report.**

**Included in the first section are: (1) a letter of transmittal from Todd Lawson, County Administrator, and Gina Jennings, Finance Director, to the County Council and citizens of Sussex County giving an overview of Sussex County, (2) the County's financial award (Certificate of Achievement for Excellence in Financial Reporting) (11<sup>th</sup> year), (3) a Sussex County organizational structure chart, (4) a list of elected officials and a list of department heads and other officials. The other sections are financial,**

**Annual  
Financial  
Report  
for Fiscal  
Year End  
6/30/13  
(continued)**

**statistical and single audit.**

**Mrs. Jennings reported that the County’s biggest revenue is Realty Transfer Tax (36% - \$17.4 million); property tax revenue was 26% - \$11.2 million. Mrs. Jennings noted that there is a slight decrease in property taxes this year (normally is it around \$12 million) due to the rebate. Other revenues include charges for services (24%), the largest of which is from the row offices which bring in \$7.5 million; 12% from Federal and State grants (largest of which is \$4 million for the EMS grant), and 2% from the fire service fee collected by the County for the Fire Service (a pass-through - \$1 million).**

**Mrs. Jennings reported on General Fund expenditures and she noted that this is how the \$46 million was spent:**

- **Paramedics – 27%**
- **General Government – 19%**
- **Grant-in-aid – 17%**
- **Libraries – 8%**
- **Emergency Preparedness – 6%**
- **Planning & Zoning & Code Enforcement – 6%**
- **Constitutional Offices – 5%**
- **Community Development – 4%**
- **Economic Development & Airpark – 3%**
- **Engineering – 3%**
- **Other Financing Sources – 2%**

**Mrs. Jennings reported on the Statement of Revenues, Expenditures and Changes in Fund Balance (Budget and Actual) as of June 30, 2013. She reported that actual exceeded budget for revenues by \$2.6 million (mostly Realty Transfer Tax). Expenditures had a variance (decrease of \$289,726) due to the use of prior year revenues over expenditures: increased Sussex State Trooper allocation by 4 - \$225,000, allocated additional funds to the emergency housing repair program - \$150,000, and allocated additional funds to the eleven independent libraries - \$350,000.**

**Mrs. Jennings explained that things were done a bit different this year so that the County does not go over budget: it was already anticipated that there would be a surplus this year so \$1.8 million was put in the 2014 budget (Net Position) so that the County could go ahead and use the money where it best fit – most of the money (\$1 million) went into the Pension Fund to fund the pension liability. Another portion of that money was put aside (\$540,000) for the Capital Projects Fund; \$150,000 was placed into the Emergency Housing Repair Fund and \$110,000 was for an employee bonus that was given in December 2012.**

**Mr. Phillips stated that the County has an “endowment fund” for the fire companies and ambulance service and he questioned how this is done. Mrs.**

**Annual  
Financial  
Report  
for Fiscal  
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(continued)**

Jennings reported that the County paid down one of its bonds in a sewer district and the County is using the interest received on the bond to guarantee that of the amount the County makes, one percent comes to the County and up to an additional 4% goes directly to the fire companies.

Kathy Roth, Budget and Cost Manager, presented information on business type revenues relating to sewer and water funds. This year, the County collected \$40.2 million in sewer and water funds; service charges is the greatest portion (\$17 million). Non-operating revenue (connection and assessment fees) was \$16.5 million. The Net Position/Net Gain was \$8.2 million. Mrs. Roth stated that a lot of the funds are restricted, either for bond debt or future capital. Capital contributions decreased from \$13.1 million to \$5.6 million (stimulus money/federal grant money). Connection fees increased due to an increase in the number of users; the fees increased \$1.1 million, or 39%, to \$4.1 million.

Mrs. Roth presented information on the Pension Plan; this year, contributions were \$14 million, which includes normal contributions as well as net investment earnings. Deductions paid out to retirees (regular pension and health insurance benefits) was \$4.4 million. The increase in net position was \$9.6 million. Overall, there is \$86 million in the Pension Fund this year.

Regarding long term debt for sewer districts, the County no longer has revenue debt which was the West Rehoboth Bond Debt, which was paid off this year. Mrs. Roth noted that the County has no General Fund debt.

Mrs. Roth referenced the statistical section of the report and she stated that the section includes economic, demographic and financial information.

Mrs. Roth reviewed the single audit (A133 Audit) which shows where the funding was this year:

- U.S. Department of Agriculture (sewer money) \$6,085,953
- U.S. Department of Housing and Urban Development \$1,415,343
- U.S. Department of Transportation (airport) \$1,797,254
- U.S. Department of Homeland Security \$ 660,860

Mrs. Roth noted that the Comprehensive Annual Financial Report (CAFR) will be available on the County's website.

A discussion was held in regards to funding the Pension Fund 100 percent.

**Old  
Business/  
Proposed  
Excessive  
Dog  
Barking  
Ordinance**

Under Old Business, the Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED "EXCESSIVE DOG BARKING", WHICH SHALL DEFINE "EXCESSIVE DOG BARKING" AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER".

**Old  
Business/  
Proposed  
Excessive  
Dog  
Barking  
Ordinance  
(continued)**

**Mr. Vincent stated that following the Public Hearing, he believes someone made a reference to a law on the books about noise and that he asked Hal Godwin, Deputy County Administrator, to research it, which Mr. Godwin did. The information was passed on to Legal Counsel for review and a recommendation. Mr. Vincent asked Mr. Moore to report on his findings.**

**Mr. Moore presented a summary of the relevant Delaware State Code provisions and regulations regarding noise control, as it relates to dog barking, as follows:**

**“Title 7, Chapter 71, of the Delaware Code, also known as the Delaware Noise Control Act, sets forth the following declaration of purpose: “[t]he General Assembly finds and determines that the people of this State are entitled to and should be ensured an environment free from noise which unnecessarily degrades the quality of their life; that the levels of noise often reach such a degree as to endanger the health, safety and welfare, jeopardize the value of property and erode the integrity of the environment of the people of this State.” (contained in 7 Del. C. §7101)**

**The Department of Natural Resources and Environmental Control is responsible for the adoption of standards and regulations to enforce the noise control regulations. Those regulations are contained in Title 7, 1149 “Regulations Governing the Control of Noise” in the Delaware Administrative Code. Section 4.0 of the Regulations, entitled “Specific Prohibitions,” lists “controlling any animal or bird which barks, bays, cries, squawks or makes any other noise continuously or incessantly for a period of ten minutes or makes such noise intermittently for one-half hour or more causing a noise disturbance within a receiving property; provided, however, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird”. [underlining added] (contained in 7 Del. Admin. Code 1149, §4.0)**

**Mr. Moore stated that, based upon these provisions, it is his opinion that the State of Delaware’s responsibility for noise control includes the regulation of dog barking. In addition to DNREC, all law enforcement agencies in the State of Delaware may enforce these noise regulations. [contained in 7 Del. C. §7108(a)]**

**Mr. Vincent stated that the point is that there is already a State law on the books which is much more restrictive than what the County is talking about.**

**Comments were made by each Councilmember:**

**Wilson – Delaware State Police can take care of the problem.**



**Old  
Business/  
Proposed  
Excessive  
Dog  
Barking  
Ordinance  
(continued)**

**Deaver – Supports making the Proposed Ordinance effective. People have been told that the SPCA cannot do anything about barking dogs. There is a reason a dog barks and it could be abuse – something is wrong. The County should look at a local ordinance that complies with State Law, including the same penalties.**

**Phillips – Abuse of animals is already addressed; this is already in the purview of the County’s contractor (Kent County SPCA).**

**Vincent – There is already a law in existence and why would the County want to adopt a less restrictive law.**

**Mr. Moore stated that he would provide the County Constables Office with a copy of the memo and of the section of the Delaware Code that pertains to the matter. It was noted that the Constables Office cannot enforce it – only law enforcement agencies per State Law.**

**Mrs. Deaver questioned who people can call if the law is not being enforced. Suggestions were made to call DNREC or State legislators.**

**A question was raised as to whether or not the public could speak. It was noted that a Public Hearing has already been held on the Proposed Ordinance and that the public record is closed.**

**M 039 14  
Adopt  
Proposed  
Ordinance**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt the Proposed Ordinance relating to “Excessive Dog Barking” for a period of one year and for it to be reevaluated after 9 months to determine if it is working (it was noted that the additional cost to the County would be \$35,000).**

**M 040 14  
Amend  
M 039 14**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend Motion No. M 039 14 to include the following wording: “to allocate \$35,000 from Contingency Funds (to pay Kent County SPCA for one year).**

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**Voting on the Original Motion, with the amendment:**

**M 039 14  
As  
Amended/  
Adopt  
Proposed  
Ordinance**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED “EXCESSIVE DOG BARKING”, WHICH SHALL DEFINE “EXCESSIVE DOG BARKING” AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER” for a period of one year and for it to be reevaluated after 9 months to determine**

**M 039 14** if it is working and further, to allocate \$35,000 from Contingency Funds (to  
**As** pay Kent County SPCA for one year).  
**Amended/**  
**Adopt** **Motion Denied: 3 Nays, 2 Yeas.**  
**Proposed**  
**Ordinance/** **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**  
**Excessive** **Mr. Phillips, Nay; Mr. Wilson, Nay;**  
**Dog Barking** **Mr. Vincent, Nay**  
**(continued)**

**Mr. Vincent asked that the information regarding State Law/Delaware Code be placed on the County's website and that the Constable's Office be made aware of the State Law.**

**Grant**  
**Requests** **Mrs. Jennings presented grant requests for the Council's consideration.**

**Presentation** **Janet Idena of the Immanuel Cold Weather Shelter talked to the Council**  
**on** **about the services they provide and the great need for their services. She**  
**Immanuel** **stated that the economic downturn and harsh weather conditions have**  
**Cold** **contributed to an overwhelming number of homeless people. The shelter**  
**Weather** **operates with a volunteer staff and donations from the church and the**  
**Shelter** **community at large but they need assistance to keep this effort going.**

**M 040 14** **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give**  
**Council-** **\$2,100.00 (\$500.00 each from Mr. Cole's, Mrs. Deaver's and Mr. Vincent's**  
**manic** **Councilmanic Grant Accounts and \$300.00 each from Mr. Phillips' and Mr.**  
**Grant** **Wilson's Councilmanic Grant Accounts) to Immanuel Cold Weather**  
**Shelter for operating expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 041 14** **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$300.00**  
**Council-** **(\$50.00 each from Mr. Cole's, Mrs. Deaver's, Mr. Phillips', and Mr.**  
**manic** **Vincent's Councilmanic Grant Accounts and \$100.00 from Mr. Wilson's**  
**Grant** **Councilmanic Grant Account) to the Delaware Association of Conservation**  
**Districts for the Delaware ENVIROTHON environmental education**  
**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 042 14 Councilmanic Grant**      **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$750.00 (\$250.00 from Mr. Phillips' Councilmanic Grant Account and \$500.00 from Mr. Cole's Councilmanic Grant Account) to Sussex Cyclists, Inc. for the Bike Safety Program.**

**Motion Adopted:      5 Yeas.**

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

**Grant Program**      **Mrs. Deaver stated that the Council needs to look at revising the Councilmanic Grant Program.**

**Introduction of Proposed Ordinance**      **Mrs. Deaver 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.912 ACRES, MORE OR LESS" (Change of Zone No. 1745) filed on behalf of Capital Development Partners, LLC (Tax Map I.D. 230-26.00-102.00 (Part of). The Proposed Ordinance will be advertised for Public Hearing.**

**Additional Business**      **Under Additional Business, Mrs. Deaver asked that the following be placed on the next agenda: consideration of night meetings.**

**M 043 14 Go Into Executive Session**      **At 11:52 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to land acquisition.**

**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 11:54 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 11:57 a.m.**

**M 044 14 Reconvene Regular Session**      **At 11:58 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:      5 Yeas.**

