

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 13, 2012**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 13, 2012, 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>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>Susan M. Webb</b>	<b>Finance Director</b>
<b>Everett Moore</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 528 12  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda by deleting “Job Applicants’ Qualifications” and “Personnel” under “Executive Session”; and to approve the Agenda, as amended.**

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

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

**Mrs. Deaver joined the meeting.**

**Minutes**

**The minutes of October 16, 2012 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read the following correspondence:**

**THE WAY HOME, GEORGETOWN, DELAWARE.  
RE: Letter in appreciation of grant.**

**DELAWARE HOSPICE, WILMINGTON, DELAWARE.  
RE: Letter in appreciation of grant.**

**Delmarva  
Teen  
Challenge**

**Robert Carey, Executive Director, Delmarva Teen Challenge, updated the Council on who Delmarva Teen Challenge is and what they do. Delmarva Teen Challenge (DTC) is an affiliate of Teen Challenge International and is a non-profit 501(c)(3) organization with its own Board of Directors. DTC is an induction center which provides a residential program for the first 4 months of a 1-year program; the second phase, an 8-month program, is held at**

**Delmarva  
Teen  
Challenge  
(continued)**

another U.S. location. DTC is currently the only long-term drug/alcohol/addiction residential program in Delaware. DTC is a faith-based residential program whose mission is to restore broken lives of men who have been affected by issues like anger, rebellion, depression, drug/alcohol abuse and other life controlling problems. Mr. Carey reported that DTC has an 86 percent success rate.

**DNREC/  
Proposed  
Changes  
to Onsite  
Wastewater  
and  
Treatment  
Disposal  
Systems**

Dave Schepens, Program Manager of the Groundwater Discharge Section of DNREC, was in attendance at the invitation of the Council to discuss proposed regulations governing the design, installation, and operation of on-site wastewater treatment and disposal systems. Also present was James Cassidy, Manager of the Georgetown Office in charge of individual systems in Sussex County. Mr. Schepens stated that the proposed changes are needed to improve water quality as every stream in Delaware is impaired, there is a decrease in fish populations and an increase in algae blooms and dead zones, and many waterways are not safe for swimming.

Mr. Schepens provided a background on the proposed regulations. The process was started in November 2008. Since that time, the Department has conducted 11 public workshops throughout the State, held several meetings with stakeholders, and established seven working committees. A Public Hearing was held on May 3rd. Another public hearing will be held on November 15th; once that hearing has been held, the Department plans to have the record open for a minimum of 15 days.

Mr. Schepens discussed the portion of the proposed regulations that relate to individual septic systems: (1) FEMA guidelines must be adhered to in “V” zones; systems, including holding tanks, will be located and designed to minimize or eliminate flood damage, (2) all new and replacement on-site wastewater treatment and disposal systems permitted within 1,000 feet of the Chesapeake Bay Tidal Waters must meet performance standards.

Mr. Schepens reviewed the costs for individual septic systems: \$2,500 to \$5,000 plus the cost of having a service provider look at the systems twice a year – the service costs are approximately \$175.00 to \$250.00. Owners may retrofit one of these units on a permitted existing system as a repair which will usually add years to the drain field (for replacement systems only). The regulations allow for a homeowner to become a service provider for their own system.

Mr. Schepens reviewed a map outlining parcels in Delaware completely within 1,000 feet of the Chesapeake Bay Tidal Areas.

Mr. Schepens stated that, per the proposed regulations, cesspools and seepage pits will be prohibited statewide and when found must be replaced within one year. Cesspools and seepage pits will be found through inspections on the system for real estate transfers, complaints from the public for overflowing systems, and requests for authorization to use existing systems for additions of bedrooms and new dwellings on existing properties for which a septic permit

**DNREC/  
(continued)**

was not issued previously.

**Mr. Schepens provided information on the Septic Rehabilitation Loan Program and the Septic Extended Funding Option.**

**At the conclusion of the presentation, Mr. Phillips stated that property owners to be affected by the 1,000 foot overlay should receive notification of the November 15th Public Hearing.**

**M 529 12  
Letter to  
DNREC/  
Motion Died**

**A Motion was made by Mr. Phillips that the Sussex County Council write a letter to DNREC suggesting that letters be sent to affected landowners.**

**The Motion died for the lack of a Second.**

**Public  
Hearing/  
Clerk  
of the  
Peace  
Fees/  
Military**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY RELATING TO FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND CIVIL UNIONS”.**

**The Proposed Ordinance sets the fees the Clerk of the Peace charges for marriage and civil union ceremonies for Delaware residents, non-residents, and active United States military personnel.**

**George Parish, Clerk of the Peace, explained the Proposed Ordinance and he stated that it would extend the County’s appreciation and gratitude to the men and women of the military as it would provide for the same rates that are charged to Delaware residents:**

- **\$50.00 fee for a marriage or civil union license**
- **\$50.00 fee for conducting a marriage or civil union ceremony in the office of the Clerk of the Peace or on The Circle or any building fronting The Circle**
- **\$75.00 fee for conducting a marriage or civil union ceremony outside of the office of the Clerk of the Peace**
- **\$50.00 fee for performing a renewal of marriage or civil union vows in the office of the Clerk of the Peace or on The Circle or any building fronting The Circle**
- **\$75.00 fee for performing a renewal of marriage or civil union vows ceremony outside of the office of the Clerk of the Peace**

**Mr. Parish noted that New Castle County and Kent County have already implemented this reduction of fees.**

**Mr. Phillips noted that, at the time the Council introduced the Proposed Ordinance, some Council members expressed an interest in waiving the fees for men and women of the military. For this reason, prior to public comments, Mr. Phillips made the following Motion:**

**M 530 12  
(Proposed)**      **A Motion was made by Mr. Phillips to waive the fees (related to marriage and civil licenses and ceremonies) for men and women of the military.**

**Continue  
Public**      **Public comments were heard.**

**Hearing/  
Clerk  
of the  
Peace  
Fees/  
Military**      **Dan Kramer stated that the Sussex County Council shouldn't do something just because New Castle County and Kent County is doing it and that the veterans, whether they are active or retired, should not be charged any amount.**

**Michael Cotton, Commander of Squadron 28, American Legion Oak Orchard Post 28 and Commander of the Detachment to the Delaware Sons of the American Legion, stated that they would appreciate the Council's support of the Proposed Ordinance.**

**The Public Hearing and the public record were closed.**

**In response to questions, Mr. Parish stated that the proposal to waive fees would have a minor financial impact on the revenues of the department.**

**M 530 12  
Amend  
Proposed  
Ordinance**      **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Proposed Ordinance to waive (completely) the fees charged (related to marriage and civil licenses and ceremonies) to active military personnel as well as veterans.**

**Continue  
Public**      **Mr. Moore considered the changes that would have to be made to the Proposed Ordinance if the Motion is adopted.**

**Hearing/  
Clerk  
of the  
Peace**      **The Council discussed the definition of "veteran" and whether it includes reservists, national guard, etc.**

**Fees/  
Military**      **Mr. Moore noted that it would be preferable to have the definitions included in the Proposed Ordinance.**

**Mr. Moore asked Mr. Parish to submit a memo on who would be considered to be eligible to receive waived fees per the proposed ordinance, if adopted.**

**M 530 12  
Withdrawn**      **Mr. Phillips and Mr. Cole withdrew their Motion and Second.**

**Action  
Deferred**      **Mr. Vincent stated that the Proposed Ordinance, with amendments and definitions, will be considered at the November 27th meeting.**

**Proposed  
Holiday  
and  
Council  
Schedule  
for 2013**      **Mr. Lawson presented the proposed 2013 Holiday Schedule:**

New Year's Day	January 1 (Tuesday)
Martin Luther King, Jr. Day	January 21 (Monday)
Good Friday	March 29 (Friday)
Memorial Day	May 27 (Monday)

**Proposed  
Holiday  
and  
Council  
Schedule  
for 2013  
(continued)**

Independence Day	July 4 (Thursday)
Labor Day	September 2 (Monday)
Veterans Day	November 11 (Monday)
Thanksgiving Day	November 28 (Thursday)
Day After Thanksgiving	November 29 (Friday)
Christmas	December 24 (Tuesday) December 25 (Wednesday)

**Mr. Lawson presented the proposed County Council (no meeting) Schedule for 2013:**

January 1	New Year's Day
March 5	NACo Conference
March 12	Winter Holiday
April 2	Easter Holiday
May 28	Memorial Day Holiday
July 2	Summer Holiday
July 9	Summer Holiday
August 27	Summer Holiday
September 3	Summer Holiday
November 26	Thanksgiving Holiday
December 24	Christmas Holiday
December 31	Christmas Holiday

**M 531 12  
Adopt  
2013  
Holiday  
and  
County  
Council  
Schedule**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to adopt the 2013 Holiday Schedule and County Council Schedule.**

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

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

**Adminis-  
trator's  
Report**

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

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

**The Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County will meet on Monday, November 19, 2012, at 10:00 a.m. at the Sussex County West Administrative Complex in Georgetown. A copy of the agenda is attached. Guest speaker at the meeting is Emily A. Farley, Esquire, Elder Law Project Director, Community Legal Aid Society, Inc., where she will be speaking on *"The programs of the Community Legal Aid Society***

**Adminis-  
trator's  
Report  
(continued)**

*and how they help elders and persons with disabilities in the community.”*

**2. Sussex County Emergency Operations Center Call Statistics – October 2012**

Attached please find the call statistics for the Fire and Ambulance Callboard for October 2012. There were 15,924 total calls handled in the month of October. Of those 9-1-1 calls in October, 75 percent were made from wireless phones.

**3. Project Receiving Substantial Completion**

As you will see from the attached Engineering Department fact sheet, The Woods at Johnson's Corner a/k/a Fenwick Hamlet a/k/a Fox Haven – Phase I reached Substantial Completion effective November 2, 2012.

**4. Thanksgiving Holiday**

The Sussex County Council will not meet on Tuesday, November 20, 2012, during the week of Thanksgiving. County offices will be closed on November 22 and 23 for the Thanksgiving holiday and will reopen on Monday, November 26, at 8:30 a.m.

**5. Superstorm Sandy Update**

Nearly two weeks since Superstorm Sandy made landfall, it is apparent that Sussex County and the State of Delaware were spared the devastating effects of the storm. That being said, there are communities within the County that have damage and their post-storm efforts continue.

When an event such as Sandy is predicted to hit Sussex County, there are two aspects to the County's response: the one that involves keeping critical County infrastructure and services such as our wastewater and communications systems operating, and the other that involves the County's role in providing public safety to our citizens.

During the days leading up to the main force of the storm and after the storm passed, our County's employees performed dutifully and without pause. Many were required to work, but there were several others who volunteered their time as well. I want to extend my sincere appreciation and gratitude for their efforts.

There are too many individuals to name; however, the following departments deserve a tremendous amount of credit, including: Assessment, Communications, Engineering, Information

**Adminis-  
trator's  
Report  
(continued)**

**Technology, Paramedics, and our flagship Emergency Operations Center staff led by Joe Thomas.**

**During Sandy, the County provided information through its press releases and network of social media including Twitter and Facebook. We also developed a new service to our citizens in the form of video reports which provided critical, real-time updates to those seeking information. The results were astounding. During the storm:**

- **The County's website had over 57,000 views;**
- **Facebook followers jumped nearly 200 percent;**
- **Reach through the Facebook page (followers to friends and friends of friends) grew to 44,203;**
- **The EOC Twitter handle had the most referrals and activity in its history; and**
- **The YouTube Video Reports had over 32,000 views.**

**These reports helped keep our citizens informed and well-prepared for the effects of the storm.**

**Finally, our partners at the State and Federal levels are still assessing the damage Sandy caused to determine what, if any, relief the County and State will receive. The assessments will determine if the State can seek a Federal Major Disaster Declaration. As of today, no determination has been made, but we anticipate one soon.**

**If they have not already done so, Sussex County residents who suffered damage as a result of Sandy should report their damage at the following number: 302-856-7366.**

**Again, thank you to the staff of Sussex County for their professional service during Superstorm Sandy—we commend your efforts.**

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

**Proposed  
Lease  
Amend-  
ment/  
Universal  
Forest  
Products**

**David Rutt, Assistant County Attorney, presented a Lease Amendment with Universal Forest Products (UFP) for land at Sussex County Industrial Park (the lease has been in effect since 1994). He noted that this building has remained vacant for several years without a tenant. Dating as far back as 1991, the lease for this building has gone through multiple assignments and there have been some errors in the lease terms and parcel lot dimensions as a result. The County was made aware of these issues recently.**

**Mr. Rutt explained that the original lease was entered into with North American Housing Corp. and subsequently assigned to Shoffner, which became Universal Forest Products (UFP). The original lease was for 5 1/2 acres; however, this turned out to be incorrect as the correct acreage is**

**Proposed  
Lease  
Amend-  
ment/  
Universal  
Forest  
Products  
(continued)**

actually 7.22 acres. There was also a question as to whether they had agreed to an assignment of an additional 17± acres. A building was constructed on the 7.22 acres and UFP owns the building but leases the land; however, they never did anything with the building and it is empty. Mr. Rutt advised that UFP now has a potential tenant (Delmarva Aluminum) for the property (and the building). UFP acknowledges that they lease the 7.22 acres and that they do not have a lease on the 17± acres. UFP is willing to waive any rights to the 17± acres since there is no lease giving the County the option to re-lease it to someone else or use it for other purposes, i.e. stormwater drainage.

Mr. Rutt reviewed a Memorandum of Understanding (MOU) which has been signed by UFP and by which the assignment of the 7.22 acres to UFP can be amended (allowing an assignment or a sublease). By doing this, the County agrees that, if the tenant exercises the option to purchase the building, the tenant would not have to come back to the Council for approval.

**M 532 12  
Execute  
MOU/  
Universal  
Forest  
Products**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to authorize the President of Sussex County Council to execute the Memorandum of Understanding that has been drafted between Universal Forest Products and Sussex County to clarify the nature of the Land Lease and to amend the Lease Agreement with Universal Forest Products.

**Motion Adopted: 4 Yeas, 2 Absent.**

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

**Mr. Phillips was out of the room during the vote.**

**Proposed  
Human  
Service  
Grants**

**Mrs. Webb presented the following list of proposed Human Service Grants for Fiscal Year 2013:**

<b>Alzheimer's Association</b>	<b>\$ 500.00</b>
<b>American Diabetes Association</b>	<b>\$ 500.00</b>
<b>The Arc of Delaware</b>	<b>\$1,000.00</b>
<b>Best Buddies Delaware</b>	<b>500.00</b>
<b>Big Brothers/Big Sisters of Delaware, Inc.</b>	<b>\$1,000.00</b>
<b>Booker Street Church of God</b>	<b>\$ 500.00</b>
<b>Bridgeville Community Action</b>	<b>\$1,000.00</b>



<b>Proposed Human Service Grants (continued)</b>	<b>Cancer Support Community</b>	<b>\$ 500.00</b>
	<b>Can-Do Playground at Milford</b>	<b>\$ 500.00</b>
	<b>Cape Henlopen Food Basket</b>	<b>\$ 500.00</b>
	<b>CASA San Francisco</b>	<b>\$1,000.00</b>
	<b>CHEER, Inc. – Meal Program</b>	<b>\$2,500.00</b>
	<b>CHEER, Inc. - Home Services</b>	<b>\$1,000.00</b>
	<b>CHEER Centers</b>	
	<b>A. Georgetown</b>	<b>\$5,000.00</b>
	<b>B. Greenwood</b>	<b>\$5,000.00</b>
	<b>C. Harbour Lights (Lewes)</b>	<b>\$5,000.00</b>
	<b>D. Milton</b>	<b>\$5,000.00</b>
	<b>E. Roxana</b>	<b>\$5,000.00</b>
	<b>F. Coastal Leisure Center</b>	<b>\$5,000.00</b>
	<b>G. Long Neck (Pelican Cove)</b>	<b>\$5,000.00</b>
	<b>Church of God and Saints of Christ</b>	<b>\$ 900.00</b>
	<b>Contact Lifeline</b>	<b>\$1,000.00</b>
	<b>Coverdale Crossroads Community Council, Inc.</b>	<b>\$ 500.00</b>
	<b>Dagsboro Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Dagsboro Church of God</b>	<b>\$1,000.00</b>
	<b>Delaware Adolescent Program, Inc.</b>	<b>\$1,000.00</b>
	<b>Delaware Community Reinvestment Action Council, Inc.</b>	<b>\$ 500.00</b>
	<b>Delaware Crime Stoppers</b>	<b>\$ 500.00</b>
	<b>Delaware Foundation Reaching Citizens with Cognitive Disabilities</b>	<b>\$2,500.00</b>
	<b>Delaware Guidance Services for Children &amp; Youth</b>	<b>\$2,000.00</b>
	<b>Delaware Housing Coalition</b>	<b>\$2,000.00</b>
	<b>Delaware Lions Foundation</b>	<b>\$ 500.00</b>
	<b>Delaware Nature Society</b>	<b>\$1,000.00</b>

<b>Proposed Human Service Grants (continued)</b>	<b>Delmarva Clergy United in Social Action Foundation</b>	<b>\$1,000.00</b>
	<b>Easter Seal Rehabilitation Center</b>	<b>\$1,000.00</b>
	<b>El Centro Cultural, Inc.</b>	<b>\$1,000.00</b>
	<b>Everlasting Hope Ministries</b>	<b>\$1,000.00</b>
	<b>Families in Crisis Conference</b>	<b>\$ 500.00</b>
	<b>Family Outreach Multipurpose Community Center</b>	<b>\$ 500.00</b>
	<b>First Steps Primeros Pasos</b>	<b>\$ 500.00</b>
	<b>Food Bank of Delaware</b>	<b>\$ 500.00</b>
	<b>Georgetown Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Girls State of Delaware</b>	<b>\$ 500.00</b>
	<b>Good Samaritan Aid Organization</b>	<b>\$1,000.00</b>
	<b>Kent-Sussex Industries, Inc.</b>	<b>\$1,000.00</b>
	<b>Kiwanis Foundation of Coastal Delaware</b>	<b>\$1,000.00</b>
	<b>La Esperanza</b>	<b>\$1,500.00</b>
	<b>La Red Health Center</b>	<b>\$ 500.00</b>
	<b>Laurel Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Laurel Community Foundation</b>	<b>\$1,000.00</b>
	<b>Laurel Lions Club</b>	<b>\$1,000.00</b>
	<b>Lewes Historical Society</b>	<b>\$1,000.00</b>
	<b>Meals on Wheels of Lewes &amp; Rehoboth, Inc.</b>	<b>\$6,000.00</b>
	<b>Mt. Zion Church</b>	<b>\$ 500.00</b>
	<b>National Multiple Sclerosis Society</b>	<b>\$1,000.00</b>
	<b>New Coverdale Outreach Mission</b>	<b>\$1,000.00</b>
	<b>New Hope Recreation &amp; Development Center</b>	<b>\$ 500.00</b>

<b>Proposed Human Service Grants (continued)</b>	<b>Oak Orchard/Riverdale Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Open Arms Soup Kitchen &amp; Food Pantry</b>	<b>\$ 500.00</b>
	<b>People's Place</b>	<b>\$2,000.00</b>
	<b>Read-Aloud Delaware</b>	<b>\$1,000.00</b>
	<b>Reading ASSIST Institute</b>	<b>\$ 500.00</b>
	<b>Rehoboth Beach Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>The Ronald McDonald House of Delaware</b>	<b>\$1,000.00</b>
	<b>Seaford Historical Society, Inc.</b>	<b>\$1,000.00</b>
	<b>Shechinah Empowerment Center</b>	<b>\$ 500.00</b>
	<b>Sussex County Senior Centers</b>	
	<b>A. Bridgeville</b>	<b>\$5,000.00</b>
	<b>B. Cape Henlopen</b>	<b>\$5,000.00</b>
	<b>C. Indian River</b>	<b>\$5,000.00</b>
	<b>D. Laurel</b>	<b>\$5,000.00</b>
	<b>E. Lewes</b>	<b>\$5,000.00</b>
	<b>F. Milford</b>	<b>\$5,000.00</b>
	<b>G. Nanticoke</b>	<b>\$5,000.00</b>
	<b>Sussex Community Crisis Housing Services, Inc.</b>	<b>\$2,000.00</b>
	<b>Sussex County Habitat for Humanity</b>	<b>\$1,000.00</b>
	<b>Sussex County Retired and Senior Volunteer Program Advisory Committee</b>	<b>\$ 500.00</b>
	<b>Sussex Family YMCA</b>	<b>\$1,000.00</b>
	<b>Sussex Pregnancy Care Center</b>	<b>\$1,000.00</b>
	<b>Teens in Perspective, Inc.</b>	<b>\$ 500.00</b>
	<b>UCOUNT, Inc.</b>	<b>\$ 500.00</b>
	<b>The Way Home Program</b>	<b>\$1,000.00</b>
	<b>Western Sussex Boys and Girls Club</b>	<b>\$1,500.00</b>
	<b><u>YWCA Delaware</u></b>	<b><u>\$ 500.00</u></b>
	<b><u>Total</u></b>	<b><u>\$141,400.00</u></b>

**(continued) Mrs. Webb noted that the 2013 Budget allocation for Human Service Grants is \$143,520.00 leaving an available balance of \$2,120.00.**

**M 533 12 A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the disbursement of Human Service Grants for Human Service Grants for Fiscal Year 2013, as submitted.**

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

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

**Economic Mrs. Webb presented information for further discussion on the Economic Develop- Development Incentives, a proposed policy that was previously discussed by ment Incentives the Council on October 9, 2012. At that meeting, staff was tasked to appoint someone to the Economic Development Committee that is a Sussex County Council appointee (from the private sector). Mrs. Webb reported that she and the County Administrator recommend that Robert Ryder be appointed to the Committee. Mrs. Webb noted that the Economic Development Incentives (Policy) is a grant policy and is just another tool that can be used for economic development. Additionally, each prospective applicant must be vetted through the Economic Development Committee and a recommendation made to the Council for final approval.**

**M 534 12 A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council adopts grant guidelines for the Economic Development Adopt Grant Fund.**

**Guidelines/  
Economic  
Develop-  
ment  
Fund**

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

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

**Wastewater Hal Godwin, Deputy County Administrator, presented wastewater Agreements agreements for the Council's consideration.**

**M 535 12 A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the Execute Wastewater recommendation of the Sussex County Engineering Department, for Sussex Wastewater County Project No. 81-04, Agreement No. 766-2, that the Sussex County Agreement/ Council execute a Construction Administration and Construction Senators, Inspection Agreement between Sussex County Council and Senators Lewes, Phase 1A LP, for wastewater facilities to be constructed in Senators, Phase 1A, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

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

**M 535 12**  
**(continued)**

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

**M 536 12**  
**Execute**  
**Wastewater**  
**Agreement/**  
**Senators,**  
**Phase 1B**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 766-3, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Senators Lewes, LP, for wastewater facilities to be constructed in Senators, Phase 1B, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

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

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

**M 537 12**  
**Execute**  
**Wastewater**  
**Agreement/**  
**The**  
**Landings**  
**at Pepper**  
**Creek**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 516-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and H.K.S. 4, LLC, for wastewater facilities to be constructed in The Landing at Pepper Creek – Phase 2 (A/K/A The Marina at Pepper’s Creek), located in the Dagsboro/Frankford Sanitary Sewer District.**

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

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

**Georgetown  
Air  
Services  
Sublease**

**Jim Hickin, Airport Manager, presented a request for a Sublease Amendment between Georgetown Air Services and Northrop Grumman Systems Corporation. Mr. Hickin reported that Georgetown Air Services currently subleases 100 square feet to Northrop Grumman Systems Corporation for use as office space and storage; the sublease expires at the end of 2012. The proposal extends the sublease for a period of three years.**

**M 538 12**  
**Approve**  
**Sublease/**  
**George-**  
**town Air**  
**Services**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the First Amendment to the Georgetown Air Services Sublease with Northrop Grumman Systems Corporation; the form shall be approved by the County Attorney.**

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

**M 538 12**  
**(continued)**

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

**William Briedis Sublease**

**Jim Hickin, Airport Manager, reported that William Briedis currently leases Lot 20B in the Sussex County Industrial Park and he is requesting approval to sublease a portion of the property to AG Adams Construction LLC for use as office and conference space and also for machinery and maintenance repair. His lease requires he obtain written consent from the Sussex County Council before any sublease.**

**M 539 12**  
**Approve**  
**Sublease/**  
**William Briedis**  
**to AG**  
**Adams**  
**Con-**  
**struction**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the use of Lot 20B at the Sussex County Industrial Airpark as office space and equipment repair and consents to William Briedis entering into a Commercial Lease Agreement with AG Adams Construction LLC for the use of Lot 20B.**

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

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

**Economic Develop-ment/ Airport**

**Mr. Phillips discussed economic development at the Airpark and questioned if any infrastructure is needed. He suggested that the Council could enter into a financial partnership/rent arrangement with businesses to entice them to come to the Airpark.**

**Mrs. Deaver stated that the internet service is inadequate at the Airport and Industrial Park and she questioned how the County can lease space to businesses when the internet service is substandard.**

**Mr. Cole questioned if the County should help fund infrastructure (internet service, sewer, water).**

**Mr. Vincent asked that the County's IT Department to look into the internet service at the Airport and report back to the Council with suggestions.**

**Mr. Lawson advised that a lot of the topics being discussed are being worked on preliminarily and a report will be made to the Council.**

**Baylis Estates Annexation/ Oak Orchard SSD**

**Rob Davis, Senior Planner, presented a request to prepare and post notices for a public hearing to consider a request to annex a parcel of land into the Oak Orchard Sanitary Sewer District. The area to be annexed is the development known as Baylis Estates, which adjoins the existing sewer district and is proposed to be a 99 lot single family subdivision with a clubhouse and pool. The area to be added is located on the easterly side of Mount Joy Road (Road 297) west of the intersection with John J. Williams**

<b>Baylis Estates Annexation/OOSSD (continued)</b>	<b>Highway (Route 24).</b> A Royal Farm Store, the Nanticoke Indian Museum and Mary, Mother of Peace Catholic Church are southeast at the intersection and the Indiantown Farms subdivision is to the north; the parcel is approximately 75.48 acres. Mr. Davis noted that sewer capacity is adequate for the 99 homes and that the developer will pay approximately \$364,500.00 in system connection fees. The Public Hearing is tentatively scheduled for December 4, 2012.
<b>M 540 12 Prepare and Post Notices/Baylis Estates Annexation/OOSSD</b>	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Oak Orchard Sanitary Sewer District to include one parcel of land (Baylis Estates).</p> <p><b>Motion Adopted:</b> 4 Yeas, 1 Absent.</p> <p><b>Vote by Roll Call:</b> Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea</p>
<b>West Complex Renovations</b>	<p>Brad Hawkes, Director of Utility Engineering, stated that the Engineering Department has been tasked to look at options for improvements at the West Complex building. Mr. Hawkes presented information so that a decision can be made as to whether or not to move forward with the project. It was noted that, due to previous modifications, the building lacks an ADA entrance and hallway on the first floor with access to the elevator. In addition, the West Complex has over 3,000 square feet of unused and deteriorated office space on the second floor which was previously occupied by a bank. The project will address both of these issues and will bring the building into ADA compliance and create much needed office space, i.e. training room, conference room, etc. No change is proposed to the foot print of the building as all improvements would be interior renovations. A question was raised regarding cost and Mr. Lawson stated that the project was approved in the 2013 Budget in the amount of \$105,000.</p>
<b>Rudder Lane Pole Building Project</b>	<p>Julie Cooper, Project Engineer, presented a Change Order request for the Rudder Lane Pole Building Project. The proposed Change Order, at a cost of \$221.00, is for electrical work.</p>
<b>M 541 12 Grant Substantial Completion/Approve C/O and Release Retainage/Rudder Lane Pole Building</b>	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Sussex County Council grants Substantial Completion, effective October 29, 2012, to John L. Briggs &amp; Co. of Georgetown, Delaware, for Sussex County Project No. 11-12, Rudder Lane Pole Building, and further, that Change Order No. 2 be approved in the amount of \$221.00, increasing the contract total to \$233,571.84 and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.</p> <p><b>Motion Adopted:</b> 4 Yeas, 1 Absent.</p>

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

**Consultants Agreement/  
Greenwood Library Project**      **Julie Cooper, Project Engineer, reported that the Engineering Department has negotiated a contract with Davis, Bowen & Friedel for Construction Administration for the Greenwood Library Project. The Notice to Proceed for the construction was issued to Richard Y. Johnson & Sons on October 29, 2012 and a Contract Amendment to the original design contract was negotiated with Davis Bowen & Friedel in the amount of \$157,259.00. Ms. Cooper reported that the scope of work of the Contract Administration Amendment includes the review of shop drawings and samples, responses to requests for information from the contractor, review of change order requests, review of applications for payment from the contractor, and inspection and production of record drawings.**

**M 542 12**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the**  
**Execute**      **recommendation of the Engineering Department, that Sussex County**  
**Consultants**      **Council authorizes its President to execute Amendment No. 1 to the existing**  
**Agreement/**      **Contract with Davis, Bowen & Friedel, Inc. of Salisbury, Maryland to**  
**Greenwood**      **provide Construction Administration Services for Sussex County Project**  
**Library**      **07-05, Greenwood Library, at a cost not to exceed \$157,259.00.**  
**Project**

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

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

**Millville**      **Michael Izzo, County Engineer, presented a Balancing Change Order for**  
**SSD/**      **Sussex County Project No. 11-02, Millville Sanitary Sewer District**  
**Northwest**      **Northwest Expansion, Whites Neck Road. The Balancing Change Order, in**  
**Expansion/**      **the credit amount of \$163,991.54, is for an added work scope including the**  
**Whites Neck**      **installation of a new 6 foot high chain link fence at Pump Station No. 309**  
**Road/**      **and the balancing of final Contract quantities and all used/unused**  
**Proposed**      **stipulated and unstipulated contingent bid items. A time extension of 30**  
**Change**      **calendar days was included in the Change Order based upon extra work**  
**Order**      **that the County requested.**

**M 543 12**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the**  
**Approve**      **recommendation of the Sussex County Engineering Department, that the**  
**Change**      **Balancing Change Order for Sussex County Project No. 11-02, Millville**  
**Order/**      **Sanitary Sewer District Northwest Expansion, Whites Neck Road, be**  
**Millville**      **approved at a credit amount of \$163,991.54, which decreases the final total**  
**SSD/**      **contract to \$2,396,468.46, and increases the contract time by 30 calendar**  
**Northwest**      **days, pending the receipt of approval from the funding agencies.**  
**Expansion/**

**Whites Neck Road**      **Motion Adopted:      4 Yeas, 1 Absent.**



**M 543 12  
(continued)**

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

**Pump  
Station 30  
Improve-  
ments**

Michael Izzo, County Engineer, presented a Credit Change Order in the amount of \$9,794.10 for the rehabilitation of Pump Station No. 30 that services Fenwick Island and is located off of SR 54. Three credit items are included in the Change Order and Mr. Izzo reviewed those items.

**M 544 12  
Approve  
Change  
Order/  
Pump  
Station 30  
Improve-  
ments**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Sussex County Project No. 09-17, South Coastal Regional Wastewater Facilities, Pump Station No. 30 Improvements, be approved at a credit amount of \$9,794.10, which decreases the total contract to \$3,439,665.90, pending the receipt of approval from the funding agencies.

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

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

**EMS  
Station  
106/  
Bid  
Results**

John Ashman, Director of Utility Planning, presented the bid results for the Long Neck EMS Station No. 106 (Contract No. 12-19). Seven bids were received and the apparent low bidder was Willow Construction of Easton, Maryland in the amount of \$478,950.00. The Engineer's Estimate for the project was \$512,000.00.

**M 545 12  
Award  
Bid/ EMS  
Station  
106**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Sussex County Project No. 12-19, Sussex County Emergency Medical Services, Long Neck Station No. 106, be awarded to Willow Construction of Easton Maryland at the bid amount of \$478,950.00.

The Council discussed the cost of the project, State wage rate requirements, and the option of a modular building.

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

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

**Grant  
Requests**

Mrs. Webb presented grant requests for the Council's consideration.

**M 546 12  
Council-  
manic  
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Downtown Seaford Association for Christmas parade expenses.

**M 546 12  
(continued)**

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

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

**M 547 12  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mrs. Deaver's and Mr. Wilson's Councilmanic Grant Accounts) to Milford Community Parades for parade expenses.**

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

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

**M 548 12  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,500.00 from Mr. Cole's Councilmanic Grant Account to West Rehoboth Community Land Trust for their housing initiative.**

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

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

**M 549 12  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Phillips' Councilmanic Grant Account to Create 1 Marketing for the Decorating Delmarva fundraiser (check to be made payable to the Delaware Community Foundation).**

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

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

**(Mr. Cole was out of the room during the vote.)**

**M 550 12  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$3,000.00 (\$1,500.00 each from Mr. Phillips' and Mr. Vincent's Councilmanic Grant Accounts) to the Laurel Public Library for costs associated with fixing drainage problems.**

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

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

(Mr. Cole was out of the room during the vote.)

**M 551 12**  
**Council-**  
**manic**  
**Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$1,000.00 (\$600.00 from Mr. Phillips' Councilmanic Grant Account and \$100.00 each from Mr. Cole's, Mrs. Deaver's, Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to the Mason Dixon Woodworkers for toys for needy children.

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

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

(Mr. Cole was out of the room during the vote.)

**M 552 12**  
**Council-**  
**manic**  
**Grant**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Phillips' Councilmanic Grant Accounts to the Fenwick Island Lions Club for Selbyville Halloween Parade expenses.

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

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

(Mr. Cole was out of the room during the vote.)

**Introduction**  
**of Proposed**  
**Ordinances**

Mr. Vincent introduced 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 PARKING COMMERCIAL TRACTOR TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.59 ACRES, MORE OR LESS" (Conditional Use No. 1950) filed on behalf of Erlin L. Rivera.

Mrs. Deaver, introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV RESORT AND CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 162.424 ACRES, MORE OR LESS (Conditional Use No. 1951) filed on behalf of Jack Lingo Asset Management, LLC.

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT

**Introduction of Proposed Ordinances (continued)**     **REPAIR, BOAT STORAGE, AND BOAT SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.36 ACRES, MORE OR LESS” (Conditional Use No. 1952) filed on behalf of Clinton E. McCutchen.**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.88 ACRES, MORE OR LESS” (Conditional Use No. 1953) filed on behalf of Thomas Milspaw.**

**Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL\RETAIL SHOP (HANDCRAFTED FURNITURE\GIFTS AND ANTIQUES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.306 ACRES, MORE OR LESS” (Conditional Use No. 1954) filed on behalf of Robert A. Hermanson.**

**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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.05 ACRES, MORE OR LESS” (Change of Zone No. 1724) filed on behalf of Central Storage @ Harbeson, LLC.**

**Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS” (Change of Zone No. 1725) filed on behalf of Jack Lingo Asset Management, LLC.**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Additional Business**     **Under Additional Business, Ed Funk of Captain’s Way in Millsboro discussed the increase in crime in Sussex County and he questioned why the County spends tax money on State Police when it is their obligation to provide services/coverage. He also commented that additional funding should be provided in the County Sheriff’s Budget.**

<b>Additional Business (continued)</b>	<p><b>Under Additional Business, Rich Collins of Millsboro commented on the presentation made by DNREC earlier in the meeting.</b></p> <p><b>Under Additional Business, Dan Kramer of Greenwood commented on the Council giving money to churches and he stated that the money could have been given to veterans.</b></p>
<b>M 553 12 Go Into Executive Session</b>	<p><b>At 12:23 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to go into Executive Session to discuss matters pertaining to land acquisition and pending/potential litigation.</b></p> <p><b>Motion Adopted: 4 Yeas, 1 Absent.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea</b></p>
<b>Executive Session</b>	<p><b>At 12:54 p.m., following lunch, the Council held an Executive Session in the Council Chambers for the purpose of discussing matters pertaining to land acquisition and pending/potential litigation. The Executive Session concluded at 2:13 p.m.</b></p>
<b>M 554 12 Reconvene Regular Session</b>	<p><b>At 2:17 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.</b></p> <p><b>Motion Adopted: 4 Yeas, 1 Absent.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea</b></p>
<b>Matters Discussed in Executive Session</b>	<p><b>Mr. Moore stated that the Council discussed two matters in Executive Session:</b></p> <p><b>1. Land Acquisition - Legal Counsel gave a report and discussed strategies and made a recommendation.</b></p>
<b>M 555 12 Pursue Recommen- dation of Legal Counsel/ Land Acquisition</b>	<p><b>A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to pursue the recommendation of Legal Counsel on the land acquisition matter discussed during Executive Session.</b></p> <p><b>Motion Adopted: 4 Yeas, 1 Absent.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea</b></p> <p><b>2. Pending/Potential Litigation – Legal Counsel gave a report and discussed strategies and made a recommendation.</b></p>

**M 556 12  
Pursue  
Recommendation of  
Legal  
Counsel/  
Pending/  
Potential  
Litigation**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to proceed with the recommendation of Legal Counsel on the pending/potential litigation matter discussed during Executive Session.**

**Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.**

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

**M 557 12  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:19 p.m.**

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

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

**Respectfully submitted,**

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