

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 23, 1996

Executive Session An Executive Session of the Sussex County Council was held Tuesday, January 23, 1996, at 9:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation and land acquisition. The Executive Session concluded at 9:58 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 23, 1996, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 028 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated January 16, 1996. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice regarding the "REGULATION FOR THE MANAGEMENT OF EXTREMELY HAZARDOUS SUBSTANCES".

ANNE P. CANBY, SECRETARY, DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Public Notice regarding a revised policy on Subdivision Agreements.

CHARLES E. EBY, JR., MILLVILLE, DELAWARE.

RE: Letter applauding Council's efforts to expand sewer service in the Ocean View and Millville area.

BETH PARKER, LAUREL, DELAWARE.

RE: Letter in appreciation of Mr. Collins' and Mr. Dukes' Councilmanic Grants.

FRANK SHAVLIK, PH. D., MILFORD, DELAWARE.

RE: Letter in appreciation of Council's support of People's Place and for the honor bestowed upon him at the time of his retirement.

Hurricane Response Exercises and Workshop General Hastings and Colonel Smith of the Delaware National Guard; Mr. Gillespie of the Delaware Emergency Management Association; and Mrs. Collins, Acting Director of the Sussex County Emergency Operations Center, were in attendance to discuss Hurricane Response Exercises scheduled for June 10 through June 15, 1996. Colonel Smith expressed the Delaware National Guard's concern about the possibility of a major hurricane that would wipe out the ability to communicate and to respond as a result of that failure to communicate. Initially, the proposal was to run an exercise to determine the Delaware National Guards' ability to provide a backbone emergency operations communications telephone system to link the Emergency Operation Centers through-out the State. Now, many agencies have expressed interest in testing their ability to respond to a hurricane and to test their plans in hurricane related matters. These agencies include local hospitals, fire departments, paramedics and the Red Cross. Sussex County is also interested in holding the annual Hurricane Workshop in conjunction with these exercises. Colonel Smith advised Council that the Delaware National Guard is interested in conducting a lot of the exercises at the Sussex County Airport as the airport plays an important role in the Delaware National Guard's ability to respond to significant emergencies such as hurricanes. It was the consensus of Council that the Delaware National Guard be permitted to use the airport for the Hurricane Response Exercises; and further, that the plans for the exercises and the workshop proceed.

Rules of Procedure Mr. Jones, Assistant County Attorney, presented the final draft of the proposed "Rules of Procedure of the Sussex County Council of Sussex County, Delaware". The first draft was presented to Council on November 14, 1995, at which time amendments were made; the second draft was presented on January 16, 1996, at which time amendments were also made. The final draft incorporates all the amendments, as recommended and accepted by Council.

M 029 96 Adopt Rules of Procedure A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the "Rules of Procedure of the Sussex County Council of Sussex County, Delaware".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Attachment to Minutes A copy of the "Rules of Procedure of the Sussex County Council of Sussex County, Delaware" is attached to and made a part of these minutes.

Rules of  
Proce-  
dure

It was noted that if an issue is not covered by the "Rules of Procedure", the general rules of parliamentary procedure as outlined in Mason's Manual of Legislative Procedures will be followed.

DelDOT's  
Five  
Year  
Capital  
Improve-  
ment  
Program

Mr. Stickels, County Administrator, reviewed the Delaware Department of Transportation's Five Year Capital Improvement Program. Mr. Stickels advised that Sussex County presented to the Capital Improvement Committee a "wish list" of eight projects. Mr. Stickels advised Council as to whether the proposed projects were included in the Plan or not, as follows:

**1. Upgrade State Road 54 to 100 Year Flood Plain**

This project was included in the Plan; however, the County requested that the road be upgraded from SR 1 to SR 382. The Capital Improvement Program provides for the road to be upgraded from SR 1 to 58C.

**2. Safety Improvements for Route 1 from the Five Points Intersection to Rehoboth Avenue Extended Intersection**

This project was not included in the Plan.

**3. Shoulder Paving for State Roads 9, 18, 54, 404, 26, 30, 24, 5, and 20**

This project was not included in the Plan; however, it will be included in a different budget and is to be completed by FY '97.

**4. Lefthand Turn Lanes and Intersection Upgrades Where Traffic Counts Warrant for State Roads 9, 18, 54, 404, 26, 30, 24, 5, and 20**

This project was not included in the Plan.

**5. Sussex County Airport Taxiway Lights and Guidance Signs**

This project was included in the Plan.

**6. Sussex County Airport Taxiway Improvements**

This project was included in the Plan; however, also included was \$15,000 for the acquisition of land for run-way expansion. Mr. Stickels noted that this is an error. DelDOT will be notified.

**7. Comprehensive Repaving Schedule for all Secondary Roads in Sussex County**

This will be accomplished through a different budget.

Capital  
Improve-  
ment  
Program  
(con't)

8. Upgrade to the Woodland Ferry to Allow for Regularly Scheduled Use

This project was not included in the Plan.

Mr. Stickels, reviewed with Council how Sussex County compares to New Castle County and Kent County in regards to the number of projects funded and the amount of funding allocated, as follows:

New Castle County	63 Projects	\$210.2 Million
Kent County	15 Projects	\$ 23.4 Million
Sussex County	18 Projects	\$ 29.7 Million

Sussex County has taken the position that it is not getting its fair share of funding - less than 12%.

Legis-  
lative  
Update

Mr. Stickels, County Administrator, provided Council with the following legislative update:

House Bill No. 408

AN ACT TO AMEND TITLE 8 AND TITLE 9 OF THE DELAWARE CODE RELATING TO THE ELIMINATION OF THE REQUIREMENT TO RECORD CORPORATION DOCUMENTS WITH THE RECORDER OF DEEDS

SYNOPSIS: This bill is intended to eliminate an outdated practice of recording corporate documents with the county Recorder of Deeds. These documents are on the optical disk imaging system in the Department of State's Division of Corporations, and copies of documents can be obtained and transmitted electronically very quickly. There is no longer a need to have documents available in each county; however, the bill provides for a county assessment fee. The amendment to §9605 of Title 9 addresses the change from recording a document to an assessment fee.

Council opposes this Bill.

House Bill No. 401

AN ACT TO AMEND CHAPTER 21, TITLE 25, OF THE DELAWARE CODE RELATING TO THE SATISFACTION OF MORTGAGES

SYNOPSIS: This Act would, upon its effective date and thereafter, require a satisfaction of mortgage in New Castle County to be made only by recordation of a satisfaction of mortgage piece, or by an attorney's affidavit as provided in Title 25 § 2120 of the Delaware Code, or by a Court order to satisfy, in the office of the Recorder of Deeds.

Legis-  
lative  
Update  
(con't)

Council is in support of this Bill. This is a Kent County Bill; however, Mr. Jones, Assistant County Attorney, has been asked to draft a similar Bill for Sussex County.

House Bill No. 367

AN ACT TO AMEND CHAPTER 47, TITLE 10 OF THE DELAWARE CODE RELATING TO JUDGMENTS

SYNOPSIS: Judgments entered by, or transferred to, the Superior Court become a lien on all real estate owned by a judgment debtor within the county in which the judgment is recorded. In many cases where a judgment is entered against a debtor with a common name, the lien clouds the title not only to the debtor's property, but to the property of others with the same name, the removal of which can often only be at great aggravation and/or expense. This bill will require specific identification of a judgment debtor via the debtor's Social Security number to insure that a judgment creates a lien on only that property of the judgment debtor.

Council is in support of this Bill.

Unnumbered Bill

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE RELATING TO THE BOARD OF PENSION TRUSTEES AND INVESTMENT POOLS

The governing body or investing authority of a local government, meaning any city, town, or county in Delaware, may pay public retirement moneys of the local government into the Local Government Retirement Investment Pool which shall be in the custody of the Board of Pension Trustees.

Council is in support of this Bill.

Adminis-  
trator's  
Report

Mr. Stickels, County Administrator, discussed the following information in his County Administrator's Report:

1. Sussex County Volunteer Firemen's Association Monthly Dinner Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday evening, January 30, 1996, at 7:30 p.m. The meeting is being hosted by the Lewes Fire Company at Cape Henlopen High School.

2. Requests for Sussex County Assistance for Community Development Block Grant (CDBG) Funding - FY '96

Adminis-  
trator's  
Report  
(con't)

Mr. William C. Lecates, Director, Sussex County Community Development and Housing Division, has informed Mr. Stickels that the following towns have requested assistance from the County for their CDBG programs: Blades, Bridgeville, Ellendale, Frankford, Georgetown, Greenwood, Laurel, Milford, Millsboro, Milton, and Selbyville. Public hearings will be scheduled in January, February, and March for their CDBG applications.

The Sussex County Community Development and Housing Division has received over \$6.2 million in CDBG funding since 1989. During this same time period, 530 homes have benefitted from Mr. Lecates' department's assistance. Last year, the County received \$946,910. This is the most funding any one agency has ever received from the Delaware State Housing Authority for a one-year application.

The County Community Development and Housing Division still has a waiting list of 430 homes. Mr. Lecates and his staff will continue to aggressively improve housing standards for the residents of Sussex County.

3. Troop 4 Status Report - Month of December 1995

The following hours of duty and enforcement were compiled by the uniformed patrol officers of Troop 4, Georgetown, during the month of December, 1995:

Total Hours on Duty	3,082.0
Hours Assisted Other Agencies	58.5
Total Traffic Arrests	802
Total DUI Arrests	24
Accident Reports:	
Property Damage	57
Personal Injury	<u>17</u>
Total Accident Reports	74
Criminal Arrests:	
Felony	25
Misdemeanor	<u>75</u>
Total Criminal Arrests	100
Total 10-29 P's (wanted persons)	38
Total Number of Complaints	524

In addition to the police activities that are taking place at Troop 4, the officers of the troop are also providing a positive impact on the community. Troop 4 participated in Grotto's Parade of Trees. A total of \$3,318.72 was received and donated to Camp Barnes. Officers of Troop 4

Adminis-  
trator's  
Report  
(con't)

also delivered over 100 toys and food items to needy families on Christmas Eve. These items were donated and collected by the troopers. Additionally, troopers even purchased gifts with their personal money.

4. Under Secretary of Agriculture Visit

On Tuesday, January 30, 1996, Ms. Jill Long Thompson, Under Secretary of Agriculture, will be visiting the County. Ms. Thompson will be meeting Council at approximately 11:00 a.m. Council will have the opportunity to have lunch with Ms. Thompson, and she will be briefed on projects that are currently being funded with assistance from Rural Economic and Community Development. The fact-finding visit will include a tour of the West Rehoboth Wastewater Treatment Plant and a visit to the proposed Ellendale Sanitary Sewer District.

Bid  
Results/  
Sussex  
County  
Project  
No.  
96-01

Mr. Wood, County Engineer, discussed the bid results for Sussex County Project No. 96-01 entitled "Repair, Alteration and/or Installation of Electrical Items", as follows:

	<u>Bidder</u> <u>(Hourly Rates)</u>	
	<u>Sussex Electric</u>	<u>Byers Electrical</u>
Electrician's Rate	\$ 24.00	\$ 42.00
Laborer's Rate	\$ 14.25	\$ 34.00
Engineering Technician	\$ 35.00	\$ 50.00
Bucket Truck w/Driver	\$ 39.00	\$ 60.00

M 030 96  
Award  
Bid/  
Sussex  
County  
Project  
No. 96-01

A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Engineering Department, that the President of the Sussex County Council be authorized to enter into a Contract with Solar Heating, Inc./ Sussex Electric for the Repair, Alteration and/or Installation of Electrical Items as required at facilities owned or leased by Sussex County, in accordance with rates and conditions outlined in contract bid documents for Sussex County Project No. 96-01 dated January 19, 1996.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Bid  
Results/  
Project  
No. 96-02

Mr. Wood, County Engineer, discussed the bid results for Sussex County Project No. 96-02 entitled "Repair, Alteration and/or Installation of Plumbing, Heating, Air Conditioning, Sheet Metal, and/or Other Related Items", as follows:

Bid  
Results  
(con't)

Bidder  
(Hourly Rates)

	<u>Sussex Electric</u>	<u>C. C. Oliphant</u>
Plumbers Rate	\$ 24.00	\$ 55.00
Sheet Metal Rate	\$ 24.00	\$ 40.00
Laborer's Rate	\$ 14.50	\$ 38.00
Engineering Technician	\$ 32.00	\$ 48.00

M 031 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, based  
Award on the recommendation of the Engineering Department, that the  
Bid/ President of the Sussex County Council be authorized to enter  
Sussex into a Contract with Solar Heating, Inc./Sussex Electric for  
County the Repair, Alteration and/or Installation of Plumbing, Heating,  
Project Air Conditioning, Sheet Metal, and Other Related Items, as  
No. required at facilities owned or leased by Sussex County,  
96-02 in accordance with rates and conditions outlined in contract  
bid documents for Sussex County Project No. 96-02 dated  
January 19, 1996.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Update/ Mr. Archut, Director of Planning and Permits, discussed re-  
Proposed cent actions regarding the Proposed Ellendale Sanitary Sewer  
Ellendale District. Mr. Archut advised that one of the alternatives  
Sanitary for the project, a wastewater treatment alternative with  
Sewer the City of Milford, is no longer an option and the County  
District will have to proceed with a separate treatment facility.  
Mr. Archut was notified by Davis, Bowen & Friedel, Inc.,  
Engineers for the City of Milford, that the wastewater treat-  
ment alternative with the City of Milford is not economically  
feasible at this time. The Mayor and Council of the City of  
Milford have voted not to proceed with the treatment option  
located in the Ellendale area, but instead plan to pursue the  
joint Harrington/Milford treatment option, as well as con-  
tinued service via the Kent County Regional System. Secondly,  
Mr. Archut advised Council that the Town of Ellendale is no  
longer interested in having the town limits of Ellendale in-  
cluded in the Proposed District. Last year, the Town of  
Ellendale expressed interest in being included and an  
Ordinance was passed to that effect. Since that time, there  
has been a change in the members of the Town Council and  
the Ordinance has been rescinded. It was the consensus of  
Council to proceed with plans for the Proposed Ellendale  
Sanitary Sewer District, excluding the town limits of  
Ellendale. Mr. Archut advised that Rural Economic and

Update  
(con't)

Community Development will be advised of the above mentioned changes in the scope of the project. To date, no response has been received from Rural Economic and Community Development regarding funding for the project.

Update/  
Proposed  
South  
Ocean  
View  
Sanitary  
Sewer  
District

Mr. Archut, Director of Planning and Permits, discussed the Proposed South Ocean View Sanitary Sewer District and brought Council up to date on Rural Economic and Community Development's response to the County's pre-application for this project. Mr. Archut stated that the response reflects the changing funding situation with RECD. The RECD Delaware Maryland Water and Waste Allocation has been reduced by 30 percent for Fiscal Year 1996. RECD advised that the number of applications for funding received are in excess of 200 percent of Fiscal Year 1996 available loans and grants. RECD further advised that the County's application is eligible to compete with similar applications in late 1997, subject to availability of funds at that time. RECD suggested that the County pursue DNREC funding. Mr. Archut stated that possibly a joint project can be done between RECD and DNREC. Mr. Archut requested permission to submit an application to RECD and to send a letter to the Wastewater Facilities Advisory Council requesting funding assistance for the project.

M 032 96  
Apply  
for  
Funding  
Assis-  
tance/  
South  
Ocean  
View  
Sanitary  
Sewer  
District

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Engineering Department is hereby directed to prepare an application to the Rural Economic and Community Development (RECD/USDA) for funding assistance for the Proposed South Ocean View Sanitary Sewer District and prepare a letter to the Wastewater Facilities Advisory Council requesting additional funding assistance.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Walker  
Mill  
Central  
Water  
System

Mr. Izzo, Director of Public Works, discussed Sussex County Project No. 89-12 entitled "Walker Mill Central Water System". Mr. Izzo advised that construction on this project was completed in November, 1994, and the system is up and running. Tidewater Utilities, the contractor for the project, has never submitted final invoices and the contract has never been closed out. Mr. Izzo advised that the first step in closing this contract out is to grant Substantial Completion retroactive back to November 30, 1994. This will allow the County to release retainage on invoices received to date. It was noted that Tidewater Utilities has run over on the contract and plans to meet with the County regarding this matter.

M 033 96 Grant Substantial Completion/Walker Mill Central Water System A Motion was made by Mr. Stevenson, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 89-12, entitled "Walker Mill Central Water System", that Tidewater Utilities, Inc. be granted Substantial Completion effective November 30, 1994; all held retainage on invoices received through December 31, 1995, be released; and no further contractual action be taken pending the receipt of final invoices.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Edgewater Acres Suburban Community Improvements Mr. Izzo, Director of Public Works, discussed Change Order No. 1 and Substantial Completion for Edgewater Acres Suburban Community Improvements. Mr. Izzo advised that the work on this project has been completed. The original contract price bid by A. P. Croll and Son, Inc. was \$91,897.00; Change Order No. 1 will reduce the contract price by \$1,864.46.

M 034 96 Approve Change Order No. 1/Edgewater Acres Suburban Community Improvements A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Project No. 95-06, entitled "Edgewater Acres Suburban Community Improvements", be approved which provides a cost decrease of \$1,864.46 and reduces the contract total from \$91,897.00 to \$90,032.54.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 035 96 Grant Substantial Completion/Edgewater Acres Suburban Community Improvements A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 95-06, entitled "Edgewater Acres Suburban Community Improvements", that A. P. Croll and Son, Inc. be granted Substantial Completion effective November 28, 1995, and all held retainage be released pending completion of outstanding punchlist items.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

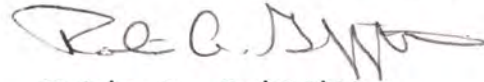
Invitation Ms. Phyllis McKinley, Executive Director, First State Manufactured Housing, Inc., presented an invitation to Council

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Invitation to tour Skyline Homes, a manufactured housing facility, in Leola, Pennsylvania. The tour date will be scheduled for (con't) Thursday, February 22, 1996.

M 036 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, Adjourn to adjourn at 11:43 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council

RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL  
OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure in the Sussex County Council of Sussex County, Delaware.

Definitions

"Agenda" includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefor.

"County" means Sussex County, Delaware, unless otherwise specified.

"County Council" means the Sussex County Council of Sussex County, Delaware.

"Meeting" means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

"President" means the president of the Sussex County Council.

"Presiding Officer" means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

"Public business" means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

"Public record" is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del C. §10002(d) are not deemed public under the Rules of the Sussex County Council.

Rule 1 - Order of Business

1.1 The order of business at each regular meeting of the County Council shall be as follows:

Call to Order  
Invocation  
Pledge of Allegiance  
Additions to Agenda  
Adoption of Agenda  
Approval of Minutes

Reading of Correspondence  
Report of County Administrator  
Reports from County Departments  
Public Hearings  
Introduction of Ordinances  
Additional Business  
Recess  
Additional Public Hearings  
Adjournment

- 1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all of the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.
- 1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.
- 1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.

Rule 2 - Meetings of the County Council

- 2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all of the members of the County Council.
- 2.2 Regular business meetings shall convene at 10:00 A.M. on those days set forth in Exhibit "A", attached hereto and incorporated herein by reference.
- 2.3 Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4 Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.

- 2.5 Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6 Except for executive sessions, all meetings shall be open to the public.
- 2.7 On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8 A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9 Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10 Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose for the executive session, but no longer.

Rule 3 - Posting of Meeting Notices

- 3.1 Public notice of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2 Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3 Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.
- 3.4 Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5 Meeting notices shall include the agenda, if such has

been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.

- 3.6 When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

#### Rule 4 - Agenda

- 4.1 The agenda for regular and special County Council meetings shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2 The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Thursday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3 During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

#### Rule 5 - Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member or a staff member of the County Council.

- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.
- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.
- 5.7 The County Council shall not consider the adoption of any ordinance unless at least four (4) voting members of the County Council are present, unless only three (3) members of the County Council are eligible to vote on the adoption of the ordinance, in which case the County Council may consider the adoption of an ordinance if three (3) voting members of the County Council are present.

Rule 6 - Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of "aye" votes the number of "nay" votes and the number of "abstaining" votes.

Rule 7 - Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 8 - Minutes of Sussex County Council Meetings

8.1 Minutes shall be taken of each meeting of the County Council, and shall reflect the following:

- a. Kind of meeting.
- b. Date and place of meeting.
- c. Name of the presiding officer.
- d. Members of County Council present.
- e. Whether the minutes of the previous meeting were approved.
- f. The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather than what was said. However, a member of County Council may request that a statement or written material be attached to the minutes and made a part thereof.
- g. All motions voted upon and the results of said motions.
- h. Names of members of County Council making motions and those making secondary motions.
- i. A record by individual members of County Council, of each vote taken and action agreed upon.
- j. Time of convention and adjournment.

8.2 Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.

8.3 Magnetic tape recordings will be made of all County Council business meetings at which County business is transacted. The tapes shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 - Records

9.1 The approved minutes of each meeting, together with a

copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 - Ordinances

- 10.1 Any member of the County Council may request a staff member or a consultant to draft an ordinance for introduction. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2 A proposed ordinance may be introduced in writing by any member of County Council at any duly constituted meeting.
- 10.3 The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4 When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a. Assign an Introduction Number to the proposed ordinance;
  - b. Distribute a copy of the proposed ordinance to each elected County official;
  - c. Comply with all public advertisement requirements as mandated by applicable law.
- 10.5 The President or other presiding officer, or his or her designee, shall designate a date, time and place for the public hearing for a proposed ordinance.
- 10.6 Following the public hearing, the County Council may:
- a. Adopt the ordinance as introduced;
  - b. Adopt the ordinance with amendments;
  - c. Place the ordinance on the table, prior to voting; or
  - d. Reject the ordinance.
- 10.7 Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council

member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council's public hearing on the application, the matter may be placed on the agenda by the President.

- 10.8 If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 - 10.6.
- 10.9 Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the ordinance in its entirety, with notice of its adoption.
- 10.10 Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 11 - Resolutions and Proclamations

- 11.1 All resolutions and proclamations shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2 Any member of the County Council may request that a resolution or proclamation be placed on the County Council agenda by submission of the resolution or proclamation to the County Administrator, in accordance with Rule 4.
- 11.3 No resolution or proclamation shall contain more than one subject which shall be clearly expressed in its title.
- 11.4 Each resolution and proclamation shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution or proclamation may be read by title only.
- 11.5 A resolution or proclamation may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 12 - Conduct During Meetings

- 12.1 When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the

presiding officer.

12.2 No member of County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.

12.3 If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may, call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.

Rule 13 - Change or Suspension of Rules

13.1 Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 - Rules of Order

14.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 15 - Vice-President and Other Presiding Officer

15.1 In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 - Appointments

16.1 The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.

16.2 A member of County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 17 - Standards of Conduct

- 17.1 Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2 Persons attending County Council meetings may wear one (1) "cause supporting sign" affixed to their clothing. The size of such "sign" may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3 The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5 Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The Sussex County Sheriff or other person designated by the presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.

Rule 18 - Delaware Freedom of Information Act

- 18.1 All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 19 - Adoption and Effective Date

- 19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.



PRESIDENT

Re. Q. J. S. M.  
ATTEST

ADOPTED: 1/23/96

EFFECTIVE DATE: 1/23/96