



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 7, 2006

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 7, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 107 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the
Amend and agenda inserting “and Personnel” under “Executive Session – Land
Approve Acquisition” and to approve the Agenda as amended.
Agenda

Motion Adopted: 5 Yea.

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

M 108 06 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the
Approve minutes of January 17, 2006.
Minutes

Motion Adopted: 5 Yea.

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

M 109 06 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the
Approve minutes of January 24, 2006.
Minutes

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence into the record:

**Corre-
spondence
(continued)**

DELAWARE HOSPICE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Council's financial support of the Festival of Trees.

SUSSEX COUNTY LAND TRUST, REHOBOTH BEACH, DELAWARE.

RE: Letter advising the Council of the Land Trust's ongoing efforts to seek property for open space preservation in the County and to develop a plan for a Conservation Corridor that makes a loop around the Great Marsh into the heart of the County stretching over to the Nanticoke Watershed and back to the Inland Bays and that if a parcel of land is found that they would be interested in seeking a partnership with the County for the purchase of the land.

NANTICOKE LITTLE LEAGUE, SEAFORD, DELAWARE.

RE: Letter to Councilman Dukes in appreciation of his recent grant to their organization.

SENIOR LEAGUE SOFTBALL WORLD SERIES 2005.

RE: Plaque recognizing the Council's financial support of the 2005 event.

**Dredging
of the
Nanticoke
River**

Steve Masten, Director of Sussex County Economic Development, and Joyce Coffield, Executive Director of the Delmarva Water Transport Committee, gave a presentation on the Nanticoke River Maintenance Dredging Project and its vital economic importance. They stated that in order to keep the economic commerce flowing on the Nanticoke River, now is the time to perform maintenance dredging of the River. The area for the proposed maintenance runs from the Seaford Railroad Bridge to the Delaware-Maryland Line. The Nanticoke River is a Federal Navigation Project to maintain the following: 12 feet deep, 100 feet wide, and 12 foot channel contours. Approximately 80,000+ cubic yards of material will need to be dredged to restore the channel of the River. In the past, maintenance dredging of the Nanticoke River was performed on a schedule. The Nanticoke River was last dredged in the early 1990's using the former DuPont Company lands along the Nanticoke River as a site for placement of dredged materials. This placement site is no longer available and therefore, other locations along the river must be investigated.

Aggregates, fertilizer, grain and petroleum imports and exports are currently being shipped on the River. The commercial users of the River include: Allen Fertilizer; Growmark FS, LLC; Horsey & Sons, Inc.; Kaye Construction Co., Inc.; Langenfelder Marine, Inc.; NRG Energy; Perdue;

**Dredging
of the
Nanticoke
River
(continued)**

Inc.; Salisbury Towing Corporation; City of Seaford; and INVISTA, Inc. It would take 150 tractor trailers for one Petroleum container transported on the river; 150 tractor trailers for one Aggregate container, and 135 tractor trailers for 1 grain container. In the event that the Nanticoke River becomes un-navigable because maintenance dredging is not performed, there will come a time that the continued shoaling of the River will no longer make it possible to have economical transportation on the River. If navigation on the Nanticoke River were to stop, an estimated 90,000+ additional tractor trailer trucks would be needed annually for importing and exporting goods. If the Nanticoke River is not dredged, there will be:

- Loss of Industrial Commerce**
- Loss of Jobs**
- Loss of Commercial Use**
- Loss of Recreational Use**
- Increased Truck Traffic on Highways**
- Increase in Environmental Hazards**
- Increase in Pollution**

In 2005, the forecasted economic impact of the Nanticoke River was nearly \$2.4 billion based on the Economic Impact Study by the Franklin P. Perdue School of Business at Salisbury University.

Recreational users of the Nanticoke River will benefit from the river dredging. Blades Marina will continue to function as an economic attraction for recreational boats that desire to be at this location.

Mr. Masten explained that the first step in scheduling maintenance dredging of a navigation project is to provide the Army Corps of Engineers with a suitable placement site and right of ways. The placement site should be located on a flat upland, near the area to be dredged, and suitable effluent return should be available. In order to prepare for dredging, a site needs to be identified as the potential area so comments can be received and other investigations can occur. It is imperative that a potential site be identified by February 28, 2006 in order to complete the design and engineering while funds are still available, through the U.S. Army Corps of Engineers. In January 2006, the Corps allocated \$200,000 for “Engineering and Design” for a placement site in Sussex County. The overall dredging project will cost approximately \$1 million. The Corps will provide the maintenance activity with funding for this project in their 2007 Federal Budget.

Representatives of various companies that use the Nanticoke River for commercial navigational purposes were in attendance to speak in support of the maintenance dredging project: David Horsey of David G. Horsey & Sons; Steve Magdeberger of Salisbury Towing Corporation and President of Delmarva Water Transport Committee; Jim Matters of Langenfelder Marine, Inc.; Charles Stubbs of Perdue, Inc.; Eddie Kaye of Kaye

**Dredging
of the
Nanticoke
River
(continued)**

Construction; Paul Hughes and Jim Groninger of Invista; and Jeff Nickerson of Dann Marine Towing. The individuals discussed the importance of the dredging project and they stated that commercial barge traffic on the Nanticoke River is a growing, economical business; that they cannot rely on rail cars to transport materials currently being transported by barge on the River; that the other alternative would be trucking the materials; that a lot of jobs would be adversely affected and possibly lost; that trucking the materials would have a serious impact on the economy and the roads of Sussex County; that it is economically necessary to maintain a viable waterborne commerce in the County; that it can be demonstrated that waterborne commerce is the safest and most efficient means of serving the growing market; that sufficient under-keel clearance is needed; that they have had to decrease the amount of product carried on the barges to accommodate the reduced depth caused by shoaling; that the entire River is not shoaling but certain portions of it are and that lessens the controlling depth overall; that they are losing efficiencies and also, there is the potential of compromising the safety of navigation on the River; that currently, with tide changes and wind conditions, the small areas of clearance can be affected by several inches; that when there is a small area of clearance, a few inches can make a drastic difference in a Captain's ability to navigate the river; that the situation is critical; that businesses have invested a lot of money, time, and employees in their operations and they are concerned about the future viability of their businesses; that the transportation of grain on the river is critical to area farmers; that they can move the grain in abundant volumes by waterborne transport - volumes that would not be possible by rail cars or trucks; that moving materials by rail car or truck would be more costly to the businesses; and that the alternative of trucking petroleum products would be costly and would create hazardous and environmental conditions.

Paula Gunson, Sally Stewart and Randall Cash were present on behalf of the Seaford Chamber of Commerce. Ms. Gunson stated that they represent 334 Chamber businesses located in and around the Western Sussex County area. She stated that the Chamber supports maintaining the integrity of the Nanticoke River since it is a vital part of the economy of the area. Ms. Gunson told the Council that the Nanticoke River is relied on for recreation and commerce and that securing the integrity of the River means securing jobs in Western Sussex County.

Bob Blama of the Army Corps of Engineers and Project Manager for the Nanticoke River was in attendance. He stated that the first step in the dredging process is to find a placement site for materials that would be dredged from the River. Land, easements and right of ways are needed. He reported that \$200,000 in federal funding has been earmarked for Project Engineering and Design: for public notices; to perform chemical analysis on the sediment that has to be dredged; to look at the property designated as a placement site; and to insure that dikes can be built on the property. He noted that all of this has to be done in a timely manner to get the contract out for the actual dredging. Mr. Blama emphasized that if a site is not

Dredging
of the
Nanticoke
River
(continued)

identified, the Corps of Engineers risks losing the money set aside in this year's federal budget for the Nanticoke. He advised that the site has to be selected by February 28th. In response to questions from the County Attorney, Mr. Blama stated that a site does not have to be purchased by February 28th; however, a site needs to be selected so that testing can begin.

Joyce Coffield of Delmarva Water Transport Committee reported that a tonnage survey is performed annually and in 2005, over 1.5 million tons of materials were brought in on the Nanticoke River. She advised that the tonnage on the rivers on the Delmarva Peninsula reflects continued growth.

Chuck Williams of the Delaware Department of Natural Resources stated that the Department is supportive of the Corps' and the County's efforts on the dredging project.

Mr. Masten noted that State funding will be sought to help with the project.

Tom Darby, a resident of Woodland on the Nanticoke River, addressed the Council with concerns he has regarding the dredging operation. Mr. Darby stated that he is one of several riverbank property owners whose properties have suffered damage caused by barge collisions. He stated that his dock has been hit several times by barges; that the shore line at the river bend in his area has been hit nine times by barges; that it is a continuing problem; that he believes it is not a river depth problem but a problem caused by operator error; that in one incident, the river bank collapsed; that barges run outside of the river channel near channel markers 56 and 57; that the project is being rushed into; that the most current river channel depth survey from the Corps of Engineers is dated 1899; that you cannot determine if a River needs dredging based on a 100 year old survey; that according to DNREC's rules and regulations, dredging should be kept to an absolute minimum; that there has been no boating/barge impact study performed on the River; and that he understands the economic impact but there has to be some moderation and consideration for the residents on the River. Mr. Darby noted that he did not have a lot of pre-knowledge regarding the proposed project and that is why he did not bring other residents with him. Mr. Darby submitted photographs of barge damage to the river banks and barges near channel markers 56 and 57. Mr. Darby stated that he is not opposed overall to the River being dredged if it can be proven that it is necessary, and not until the impact on the area has been studied, including properties owned privately and by the State, as well as the impact on the environment and ecology of the Nanticoke River and the Chesapeake Bay.

Mr. Blama clarified that a depth survey was performed in 2005. He noted that the entire River was not surveyed since it is cost-prohibitive.

Mr. Darby clarified that it was in August of 2005 that he got the response that the last survey was performed in 1899 and that in September 2005, the entire channel was re-surveyed and the results of that survey were

published in November 2005. He noted that his point was, people have been talking about dredging for a long time with no method of documenting the need.

Councilman Phillips questioned whether State lands could be used for a placement site. Mr. Williams of DNREC responded that those lands could not be used since they are federally managed, and therefore restricted to uses supporting wildlife or fishing.

**M 110 06
Recognize
Economic
Impact of
Dredging
the
Nanticoke
River/
Secure
Placement
Site**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council recognizes the economic impact of dredging the Nanticoke River in Sussex County, Delaware, and directs the County Administrator and the Economic Development Office to work cooperatively with the Army Corps of Engineers in securing a placement site for a successful dredging of the Nanticoke River.

Motion Adopted: 5 Yea.

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

Mr. Stickels clarified that, once a site has been identified, it will be placed on the agenda for the Council's approval.

**Community
Data
Pamphlet**

Mr. Masten distributed the 2006 Sussex County Delaware Community Data brochure, which was prepared by the Sussex County Economic Development Office.

**M 111 06
Adopt
Procla-
mation**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF FEBRUARY AS NATIONAL PARENT LEADERSHIP MONTH IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

**M 112 06
Approve
Wastewater
Agreement/
Woods Cove**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 381, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Country Life Homes, for wastewater facilities to be constructed in Woods Cove, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

**Intro-
duction of
Proposed
Ordinance/
CR-1
District** **Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ZONING, ARTICLE XI, PART ONE, RELATING TO PERMITTED USES AND TO CLOSE THE EXISTING C-1 DISTRICT; PART TWO, SECTION 3, TO CREATE A NEW CR-1 DISTRICT; PART THREE, ARTICLE X, TO AMEND THE B-1 DISTRICT RELATING TO CONDITIONAL USES; AND PART FOUR, ARTICLE XX, TO AMEND THE HEIGHT, AREA AND BULK REQUIREMENTS”. The Proposed Ordinance will be advertised for Public Hearing.**

**Intro-
duction of
Proposed
Ordinance/
Parking** **Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 SECTION 162 RELATING TO THE NUMBER OF OFF STREET PARKING SPACES REQUIRED FOR MULTI-FAMILY DWELLINGS AND TOWNHOUSES”. The Proposed Ordinance will be advertised for Public Hearing.**

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

1. James H. Cronic, Sr.

It is with deep regret that I inform Council of the passing of James H. Cronic, Sr., on February 1, 2006. Mr. Cronic had been employed with the County since March 29, 1999, primarily providing evening lobby security at the County Administrative Office Building. Mr. Cronic was known by thousands who attended public hearings in the evenings, Planning and Zoning and Board of Adjustment, and he always had a kind word for everyone who attended those hearings, many times into the wee hours of the morning. He is survived by his wife and five sons.

2. Paramedic Rechassising Bids

Sussex County paramedics opened bids on Monday, January 30, 2006, for the rechassising of two vehicles. The following bids were received:

<u>Vendor</u>	<u>Cost Per Vehicle</u>	<u>Contract Total</u>
J&J Emergency Vehicle Sales (Custom Body Works Bid)	\$33,499.00	\$ 66,999.00

	Singer Associates	\$35,355.00	\$ 70,710.00
	J&J Emergency Vehicle Sales (McCoy Miller Bid)	\$36,533.00	\$ 73,066.00
	DPC Emergency Equipment	\$39,813.47	\$ 79,626.94
	Odyssey Automotive Specialty	\$54,945.00	\$109,890.00
(continued)	Bids are currently under review and the Paramedic Department will make a recommendation within 30 days of opening the bids.		

Introduction of Proposed Ordinance/ General Obligation Bonds/ South Ocean View SSD Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,800,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE SOUTH OCEAN VIEW SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”. Mr. Baker explained that this Ordinance provides for the issuance of up to \$4,800,000 of General Obligation Bonds in order to finance or refinance a portion of the costs for the design, construction and equipping of the wastewater collection, transmission and treatment facilities for the South Ocean View Sanitary Sewer District. The Proposed Ordinance will be advertised for Public Hearing.

Depository Pledge & Security Agreement/ WSFS Mr. Baker advised that Wilmington Savings Fund Society (WSFS) Bank has asked to be given consideration for County business. He stated that, following a review of their financial records, he and Bill Townsend are recommending approval of a Depository Pledge and Security Agreement. Mr. Baker reviewed the proposed Agreement.

M 113 06 Approve Depository Pledge & Security Agreement/ Bids A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council approves a Depository Pledge and Security Agreement with Wilmington Savings Fund Society (WSFS) Bank which will secure County funds held by WSFS Bank.

Motion Adopted: 5 Yea.

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

Oak Orchard SSD/ Contract D/ Change Order Mr. Izzo, County Engineer, presented Change Order No. 2 to Contract D of the Oak Orchard Sanitary Sewer District Project. Mr. Izzo explained that quantities were greater than expected and therefore, the change order is for a cost increase, which considers all balancing of quantities totaling approximately \$75,000. This was a result of bidding the 8 inch sewer lines at varying depths and having to pay a higher unit price since there was a greater quantity of sewer line at the 8 foot – 12 foot depth and a lesser quantity of the less than 8 foot depth. Mr. Izzo explained that this change

order is not the final balancing change order, which will probably reduce the contract by approximately \$20,000.

M 114 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the**
Approve **recommendation of the Engineering Consultants, CABA Associates, Inc.,**
Change **for Sussex County Project No. 99-19 D, Oak Orchard Sanitary Sewer**
Order **District, Collection & Conveyance, that Change Order No. 2 be approved in**
 the amount of \$75,055.49, which increases the contract total to
M 114 06 **\$2,797,247.69.**

(continued)

Motion Adopted: 5 Yea.

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

Wastewater **Mr. Archut, Assistant County Engineer, presented a revision to the**
Agreement **Wastewater Agreement with the City of Seaford, dated January 1, 2005. In**
with the **accordance with the Agreement, the City of Seaford treats the wastewater**
City of **from the Blades Sanitary Sewer District. Mr. Archut reported that, due to**
Seaford/ **the growth in the District, it has become necessary to revise the Agreement.**
Blades **The new Agreement provides an option to purchase 24,000 gallons per day**
Sanitary **(gpd) each year through 2010 for a total of an additional 120,000 gpd. (This**
Sewer **would double the capacity.) It includes an allocation of 24,000 gpd for 2005**
District **that can be used this year, if justified.) Capacity is purchased when the flow**
Wastewater **exceeds the paid for capacity for two consecutive months. The new**
Treatment **Agreement allows the City to buy back capacity from the County at 75% of**
 the cost, subject to a straight-line, 20-year asset depreciation; adds a 2.5
 administrative fee to the Operations and Maintenance (O&M) costs to
 cover indirect costs incurred for time spent by the City Manager and her
 staff; requires Sussex County and the City of Seaford to carry the same
 liability insurance coverage; and would expire on December 31, 2009. The
 Agreement would be effective upon its adoption by both parties, which is
 expected to be on February 14, 2006. Mr. Archut noted that the Mayor of
 the Town of Blades supports the new Agreement since they have plans for
 annexations and since the current Agreement will not accommodate
 projects already in the pipeline.

M 115 06 **A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the**
Authorize **President of the Sussex County Council is authorized to execute a revised**
Execution **Agreement with the City of Seaford, on behalf of the Blades Sanitary Sewer**
of the **District, for wastewater treatment.**

Revised
Agreement
with the
City of
Seaford

Motion Adopted: 5 Yea.

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

Requests	Mr. Stickels presented grant requests for the Council's consideration.
M 116 06 Councilmanic Grant	A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Account) to Children & Families First for the Healthy Mothers, Healthy Babies, and Healthy Families Event.
	Motion Adopted: 5 Yea.
M 116 06 (continued)	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 117 06 Councilmanic Grant	A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$250.00 from Mr. Phillips' Councilmanic Account to the Friends of the Millsboro Public Library for the Annual Gala Fundraiser.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 118 06 County Council Grant	A Motion was made from Mr. Cole, seconded by Mr. Jones, to give \$1,000.00 from County Council Grants to The William C. Jason Class of 1956 Reunion for plaques and videoing expenses.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 119 06 Youth Activity Grant	A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Phillips' and Mr. Dukes' Youth Activity Grant Accounts) to Delaware Riptide (Fastpitch Softball) for operating expenses.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 120 06 Youth Activity Grant	A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 (\$250.00 each from Mr. Phillips' and Mr. Cole's Youth Activity Grant Accounts) to the Lower Sussex Little League, Inc. for field and building maintenance.
	Motion Adopted: 5 Yea.

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

M 121 06 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Accounts) to the Indian River Baseball Boosters for operating expenses.

M 121 06 (continued) Motion Adopted: 5 Yea.

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

M 122 06 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$600.00 (\$200.00 from Mr. Rogers' Councilmanic Account and \$100.00 each from Mr. Cole's, Mr. Dukes', Mr. Jones' and Mr. Phillips' Councilmanic Accounts) to the American Heart Association for the Sussex County Heart Ball, a fundraiser that benefits research and education to reduce cardiovascular disease and strokes.

Motion Adopted: 5 Yea.

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

Introduction of Proposed Ordinances Mr. Rogers introduced the Proposed Ordinances entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 93.67 ACRES, MORE OR LESS" (Change of Zone No. 1605) and "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 15.73 ACRES, MORE OR LESS" (Change of Zone No. 1606) filed on behalf of Nentego Properties, LLC.

Appoint-ments Mr. Stickels reminded the Council to submit the names of appointments to the Wellhead Protection Committee.

Additional Business Dan Kramer referred to the 2006 Community Data pamphlet that was distributed by Mr. Masten. Mr. Kramer noted that the population for Greenwood was omitted.

M 123 06
Authorize
Executive
Session

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to authorize an Executive Session to be held for the purpose of discussing land acquisition and personnel.

Motion Adopted: 5 Yea.

M 123 06
(continued)

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

M 124 06
Recess/
Go into
Executive
Session

At 11:58 a.m., a Motion was made by Mr. Cole, seconded by Mr. Dukes, to recess and go into Executive Session.

Motion Adopted: 5 Yea.

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

Executive
Session

At 11:59 a.m., an Executive Session of the Sussex County Council was held for the purpose of discussing land acquisition and personnel. The Executive Session concluded at 12:44 p.m.

M 125 06
End
Executive
Session and
Reconvene
Regular
Session

At 12:45 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to come out of Executive Session and reconvene the regular session of the Sussex County Council.

Motion Adopted: 5 Yea.

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

M 126 06
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 12:46 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council