



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 12, 2009

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 12, 2009, at 3:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
George B. Cole	Vice President
Joan R. Deaver	Councilwoman
Michael H. Vincent	Councilman
Samuel R. Wilson, Jr.	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy Administrator
James D. Griffin	County Attorney

Mr. Phillips called the meeting to order.

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

M 287 09 A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to amend the
Approve Agenda by deleting "Oak Orchard Expansion No. 1 – Design Contract"; to
Agenda correct the wording "Land Trust Agreement" to "Land Trade Agreement";
and to approve the Agenda; as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes The minutes of April 28, 2009 were approved by consent.

Corre- Mr. Griffin read the following correspondence:
spondence

THE TURNER FAMILY, SEAFORD, DELAWARE.
RE: Letter to Sussex County Community Development and Housing
Division in appreciation of repairs made to their home.

JOHN D. SYKES, LEWES, DELAWARE.
RE: Letter in support of Senate Bill No. 59.

Mr. Cole joined the meeting.

**American
Legion/
Presenta-
tion of
Poppies**

Cindy Phillips and other representatives were in attendance on behalf of the Oak Orchard - Riverdale American Legion Post #28 Auxiliary to present poppies to the Council. Mrs. Phillips stated that they do not glorify war; they honor those who serve our country “who fight to defend the freedoms we all enjoy everyday”. Mrs. Phillips stated that their Post sends approximately 17 boxes every month to deployed military and that many responses are received. Mrs. Phillips read a thank you letter from Hank Rickards, a Marine Reservist serving in Iraq. Mrs. Phillips told the Council that wearing a poppy shows the military that they are appreciated and are remembered.

**County
Attorney
Recommen-
dation**

Mr. Baker reported that, on April 2, 2009, letters were sent to approximately 35 attorneys in the Georgetown area asking for Letters of Interest from any firms interested in serving as County Attorney. Five responses were received; each of the five interested firms were interviewed by a Committee consisting of Dennis Cordrey, Personnel Director; Susan Webb, Finance Director; and David Baker, County Administrator.

Mr. Baker reported that the Committee is recommending Moore & Rutt, P.A. The firm has a staff of eighteen, including four attorneys (Everett Moore, David Rutt, Patrick Vanderslice and James Sharp). They have a wide range of experience handling public meetings and presiding over many board and town meetings. In addition, they have experience regarding ordinances and legislation, zoning applications, litigation, and contract writing. The firm is confident they can handle the work load and they have indicated that they would place County work as a high priority item. The firm has agreed to the rates that are being paid to the current County Attorney. The proposed effective date would be July 1, 2009.

Mr. Baker stated that this recommendation also includes a recommendation that Vincent Robertson would continue to serve as Assistant County Attorney and Attorney for the Planning and Zoning Commission, and that Richard Berl would continue to serve as Assistant County Attorney and Attorney for the Board of Adjustment.

Mr. Baker stated that, during the transition period up to July 1, 2009, it is expected that some work will be assigned to Moore & Rutt, P.A.

Mr. Baker advised that the County will continue to use Ballard Spahr Anderson and Ingersoll for bond and financial issues and Young Conaway Stargatt & Taylor for labor issues.

**M 288 09
Appoint
County
Attorney**

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, that effective July 1, 2009, the Sussex County Council appoints Everett Moore and the firm of Moore & Rutt, P.A. as County Attorney and Attorney for the Sussex County Council; Vincent Robertson and the firm of Griffin & Hackett, P.A. as Assistant County Attorney and Attorney for the Planning and Zoning Commission; and Richard Berl and the firm of Smith O'Donnell Feinberg & Berl as Assistant County Attorney and Attorney for the Board of Adjustment, all to serve at the pleasure of the Council; it is expected that some work may be assigned to each of the firms during the transition period.

**M 288 09
Appoint
County
Attorney
(continued)**

Motion Adopted: 5 Yeas.

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

Mr. Phillips stated that the Council is appreciative of the services of James Griffin, County Attorney.

**Legislative
Update/
Senate
Bill
No. 59**

Mr. Baker discussed Senate Bill No. 59 entitled "AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ENERGY CONSERVATION", which updates building code requirements for energy efficiency. Updating building codes in this act will ensure that Delaware will receive its full share of Federal Stimulus dollars. Mr. Baker advised that this Bill was brought to the County's attention on Wednesday or Thursday and it came up on the House floor on Friday. Mr. Baker advised the Council that County staff did not have time to bring it to the Council for an official position. Van Milligan, Building Code Supervisor, was asked to review the Bill.

Mr. Baker reported that, on April 9, 2009, a letter was sent to Senator Thurman Adams outlining several concerns that the County has with the Bill:

- Section (b) notes that "The Delaware Energy Office, or its successor, shall promulgate procedures for certification of compliance with these codes and standards..." The County is recommending that the word "promulgate" be changed to "recommend" in this section. The County believes that this would allow more flexibility for counties and municipalities to enforce compliance with the codes and standards.
- In Section (a), the second sentence notes, "In effect, the highest available energy conservation code as determined by the Delaware Energy Office shall be the referenced energy code..." The County is recommending that this sentence be changed to, "In effect, the highest available International Code Council, International Energy

Conservation Code, as determined by the Delaware Energy Office shall be the referenced energy code...” The reason for this change would be to limit the Delaware Energy Office’s ability to select more stringent or impractical energy conservation codes that could have a major impact on the cost of housing for our residents.

**Legislative
Update/
Senate
Bill
No. 59
(continued)**

- **The third concern is regarding (on lines 31, 32, and 33) requirements that residential and commercial building construction shall be zero net energy capable in either 2025 or 2030. It is the County’s understanding that these clauses are not required by the Federal government for Stimulus funding. The County has concerns regarding additional cost, especially regarding affordable housing, that this could impose on County residents. It is also the County’s understanding that, at this time, the technology to build a zero net energy home or commercial building would require a substantial increase in construction cost. Hopefully, in the near future, the technology will improve, but at this time, the additional cost for zero net energy buildings is not practical.**

Mr. Baker noted that the County is not opposing the Bill, but only suggesting changes.

Mr. Baker reported that an amendment to the Bill has been drafted that addresses the second item (listed above).

Mrs. Deaver stated that she is “not in line with this at all”; that the first issue should be left alone; and that the rest of the suggestions seem reasonable.

Mr. Vincent expressed concern that the Bill proposes zero energy in 2025 except what is generated on site, which will result in excessive expenses to the individual single family resident.

Mr. Baker stated that the County Administrator and Deputy County Administrator, without the ability to come to the Council for official action, took the right action by consulting with the County’s Building Code Department. It was noted that the letter to Senator Adams was provided to the Council as soon as was possible.

Mrs. Deaver questioned the law on this matter and stated that the Council should have had the opportunity to discuss it and vote on it before lobbying in Dover.

Mr. Phillips clarified the timeline of the receipt of the information and the need for a response without calling a special meeting.

Adminis-

Mr. Baker read the following information in his Administrator’s Report:

**trator's
Report**

1. Operator of the Year Awards

Delaware Technical & Community College honored Robert Moore and Robert Eldreth from the Sussex County Engineering Department as nominees for Wastewater Operator of the Year and Water Operator of the Year in Sussex County. We wish to congratulate them on their nomination for the awards, which is based on those “who have demonstrated outstanding technical excellence and an exemplary work ethic, thus contributing to the high level of water quality in Delaware.”

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

2. Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities

The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will meet on Monday, May 18, 2009, at 10:00 a.m. at the Sussex County West Administrative Complex, North DuPont Boulevard, Georgetown, Delaware.

3. South Coastal Library Ribbon Cutting

A ribbon cutting will be held at the South Coastal Library at 10:30 a.m. on Friday, May 15, 2009. The library has doubled in size to continue to provide outstanding service for the residents of Sussex County.

4. Sussex County Council Prayer Breakfast

The Sussex County Council Prayer Breakfast will be held on Friday, May 15, 2009, at 7:00 a.m. at the CHEER Community Center in Georgetown. A few tickets are still available for this event, which is paid for via ticket sales and private sponsorships.

**Deposit
Account**

Mrs. Webb presented a request to open a new deposit account for Economic Development Stimulus Program funding.

**M 289 09
Adopt
Resolution
No.
R 013 09**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 013 09 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF VANCE PHILLIPS, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

Motion Adopted: 5 Yeas.

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

Pension Fund Report	Mrs. Webb presented additional information on the Pension Fund, as requested by the Council at the May 5th meeting during a discussion regarding asset allocation and whether or not to increase the County's liquidity exposure. She stated that April values were obtained through May 11, 2009. Mrs. Webb reported that the asset allocation in March was 43 percent; in consideration of April values, the asset allocation increased to 45.9 percent.
Pension Fund Report (continued)	Mrs. Webb recommended that the County continue to monitor the situation monthly before deciding to take steps to increase the equity allocation. It was the consensus of the Council to agree to Mrs. Webb's recommendation.
Draft Ordinance/ Assessment Rate for Prince George's Acres Expansion/ DBSSD	Mrs. Webb reported that, at the May 5th Council meeting, the Council approved an Ordinance establishing the annual assessment rate for the Prince George's Acres Expansion of the Dagsboro – Frankford Sanitary Sewer District. Mrs. Webb presented a draft ordinance that would authorize the issuance of up to \$500,000 of General Obligation Bonds for the construction and equipping of this project. The Bonds would be from a USDA loan and grant with the terms being 4.25 percent for 4 years.
Introduction of Proposed Ordinance	Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$500,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE PRINCE GEORGE'S ACRES EXPANSION OF THE DAGSBORO – FRANKFORD SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.
Paramedic Response/ Cost Report	Glenn Luedtke, Director of EMS, presented information regarding the cost of paramedic responses. Mr. Luedtke reported that growth has been consistent over the years with a dip in 2001, which was due to a change in their response protocol. The total number of calls in incorporated towns for last year was 5,190; total calls were over 17,000 (responses). Mr. Luedtke reviewed the funding levels that the Department has received over the years. When the paramedic program began in 1990, the State contributed 60 percent of the costs and the County provided 40 percent. That funding level remained until the Year 2004, at which time the State's funding decreased over a two-year period to 40 percent. The legislation mandating this funding was changed in 2008 and the allocation for Fiscal Year 2010 will be 30 percent State funding and 70% County funding.

It was noted that users are not charged for paramedic services. Mr. Luedtke explained that, based on Medicare regulations, only one agency can charge for services and currently, the fire companies who operate the ambulance and transport the patient, are the entity permitted to charge a fee.

**Paramedic
Response/
Cost
Report
(continued)**

Mr. Luedtke reviewed cost per call, which is \$738.84; the County's portion at 60 percent is \$443.30. With 12,553 calls in the unincorporated areas, the cost to the County is \$5,564,745. With 5,190 calls in town areas, the cost to the County is \$2,300,727. Mr. Luedtke noted that the cost to the County will not improve with the decrease in State funding and with an anticipated increase in call volume by 5 percent.

Mr. Luedtke stated that the Department anticipates a drop in their budget in Fiscal Year 2010. For this reason, the overall cost per call will go down; however, the County's portion of that cost will go up.

The Council discussed the 10 percent reduction in State funding and the fact that State law governs the paramedic system. Several Council members commented that, if the County is going to assume more of the financial responsibilities of the program, then the County should seek more operational authority.

**Budget
Issues**

Mr. Baker reported that, at the May 19th Council meeting, the Budget Committee will be presenting the Proposed Fiscal 2010 Budget and he reviewed some of the budget items that will be presented at that time.

Some County revenues are at considerably lower levels; Realty Transfer Tax is down over \$4 million; housing related revenues are expected to be down \$2.2 million; and State paramedic funding is expected to be down \$1.2 million in accordance with the anticipated change in the State formula for funding.

Mr. Baker stated that, in Fiscal Years 2007 and 2008, the County experienced deficits in the General Fund in the amounts of \$2.7 million and \$3.3 million, respectively. A deficit in the amount of \$3.8 million is expected in the Fiscal Year Ending June 30, 2009.

Mr. Baker presented a five-year projection for the General Fund showing a deficit of \$0 in 2010, a deficit of \$2.2 million in 2011, a deficit of \$4 million in 2012, a deficit of \$5.3 million in 2013, and a deficit of \$5.3 million in 2014. He noted that this projection assumes a static economy without Realty Transfer Tax and housing related incomes rising until 2013.

Mr. Baker reported that the County funds many worthy causes in Sussex County within the Grant-In Aid Budget; however, given the difficult economic times, the Budget Committee will be recommending reductions. Mr. Baker reviewed a draft portion of the Grant-In Aid Budget for discussion purposes. The draft budget reflects a 27 percent decrease in the

Budget Issues (continued)	<p>Grant-in-Aid portion totaling over \$2.7 Million. There are reductions in almost every grant line item, including reducing Open Space funding to zero, reducing Town Grants for Local Law Enforcement by 50 percent, reducing grants to Sewer and Water Districts by \$719,000, a 50 percent reduction in funding for the University of Delaware Agricultural Extension Service, eight percent reduction in funding for the Fire Service, a 13 percent reduction in funding to State Police, and a 21 percent reduction in funding for the Sussex Conservation District grants, among others. Mr. Baker stated that the County’s goal is to not adversely affect the citizens in a major way.</p> <p>Mr. Cole suggested that the funding level remain the same for Local Law Enforcement Grants. In order to do this, he recommended a larger reduction in the funding to the State Police. It was the consensus of the Council that Mr. Baker would look into this suggestion and decide whether or not to include it in the proposed budget. It was noted that, during the Public Hearing on the Budget, the Council can amend the Budget, including funding levels, prior to its adoption.</p>
Proposed Ordinance/ Register of Wills	<p>In regards to Old Business and the Proposed Ordinance relating to fees charged by the Register of Wills, Mr. Baker reported that a Press Release was received from Greg Fuller, Register of Wills, withdrawing his support of the Proposed Ordinance and asking the Council to “close this particular ordinance”.</p>
M 290 09 Adopt Proposed Ordinance Relating to Fees Charged by the Register of Wills (DENIED)	<p>A Motion was made by Mr. Cole, seconded by Mr. Vincent, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE 1, SECTION 62-1, RELATING TO FEES CHARGED BY THE REGISTER OF WILLS”.</p> <p>Motion Denied: 5 Nays.</p> <p>Vote by Roll Call: Mrs. Deaver, Nay; Mr. Vincent, Nay; Mr. Wilson, Nay; Mr. Cole, Nay; Mr. Phillips, Nay</p>
Bid Award Update/ Johnsons Corner SSD Contract	<p>Mr. Izzo, County Engineer, presented an update on the Bid Award for the Johnsons Corner Sanitary Sewer District, Contract 08-09. He advised that the actual bid award for the first contract was made in February; however, the project has been on hold pending the resolution of Stimulus funding requirements, i.e. wage rate requirements, “Buy American” requirements, etc. Mr. Izzo stated that it has been determined that the contract will be exempt from the requirements since it was bid prior to enactment. He noted that the contract is still eligible for funding.</p> <p>Mr. Izzo reported that the bid opening on the second contract has been extended for the same reason; however, now the County can proceed with a bid opening and recommendation to Council.</p>

Agreement/ Johnsons Corner SSD	Mr. Izzo presented a proposed Construction Administration and Construction Inspection Agreement (No. 49) with Whitman, Requardt and Associates (WR&A). As part of this amendment, the Engineering Department executed a Design Contract with WR&A in the amount of \$698,548.00. Mr. Izzo noted that the design contract came in under budget with a reduction in the contract amount from \$698,548.00 down to \$400,000.00 due to the fact that archaeological investigations were budgeted but not necessary and land acquisition went smoothly, among other factors. In regards to the construction administration of the project, the scope of work is valued at \$583,187.00, representing a 6.3 ratio of construction costs.
Agreement (continued)	
M 291 09 Execute Contract/ Johnsons Corner SSD	A Motion was made by Mr. Cole, seconded by Mr. Vincent, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 49 to its Contract with Whitman, Requardt and Associates, LLP to reduce the cost of Amendment No. 46 for design from \$698,548.00 to \$400,000.00 resulting in a project savings of \$298,548.00, and further establishing the cost of the Construction Administration and Resident Project Representation for Johnsons Corner Sanitary Sewer District, at a cost not to exceed \$583,187.00.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea
Milton Library Second Floor Completion Project/ Change Order	Russell Archut, Assistant County Engineer, presented a proposed Change Order for the Milton Library Project, Second Floor Completion. He advised that in preparation of the project, library staff advised that there were two existing leaks in the building. Per the contract, the roofing subcontractor identified two major problem areas in addition to a number of places where things were improperly caulked or not caulked. County maintenance staff met with the roofing subcontractor at the site and reviewed the problems with them. The proposed cost for the repair work is \$5,049.90. Mr. Archut stated that the proposed cost does not include the replacement of any rotten plywood, if any is found when shingles are removed; the replacement cost for the plywood would be \$55.00 per sheet. Mr. Archut stated that, including this Change Order, the project total is still within the amount of funding budgeted.
M 292 09 Approve Change Order/ Milton Library Second	A Motion was made by Mr. Vincent, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department and its Consultant, Studio JAED, that Change Order No. 1 for Sussex County Project No. 07-04, Milton Library Second Floor, be approved, which extends the Contract time by three calendar days and increases the Contract amount by \$5,049.90 for a new total of \$724,049.90.

**Floor
Completion
Project**

Motion Adopted: 5 Yeas.

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

**Land
Trade
Agreement/
Fenwick
Island
SSD**

Mr. Archut presented a proposed Land Trade Agreement between Sussex County and DRC Properties, LLC which provides for an equal trading of 9,525 square feet of property between Sussex County and DRC Properties, LLC to provide access to Old Mill Bridge Road (County Road 381) for the development of land owned by DRC Properties, LLC. DRC's property is located at the intersection of County Road 381 and State Route 54 and is adjacent to the County's Regional Pumping Station No. 30. Mr. Archut explained that the Land Trade Agreement is a result of DelDOT wishing to limit access to Route 54. The land trade was listed in the Findings of Fact in Ordinance No. 1827 (Change of Zone No. 1577 filed on behalf of PGS Properties, LLC), which was passed by the County Council on February 28, 2006. The Findings of Fact state that "The applicant has agreed with the Sussex County Engineering Department to transfer a portion of its land to the County to enlarge the pump station site in exchange for an entrance on Old Mill Bridge Road."

Mr. Archut reported that the Land Trade Agreement includes the following conditions:

Developer's responsibilities:

- Absorb all costs associated (approximately \$85,000) with the relocation of the existing generator, transformer and with abandoning the existing well and connecting to the new water supply with all costs being reimbursed to the County within 30 days of an invoice being presented to the developer by the County.
- Remove the existing entrance to the County's pump station site when the new subdivision entrance is constructed.
- Provide the County with full ingress and egress through the subdivision entrance road as well as easements that would accommodate existing and future sewer lines associated with the pumping station.
- Permit the County to direct a portion of its run-off to be directed to the entrance drainage swale to be constructed by the Developer.

County's responsibility:

- Construct and maintain a fence around the perimeter of the pumping station site.

- Approve Land Trade Agreement with DRC Properties** **recommendation of the Sussex County Engineering Department that the Sussex County Council approves the Agreement with DRC Properties, LLC, and PGSD LLC for the trade of a 9,525 square foot portion of Parcel No. 533-12-76.01 in exchange for a 9,525 square foot portion of Parcel 533-12-76.06.**
- Motion Adopted: 5 Yeas.**
- M 293 09 (continued)** **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea**
- Requests** **Mrs. Webb presented grant requests for the Council's consideration.**
- M 294 09 Community Grant** **A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Phillips' and Mr. Vincent's Community Grant Accounts) to the Town of Laurel for their semi-annual Clean-Up Week.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea**
- M 295 09 Community Grant** **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$400.00 (\$100.00 each from Mr. Cole's, Mr. Phillips', Mr. Vincent's, and Mr. Wilson's Community Grant Accounts) to the Olde Tymers Softball League for major field projects.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea**
- M 296 09 Community Grant** **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$500.00 from Mr. Phillips' Community Grant Account to Millsboro Historical Society for operating expenses and projects.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea**
- M 297 09 Community Grant** **A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Phillips' Community Grant Accounts) to Laurel Fireworks Celebration for the July 4th**

fireworks show.

Motion Adopted: 5 Yeas.

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

M 298 09 **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00**
Community **(\$125.00 each from Mr. Cole's, Mr. Phillips', Mr. Vincent's and Mr.**
Grant **Wilson's Community Grant Accounts) to the Delaware Lions Foundation**
 for programs and projects.

Motion Adopted: 5 Yeas.

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

M 299 09 **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$100.00**
Community **from Mr. Cole's Community Grant Account to the Oak Orchard –**
Grant **Riverdale American Legion Post 28 Auxiliary for the poppies program.**

Motion Adopted: 5 Yeas.

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

Introduction **Mr. Vincent introduced the Proposed Ordinance entitled "AN**
of Proposed **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
Ordinances **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE**
 AIRCRAFT LANDING AREA TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED,
 SUSSEX COUNTY, CONTAINING 68.88 ACRES, MORE OR LESS"
 (Conditional Use No. 1842) filed on behalf of Edwin M. Odor.

Mrs. Deaver introduced the Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AWNING
AND SUNROOM RETAIL BUSINESS TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND
REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.14
ACRES, MORE OR LESS" (Conditional Use No. 1843) filed on behalf of
Ronald Simmons.

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

FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.39 ACRES, MORE OR LESS” (Conditional Use No. 1844) filed on behalf of Brad and Caroline Hawkes.

**Intro-
ductions
(continued)**

Mr. Phillips 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 24,743 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1686) filed on behalf of Workman’s Store, LLC.

The Proposed Ordinances will be advertised for Public Hearing.

**Job
Fair**

Mr. Cole suggested that the County sponsor a Job Fair through the Economic Development Office.

**M 300 09
Go Into
Executive
Session**

At 4:47 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to Personnel, Pending/Potential Litigation and Land Acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 4:48 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to Personnel, Pending/Potential Litigation and Land Acquisition. The Executive Session concluded at 4:56 p.m.

**M 301 09
Reconvene
Regular
Session**

At 4:57 p.m., a Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

There was no action on Executive Session items.

**M 302 09
Adjourn**

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to adjourn at 4:57 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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