



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE – MAY 16, 2006

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 16, 2006, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

M 365 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the
Amend and Agenda, by deleting two items:
Approve
Agenda

1. "Approval of Minutes"; and
2. Item No. 6 under "Grant Requests" – "6. Sussex Central High School";

and to approve the Agenda, as amended;

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

**SUSAN FRANCKOWIAK, EXECUTIVE DIRECTOR, NANTICOKE
SENIOR CENTER
RE: Thanking Council for their donation in support of the Center's building**

fund.

JERRY ROBERTS, HARBESON, DELAWARE

RE: Thanking Council for their contribution to be used for a People to People Student Ambassador Trip.

BERNICE EDWARDS, EXECUTIVE DIRECTOR, FIRST STATE COMMUNITY ACTION AGENCY, AND BRENDA WHITEHURST, ENTREPRENEUR RESOURCE PROGRAM

RE: Thanking Council for their donation in support of their recent Seven Quilts for Seven Sisters performance.

(Con't.)

THEO BRANS, COUNCILMAN, THE TOWN OF FENWICK ISLAND, DE

RE: Thanking Councilman Phillips for his recent contribution.

ROLAND TICE, CHRIST EVANGELISTIC CHURCH, LAUREL, DE

RE: Thanking Council for their donation in support of CEC's 2006 Spring Baseball Camp.

CAROL EVERHART, PRESIDENT/CEO, REHOBOTH BEACH-DEWEY BEACH CHAMBER OF COMMERCE, REHOBOTH BEACH, DE

RE: Expressing thanks to Mr. Stickels for his years of dedicated service to Sussex County.

**Adminis-
trator's
Report**

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

1. FY 2007 Budget

The FY 2007 Budget will be introduced on Tuesday, May 23, 2006, at the regularly scheduled Council meeting at 10:00 a.m. A special press briefing will take place in the Council Chambers at 7:30 a.m. Public hearings on the budget will be scheduled at various times, advertised in appropriate newspapers, and posted on the bulletin board for Tuesday, June 20, 2006.

**Request for
Executive
Session**

Mr. Stickels requested approval for an Executive Session to be held immediately after the morning session for the purpose of discussing Personnel issues.

**M 366 06
Authorize
Executive
Session/
Personnel**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to authorize an Executive Session to be held in the West Conference Room of the Engineering Department – immediately following the morning session – for the purpose of discussing personnel issues.

Motion Adopted: 5 Yea.

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

Mr. Rogers, Yea

**First State
Inspection
Agency/
Contract
Amendment**

(Con't.)

Mr. Godwin, Administrative Assistant, appeared before Council to seek approval for a contract amendment with First State Inspection Agency (FSIA). Mr. Godwin explained that Councilman Phillips had contacted him on April 12, 2006 concerning a complaint received from Mr. and Mrs. Mayr regarding the County's building inspection procedures. Mr. Godwin gave a brief summary of the incident, as well as distributing copies of a memo sent by him to First State Inspection Agency and the Sussex County Building Code Department. The basis of the complaint stems from the fact that upon an inspection at the Mayr home by a FSIA building inspector, the inspector offered additional personal opinions about the builder's workmanship. Later, when Mr. and Mrs. Mayr took the builder to court, the inspector testified and billed the homeowners for the time in court. It is the County's position that when an inspection is made, FSIA inspectors should not offer personal opinion. Mr. Godwin has been in contact with First State Inspection Agency and they are in agreement to an amendment of their contract with the County, as well as making reimbursement to Mr. and Mrs. Mayr in the amount of \$140. Mr. Godwin read into the record the recommended contract amendment.

**M 367 06
Approve
Contract
Amendment/
First State
Inspection
Agency**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to approve an addendum to the Inspection Agreement between Sussex County and First State Inspection Agency, Inc., dated January 3, 2006, by renumbering paragraph 14 to reflect paragraph 15 and adding the following new paragraph that would read, "14. When FSIA employees are engaged in performing County inspections under this agreement, they shall limit their activities and any statements made to or questions asked of any third party solely to information necessary to the proper completion of the County inspection and shall refrain from offering any personal opinion or making any comment on other than County building code compliance including, but not limited to, the quality of workmanship or construction. FSIA or its employees shall not offer or provide services to any third party that may result in a fee being charged to the third party while performing County inspections under the terms of this agreement."

Motion Adopted: 5 Yea.

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

**Bicycle
Safety
Program/
Request for
Funding**

State Representative Peter Schwartzkopf was in attendance and addressed Council regarding his letter requesting the County's financial assistance for the continuation of a Bicycle Safety Program. Mr. Schwartzkopf noted the danger caused by the influx of foreign student workers who rely heavily on bicycles as their mode of transportation. The Bicycle Safety Program educates the cyclists on the rules of the road and bicycle safety, as well as providing safety equipment, such as reflective vests and helmets. The Program is a partnership between law enforcement, medical professionals, Sussex Cyclists, Inc. and local

(Con't.)	<p>businesses. Sussex Cyclists have volunteered to hold periodic checkpoints starting in late June and throughout July along Route One. Mr. Schwartzkopf had originally agreed to provide \$5,000 in funding for this Bicycle Safety Program from his Community Transportation Funds, but was informed by DelDOT that this was not an allowable expense of those funds. Mr. Mike Tyler, of Sussex Cyclists, Inc., presented additional information regarding the influx of summer student workers, as well as tourists, and their impact on the roadways of Sussex, especially Route 1. He noted that, last summer, as many as 100 cyclists an hour were recorded as traveling on Route 1. It was mentioned that DelDOT has allocated \$4,000 for light sets, and that the \$5,000 requested today would be used toward a total of \$11,000 that is needed to purchase 3,000 helmets, not only for seasonal foreign workers, but for local cyclists and residents as well. Of the \$11,000 needed, presently, there is an approximate \$6,500 shortfall. All Sussex residents are welcome to attend the Bicycle Safety Day/Fair that will be held on June 19.</p>
M 368 06 County Council Grant/ Sussex Cyclists, Inc.	<p>A Motion was made by Mr. Cole, seconded by Mr. Jones, to grant \$5,000 from County Council Grants to Sussex Cyclists, Inc. to be used to purchase helmets as part of their Bike Fair and Bicycle Safety Check Point Program.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea</p>
EMS Week	<p>Mr. Glenn Luedtke, Director of EMS, appeared before Council regarding "Emergency Medical Services Week". Mr. Luedtke noted that in addition to the 2006 EMS Awards Banquet held on May 5th, various other activities have and will continue to be held in recognition of EMS Week.</p>
M 369 06 Adopt Proclamation/ EMS Week	<p>A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled, "PROCLAIMING THE WEEK OF MAY 14 THROUGH MAY 20, 2006 AS EMERGENCY MEDICAL SERVICES WEEK".</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea</p>
Airport Leases	<p>Mr. Masten, Director of Economic Development, reported that requests had been received from John Reichert to construct an approximately 5,000 square foot airplane hangar on leased property, Site #6, at the Sussex County Airport, as well as from A.P. Croll, III, on Site #7. Mr. Masten distributed handouts detailing the specifics of the two leases. Both would be 30-year leases with two 10-year options, CPI yearly increase after the first year, \$650 monthly land</p>

lease, proposed improvements would be reviewed by County Engineering staff, and construction would begin within 180 days.

M 370 06
Approve
Lease/Sussex
County
Airport
(Site 6)
John
Reichert
(Con't.)

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council approves John Reichert to lease Site #6 for hangar construction at the Sussex County Airport. The airplane hangar will be approximately 5,000 square feet. The lease would be a 30-year lease with two 10-year options, CPI yearly increases after the first year, \$650 monthly land lease, proposed improvements would be reviewed by County Engineering staff, and construction would begin within 180 days. Prior to executing the lease, any lease changes will be reviewed and approved by the County Administrator and County Finance Director, then presented to the President of Sussex County Council for his signature and approval.

Motion Adopted: 5 Yea.

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

M 371 06
Approve
Lease/Sussex
County
Airport
(Site 7)
A. P. Croll

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve A. P. Croll, III, to lease Site #7 for hangar construction at the Sussex County Airport. The airplane hangar will be approximately 5,000 square feet. The lease would be a 30-year lease with two 10-year options, CPI yearly increases after the first year, \$650 monthly land lease, proposed improvements would be reviewed by County Engineering staff, and construction would begin within 180 days. Prior to executing the lease, any lease changes will be reviewed and approved by the County Administrator and County Finance Director, then presented to the President of Sussex County Council for his signature and approval.

Motion Adopted: 5 Yea.

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

Sussex
County
Airport
Sublease/
Delmarva
Aviation

Mr. Masten noted that Mr. John Kenney, of Georgetown Aircraft Services, is requesting approval to sublease their current lease with the County to Delmarva Aviation. The sublease tenant would be Garrett L. Dernoga, owner of Delmarva Aviation. Both Mr. Kenney and Mr. Dernoga were in attendance. Mr. Dernoga explained that he is a local flight instructor with 6 years of experience. He noted that he has identified the need for additional flight instruction in Sussex County. In addition to their primary focus in providing flight instruction services, Delmarva Aviation will also provide aircraft rentals, advanced training, recurrency training, and sightseeing & aerial photography services. The proposed services would begin immediately upon County Council's approval.

M 372 06
Approve
Sublease/
Sussex
County
Airport
(Delmarva
Aviation)

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to authorize a sublease under the current lease agreement with Georgetown Air Service, to lease space at the new terminal building to Delmarva Aviation for the purpose of providing flight instruction for private pilot training, rentals, advance training, sightseeing and aerial photography. The proposed tenant will comply with insurance requirements as required by the County Finance Director and the County insurance consultant.

Motion Adopted: 4 Yea; 1 Absent.

(Con't.)

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

Substantial
Completion/
Oak Orchard
SSD

Mr. Izzo, County Engineer, reviewed the awarding of Substantial Completion for the four active construction contracts for the Oak Orchard Sanitary Sewer District Project, including Contracts B, C, D and E. Mr. Izzo noted that the physical construction of the Oak Orchard Sewer District was completed in March 2006, and on April 1, 2006, the Engineering Department allowed connections to begin.

M 373 06
Approve
Substantial
Completion/
Oak Orchard
Sanitary
Sewer District

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that based upon the recommendation of the Engineering Consultants, Cabe Associates, Inc., and the Engineering Department, that Substantial Completion be granted to the following contracts for the construction of the Oak Orchard Sanitary Sewer District:

- 1. Oak Orchard "B" – Bearing Construction – effective March 6, 2006;**
- 2. Oak Orchard "C" – George and Lynch, Inc. – effective March 22, 2006;**
- 3. Oak Orchard "D" – Metra Industries – effective March 6, 2006;**
- 4. Oak Orchard "E" – Metra Industries – effective March 22, 2006;**
and

further that any held retainage be released pending the completion of any outstanding punchlist and warranty items.

Motion Adopted: 5 Yea.

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

White's
Creek Manor
(Project
No. 05-06)/

Mr. Izzo reported to Council on Sussex County Project No. 05-06, "White's Creek Manor and County Road 350 Sewer" of the Millville Expansion of the Bethany Beach Sanitary Sewer District. Mr. Izzo noted that of the 6 bids that were received, three were less than the Engineer's estimate of \$3,572,465. A

Bid Results bid protest was received from Metra Industries of Little Falls, New Jersey, the second low bidder. The basis of the protest was due to the fact that two of the subcontractors referenced in the low bid received from Underground Utilities were not licensed in the State of Delaware as of the bid opening. Research indicated that one subcontractor was actually licensed properly, and the amount of the work to be performed by the second subcontractor amounted to less than \$5,000. A finding by the Assistant County Attorney determined that the error was not significant and that the award to the low bidder, Underground Utilities, was appropriate.

Bid results were as follows:

(Con't.)	<u>Bidder</u>	<u>Bid Amount</u>
	Underground Utilities Corp. Linden, NJ	\$3,242,605.00
	Metra Industries Little Falls, NJ	\$3,387,635.00
	Teal Construction Dover, DE	\$3,390,932.00
	Ed McGinn Contractors West Chester, PA	\$3,689,215.00
	R. E. Pierson Construction Pilesgrove, NJ	\$4,017,460.00
	American Paving Corp. Salisbury, MD	\$4,332,193.00
	ENGINEER'S ESTIMATE	\$3,572,465.00

M 374 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, that based upon
Award of the recommendation of the Engineering Consultants, Whitman, Requardt and
Bid/ Associates, LLP, and the Engineering Department, that Sussex County Project
Whites No. 05-06 "Whites Creek Manor & County Road 350 Sewer" be awarded to
Creek Underground Utilities Corporation of Linden, New Jersey, at the base bid
Manor/ amount of \$3,242,605 contingent upon the receipt of approval from the
Whitman, Delaware Department of Natural Resources and Environmental Control.
Requardt

Motion Adopted: 5 Yea.

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

Holly Oak Ms. Deptula, Assistant Director of Public Works, presented and reviewed with

Proposed Suburban Community Improvement Project

(Con't.)

Council a fact sheet regarding the Holly Oak Proposed Suburban Community Improvement (SCI) Project. She noted that the project was formally accepted into the SCI Program on Tuesday, January 17, 2006. Since that date, a final cost estimate has been prepared for the requested improvements, which includes a final project cost of \$235,279.36 for a 3-inch hot mix pavement overlay and minor drainage repair work. This cost estimate was mailed out to property owners on April 10, along with an invitation to attend a public comment session held on Sunday, April 30th (the date of an already scheduled property owner's meeting). A letter was then received from the Association requesting the County to proceed with an election based on the cost estimate presented by the County of \$235,279.36, or \$427 per year, based on the average parcel size. Ms. Deptula is requesting Council's approval to authorize an election to be held.

M 375 06

Authorize Election/ Holly Oak Subdivision

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that based upon the recommendation of the Sussex County Engineering Department the Sussex County Council authorizes an election to be held at the Inland Bays Regional Wastewater Treatment Facility, Long Neck, Delaware, between the hours of 9:00 a.m. – 6:00 p.m. on Saturday, June 10, 2006, for the purpose of allowing property owners and residents of Holly Oak Subdivision, Indian River Hundred, to consider the financing of suburban community improvements as regulated under Title 9, Chapter 5, of the Delaware Code, and having an estimated total project cost of \$235,279.36 to be financed over a fifteen year period with an estimated annual cost of \$3.23 per front foot.

Motion Adopted: 5 Yea.

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

West Reh. Expansion/ DBSSD (Pinetown Sewer Redesign/ Mod. No. 3)

Mr. Stewart, Project Engineer, appeared before Council to discuss a modification to the County's contract with George, Miles & Buhr, LLC, the County's engineering consultant, for the Redesign of the Pinetown Sewer Extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The original contract for the design of the West Rehoboth Expansion was signed on February 18, 1997. Modification No. 2 was for the design of the Pinetown Sewer Extension (Project No. 96-03). Mr. Stewart noted that construction bids received for that project exceeded the Engineer's cost estimate and the project's budget. Based on the Engineering Department's recommendation, the Council rejected both bids in October 2003, and determined that the project be value engineered and rebid. Mr. Stewart reported that it was now favorable to redesign the project as an all-gravity system. George, Miles & Buhr, the previous consultant, was requested to submit a proposal for the redesign, which has been done. At the present time, the Engineering Department recommends that the County go forward with this redesign by George, Miles & Buhr under Contract Modification No. 3 for the total estimated fee of \$38,313.

M 376 06
Approve
Contract
Mod. No. 3/
Pinetown
Sewer System
Redesign &
Contract
Admin./
West Reh.
Exp. DBSSD

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that based upon the recommendation of the Engineering Department that the County Council authorizes its President to execute Contract Modification No. 3 with George, Miles & Buhr, LLC, to perform consulting services for the redesign and contract administration of the Pinetown Sewer System in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District for the not-to-exceed amount of \$38,313, contingent upon approval from the Delaware Department of Natural Resources and Environmental Control and the United States Department of Agriculture – Rural Development.

Motion Adopted: 5 Yea.

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

EOC/Change
Order No. 1

Mr. Stewart, Project Engineer, reported to Council on Change Order No. 1 - Sussex County Emergency Operations Center, which is for a change in the amount of paving in the parking lots at the Center. When the design of the parking lots was reviewed, the pavement thickness was found excessive for the expected traffic loads. Therefore, the Engineering Department recommended that the total pavement thickness be reduced in all parking areas, except the entrances and exits. The asphalt courses were decreased from 4 inches to 3 inches, and the crushed stone course from 9 inches to 6 inches. The Contractor, Richard Y. Johnson & Son, offered a total credit of \$28,241 for this reduction in paving work, which will decrease the total contract sum by that amount.

M 377 06
Approve
Change
Order No. 1
(Project
No. 04-02)
Emergency
Operations
Center

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that based upon the recommendation of the County architectural and engineering consultants, L. R. Kimball & Associates, and the Sussex County Engineering Department, that Change Order No. 1 for County Project No. 04-02, Emergency Operations Center, be approved in the amount of \$28,241, which decreases the total contract sum from \$7,161,420 to \$7,133,179.

Motion Adopted: 4 Yea; 1 Absent.

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

Requests

Mr. Stickels presented grant requests for the Council's consideration.

M 378 06
Community
Improvement
Fund &
Youth

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$5,000 (\$2,500 from Mr. Phillips' Youth Activity Account and \$2,500 from Mr. Dukes' Community Improvement Fund) to the Nemours Health & Prevention Services to be used for their healthy lifestyle campaign in Sussex County.

Activity Grant/ Nemours	Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea
M 379 06 Community Improvement Fund/ Esther House (Con't.)	A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$2,000 from Mr. Jones' Community Improvement Fund to the Esther House to help fund the services provided to birthmothers experiencing unplanned pregnancies. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea
M 380 06 Youth Activity Grant/ Delaware Diamonds 16U	A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$300 from Mr. Jones' Youth Activity Account to the Delaware Diamonds 16U to be used for expenses for the upcoming season. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea
M 381 06 Council- manic Grant/ Sussex Central High School Band Boosters	A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200 (\$100 from Mr. Phillips' and Mr. Jones' Councilmanic Grant Accounts) to the Sussex Central High School Band Boosters to help fund the purchase of Honor Cords for their graduating seniors, as well as the annual Awards Banquet. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea
M 382 06 Community Improvement Fund/ Coverdale Crossroads Community Council	A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500 from Mr. Jones' Community Improvement Fund to the Coverdale Crossroads Community Council to help fund a Spring Fashion Show and Dinner. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Jones, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea
Table Action/R. B.	Due to Councilman Cole's lack of Councilmanic Grant Funds, it was the consensus of the Council to table action on the funding request submitted by

Film Society	the Rehoboth Beach Film Society.
Proposed Ordinance/ "Clean Hands Policy"/ Discussion Only (Con't.)	Mr. Godwin presented and briefly discussed with Council a proposed Ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 103, TAXATION, TO ADD ARTICLE V TO REQUIRE PROPERTY OWNERS TO BE CURRENT IN ALL MONETARY OBLIGATIONS OWED TO THE COUNTY AS A CONDITION TO MAKING APPLICATION FOR AND RECEIVING COUNTY APPROVAL, COUNTY SERVICES OR OBTAINING A COUNTY LICENSE OR PERMIT". The Synopsis states that "This amendment creates a "clean hands policy" that will require a property owner's monetary obligations to the County to be paid current prior to the County accepting an application from the property owner for any license, permit, approval or additional service to the delinquent property or its owner. Without this amendment, the property owner who is delinquent in their obligations can file an application for zoning approval, a variance, a building permit or building code review without paying the delinquent tax obligations owed to the County." This proposed Ordinance is for Council's review and possible introduction at a later time.
Proposed Ordinance/ Discussion (Define Scattered Parcel)	Mr. Griffin reviewed with Council a proposed Ordinance entitled, "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XVII §110-110 DEFINING A 'SCATTERED PARCEL". It was noted that Councilman Phillips had requested that this Ordinance be drafted. Due to concern expressed by Councilman Cole, it was requested by Council for Mr. Izzo and his staff to investigate the impact of this proposed Ordinance. The synopsis of the proposed Ordinance states, "This amendment enlarges the land area that constitutes a "scattered parcel" in light of the fact that the North Bethany area is almost entirely developed and that there is more than ample sewer capacity for the North Bethany extension of the Bethany Beach Sanitary Sewer District."
Introduction of Ordinance	Mr. Phillips introduced a Proposed Ordinance entitled, "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XVII §110-110 DEFINING A 'SCATTERED PARCEL". The Proposed Ordinance will be advertised for a Public Hearing.
Update/ Sign Ordinance	Mr. Godwin reported to Council regarding the Sign Ordinance and the enforcement thereof. Although a final analysis has not been completed, Mr. Godwin briefly reviewed highlights regarding the particular issues mentioned by Council at last week's meeting, such as changeable signs, lighted signs, and temporary real estate signs. Council was presented with copies of County Code, in particular §115-157 thru 160. Mr. Godwin also noted three items containing vague wording and suggested revisions to offer additional clarification. Mr. Godwin noted that it appears that enforcement of the County's Sign Ordinance is complaint-driven, but suggested a more proactive approach. Upon his final analysis of the County's Sign Ordinance, Mr. Godwin will report back to Council.

Resident's Concern	Mr. Kramer, of Greenwood, noted that several his continued complaints regarding an alleged illegal sign have not been addressed.
M 383 06 Authorize Executive Session	At 11:50 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes, to authorize Council to go into Executive Session for the purpose of discussing personnel issues. Motion Adopted by Voice Vote
Executive Session/ Personnel M 384 06 Return to Regular Session	<p>At 12:05 p.m., an Executive Session of the Sussex County Council was held in the West Conference Room of the Engineering Department for the purpose of discussing personnel issue.</p> <p>At 1:10 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to come out of Executive Session and return to Regular Session.</p> <p>Motion Adopted: 3 Yea; 2 Absent.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Absent; Mr. Rogers, Absent</p>
M 385 06 Recess	At 1:10 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.
Reconvene	At 1:30 p.m., Mr. Rogers called the Council back into session.
Public Hearing (C/U No. 1649) Ronald W. Morgan	<p>A Public Hearing was held on the Proposed Ordinance entitled, "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GARAGE AND PARKING OF TRUCKS AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.54 ACRES, MORE OR LESS" (Conditional Use No. 1649) filed on behalf of Ronald W. Morgan.</p> <p>The Planning and Zoning Commission held a Public Hearing on this application on April 27, 2006, at which time action was deferred. Mr. Abbott stated that on May 11, 2006 the application was discussed under Old Business, at which time the Planning & Zoning Commission voted to deny the application based on the record made at the Public Hearing.</p> <p>Mr. Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission's Public Hearing and their reasons for denial. The summary was admitted as part of the County Council's record.</p> <p>The County Council found that Jennifer Morgan, the applicant's wife, was in attendance, along with their attorney, David Rutt. Mr. Rutt explained that Mr. Morgan was absent due to complications arising from a recent medical procedure. Exhibit booklets were presented to Council by the applicant, which included a copy of their application, site plan, photographs of the site and</p>

There were no public comments and the Public Hearing was closed.

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to defer action on Conditional Use No. 1649 filed on behalf of Ronald W. Morgan.

Motion Adopted: 5 Yea.

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

A Public Hearing was held on the Proposed Ordinance entitled, “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL MACHINE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS” (Conditional Use No. 1650) filed on behalf of J. V. Industrial, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 27, 2006, at which time they recommended the application be approved with 4 conditions.

Mr. Abbott, Assistant Director of Planning and Zoning, read a summary of the Commission's Public Hearing and their recommendation of approval. The summary was admitted as part of the County Council's record. Mr. Abbott provided Council with copies of the site plan.

The County Council found that Ronald Doughty, the applicant, was present. Although Mr. Doughty does not plan to have employees, Council felt it advisable to amend one of the proposed conditions to allow for the hiring of a small number of employees if needed in the future.

There were no public comments and the Public Hearing was closed.

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1849 entitled, “AN ORDINANCE TO GRANT A CONDITIONAL USE OF

Ord. No. 1849 (C/U No. 1650) J. V. Industrial **LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL MACHINE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS (Conditional Use. No. 1650) filed on behalf of J. V. Industrial, Inc., with the following conditions:**

- 1. There shall be no expansions to the business;**
- 2. The machine shop shall be operated within the existing shop structure;**
- 3. There shall be no signage advertising the business; and**
- 4. There shall be no more than 3 employees.**

(Con't.)

Motion Adopted: 5 Yea.

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

**M 388 06
Adjourn**

At 2:35 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

**Nancy J. Cordrey
Assistant Clerk of the County Council**