



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 28, 2011

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 28, 2011, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
Everett Moore	County Attorney

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

Mr. Vincent called the meeting to order.

M 365 11 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting Job Applicants' Qualifications and Land Acquisition under Executive Session and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

The minutes of June 21, 2011 were approved by consent.

Minutes

Mr. Moore read the following correspondence:

Corre- spondence

**LEWES-REHOBOTH ASSOCIATION OF CHURCHES, COMMUNITY
RESOURCE CENTER, REHOBOTH BEACH, DELAWARE.**

**RE: Letter endorsing the refunding of the READS Program within the
Sussex County Department of Libraries.**

BEEBE MEDICAL FOUNDATION, LEWES, DELAWARE.

RE: Letter in appreciation of Councilwoman Deaver's participation in the 22nd Annual Best of the Beach Art Auction fundraiser.

M 366 11 P&Z Appointment **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to reappoint I.G. Burton to the Planning and Zoning Commission for a term of three years, until June 2014.**

M 366 11 (continued) **Motion Adopted: 5 Yeas.**

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

Proposed Amendment to Rules of Procedure **The Council discussed the current Rules of Procedure regarding additional business at Council meetings. Mr. Moore advised that David Rutt, Assistant County Attorney, reviewed the rules and various court decisions and he is proposing some changes:**

Amend Rule 17.B -

Current language – Each speaker shall confine their comments to matters that are clearly within the jurisdiction of the Council and which are matters of legitimate County business and shall not use the Additional Business portion of the agenda as a means to criticize one or more members of the Council or County employees or subcontractors for matters that relate to personnel decisions or that are personal in nature.

Proposed language - Each speaker shall confine his or her comments to matters appearing on the meeting agenda which are clearly within the jurisdiction of Council and are matters of legitimate County business.

Amend Rule 17.D –

Current language – Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies.

Proposed language - Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.

Add Rule 17.F –

Proposed language - Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Additional Business is not included on the agenda.

(continued) Mr. Moore noted that the changes are based on current case law and Legal Counsel is comfortable with the proposed changes.

M 367 11 A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to delete the
Amend words “*appearing on the meeting agenda*” from proposed Rule 17.B.
Proposed
Rule 17.B Motion Adopted: 5 Yeas.

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

M 368 11 A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to adopt the
Adopt proposed changes to Rule 17, as amended, as follows:

Proposed **Amend Rule 17.B** - Each speaker shall confine his or her comments to
Changes matters which are clearly within the jurisdiction of Council and are matters of
to Rules legitimate County business.
of
Procedure

Amend Rule 17.D – Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County’s business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.

Add Rule 17.F – Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Additional Business is not included on the agenda.

Motion Adopted: 5 Yeas.

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

Re- Mr. Moore reviewed the proposed redistricting process for the Council’s
districting consideration. He stated that, with the receipt of the U.S. Census data and

Process the redistricting maps drafted by the State House of Representatives, Sussex County Council is now prepared to begin the redistricting for its five (5) districts as mandated by law. The census data has been downloaded and the new maps will be drawn in compliance with all Federal and State mandates. The ideal councilmanic district is 39,429 per the 2010 U.S. Census data. The districts must be within 5 percent of that number, i.e. between 37,458 and 41,401 persons. It is the desire of the Council to involve the public to the greatest extent possible. To that end, a public comment period will be open beginning June 28, 2011 for a period of three (3) weeks until July 19, 2011. During that period, residents can submit their plans and/or suggestions to the following addresses:

Re-districting Process (continued)

Email: redistricting@sussexcountype.gov
Mail: Clerk of the Sussex County Council
P. O. Box 589
Georgetown, DE 19947

Only written requests will be accepted during this period. The redistricting plan will be led by County Attorney, J. Everett Moore, Jr. Once the plan is completed, it will be circulated to the media and posted on the County's website. A public hearing will be held on a date to be determined in August or September during which the public can comment either in writing or orally.

In response to questions, Mr. Moore stated that the 3-week public comment period is for the purpose of allowing the public to submit their suggestions; after the maps are drafted, a public hearing will be scheduled.

M 369 11 A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to adopt the
Adopt redistricting process.

Re-districting Process Motion Adopted: 5 Yeas.

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

Adminis- Mr. Baker read the following information in his Administrator's Report:

trator's Report

1. **2012 Capital Transportation Program Request**

Sussex County invites the public to offer suggestions for the upcoming 2012-2018 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation in early September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions. Please visit www.sussexcountype.gov and click the 'Transportation Ideas'

link on the right side of the main page to fill out a suggestion form. Submissions will be accepted now through July 29. The Administration will review all suggestions and then compile a draft report for County Council's consideration in late August before submitting it to DelDOT in September.

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

2. Certificate of Achievement for Excellence in Financial Reporting

We are pleased to announce that for the ninth consecutive year the Sussex County Council has received the Certificate of Achievement for Excellence in Financial Reporting (CAFR) from the Government Finance Officers Association. This CAFR award recognizes the extra effort and quality of the annual financial report for the year ended June 30, 2010. Applying for this award requires additional work to be done to provide statistical information about Sussex County that is not normally required in annual reports.

We wish to thank Ms. Susan Webb, Ms. Gina Jennings, Ms. Kathy Roth, Mr. Keith Moore, Ms. Louise Thompson, Mr. Jeffrey James, and everyone in the Accounting and Finance departments who helped prepare this report.

3. Generator Bids

At the April 19, 2011 meeting, the County Council voted to reject bids for replacement of generators for the Department of Environmental Services. The sole bid received was for \$231,565. We are pleased to announce that by individually pricing these generators, we have been able to reduce that cost to \$153,890, a 33.5 percent or \$77,675 savings. We wish to thank Mr. Rodney Marvel and the County Engineering Department for rebidding this work.

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

A meeting of the Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County will be held on Monday, July 18, 2011, at 10:00 a.m. at the Sussex County West Administrative Complex. Attached is a copy of the agenda for the meeting.

5. Summer Holidays

The Sussex County Council will not meet on July 5, 2011, in honor of the July 4th holiday. A summer holiday for the County Council will also occur on July 12. The next regularly scheduled meeting of the Sussex County Council will occur on July 19, 2011.

County offices will be closed July 4, 2011, for the Independence Day

holiday.

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

**Deposit
Accounts
M 370 11
Adopt
Resolution
R 015 11**

Mrs. Webb presented a Proposed Resolution to authorize three new bank accounts with Fulton Bank.

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 015 11 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE FULTON BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON, JR., 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. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Legislative
Update**

Hal Godwin, Deputy County Administrator, presented the following legislative update:

House Bill No. 31 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES

This Act aligns when Sussex County's taxes are due and payable with Sussex County's budget year.

This Bill was signed into law on April 15, 2011.

House Bill No. 152 – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE APPRAISERS

This Act makes §4019(e) effective only after a County or Municipality has done a reassessment of all real estate located in that jurisdiction.

This Bill was tabled in Committee. The County Council supports the tabling. The legislation will be revisited in January 2012.

House Bill No. 60 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS

This Bill amends the minimum standards set forth in Chapter 9, Title 9 of the Delaware Code with respect to the primary enclosures and tethering of dogs. The Bill establishes a formula for calculating the proper enclosure size for housing a dog in lieu of the current provision, which requires

consultation of the Code of Federal Regulations. It also clarifies when the space requirements and limitations do not apply. The bill further establishes more detailed requirements for persons who tether their dogs, including a prohibition on tethering of dogs under 4 months of age and a prohibition of tethering any dog between the hours of 11:00 p.m. and 6:00 a.m. unless it is only for a period less than fifteen minutes.

Legislative
Update
(continued)

This Bill was tabled in Committee.

House Substitute 1 for House Bill 101 – AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO AGREEMENTS THE DEPARTMENT OF TRANSPORTATION MAKES WITH LOCAL JURISDICTIONS FOR TRAFFIC STUDIES RELATED TO DEVELOPMENT

Memorandums of Understanding (MOAs) exist between DelDOT and local governments to guide their interaction on land use development. This Bill requires DelDOT and local jurisdictions to rework their MOUs which may be in conflict with the authority of DelDOT as set forth in this Bill.

This Bill was tabled in Committee.

Mr. Godwin stated that it could come up in January 2012.

Senate Bill No. 26 – AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO NUTRIENT MANAGEMENT

This legislation revises Chapter 22 of Title 3 to clarify that the Department of Agriculture and Department of Natural Resources and Environmental Control are authorized to continue and expand the CAFO NDPES Program in Delaware to meet changing conditions and consistent with recent federal directives and authorities.

This Bill was signed into law on June 3, 2011.

Senate Bill No. 64 – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FLOODPLAIN AND DRAINAGE STANDARDS, WETLANDS AND SUBAQUEOUS LANDS

This legislation authorizes the Department of Natural Resources and Environmental Control to adopt guidance and minimum standards to minimize risk from flooding with the input from a stakeholder advisory group. Such standards or equivalent standards shall subsequently be adopted by local governments to the extent that existing requirements do not meet the minimum standards established under this legislation. The legislation also authorizes the DNREC Secretary to waive regulatory requirements of the Wetlands and Subaqueous Land Regulations to protect public health and safety and to prevent catastrophic damage to property.

This Bill has been amended and passed the Senate on June 16; the Bill is on the House Ready List.

**Legislative
Update
(continued)**

The Amendment eliminates the requirement that local governments adopt code changes or ordinances to meet minimum standards and identifies specific membership for the Floodplain and Drainage Advisory Committee to include representatives from municipal and county governments. The Amendment also includes a process by which local governments will assess their existing flood plain and drainage requirements with the assistance of DNREC, if needed, and report their findings to DNREC. DNREC is required to compile those findings in a report, review such report with the committee for input and report to the General Assembly by March 15, 2013.

Mr. Godwin stated that the committee would be formed within 9 months of the adoption of the Bill.

The Council discussed the legislation.

Mr. Wilson stated that this legislation is one that should be carried over to January 2012. Mrs. Deaver stated that this legislation is needed to address problems at Prime Hook. Mr. Cole stated that flooding is a State issue and they are trying to handle it and that he supports the legislation with the addition of the language "consideration". Mr. Vincent stated that there is a need for the legislation; however, there is concerns/questions regarding the reference to "hardship" and hardship justification.

**M 371 11
Council
Opposes
SB 64**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to direct the Deputy County Administrator to advise the General Assembly that the Sussex County Council does not support Senate Bill No. 64 with the Amendment because of the number of questions that remain as to intent.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Legislative
Update
(continued)**

It was noted that Mr. Godwin can relay the Councilmembers' individual comments to the legislators.

House Bill No. 143 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE FUND TO COMBAT VIOLENT CRIME, FUNDED BY AN ADDITIONAL PENALTY IMPOSED BY COURTS FOR VARIOUS OFFENSES

To provide state and local law enforcement agencies with additional resources to fight violent crime, including gun violence, this legislation establishes The Fund to Combat Violent Crimes. The Fund will be funded

Legislative
Update
(continued)

by an additional penalty of \$15 to be levied upon individuals convicted of crimes or offenses, thus ensuring that violators bear the cost of this initiative. The first \$2.25 million of the Fund will go to the Department of Safety and Homeland Security to fight violent crime. The next \$1 million will be administered by The Fund to Combat Violent Crimes Committee and distributed to local law enforcement agencies in connection with initiatives to reduce violent crime, especially gun violence. Local police agencies will apply for such funds. The next \$1 million will be distributed to local law enforcement agencies. Any monies received in excess of \$4.25 million per year will be deposited in the General Fund.

This Bill was tabled in Committee.

House Bill No. 126 – AN ACT TO AMEND TITLES 9, 22 AND 29 OF THE DELAWARE CODE RELATING TO THE REVIEW AND CERTIFICATION OF COMPREHENSIVE PLANS AND THE ROLE OF THE CABINET COMMITTEE ON STATE PLANNING ISSUES AND THE OFFICE OF STATE PLANNING COORDINATION

This Bill clarifies the process by which the state shall review and certify county and municipal comprehensive plans. It also corrects several inconsistencies in the Code that have been created over the years as the State's land use laws have changed and evolved. The Bill would eliminate the Governor's Advisory Council on Planning Coordination and transfer its responsibilities to the Cabinet Committee on State Planning Issues and the Office of State Planning Coordination. In addition, the Bill would (1) change to July 1 the deadline by which counties and municipalities must provide annual reports to OSPC, so that information can be included in the Cabinet Committee's annual report prepared in October; (2) permit (but not require) the Cabinet Committee to develop guidelines for such annual reports; (3) authorize the Cabinet Committee to extend the deadline for counties and municipalities to submit comprehensive plans; and (4) explicitly authorizes OSPC to prepare the State Strategies for Policies and Spending document and maps.

This Bill was amended by the Senate. The amendment clarifies that notwithstanding that authority, county and municipal governments will retain their existing autonomy with respect to land use designations, such as zoning.

This Bill passed the Senate, as amended, and is now in the House.

Mr. Godwin noted that the Council does not oppose this Bill.

Senate Bill No. 138 – AN ACT TO AMEND TITLE 9 RELATING TO COMPREHENSIVE LAND PLANS

This Bill would increase the maximum time between comprehensive plan updates from 5 to 10 years. Nothing prohibits a county from acting more

often, but experience has shown that five years is too short an amount of time between updates, leaving little time to implement a plan before starting the whole cycle over.

Mr. Baker stated that the Delaware Association of Counties supports this legislation.

Legislative
Update
(continued)

Mr. Godwin stated that the Office of State Planning Coordination may bring an amendment to this Bill to align the County with the municipalities. Currently, the municipalities review and update their plan every ten years; however, “At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.”

The Bill is on the Senate agenda for June 28.

The majority of the Council supports this legislation.

Senate Bill No. 156 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS

Mr. Godwin stated that this is the same Bill as House Bill No. 60 that the Council was opposed to.

This Bill amends the minimum standards set forth in Chapter 9, Title 9 of the Delaware Code with respect to the primary enclosures and tethering of dogs. The Bill establishes a formula for calculating the proper enclosure size for housing a dog in lieu of the current provision, which requires consultation of the Code of Federal Regulations. It also clarifies when the space requirements and limitations do not apply. The Bill further establishes more detailed requirements for persons who tether their dogs, including a prohibition on tethering of dogs under 4 months of age and a prohibition of tethering any dog between the hours of 11:00 p.m. and 6:00 a.m., unless it is only for a period of less than fifteen minutes.

It was the consensus of the Council to oppose this legislation.

Mr. Phillips requested an update by email from Mr. Godwin following the June 30th adjournment of the General Assembly Session.

Local Law
Enforce-
ment
Grant
Requests

Hal Godwin, Deputy County Administrator, presented the following Local Law Enforcement grant requests:

Frankford	\$20,000.00	Purchase new police vehicle
Millsboro	\$10,553.61	In-Car cameras and installation

	Ocean View	\$20,000.00	Markings and installation for new police car, equipment and installation for new police car, computer, ammunition, etc.
Local Law Enforcement Grant Requests (continued)	<p>Mrs. Deaver questioned if the town councils vote on these requests or if the Police Chief decides how the money will be used and submits the request.</p> <p>Mr. Phillips stated that when this program was first implemented, there was a concern that the money would be politicized if it flowed through the town councils and that the requests should come from the police chiefs.</p> <p>It was the consensus of the Council that this matter will be placed on an agenda in July for a discussion regarding the policy and procedure for the Revenue Sharing for Local Law Enforcement program.</p>		
M 372 11 Approve Local Law Enforcement Grants	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the following three disbursements from the Revenue Sharing for Local Law Enforcement grant fund: \$20,000 to the Town of Frankford, \$20,000 to the Town of Ocean View, and \$10,553.61 to the Town of Millsboro, as requested.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>		
Sewer Camera Replacements/ Bid Results	<p>Michael Izzo, County Engineer, presented the bid results for Sussex County Project No. 10-09, Sewer Camera Replacement for the Department of Environmental Services, which were received in March. Mr. Izzo noted that two bids were received and neither bid met the specifications. Mr. Izzo recommended that all bids received be rejected and the project rebid.</p>		
M 373 11 Reject Bids/ Sewer Camera Replacement	<p>A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that all bids received for Sussex County Project No. 10-09, Sewer Camera Replacement, be rejected and that the contract be rebid.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>		
Herring Pointe/	<p>Michael Izzo, County Engineer, reported that, in regard to the Herring Pointe Project near Angola, the County is holding two Letters of Credit that</p>		

Letter of Credit Recall	are slated to expire on July 11, 2011:
	No. 1-2011-A - in the amount of \$380,850.90 for roads (final layer of pavement) and sidewalks.
	No. 1-2011-B – in the amount of \$12,000.00 – for stormwater improvements. County staff has been working with the developer of the project, Joe Reed, and Wilmington Trust to extend the Letters of Credit.
Herring Pointe (continued)	Mr. Izzo noted that he believes the extensions will be in place by the expiration date.
M 374 11 Authorize Drawing of Funds from Letters of Credit/ Herring Pointe	A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes the County Engineer and Finance Director to take action to draw funds from the Letters of Credit Nos. 1-2011-A and 1-2011-B held by Wilmington Trust Company in order to complete the construction or procure others to complete the construction of Project No. 484, Herring Pointe, should amended Letters of Credit not be provided to the Engineering Department by the close of business on July 6, 2011.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Inland Bays Regional WWF/ Exp. 1	Bob Jones, Project Engineer, presented Change Order No. 5 for Contract No. 09-19, Inland Bays Regional Wastewater Facility, Phase I Expansion. The Change Order, in the credit amount of \$5,604.20, is due to modifications/design changes to the proposed pipe systems throughout the project site.
M 375 11 Approve Change Order/ Inland Bays Regional WWF/ Exp 1	A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 5 for Sussex County Project No. 09-19, Inland Bays Regional Wastewater Facility, Phase I Expansion, be approved in the credit amount of \$5,604.20, which decreases the contract total to \$12,845,108.80, contingent upon the receipt of approval from the funding agencies.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Irrigation System/ Inland Bays	Mr. Wilson and Mr. Phillips raised questions regarding the irrigation system equipment in the Inland Bays area. Mr. Jones stated that there is no electric available to the system at this time since the pump and blower building has not been constructed. Michael Izzo, County Engineer, stated

that, due to related costs, the tenant farmer is no longer interested in the system.

Rehabilitate Rudder Lane Rehabilitate Rudder Lane Project/ Bid Award	Bob Jones, Project Engineer, presented the bid results for Sussex County Project No. 10-07, Rehabilitate Rudder Lane. Rudder Lane is the entrance into the airport and it is a narrow 16 foot wide road; the scope of the project was to widen the road to 18 foot. Mr. Jones reported that four bids (base bid and alternate bid) were received; the low bid was submitted by David A. Bramble, Inc. of Chestertown, Maryland in the base bid amount of \$74,642.50 and in the alternate bid amount of \$79,312.50. Mr. Jones noted that the Engineer's estimate was \$75,000.00 and that the Engineer's estimate covers the base bid but not the alternates. The alternate bid was for the extension of the hot mix overlay and for the repair of asphalt pavement. Mr. Jones noted that the bid, with alternates, exceeded the Engineer's estimate and therefore, the Engineering Department recommends the award of the Base Bid.
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M 376 11 Award Bid/ Rehabilitate Rudder Lane Project	A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project 10-07, Rehabilitate Rudder Lane, be awarded to David A. Bramble, Inc., of Chestertown, Maryland, at the base bid amount of \$74,642.50.
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Motion Adopted: 5 Yeas.

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

Proposed Ordinance Relating to Time Extensions	Under Additional Business, the Council discussed the Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR THE TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS".
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The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on April 28, 2011 at which time the Commission recommended approval with revised language.

The County Council held a Public Hearing on the Proposed Ordinance on May 10, 2011 at which time the Council deferred action for the purpose of receiving a report from the Director of Planning and Zoning (regarding the number and location of applications pending).

Lawrence Lank, Director of Planning and Zoning, distributed a report summarizing all subdivision projects in the County since 2001; the report included a listing of the subdivision applications that would be affected by the Proposed Ordinance. Mr. Lank noted that the summaries of RPCs and Conditional Uses have not yet been completed.

Mr. Phillips stated that the Planning and Zoning Commission unanimously supports the adoption of the Proposed Ordinance. Additionally, the SEDAC Committee and the County’s Economic Development Director support the Proposed Ordinance. Mr. Phillips stated that adopting this Ordinance is the right thing to do.

**M 377 11
Defer
Action on
Proposed
Ordinance
Relating
to Time
Extensions**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the Proposed Ordinance entitled “AN ORDINANCE PROVIDING FOR THE TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS”.

Motion Adopted: 4 Yeas, 1 Nay.

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

[Note: This matter will be placed back on the Agenda on July 26th at which time information regarding RPCs and Conditional Uses should be available.]

**Grant
Request**

Mrs. Webb presented a grant request for the Council’s consideration:

**M 378 11
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 (\$500.00 each from Mr. Vincent’s and Mr. Phillips’ Community Grant Accounts) to Western Sussex Boys & Girls Clubs (Seaford and Laurel) for their annual fundraising campaign.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR SCHOOL BUS PARKING AND MAINTENANCE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,370 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1906) filed on behalf of Clinton Hoffer.

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 PORTA-TOILET STORAGE AND SERVICE TO BE LOCATED ON A

CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.0 ACRES, MORE OR LESS” (Conditional Use No. 1907) filed on behalf of Jacob Kabino/5-J’s Sanitation.

**Introduction
of Proposed
Ordinances
(continued)**

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR STORAGE OF TRANSPORTATION SCHOOL VANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.44 ACRES, MORE OR LESS” (Conditional Use No. 1908) filed on behalf of Green’s Bus Service.

The Proposed Ordinances will be advertised for Public Hearing.

**Request
to
Introduce
Ordinance**

Mrs. Deaver stated that she wants the Draft Ordinance relating to adequate public facilities placed on the next Council agenda (July 18th). Mrs. Deaver stated that some constituents got this draft ordinance together and presented it to the Council approximately one year ago.

**Additional
Business**

Under Additional Business, Catherine Ward of the League of Women Voters stated that the League would like the redistricting done by an independent commission as it is done in New Castle and Kent County; however, in lieu of that, they are pleased that the public is going to get two opportunities to submit input. Ms. Ward thanked the Council for deferring the Proposed Ordinance relating to time extensions and she requested that when information is provided such as for the Proposed Ordinance on time extensions, that adequate time should be allowed to assess the information and respond to it. Ms. Ward also stated that the information needs to be computerized in a manner that is easily accessible.

Mr. Vincent questioned Mr. Moore regarding the Council’s Rules of Procedure and more specifically regarding “each speaker shall place their name, address and subject to be addressed (on the sign-in sheet)”. Mr. Vincent stated that a person (Dan Kramer) signed up with their name and address but did not put anything down as a subject.

Mr. Moore suggested that the President ask the person for the subject.

The President asked Dan Kramer if he had a subject.

Dan Kramer stated that the President cannot ask what the subject is and he cannot be stopped from speaking.

Mr. Moore stated that it was at the discretion of the presiding officer (President) whether or not to allow Mr. Kramer to proceed.

The President stated that Mr. Kramer was out of order.

Mr. Cole commented regarding the tax rebate approved at a recent Council meeting. He stated that he has heard nothing positive about the rebate and he asked the Council to reconsider it and consider using the funds for programs benefiting people in need. Mr. Phillips stated that the County has sufficient funds for any program and he questioned what Mr. Cole's program is that he is proposing.

(continued) Mr. Moore stated that, to continue this discussion, the matter should be placed on a future agenda.

M 379 11 At 12:10 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to Recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to personnel and pending/potential litigation.

**Go Into
Executive
Session**

Motion Adopted: 5 Yeas.

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

Executive Session At 12:12 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 matters relating to personnel and pending/potential litigation. The Executive Session concluded at 1:35 p.m.

M 380 11 At 1:36 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, Reconvene Regular Session to come out of Executive Session and to reconvene the Regular Session.

Session

Motion Adopted: 5 Yeas.

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

M 381 11 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that in regards Appoint President to Represent Council to the pending/potential litigation matter discussed in Executive Session, that the President will represent the Council at the conciliation meeting and that other Councilmembers can attend for the purpose of answering questions, if asked.

M 382 11 A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend Amend Motion No. M 381 11 to allow the President, at his discretion, to invite other Councilmembers to participate in the conciliation meeting.

M 381 11

Motion Adopted: 5 Yeas.

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

Vote on **The Council voted on Motion No. M 381 11, as amended by Motion No.**
M 381 11 **M 382 11.**

Motion Adopted: 5 Yeas.

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

M 383 11 **At 1:41 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips,**
Adjourn **to adjourn.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council