



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 12, 2006

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 12, 2006 at 6:30 p.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
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
James D. Griffin	County Attorney

M 804 06 Amend and Approve Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to amend the Agenda by deleting the following:

- ✓ Lease Agreement – Paramedic Station 103
- ✓ Introduction of Proposed Ordinances
- ✓ Public Hearing: Conditional Use No. 1672 filed on behalf of Saddlebrook

;and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 805 06 Approve Minutes

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the minutes of November 14, 2006.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Bayball
Classic
Basketball
Tournament**

Mr. Baker introduced Duane Coverdale, Tournament Director of the Bay Ball Classic Invitational. Mr. Coverdale reported that a national level boy's basketball tournament will take place December 27th through December 30th, 2006 at Cape Henlopen High School. The Bay Ball Classic Invitational is presented by Delaware Youth Opportunities, Inc., a non-profit group of Sussex Countians, who are interested in promoting Delaware youth by providing scholarship opportunities and events that will highlight their abilities. Any proceeds from the Bay Ball Classic Invitational will be directed to a Scholarship Fund being handled by the Delaware Community Foundation.

**Bayball
Classic
Basketball
Tournament
(continued)**

Mr. Coverdale reported that this would be the second year of the tournament and that 24 teams from 11 states would be participating. Eight of the teams that plan to participate are from Delaware compared to four Delaware teams last year. Mr. Coverdale stated that they are committed to bring more Delaware teams to the tournament in future years.

Mr. Baker noted that the tournament will result in a major economic benefit to the County. He reported that the County budgeted a grant in the amount of \$15,000.00 for this event, which is to be used for housing, scholarships, meals and transportation. The check will be made payable to the Delaware Community Foundation.

**Adminis-
trator's
Report**

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

1. **Beneficial Acceptance**

The Engineering Department granted Beneficial Acceptance on December 6, 2006, to Topside Condominiums, Agreement No. 586. The developer is Pat Aciri, and the project is located on the west end of Yacht Basin Road in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, consisting of nine condominium units and one existing multi-family residential unit. Included with this report is a fact sheet on the project.

**Pension
Committee
Report and
Recommendations**

Mrs. Webb reported on the Sussex County Pension Committee meeting that was held on November 28, 2006. At that meeting, the Committee made their 2007 Pension Contribution recommendation.

Mrs. Webb reviewed spreadsheets regarding pension fund performance as of September 30, 2006. For the quarter ending September 30, 2006, the total return for all funds was 7.26 percent, with a total value of \$36,792,142: Wilmington Trust - \$10,163,462; Fidelity - \$4,853,670; and the State of Delaware - \$21,775,010. The increase in value since January 1, 2006 from investment earnings is \$2,491,102. Returns for the first nine months of 2006, by manager and fund, are: Wilmington Trust – 6.84 percent; Fidelity Investments – 5.63 percent; and the State – 7.90 percent.

Mrs. Webb pointed out that in the Fidelity Investment Portfolio, there is a Blue Chip Growth Fund that has been a low performer at 4.18 percent. For this reason, the Committee is recommending a fund change for the pension plan; to consider transferring a large part of the Blue Chip Growth Fund to Fidelity's Contrafund.

**Pension
Committee
Report and
Recommendations
(continued)**

Mrs. Webb reviewed the Post-Retirement Benefit Fund, which is invested with the State of Delaware in the Local Government Retirement Investment Pool. These funds are set aside for pension benefits, especially for group hospital insurance. She advised that the County has been aggressively funding the Post-Retirement Fund over the past few years due to changes in the GASB (Governmental Accounting Standards Board) Accounting Standards that require this un-funded liability to be booked on the County's General Ledger by June 2009. In 2002, an actuarial study was performed, which determined that the County's unfunded liability was \$19 million. The County is currently in the process of hiring an actuary to update the pension benefit study.

Mrs. Webb presented a fact sheet showing the County's budgeted Fiscal 2007 Pension Contribution, as follows:

Normal Annual Contribution	\$1,975,136
Retiree Benefit Plan Contribution	\$3,291,892
Additional Contribution	<u>\$1,500,000</u>
Total Retiree Benefit Plan Contribution	\$4,791,892
 Total Pension Contribution	 \$6,767,028

**M 806 06
Invest '07
Pension
fund
Contri-
bution
with
Delaware
Pool**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, based upon the recommendation of the Sussex County Pension Committee, that the Fiscal 2007 Pension Fund contribution of \$1,975,136.00 be invested with the State of Delaware Local Government Retirement Investment Pool.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 807 06
Invest '07
Post-
Retirement
Employee
Benefit
Fund
Contri-**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Pension Committee, that the Fiscal 2007 Post-Retirement Employee Benefit Fund contribution of \$4,791,892 be invested with the State of Delaware Local Government Retirement Investment Pool.

Motion Adopted: 4 Yeas, 1 Absent.

**bution
with DE
Pool** **Vote by Roll Call:** **Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Absent;
Mr. Rogers, Yea**

M 808 06 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the**
Transfer **recommendation of the Sussex County Pension Committee, that the County**
Funds **transfer all but \$10,000.00 that is currently held in the Fidelity Blue Chip**
M 808 06 **Growth Funds to the Fidelity Contrafund.**
Transfer

Funds **Motion Adopted:** **4 Yeas, 1 Absent.**
from

Fidelity **Vote by Roll Call:** **Mr. Cole, Yea; Mr. Phillips, Yea;**
Blue Chip **Mr. Dukes, Yea; Mr. Jones, Absent;**
(continued) **Mr. Rogers, Yea**

Wastewater **Mr. Godwin presented a Wastewater Agreement for the Council's**
Agreement **consideration.**

M 809 06 **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon**
Execute **the recommendation of the Sussex County Engineering Department, for**
Wastewater **Sussex County Project No. 81-04, Agreement No. 689, that the Sussex**
Agreements **County Council execute a Construction Administration and Construction**
Inspection Agreement between Sussex County Council and Bethany Grand,
L.L.C., for wastewater facilities to be constructed in the Bethany Beach
Sanitary Sewer District.

Motion Adopted: **4 Yeas, 1 Absent.**

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

Revenue **Mr. Godwin presented requests for funding through the Revenue Sharing**
Sharing **for Local Law Enforcement Grant Program:**
for Local

Law	Dewey Beach	\$25,000.00	(2007 grant funding)
Enforce-	Millsboro	\$25,000.00	(2007 grant funding)
ment/			
Funding	Laurel	\$ 3,548.25	(2006 grant funding)
Requests			

Mr. Godwin explained that in last year's budgeted appropriations, the
Town of Laurel missed the deadline to apply for the last portion of their
allotted funding. Mr. Godwin noted that it is possible they missed the
deadline due to the fact that they had some personnel changes late in 2006.

M 810 06 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the**
Approve **Local Law Enforcement Grants to the municipalities of Dewey Beach,**
Local **Millsboro, and Laurel, as presented.**

**Law
Enforce-
ment
Grants**

Motion Adopted: 4 Yeas, 1 Absent.

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

**School
Funding
Information**

Mr. Baker reported that, several weeks ago, Councilman Phillips asked for information regarding school financing and specifically, information on New Castle County and Kent County. Mr. Baker distributed a report summarizing what both counties do in terms of extra school funding, in addition to property taxes.

In New Castle County, a voluntary school assessment fee is charged, which is a fee payable by a developer to a school district if the district determines it does not have sufficient capacity to accommodate a new development. (This applies only to major subdivisions and for residential subdivisions over 5 units in lands annexed to municipalities.) A developer is required to either pay the fee or to obtain a certificate from the Department of Education stating that “the school district has adequate capacity for the proposed development. The funds are held in a Revolving Fund until the District “engages in construction activities which increase school capacity”; fees are held by the Department of Education. Developments are exempt if restricted for low income housing or housing for predominantly individuals 55 years of age or older. The current fees, per home, range from \$4,312.00 to \$6,388.00.

In Kent County, there is a surcharge on building permits for capital funding for school districts; 1.25 percent for the first \$250,000; 0.9375 percent for the next \$250,000; and 0.625 percent for the next \$500,000 of proposed construction value. Building permits for less than \$30,000 in construction value are exempt. Non-profit organizations providing low income owner occupied housing are exempt. In addition, the surcharge does not apply to building permits within the municipalities, since the County does not charge a building permit fee within municipalities. The funds are held by the County; interest up to \$100,000 per year is kept by the County for administration. Funds can be used by the District for State-approved capital projects. The cost for a \$250,000 home would be \$3,125.00.

In response to questions raised by the Council, Mr. Baker stated that both of these programs required the passage of State legislation; that New Castle County collected \$4 million in five years; that Kent County expects to collect \$3 million - \$4 million per year.

Councilman Dukes stated that he would not support these revenue-raising programs in Sussex County.

Public comments were heard.

Dr. Kevin Carson, Superintendent of the Woodbridge School District, spoke in support of a similar program being implemented in Sussex County. He stated that they plan to work with the General Assembly to pass enabling legislation for the Sussex County Council's consideration.

(continued) Councilman Phillips stated that he would support enabling legislation. Dan Kramer spoke in opposition to the proposal stating that school districts already get extra money from new development.

**Rate
Consultant
Study
Proposal** Russell Archut, Assistant County Engineer, advised that the Engineering Department plans to start a Rate Study. He reported that the County has twenty-four different areas that rates are adopted for each year. Each year, the rates have to be reviewed and necessary changes made to make sure they are adequate to cover the County's costs. He noted that they believe it is time to study some of the key parts of the rate system. The main items that they would like reviewed are system connection charges and service charges. Mr. Archut pointed out that there is a lot of construction taking place; additional facilities are being built at South Coastal and there are plans to build additions at Wolfe Neck and the Inland Bays. In addition, the districts have grown astronomically. Mr. Archut stated that there are approximately fifteen different service charges that they maintain every year and a separate budget is adopted annually for each one of those. Mr. Archut stated that the current procedure requires a tremendous amount of work and expense administratively and they would like to look at the possibility of coming up with a uniform service charge to be used for all the sewer districts and creating a single operations and maintenance budget. This would eliminate a lot of the paperwork associated with cost-sharing and cost-accounting. He noted that there are two ways to establish a uniform rate; a rate based on the district or a rate based on the treatment facility. Mr. Archut also noted that another thing they anticipate covering in the study is a limited review of the front foot assessment charges; they are not promoting doing a full report on this but they would like a report that would permit the County to look at its options.

Mr. Archut stated that they propose that the report would be prepared by Municipal Financial Services Group out of Annapolis, Maryland. He reported that their specialty is rate-related studies and that they have done a lot of work on the Eastern Shore. Mr. Archut advised that the study would take six to eight weeks and that the cost of the study would be \$47,500.00.

**Jones
Present** Councilman Jones joined the meeting at this time.

**M 811 06
Authorize
Rate Study** A Motion was made by Mr. Phillips, seconded by Mr. Jones, that the Sussex County Council authorizes a Rate Study to look at service charges, system connection charges, and front foot assessment charges at a cost not to exceed \$47,500.00.

Motion Adopted: 5 Yeas.

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

(continued) Mr. Archut advised that all rates would be presented to the Council for approval through the annual budget approval process.

**Contin-
uation of
Public
Hearing/
LNSSD-
Northside
Expansion** **The Public Hearing was continued to consider extending the Long Neck Sanitary Sewer District (LNSSD) to include parcels of land on the north side of State of Delaware Route (SR) 24 in Indian River Hundred of Sussex County, Delaware (Route 24 – Northside Expansion). On December 5, 2006 it was decided to defer action, to leave the record open, and to continue the Public Hearing until December 12, 2006 to allow time for Lena English to meet with her legal counsel and to allow time to consider other questions raised during the Public Hearing.**

Rob Davis, Senior Planner, reported that, during the Public Hearing, Lena English expressed concern about the costs to her mobile home park and being included in the sewer district. Mr. Davis stated that, since the Public Hearing, he has spoke with Ms. English and he, along with John Ashman, Director of Utility Planning, met with Ms. English and her attorney, Stephen Ellis. Mr. Davis advised that a letter dated December 12, 2006 was received from Stephen P. Ellis of Sergovic & Ellis, P.A., legal counsel for Lena English, which stated that Ms. English “requests the inclusion of her property in the expansion to the Long Neck Sewer District”.

Mr. Davis reported that no additional comments or questions were received since the date of the Public Hearing.

Mr. Cole stated that the County needs to set a time frame for infrastructure construction when an expansion is approved and he questioned if the County has the ability to do that.

Russ Archut, Assistant County Engineer, responded that, since the Public Hearing on December 5th, he has had discussions with Jim Griffin on this issue. Mr. Griffin stated that it is too late in the process to require it for this project. Mr. Archut stated that this issue has not come up before and that they can look at establishing a policy for future projects and work out agreements with developers prior to annexation.

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

**M 812 06 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt
Adopt Resolution No. R 034 06 entitled “A RESOLUTION TO EXTEND THE
R 034 06 BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT**

(LNSSD) TO INCLUDE LANDS ALONG THE NORTH SIDE OF ROUTE 24, BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

M 812 06
(continued) **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;**
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

M 813 06
Motion **A Motion was made by Mr. Cole, seconded by Mr. Jones, to request that the**
Withdrawn **County’s legal counsel advise the County Council and the Engineering**
Department staff how to require a specific date or deadline for the
construction of infrastructure by developers who are seeking approval to be
included in a sewer district and who are required to install laterals to other
properties in the area.

Councilman Rogers clarified that a Motion was not necessary for legal
counsel to proceed with this request.

Mr. Cole withdrew his Motion and Mr. Jones withdrew his Second.

Requests **Susan Webb presented funding requests for the Council’s consideration.**

M 814 06
Community **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give**
Invest- **\$1,000.00 from Mr. Rogers’ Community Investment Grant Account to the**
ment **Philadelphia Shelter/Transitional Home for renovations to their shelter in**
Grant **Ellendale.**

Motion Adopted: 5 Yeas.

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

M 815 06
Youth **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00**
Activity **(\$100.00 from each Youth Activity Grant Account) to the Sussex**
Grant **Community Swim Team for operating costs.**

Motion Adopted: 5 Yeas.

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

Additional **Under *Additional Business*, Chris Baldt of 34298 Harbor South in Millsboro**
Business **was present to discuss several issues of concern: (1) construction at The**
Peninsula at Long Neck and personal problems he has had with that

Additional Business (continued)	<p>company including their unwillingness to negotiate with Sussex County residents and their refusal to provide him with inspection and re-inspection reports that he has requested on many occasions and has never received (he noted that he has also been unable to obtain these documents from the County and that two FOIA complaints have been filed with no results); and (2) the lack of a “Buyer Beware” program in Sussex County which notifies buyers of building violations and resulting safety hazards.</p> <p>Mr. Griffin stated that he would look into the FOIA complaints; however, he noted that the Council cannot address the broader legal issues since it is not a court.</p>
Withdraw of C/U No. 1672	<p>Mr. Lank, Director of Planning and Zoning, reported that a letter dated October 26, 2006 was received advising the County that Ocean Atlantic Associates wanted to withdraw their Conditional Use Application (No. 1672). The receipt of the letter met the County’s guidelines for withdrawing an application.</p>
Public Hearing (C/U No. 1670)	<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 AUTO REPAIR AND PARTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.08 ACRES, MORE OR LESS” (Conditional Use No. 1670) filed on behalf of Phillip D. Murray and Becky L. Murray).</p> <p>Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on the application on November 30, 2006 at which time they recommended that the application be approved, with conditions.</p> <p>(See the minutes of the meeting of the Planning and Zoning Commission dated November 30, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission, and the Commission’s recommendation of approval.)</p> <p>Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the Council’s record.</p> <p>Mr. Lank reported that one additional piece of correspondence was received on December 1, 2006. A letter was received from John Ashman, Director of Utility Planning, Sussex County Engineering Department, stating that the site is not located in a County-operated or maintained sanitary sewer and/or water district; that the site is located in the Western Sussex Planning Area No. 5; that the project is not capable of being annexed into a County-operated sanitary sewer district; that conforming to the Western Sussex Planning Area Study or undertaking an amendment would be required; that the County Engineering Department is currently conducting a Planning Study to assess future sewer needs in Western Sussex</p>

and that the Study is scheduled to be completed by August 2007.

The Council found that Phillip Murray was present on behalf of his application. He stated that he proposes to sell new parts and do installation of parts on 4-wheel drive vehicles, i.e. lift kits, wheels and tires, exhaust, etc.; that he lives behind the site; and that he would not be selling vehicles.

M 816 06
Approve
Ordinance
No. 1882
(C/U
No. 1670)

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

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve Ordinance No. 1882 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR AND PARTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.08 ACRES, MORE OR LESS” (Conditional Use No. 1670) filed on behalf of Phillip D. Murray and Becky L. Murray), with the following conditions:

1. The building shall be no larger than 40-feet by 120-feet.
2. All entrances shall be subject to DelDOT’s approval.
3. Days and hours of operation shall be Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 12:00 Noon. There shall be no Sunday hours.
4. Vehicles shall not be offered for sale from the site.
5. Only new parts may be sold.
6. One unlighted wall sign, not exceeding 4-feet by 8-feet may be displayed on the building.
7. There shall be no storage of used parts.
8. Vehicles must be immediately removed after repairs are completed.
9. There shall be no storage of vehicles.

Motion Adopted: 5 Yeas.

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

Public
Hearing
(C/U
No. 1671)

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 LAND SURVEYING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.20 ACRES, MORE OR LESS” (Conditional Use No. 1671) filed on behalf of Compass Point Associates, L.L.C.

Mr. Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on the application on November 30, 2006 at which time they recommended that the application be approved, with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated November 30, 2006 for additional information on the application, correspondence received, the Public Hearing before the Commission, and the Commission's recommendation of approval.)

**Public
Hearing
(C/U
No. 1671)
(continued)**

Mr. Lank read a summary of the Commission's Public Hearing. The summary was admitted as part of the Council's record.

Mr. Lank reported that one additional piece of correspondence was received on December 1, 2006. A letter was received from John Ashman, Director of Utility Planning, Sussex County Engineering Department, stating that the site is not located in a County-operated sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that the site is not capable of being annexed into a County-operated sanitary sewer district; that the proposed use is not near a current or proposed County-operated wastewater facility; and that a concept plan is not required.

The Council found that Eugene Bayard, Attorney, was present with Mary Walsh, Managing Partner of Compass Point, and Pete Lowenstein, Surveyor. They stated that the development trend in the area is toward neighborhood business and small commercial activity; that several business, commercial, and industrial uses exist in the area; that they are proposing to utilize 1.2 acres of a larger tract (9.51 acres); that the balance of the property is owned by someone else; that permits are in place for water and sewer; that the application will have no impact on traffic; that there will not be a negative impact on property values in the area; that historically, the site has been used for other commercial activities; that they propose to construct a pole building for storage; that they propose an addition to the front porch and along the rear of the building where there is an existing deck; that they propose a parking lot in the rear; and that they were told that the site was zoned commercial and that they later found out that it was not commercial.

Mr. Lank stated, for the record, that the applicant would need a separate variance for the addition to the front porch.

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

**M 817 06
Adopt
Ordinance
No. 1883
(C/U
No. 1671)**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1883 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAND SURVEYING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.20 ACRES, MORE OR LESS" (Conditional Use No. 1671) filed on behalf of Compass Point Associates, L.L.C., with the following conditions:

1. One unlighted sign, no larger than 32 square feet on each side may be permitted. The location of the sign is to be shown on the site plan.
2. Any stormwater management ponds that might be required shall be located to the rear of the property.
3. The entrance shall be subject to DelDOT's approval.
4. The Final Site Plan shall be subject to approval by the Planning and Zoning Commission.

M 817 06
(continued)

Motion Adopted: 5 Yeas.

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

M 818 06
Go Into
Executive
Session

At 8:45 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Jones, to go into Executive Session for the purpose of discussing land acquisition and pending litigation.

Motion Adopted: 5 Yeas.

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

Executive
Session

At 8:47 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 land acquisition and pending litigation. The Executive Session concluded at 9:13 p.m.

M 819 06
Come Out
of Executive
Session and
Reconvene
Regular
Session

At 9:15 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to come out of Executive Session and reconvene the Regular Session of the Sussex County Council.

Motion Adopted: 5 Yeas.

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

Request to
Enter Into
Negotiations

Mr. Baker asked the Council to consider making a Motion to authorize the County Administrator to enter into negotiations with the owner of a property located on Pine Street in Georgetown that is adjacent to other County-owned lands.

M 820 06
Enter Into
Negotiations
to Purchase
Land

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the County Administrator to enter into negotiations with the owner of a property located on Pine Street in Georgetown that is adjacent to other County-owned lands.

Motion Adopted: 5 Yeas.

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

**M 821 06
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at 9:17
p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

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